

Version 2019.3 – Final – Updated – Signed

Region IX Mainland
(Arizona, California & Nevada)

Regional Contingency Plan

for oil spills & hazardous materials releases.

—Fully Indexed—



Please send comments and corrections to the
U.S. Coast Guard, RRT9 Coordinator
Susan.E.Krala@uscg.mil

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Letter of PUBLICATION

Regional Contingency Plan

October 1st, 2019



As mandated by the federal Water Pollution Control Act, 33 USC §1321(j)(4)(c) the 2019 version of the Region IX, Regional Contingency Plan (RCP) has been published to the Internet and is effective immediately. This version of the RCP supersedes all previous versions and remains in effect until superseded.

This plan includes information that is relevant to areas of Region IX including Arizona, California (inland and coastal) and Nevada. The Enclosures are numbered to match the section they are discussed in. This plan is supplemented by Area Contingency Plans for the California coast, and Geographic Response Plans for inland areas.

This plan is revised every five years and updated annually. With each update, changes, errors and omissions are noted in the Record of Changes, and hyperlinks and points of contact are verified.

The RCP is available to the public on the Internet at <https://www.nrt.org/rrtix>.

Send comments and recommendations regarding this plan to the USCG RRT Coordinator at Susan.E.Krala@uscg.mil.

	
Timothy Holmes	Kathryn Lawrence
Incident Management and Preparedness Advisor	Acting Assistant Director, Superfund and Emergency Management Division
U.S. Coast Guard, District Eleven	U.S. Environmental Protection Agency, Region IX
Co-Chair, Regional Response Team IX	Co-Chair, Regional Response Team IX

This plan was developed in cooperation with state and federal agencies including:

- For the State of Arizona, the Arizona Department of Environmental Quality and the Arizona Department of Emergency and Military Affairs.
- For the State of California, the Department of Fish and Wildlife, Office of Spill Prevention and Response and the California Environmental Protection Agency.
- For the State of Nevada, the Division of Emergency Management – Homeland Security and the Division of Environmental Protection.
- For the U.S. Department of Commerce, the National Oceanic and Atmospheric Administration, Scientific Support Coordinator for Region IX.
- For the U.S. Department of the Interior, the Office of Environmental Policy Compliance for Region IX

Authorization to Publish Annual Update

Regional Contingency Plan version 2019.3

March 15th 2022

As mandated by the federal *Water Pollution Control Act* 33 USC §1321(j)(4)(c) and the update schedule published in section 1010 of this plan, the 2019.2 version of the Region IX, Regional Contingency Plan (RCP) has been published to the Internet and is effective immediately. This version of the RCP supersedes all previous versions and remains in effect until superseded.

The changes made since the last date of publication are listed in the *Record of Changes* immediately preceding this page. In addition, hyperlinks and points of contact were verified.

The RCP is available to the public on the Internet at <https://www.nrt.org/rrtix>.

Send comments and recommendations regarding this plan to the USCG RRT9 Coordinator at Susan.E.Krala@uscg.mil or the US EPA RRT9 Coordinator at Jones.Bill@epa.gov.



Timothy Holmes

Kathryn Lawrence

Incident Management and
Preparedness Advisor

U.S. Coast Guard, District Eleven

Co-Chair, Regional Response Team IX

Director

Superfund and Emergency Management
Division

U.S. Environmental Protection Agency,
Region IX

Co-Chair, Regional Response Team IX

Record of Changes

Changes to this plan must be logged below and the new version must be posted to the RRT9 web site at <https://www.nrt.org/rrtix>.

Date	Change	By Whom	New File Name
2021-09-20	Added unusual mortality event to section 3693 and seasonality of strandings to section 3691.	susan.e.krala@uscg.mil	RCP 2019.3 update 2021-09-20.docx
2021-09-21	Increased number of birds covered by MTBA from 800-1,000 in section 1924 per Jennifer Brown, US FWS.	susan.e.krala@uscg.mil	RCP 2019.3 update 2021-09-21.docx
2021-09-23	Added U.S. Department of Defense, U.S. Department of Homeland Security, U.S. Navy, U.S. Army and Firefighting, Marine to the index.	susan.e.krala@uscg.mil	RCP 2019.3 update 2021-09-23.docx
2021-09-30	Changed covers to black and red as requested.	susan.e.krala@uscg.mil	RCP 2019.3 update 2021-09-30.docx
2021-09-30	Replaced sections 3422-3427 with links to the FAA web site.	susan.e.krala@uscg.mil	RCP 2019.3 update 2021-09-30.docx
2021-10-06	Added OILMAP to section 4731.	susan.e.krala@uscg.mil	RCP 2019.3 update 2021-10-06.docx
2021-10-07	Added soft and hard beach closures to section 4072 and reorganized and indexed the subparagraphs..	susan.e.krala@uscg.mil	RCP 2019.3 update 2021-10-06.docx
2021-10-12	Added section 1240 about maritime boundaries.	susan.e.krala@uscg.mil	RCP 2019.3 update 2021-10-12.docx
2021-10-12	Added text and index entries about MARAD to sections 1225 and 4091.	susan.e.krala@uscg.mil	RCP 2019.3 update 2021-10-12.docx
2021-10-12	Added text and index entries about bioaugmentation and biostimulation to section 3250.	susan.e.krala@uscg.mil	RCP 2019.3 update 2021-10-12.docx

2021-10-12	Added text and index entries about statute vs. nautical miles in section 4021.	susan.e.krala@uscg.mil	RCP 2019.3 update 2021-10-12.docx
2021-10-12	Scanned whole document for “}” to find places where ¶ mark was formatted as hidden text instead of all ‘Normal’. This causes incorrect formatting of the following paragraph or heading.	susan.e.krala@uscg.mil	RCP 2019.3 update 2021-10-12.docx
2021-10-20	Wrote new section 4731 about NOAA Pollution Surveillance Reports. Changed ‘Decision Support’ index entries to ‘Technical Support’.	susan.e.krala@uscg.mil	RCP 2019.3 update 2021-10-20.docx
2021-10-25	Created new section 4100 Environmental Unit. Renumbered old 4100 Seafood Safety to 4200. Moved some sub-sections of 4000 to 4100. New short section 4115 about Public Health Assessment Unit. New section 3240 Shoreline Cleanup 3241 Degree of Oiling 3242 Cleanup Sign-off. Revised chapter 3000 to include major Waterside Recovery and Shoreline Cleanup sections instead of one Mechanical Recovery section.	susan.e.krala@uscg.mil	RCP 2019.3 update 2021-10-25.docx
2021-11-08	Added section 1301 about leading members of the Area Cmte and section 5620 about Response Resource Inventory.	susan.e.krala@uscg.mil	RCP 2019.3 update 2021-11-08.docx

Record of Changes	9
1000 Introduction.....	28
1010 How to Use this Plan	28
1011 Revisions, Updates and Changes to this Plan.....	28
1012 Hyperlinks	31
1013 Enclosures	32
1014 RCP Contacts in a Single File	32
1015 Hidden Text.....	33
1110 U.S. Coast Guard	34
1120 U.S. Environmental Protection Agency	35
1130 State of Arizona	35
1140 State of California.....	35
1150 State of Nevada.....	35
1200 Geographic Boundaries	36
1210 EPA-USCG Jurisdictional Boundary.....	36
1211 Jurisdictional Boundary Review 2020.....	36
1212 Jurisdictional Boundary on ERMA Maps	37
1220 Oil Spills on the Mexican Border	38
Enclosure 1220: MEXUS Plan.....	38
1221 Activating the MEXUS Plan	38
1222 Pacific Maritime Border.....	39
Enclosure 1221: MEXUSPAC—Pacific Annex to the MEXUS Plan	39
1223 Inland Border.....	39
1224 International Requests for, or Offers of Assistance.....	40
Enclosure 1223: U.S. DOS, Int’l Requests for, or Offers of Assistance	40
1225 Using Foreign Oil Spill Response Vessels.....	40
1226 Jones Act	41
1230 Interstate Spills	41
1240 U.S. Maritime Limits and Boundaries	41
1300 Area Committees.....	43
1310 Local Emergency Planning Committees.....	44
1400 National Response System.....	44
1410 National Response Framework	45
1411 Spills of National Significance.....	46
1420 National Response Team	46
1421 NRT Member Agencies.....	47

1422	Activating the National Response Team	48
1430	Regional Response Teams	48
1431	Seeking Approval from Regional Response Team IX	48
1432	RRT9 Member Agencies.....	48
1433	Executive Steering Committee.....	49
1434	Tribal Membership	50
1440	National Incident Management System	50
1441	Incident Command System	50
1442	Incident Action Plan and ICS Forms.....	51
1443	Multi-Agency Coordination System	51
1444	Incident Command System Training.....	52
	Enclosure 1442: USFS - USCG MOA re ICS OJT during Wildfires	52
1445	Incident Management Handbooks.....	52
1450	National Preparedness System.....	53
1451	National Preparedness for Response Exercise Program.....	54
1460	National Planning System.....	54
1461	Nat'l Oil and Hazardous Substances Pollution Contingency Plan	54
1462	Regional Contingency Plan	55
1463	Area Contingency Plans	55
1464	Geographic Response Plans	56
1465	Community Emergency Response Plans.....	57
1500	State Response Systems	57
1510	Arizona Response System.....	57
1511	Other Arizona Oil Spill Response Agencies	57
1520	California Response System	58
1521	Office of Spill Prevention and Response.....	58
1522	Notifications.....	58
1523	Other California Oil Spill Response Agencies.....	58
1524	California State Oil Spill Contingency Plan.....	62
1525	California Coastal Management Program	62
1526	U.S. FWS and CDFW OSPR Share Spill Responsibility.....	63
1530	Nevada Response System	63
1540	Interagency Agreements	63
1600	National Policy and Doctrine	63
1610	Net Environmental Benefit Analysis	63
1620	Best Response Concept.....	64
1621	Best Achievable Protection in California.....	64
1630	How Clean is Clean?.....	65
1640	Natural Resource Damage Assessment (NRDA).....	65
1650	Ecological Risk Assessments.....	66

1700	Natural Resource Trustees.....	66
1710	Lead Administrative Trustee.....	66
1720	Responsibilities of Trustees	67
1730	Federal Natural Resource Trustees	68
1731	U.S. Department of the Interior	70
1740	State Natural Resource Trustees	72
1741	Arizona	73
1742	California.....	73
1743	Nevada.....	73
1750	Tribal Natural Resource Trustees	73
1751	EPA Consultation Policy with Tribes	74
1760	Foreign Natural Resource Trustees.....	74
1800	Accident Investigations.....	74
1810	Marine Casualties	75
1811	Investigating Oil Spills	76
1812	Oil Spills from Facilities	76
1813	Oil Spills Due to Exploration or Production	76
1900	Federal Laws and Regulations.....	77
1910	Pollution Control.....	77
1911	Federal Water Pollution Control Act.....	77
1912	Clean Air Act	77
1913	Oil Pollution Act of 1990	77
1914	Clean Water Act of 1966.....	79
1915	CERCLA a.k.a. Superfund	80
1916	Rivers and Harbors, Marine Debris and Refuse	81
1917	Resource Conservation and Recovery Act	82
1918	Abandoned Barge Act of 1992.....	83
1919	Intervention on the High Seas Act of 1974	83
1920	Natural Resources	83
1921	Coastal Zone Management Act of 1972.....	83
1922	Endangered Species Act of 1973.....	83
1923	Magnuson-Stevens Fishery Conservation Act of 1976.....	85
1924	Migratory Bird Treaty Act of 1918	85
1925	Bald and Golden Eagle Protection Act.....	85
1926	Marine Mammal Protection Act of 1972.....	86
1927	National Marine Sanctuaries Act of 1972	86
1930	Cultural and Tribal Resources	86
1931	National Historic Preservation Act of 1966	86
1932	National Programmatic Agreement of 1997-98	87
	Enclosure 1932: Cultural Resource Policy Handout	87
1933	Region IX Programmatic Agreement.....	87

Enclosure 1933: EPA Region IX Historic Properties Guidelines	88
1934 Protecting Tribal Resources	88
1935 NHPA Training	89
1940 Investigation and Enforcement	89
1941 Ports and Waterways Safety Act of 1972.....	89
1942 SAFE Port Act of 2006	90
1943 Outer Continental Shelf Lands Act of 1953	90
1950 Other Legislation	91
1951 Robert Stafford Disaster Relief & Emergency Assistance Act	91
1952 Emergency Planning & Community Right-to-Know Act of 1986.....	91
1953 Emergency Management Assistance Compact	91
1954 Occupational Safety and Health Act of 1970.....	91
 2000 Command.....	 93
2100 Unified Command.....	94
2101 Why Is the RP Part of the Unified Command?	94
2102 Federalizing a Spill.....	95
2103 Tie Breaking	95
2104 Transfer of Command during an Incident	95
2110 Federal On-Scene Coordinator	96
2111 Coastal Zone – USCG.....	96
2112 Inland Zone – U.S. EPA.....	97
2113 FOSC/OSC Responsibilities.....	97
2114 How to Identify the On-Scene Coordinator.....	99
2115 Incidents Involving More Than One Area.....	100
2116 Area Command	100
2117 Discharges that Affect More than One Area	100
2118 First Federal Official on Scene.....	101
2120 State On-Scene Coordinator	101
2121 Arizona SOSC	101
2122 California SOSC.....	102
2123 Nevada SOSC.....	104
2130 Responsible Party On-Scene Coordinator	104
2140 Local Government On-Scene Coordinator	104
2141 Managing Candidates for LGOSC	105
2142 Arizona LGOSCs	105
2143 California LGOSCs	105
2144 Nevada LGOSCs	106
2150 Command Staff	106
2160 Tribes and the Unified Command.....	106
2170 Response Objectives and Priorities.....	106

2171	Objectives.....	107
2172	Priorities	107
2180	Support from the Regional Response Team	108
2200	Safety Officer.....	109
2210	Public Health Issues for the Safety Officer.....	110
2220	Worker Health and Safety.....	110
2230	Hazardous Waste Operations and Emergency Response Standard.....	110
2300	Public Information Officer	111
2310	Joint Information Center (JIC).....	112
2320	Media Briefings	112
2330	Segregating the Media	113
2340	California Spill Watch & DFW News Room.....	113
2400	Liaison Officer.....	113
2410	Selecting the Liaison Officer	114
2411	In the Coastal Zone.....	114
2420	Organizing the Liaison Staff.....	114
2430	Agency Representatives.....	115
2440	LOFR Job Aids and Personal Qualification System.....	116
2450	Coordinating Versus Cooperating Agencies.....	116
2460	Research Request Form	116
	Enclosure 2460: Research Request Form.....	116
2500	Legal Officer.....	116
2600	Intelligence Officer.....	117
2700	Historic Properties Officer.....	117
2710	Responsibilities of the Historic Preservation Officer	117
2711	Hiring Historic and Cultural Resource Professionals.....	118
2720	Historic and Cultural Properties Contacts.....	118
2730	Historic Properties Technical Advisory Group.....	118
2800	RRT9 Staffing Policies for the U.C.	119
3000	Operations	122
3001	Coastal Access.....	122
3010	Operations Section Organization	122
3011	Operations Section Chief.....	122
3020	Notifications.....	123

3021	Downstream Notifications of River Spills	123
	Enclosure 3021: EPA Memo re Downstream Notifications.....	123
3022	Arizona Notifications	123
3023	California Notifications.....	124
3024	Nevada Notifications.....	124
3025	Tribal Notifications	124
3030	Protection Tactics	124
3031	Response System Planning Calculators	125
3032	Spill Response Planning Guide	125
3033	Choosing Among Spill Response Alternatives	125
3034	Alternative Response Tool Evaluation System (ARTES).....	126
3040	Rescue and Medical Care to Victims.....	126
3100	Vessel and Facility Response Plans	126
3110	Vessel Response Plans.....	126
3111	Tank Vessels	127
3112	Non-Tank Vessels	127
3120	Facility Response Plans	127
3130	Worst Case Discharge.....	128
3200	On-Water Recovery	129
3210	Floating Oils	129
3211	Containment, Exclusion and Deflection with Boom.....	129
3212	Barriers/Berms and Underflow Dams	130
3213	Canadian Oil Sands and Diluted Bitumen.....	131
3220	Sorbents	131
3230	Solidifiers.....	132
3240	Skimming.....	133
3241	Vessel of Opportunity Skimming Systems.....	134
3250	Decanting After Oil is Collected.....	135
3260	Nonfloating Oils	135
3261	USCG OSRO Classification Guidelines for Nonfloating Oils.....	135
3262	California Law Regarding Nonfloating Oil.....	135
3263	Choosing Among Methods to Collect Nonfloating Oil.....	136
3264	Containment and Recovery Methods for Nonfloating Oil	136
3265	Manual Removal of Nonfloating Oil.....	137
3266	Oil on the Seabed	137
3267	Pump and Vacuum Systems for Nonfloating Oil	137
3268	Dredging Nonfloating Oil	138
3270	Containing Oil in the Water Column	138
3271	Silt Curtains.....	138
3272	Nets and Trawls.....	138
3273	Pneumatic Barriers and Booms	139

3300 Shoreline Cleanup	139
3310 Degree of Oiling, How to Determine	139
3311 Beaches, Sea Walls, etc.	141
3312 Removing Surface Oil	141
3313 Manual Removal	142
3314 Vacuum Removal of Oil	143
3315 Vegetation Cutting	143
3316 Power Washing	145
3317 Removing Oiled Debris and Sediment	145
3318 Removing and Replacing Sediment	149
3319 Subsurface Oils	150
3320 Flushing Tactics	151
3321 Flushing with Ambient (temperature, salinity) Water	151
3322 Flooding (Simulated Tidal Washing)	152
3323 Ambient Water, Low-Pressure Flushing	153
3324 High-Pressure Flushing	153
3325 Warm Water, Moderate-Pressure Washing	154
3326 Hot Water, Moderate-Pressure Washing	155
3330 Response Options in Marshes	156
3340 Shoreline Cleanup Sign-off Process	157
3400 Applied Response Technologies	158
3301 Oil Spill Cleanup Agents	158
3302 Shoreline-Cleanup Agents	159
3303 California Requires State Licenses and RRT Approvals	160
3304 Regional Response Team (RRT) Approval for Use	160
3310 ART Product Categories under the NCP, Subpart J	161
3311 Input from the Field Regarding Product Efficacy	163
3320 Format for Proposed Use of Alternative Response Technologies	163
3330 Dispersant Use Plan for California	164
3331 Subsea Dispersant Guidelines	164
3332 Endangered Species Act, Section 7 Compliance	165
3333 Human and Animal Exposure	165
3340 In-Situ Burning	165
3341 In-Situ Burning in California Waters	165
3342 In-Situ Burning in the Inland Zone	165
3350 Bioremediation	165
3400 Air Operations Branch	166
3410 Piloted Aircraft	166
3411 Temporary Flight Restrictions	166
3420 Unmanned Aircraft Systems	167
3421 FAA Regulations for Unmanned Aircraft Systems	167

3422	State and Local Regulations	167
3423	National Security Flight Restrictions for UAS.....	167
3430	UAS Activity Directed Against the USCG.....	168
3431	Reporting Near Mid-Air Collisions with USCG Aircraft	168
3432	Reasonable Suspicion Required to Examine Images	168
3500	Wildlife Branch Director.....	169
3510	Wildlife Deterrence, Capture, and Treatment.....	169
3511	U.S. FWS Policy for UAS in Wildlife Refuges	169
	Enclosure 3611: U.S. FWS Rules for Unmanned Aircraft Systems	169
3520	State Wildlife Plans	169
3521	Arizona Wildlife Action Plan.....	169
3522	California Wildlife Response Plan	170
3523	Nevada Wildlife Action Plan	171
3550	Magnuson-Stevens Fishery Conservation and Management Act	171
3551	Consulting NOAA about Essential Fish Habitat	171
3560	Federal Protection of Endangered Species.....	172
3561	California DFW Is Primary Contact for Fish & Wildlife Issues	173
3570	Endangered and Migratory Bird Species	173
3571	Executive Order 13186: Protection for Migratory Birds.....	173
3572	Co-Trusteeship for Migratory Birds and Endangered Species	174
3580	Permits for Activities Associated with Oil and Hazardous Materials Spills	174
3581	Rehabilitation Permits for Migratory Birds.....	174
3582	Permits to Rehabilitate Bald and Golden Eagles.....	175
3583	Endangered Species Act Permits.....	175
3584	Where to Get Federal Permits	175
3590	Marine Mammals	176
3591	Guidelines for Seals.....	176
3592	Marine Mammal Stranding Network Contacts.....	176
3593	Unusual Mortality Events.....	176
3600	Wrecks and Abandoned Vessels.....	176
3601	Abandoned vs. Derelict	177
3610	Vessel Removal	177
3611	USCG Vessel Destruction Policy	178
3612	Abandoned Barges	178
3613	Historic Vessels	180
3614	Ocean Dumping.....	180
3615	Natural Disasters	181
3620	State Guidance	181
3621	Arizona	181
3622	California.....	181
3623	Nevada.....	181

3630	Other Federal Guidance	181
3631	NRT Guidance.....	182
3632	U.S. Army Corps of Engineers.....	182
3633	Grave and Imminent Danger	183
3800	Other Spill Sources and Materials	183
3810	Marine Debris.	183
3820	Pollution from Legacy Wrecks	183
3830	Petroleum Pipelines	184
3831	National Pipeline Mapping System	184
3840	Crude by Rail	185
3850	Liquefied Natural Gas and Liquefied Petroleum Gas	185
3851	Differences between LNG and LPG.....	185
3852	Liquefied Gas Carrier Expertise.....	186
3860	Biofuels (Ethanol, Ethyl Alcohol and Biodiesel).....	187
3861	Ethanol	187
3862	Biodiesel.....	188
3863	Planning Considerations.....	189
3870	Sewage Spills.....	190
3880	Ultra-Low Sulfur Fuel Oils.....	190
3900	Waste Management	191
	Enclosure 3900: EPA’s Waste Management Lessons from Deepwater Horizon.....	191
3910	State-Specific Waste Management Rules	191
3911	Arizona	191
3912	California Department of Toxic Substances Control	191
	Enclosure 3912: CA OSPR- DTSC MOU re Handling\Transporting Oil Spill Waste	192
3913	Nevada.....	192
3920	Federal Disposal of Oil	192
3921	Temporary Storage of Oiled Waste	193
3922	Initial Treatment.....	193
3923	Characterizing Recovered Petroleum & Debris	194
3924	Transporting Recovered Petroleum.....	194
3930	Decanting Oil.....	195
3931	Incidental Discharge of Wastewater During Response	196
	Enclosure 3931: MOA re Incidental Discharge of Wastewater During Response.....	196
3932	EPA’s Vessel General Permits and Incidental Discharges.....	196
	Enclosure 3932: Sample Decanting Approval Form.....	197
3940	Federal Disposal of Hazardous Materials	197
3950	Waste Management Plans	198
	Enclosure 3950: Sample Waste Management Plan	198

4000	Planning.....	199
4001	Planning Section Organization.....	199
4002	Technical Specialists.....	199
4010	Planning Section Chief.....	199
4020	Situation Unit Leader.....	199
4021	Statute Miles vs. Nautical Miles.....	200
4022	Common Operating Picture.....	200
4023	Geographic Information Systems.....	201
4030	Resource Unit.....	202
4040	Volunteer Unit.....	202
4041	NRT Guidance Regarding Use of Volunteers for Oil Spills.....	202
4042	National MOU for Volunteers.....	202
	Enclosure 4042: CNCS-USCG-EPA MOU re Managing Unaffiliated Volunteers.....	202
4043	Required Training for Volunteers.....	202
4050	Documentation Unit.....	203
4051	Information-Management Plans.....	203
	Enclosure 4051: Information-Management Plan from the Refugio Oil Spill.....	203
4052	Response Information Sharing.....	204
4053	Reports from the Unified Command.....	204
4054	USCG Correspondence.....	205
4060	Demobilization Unit.....	206
	Enclosure 4060: Sample Demobilization Plan.....	206
4070	Specialized Units.....	206
4071	Maritime Transportation System Recovery Unit.....	206
4072	Places of Refuge Unit.....	207
4100	Environmental Unit – Coastal Zone.....	208
4110	Staffing the Environmental Unit.....	208
4111	Environmental Unit Leader Qualifications.....	208
4112	Shoreline Cleanup Assessment Technique Coordinator.....	209
4113	Resources-at-Risk Technical Specialist.....	209
4114	Applied Response Technology Lead Technical Specialist.....	210
4115	Public Health Technical Specialist.....	211
4116	Public Health Assessment Unit.....	212
4200	Environmental Unit – Inland Zone.....	213
4300	Seafood Safety.....	213
4310	Seafood Safety in Arizona State Waters.....	213
4320	Seafood Safety in California State Waters.....	213
	Enclosure 4200: Seafood Safety in California Waters.....	213
4321	Public Affairs Guidance in California.....	214

4322	Public Communication Protocol	214
4323	Reopening Fisheries and Seeking Reimbursement	215
4330	Seafood Safety in Nevada State Waters.....	215
4340	Seafood Safety in Federal Waters.....	215
4341	Notification and Determination of the Threat to Public Health	215
4342	Fisheries Closure Process.....	216
4343	Seafood Monitoring Following a Federal Fisheries Closure.....	216
4344	Re-Opening or Maintaining Federal Fisheries Closures	216
4345	Post-Closure Risk Assessment	216
4400	Endangered Species Act Consultation	217
4410	Pre-Planning Process under the ESA.....	217
4420	Emergency Consultation under the ESA	218
4421	NOAA SSC Role in ESA Section 7 Consultation.....	219
4430	ESA Info in Area Contingency Plans	219
4500	Blank	220
4600	Blank	220
4700	Technical Support.....	220
4710	Geographic Response Plans/Strategies	220
4720	Scientific Support	221
4721	NOAA, Scientific Support Coordinator	221
4722	EPA, Scientific Support Coordinator	221
4730	Oil	221
4731	Detecting Oil with Satellites.....	221
4732	Trajectories and Plume Mapping	222
4733	Oil Sampling	222
4734	Special Monitoring of Applied Response Technologies	223
4740	Weather.....	223
4741	Weather Forecasts	223
4742	Requesting Special (Spot) Forecasts	224
4743	Requesting National Weather Service Technical Support	224
4744	Atmospheric Hazards Predictions	224
	Enclosure 4744: MOA re Atmospheric Hazards Predictions	224
4745	Managing Marine Weather Information.....	225
	Enclosure 4745: MOA re Managing Marine Weather Information	225
4750	Waves and Surface Currents Off California	225
4760	Air Monitoring.....	225
4761	State Air Agencies.....	226
4762	Direct Air Plume Modeling with CAMEO	226
4770	Remote Sensing	227

4780	Sources of Sensitive Site Information.....	227
4781	Lists of Threatened and Endangered Species.....	228
5000	Logistics.....	229
5001	Logistics Section Organization	229
5010	Logistics Section Chief.....	229
5020	Service Branch.....	230
5021	Communications Support from the USCG.....	230
5030	Support Branch	230
5031	Site Security	230
5100-5400	Blank	231
5500	Sources of Spill Response Personnel	231
5510	Sources of Federal Personnel.....	232
5520	USCG Requests for Forces (RFF)	232
5530	Requesting Technical Support from the EPA.....	232
5540	Sources of State Personnel: California	232
5550	Chemical Experts and Professional Organizations	233
5560	Tribal Contacts.....	233
5600	Spill Removal Equipment	233
5610	National Strike Force Coordination Center	233
5620	Worldwide Response Resource List	233
5700	Blank	236
5800	USCG Basic Ordering Agreements.....	236
5810	Emergency Response Contracting	236
5811	USCG Contracting Support to EPA	237
5820	Procurement Requests and CANAPS	237
5821	Pay-As-You-Go.....	238
5900	General Services Administration	238
5910	Property.....	239
5911	GSA Schedules.....	239
5912	Exchange/Sale Authority.....	239
5913	Short Term Rentals.....	240
5920	Emergency Lodging Services	240
5930	Support Provided by GSA	240

6000	Finance & Administration	242
6010	Finance/Administration Section.....	242
6020	Finance Section Chief.....	242
6100	Funds for Incident Response	242
6110	Oil Pollution Act of 1990.....	243
6120	Superfund Trust Fund (CERCLA).....	244
6130	Funds for Assistance to/from Mexico.....	244
6200	Oil Spill Liability Trust Fund	244
6210	National Pollution Funds Center.....	245
6211	NPFC Case Managers and Claims Managers.....	245
6220	EPA & USCG Access to the OSLTF.....	246
6221	Ceiling and Numbering Assignment Processing System	246
6222	Federal Projects, Ceilings and Limits.....	246
6223	Federal Facilities or Vessels Cannot Use OSLTF and CERCLA	247
6230	State Access to the OSLTF.....	247
6240	Trustee Access to the OSLTF.....	247
6250	Claims against the OSLTF.....	248
6300	Superfund (CERCLA).....	248
6310	Funding Response by Other Federal Agencies	248
6311	Interagency Agreements.....	249
6320	Local Government Reimbursement	250
6321	Criteria for Reimbursement.....	251
6322	Allowable Costs	251
6400	State Spill Response Funds	252
6410	Arizona.....	252
6420	California Oil Spill Response Trust Fund.....	252
6430	State of Nevada Petroleum Fund	253
6431	Disaster Relief Fund/Emergency Assistance Account (NDEM).....	253
6432	Account for the Management of Hazardous Waste (NDEP).....	254
6433	Other State Agency Funding	254
6500	Robert T. Stafford Disaster Relief & Emergency Assistance Act	254
6510	Stafford Act.....	254
6520	Emergency Support Function #10 (ESF-10).....	255
6521	EPA is Primary Agency	256
6522	Oil and Chemical Incident Annex	257
6523	Policy Guidance on ESF #10 Mission Assignments	258
6524	Pre-Scripted Mission Assignments	258

6525	California Guidance on EF-10	258
6530	Mission Assignments from FEMA	258
6531	Emergency Support Function 10, Oil & Hazardous Materials.....	259
6600	Pollution Removal Funding Authorizations.....	260
6610	Funding ESA-7 Consultations with PRFAs.....	261
6620	Emergency Funding Authorizations (EFA).....	261
6700	Documentation and Cost Recovery	261
6710	Types of Funds.....	262
6720	Notices to Responsible Party Required.....	262
6721	Notice of Federal Interest	262
6722	Notice of Federal Assumption.....	263
6723	Notice of Designation of Source	264
6724	Administrative Orders	264
7000	Hazardous Materials	266
7001	Routine HAZMAT Response.....	266
7010	Statutory Authority for Hazardous Materials Response	266
7020	Federal Bureau of Investigation Jurisdiction	267
7100	State Hazardous Materials Agencies.....	268
7110	Arizona Hazardous Materials Agencies.....	268
7120	California Hazardous Materials Agencies	269
7130	Nevada Hazardous Materials Agencies	270
7200	Federal Response Plans	271
7210	Federal Radiological Emergency Response Plan.....	272
7211	Roles of State, Tribal and Local Governments	273
7212	Notification and Activation	273
7213	Domestic Terrorism CONPLAN.....	274
7214	OSC May Approve Up to \$200K	274
7215	EPA Resources and Commitments.....	274
7216	EPA Radiological Capabilities.....	275
7217	Requests for EPA Assistance and Response Assets.....	276
7218	EPA Coordination with other Federal Agencies	276
7219	Reimbursements for Mission Assignments	277
7220	Federal Interagency Operational Plans	278
7221	Oil and Chemical Incident Annex	278
7300	Weapons of Mass Destruction	279
7310	Unified Command for WMD.....	279

7311	Membership of the Unified Command.....	279
7312	Determinations to Be Made.....	280
7313	Unified Command Priorities and Objectives.....	280
7314	USCG References Related to WMD.....	281
7320	Hazardous Materials Operations.....	281
7330	Terrorism.....	283
7331	Credible Threat Determination.....	283
7332	Terrorism.....	284
7333	Unified Command for Terror Incidents.....	284
7340	Special Teams & Other HAZMAT Assistance.....	286
7341	California National Guard, Civil Support Team	286
7342	National Strike Force and Strike Teams.....	287
7343	EPA Environmental Response Team	287
7344	EPA Radiological Emergency Response Team	288
7345	EPA National Decontamination Team	288
7346	Agency for Toxic Substances & Disease Registry & Centers for Disease Control	288
7347	General Services Administration Funding	289
7350	Expert Consultation	290
7351	Regional Emergency Transportation Representative (RETREP).....	290
7352	NOAA Scientific Support Coordinator (SSC)	290
7354	Occupational Safety & Health Administration (OSHA).....	291
7355	California OSHA.....	291
7400	Radiological Incidents	291
7410	Coast Guard as the Coordinating Agency.....	291
7412	Key Factors: Jurisdiction and Terrorism	291
7420	Methods of Notification.....	293
7421	Passive Radiation Detection.....	293
7422	Intelligence Sources	295
7423	Actual Terrorist Incident	295
7430	Response to a Radiological Incident.....	295
7431	EPA Radiological Emergency Response Mission.....	296
7432	EPA Radiological Emergency Response Plan	297
7440	Radiological Incidents on Federal Lands.....	298
7441	Enforcement Actions.....	299
7442	International Coordination	299
7443	Radiological Special Teams	300
7500	Response Assets.....	300
7600	HAZMAT Planning	300
7610	Planning Section Chief	300
7620	Scientific Support	300

7621	Air Plume Modeling	301
7622	Sampling Assistance and Resources	301
7623	Laboratory Assistance Contacts	301
7630	Government Policy and Response	301
7631	Federal Policy and Response.....	301
7631.1	Patient Decontamination in a Mass Chemical Exposure Incident.....	301
7632	Hazardous Materials Response in California	302
7640	Required Planning.....	302
7641	Emergency Planning and Community Right-to-Know Act.....	303
7650	Coordinated Planning	303
7660	Transition to Long-Term Cleanup	303
7700	HAZMAT Logistics	304
7710	Classified Spaces Needed	304
7720	Hazardous Waste Disposal	304
7721	Biological Waste and Biological WMD.....	304
7730	Special Hazardous Materials Response Teams.....	305
7800	Superfund Responses and Reimbursement.....	305
7810	Reimbursement to Local Governments	307
7900	HAZMAT Reference Material	309
7910	Code of Federal Regulations.....	309
7920	Chemical Properties of Hazardous Materials	309
7930	References for Responders	310
8000	Salvage and Places of Refuge	313
8010	Vessel Salvage and Marine Firefighting Plans	313
8100-8600	Blank	313
8700	Places of Refuge.....	313
9000	Guidance	315
9100-9800	Blank	315
9900	Response Guidance	315
Glossary	317

Index of Terms321

1000 Introduction

This chapter discusses authorities, jurisdictional boundaries, the National Response System, plans and legislation.

1010 How to Use this Plan

This federal Region IX Regional Contingency Plan (RCP) is a reference and guide for tribal, local, state and federal responders and response support personnel. It contains Regional Response Team policies, guidance, standard operating procedures, Memoranda of Agreement, Memoranda of Understanding, Letters of Agreement, and the like, that apply to or influence emergency response operations.

This plan does not seek to repeat information available elsewhere but rather to direct the reader to reliable sources of information.

1011 Revisions, Updates and Changes to this Plan

This plan is extensively revised every five years. The year of the latest revision is reflected in the cover of the plan. In addition, the plan is updated every year: at a minimum all hyperlinks and contacts are verified. Each update is denoted by a decimal number with a format such as: 2019.1, 2019.2, and so on. Changes to the text, other than minor formatting, spelling, grammar corrections and corrections to the index, are noted on the [Record of Changes](#) at the front of the plan. To report errors or make comments, see the listing for *U.S. Coast Guard (or U.S. EPA), Regional Response Team Coordinator* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

The Region IX RCP and the ACPs within the 11th District area of responsibility are extensively cross-referenced and should be considered one response plan. Cross references to the RCP from an ACP should refer to an entry in the index rather than to a page or heading. It's essential that the RCP and ACP development, review, and approval processes remain in sync. The RCP is more of a reference document for response policy and guidance, as well as home to some region-wide response plans (i.e. R9 Dispersant Use Plan, CA Volunteer Plan, CA Oiled Wildlife Response Plan).

The schedules below were developed as one of the RRT duties required under 40CFR300.115(a)(2); (i); and FOOSC duties required under 40CFR300.120(e); and COMDTINST M16000.14A.

1011.1 ACP Update Schedule

The ACP must be maintained by the Area Committee and updated on an annual basis. An Annual Record of Change identifying ALL corrections/changes to the ACP shall be maintained by the CG Sector Area Committee Coordinator. The published Annual Record of Change will be numbered as (YYYY.#) or YYYY.1 which would reflect Update 1 to the ACs last 5-year update.

See the table on the next page.

Annual/5-Year ACP Update Schedule (U.S. Coast Guard AOR)

2023

SSD AC Coordinators:

matthew.v.marler@uscg.mildavid.lyons@wildlife.ca.gov**2024**

SLA AC Coordinators:

robert.m.willoughby@uscg.milmichael.connell@wildlife.ca.govsonia.torres@wildlife.ca.gov**2022**

SSF AC Coordinators:

benjamin.perry-thistle@uscg.milJeff.dayton@wildlife.ca.govmike.schommer@wildlife.ca.govlindsey.saum@wildlife.ca.gov

02 JAN	Stakeholders*	Last day to submit updates to AC Coordinators.
JAN-MAR	AC Coordinators	OSPR & USCG Coordinators collaboratively review ACP content.
01 APR	OSPR AC Coordinator	Provides final comments and GRS sensitive site updates vetted through Federal Resource Trustee to CG Sector AC Coordinator.
15 APR	USCG AC Coordinator	Clears the old <i>Record of Changes</i> and updates the document and confirms ADA compliance on Vol 1.
15 APR	OSPR AC Coordinator	Completes document update and ADA compliance on Vol 2.
01 MAY	USCG AC Coordinator	Submits revised ACP to CG FOSC for approval and signature of promulgation letter.
15 MAY	USCG AC Coordinator	[Annual Update] Incorporates all corrections/changes into the ACP and submits the text to the FOSC for signature at the end of the <i>Record of Change</i> page.
15 MAY	USCG AC Coordinator	[5-Year Update] Submit to D11 Area Cmte Coordinator for review. *
01 JUN	OSPR AC Coordinator	Publishes revised and signed ACP on CA OSPR webpage.
01 JUN	USCG AC Coordinator	Updates Homeport ACP pages to notify public of revised ACP and provide links to ACP hosted on OSPR website.
JUN-AUG	D11 AC Coordinator	[5-Year Update] Submits signed ACP to CG-MER and the National Review Panel.
SEP-OCT	AC Coordinators	[5-Year Update] Address comments from National Review Panel.
30 OCT	OSPR AC Coordinator	[5-Year Update] Publishes revised ACP online.

1011.2 RCP Update Schedule

RRT9 member agencies, Area Committee members, and spill response community stakeholders should review the RCP throughout the year, particularly those sections that pertain directly to their agency authorities, responsibilities, and expertise. They should send comments and corrections to the EPA RRT Coordinator for inland and hazmat issues and to the USCG RRT Coordinator for marine issues or when the best agency evaluate the issue is unclear.

Annual/5-Year RCP Update Schedule

EPA RRT Coordinator: jones.bill@epa.gov USCG RRT Coordinator: susan.e.krala@uscg.mil RCP Editor: USCG RRT Coordinator

01 SEP	Stakeholders	Final date to send updates/corrections to the RRT9 Coordinators.
15 SEP	RRT Coordinators	Ensure changes have been vetted/validated by SMEs before forwarding to RCP Editor.
15 DEC	RCP Editor	Incorporates all corrections/changes into the RCP and records those changes into the <i>Record of Changes</i> .
01 JAN	RCP Editor	Submits revised RCP to RRT9 Co-Chairs for review/ comment.
01 FEB	RCP Editor	Addresses and incorporates comments from the RRT9 Co-Chairs.
15 FEB	RCP Editor	Ensures RCP document is ADA compliant.
01 MAR	RCP Editor	Submits final draft RCP to RRT9 Co-Chairs for final approval.
10 MAR	Co-Chairs	Sign new <i>Letter of Publication</i> [for 5-year update or major revision], or sign the signature block after the <i>Record of Changes</i> .
15 MAR	RCP Editor	Publishes updated RCP on RRT web site in PDF format with a new date on the cover.

1012 Hyperlinks

Phrases underlined in blue italic text are hyperlinks to places in this document, email addresses or information found on the Internet. To activate a hyperlink, position the mouse pointer over the hyperlink, hold down the CTRL key (the pointer changes to a pointing finger) and then click the hyperlink. If the hyperlink doesn't work, copy and paste the email address into your email application, or the text of the link into your Internet browser.

Text of the *Code of Federal Regulations* (CFR) is available at <https://www.ecfr.gov/>.

1013 Enclosures


Enclosures are documents that may not be available on the Internet but which are maintained on the RRT9 web site at <https://www.nrt.org/rrtix..> The title of each enclosure is hyperlinked to the text of the enclosure. Enclosures are listed in the table of contents and in the [Index](#).

1014 RCP Contacts in a Single File

All the points of contact relevant to this plan are in a single Microsoft Excel™ spreadsheet: [Enclosure 0000, RCP Contacts in one list.xlsx](https://www.nrt.org/site/doc_list.aspx?site_id=114) at https://www.nrt.org/site/doc_list.aspx?site_id=114. This spreadsheet uses the ‘AutoFilter’ feature in Excel.

The AutoFilter feature lets you find, show, or hide values—in one or more columns of data. You can filter based on choices you make from a list, or search the text of the values to find the data that you seek. When you filter data, entire rows will be hidden if the values in one or more columns don't meet the filtering criteria you set.

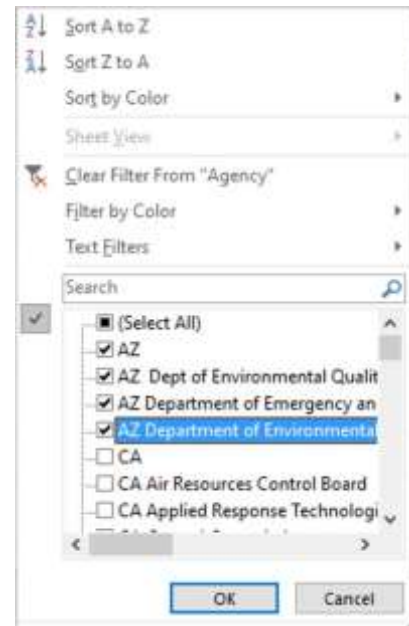
To use an AutoFilter:

- Select the data you want to filter by clicking the down arrow you see to the right of a column heading. If all the values are selected, you see a down arrow. If specific values have been selected, you see this: 
- Click the arrow Filter arrow in the column header and decide if you want to choose specific values or search.

A	B
Topic/Action	Agency

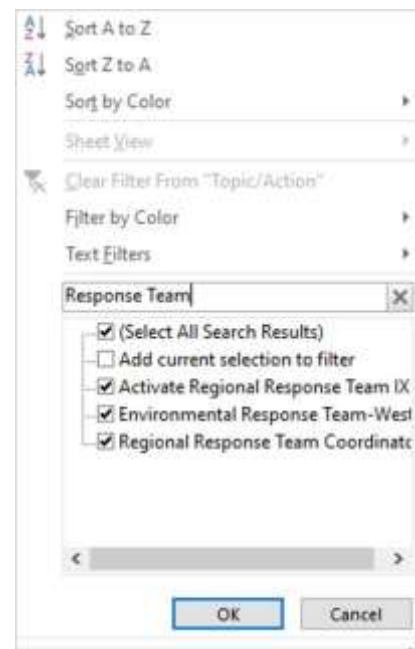
- To choose specific values: Uncheck (Select All) to clear all of the check boxes, then check the boxes for the specific value(s) you want to see.

For example, if you're looking for a contact in Arizona, check the boxes next to all the AZ agencies.



- To search for values: In the Search box, (above the check marks) type the text or numbers that you seek. Click OK to apply the filter.

Tip: When you search for data, you can use "?" to represent any single character, or "*" to represent a series of characters.



- You can filter values in as many columns as you wish.

REMEMBER: Check Select All to see more values in the table.

1015 Hidden Text

In the Microsoft Word version of this plan, text can be hidden by using the 'Hidden Text' style or the 'Index' style. Note: Anything formatted with the Index style will appear in the index. Hidden text appears in red, with a dotted underline, surrounded by curved braces {}. Hidden

text is used after every external hyperlink to show the date when it was last tested. Index entries appear in red, with a dotted underline, surrounded by curved braces and preceded by the letters XE { XE “Index entry” }.

The RCP Editor maintains the Microsoft Word version of this plan. The Editor is the USCG RRT9 Coordinator.

To view or hide hidden text,

1. Click the View menu and choose Print Layout in the Views section on the left.
2. Then, click the File Menu and choose Options. If the Options command isn't visible, choose More... and choose Options.
3. Click Display in the column on the left.
4. Under 'Always show these formatting marks...', select or unselect 'Hidden Text'.

To print or stop printing hidden text,

1. Click the File menu and choose Print.
2. Click 'Page Setup' under the list of Settings.
3. Click 'Print Options'.
4. Click 'Display' in the column on the left.
5. Under 'Always show these formatting marks...', select or unselect 'Hidden Text'.

1110 U.S. Coast Guard

The United States Coast Guard derives its authority with respect to oil spills, pollution and hazardous materials spills from many laws including those listed below. These laws are explained later in this chapter.

- Federal Water Pollution Control Act of 1972. (FWPCA)
- Oil Pollution Act of 1990. (OPA-90)
- Comprehensive Environmental Response, Compensation, & Liability Act of 1980. (CERCLA)
- Intervention on the High Seas Act of 1974. (IHSA)
- Resource Conservation and Recovery Act of 1976. (RCRA)
- Occupational Safety and Health Act of 1970. (OHSA)
- Endangered Species Act of 1973. (ESA)
- Migratory Bird Treaty Act of 1918. (MBTA)

- Coastal Zone Management Act of 1972. (CZMA)
- Marine Mammal Protection Act of 1972. (MMPA)
- National Historic Preservation Act of 1966. (NHPA)
- Clean Air Act of 1963. (CAA)
- Abandoned Barge Act of 1992.

1120 U.S. Environmental Protection Agency

The United States Environmental Protection Agency (EPA) derives its authority with respect to oil spills, pollution and hazardous substance spills from many laws and regulations. See <https://www.epa.gov/laws-regulations>.

1130 State of Arizona

The State of Arizona derives its authority with respect to oil spills, pollution and hazardous materials spills from Arizona Title 49 – The Environment. and Title 18 – Environmental Quality of the Arizona Administrative Code (AAC). See Revised Statutes at <https://www.azleg.gov/arsDetail/?title=49>

1140 State of California

The State of California derives its authority with respect to oil spills, pollution and hazardous materials spills from various state laws including: the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (CA Government Code §8670.1 et seq.); the Porter-Cologne Water Quality Control Act (CA Water Code §13000 et seq.); and, various provisions of the CA Fish and Game Code, the CA Harbors and Navigation Code, and the CA Public Resources Code. More information regarding California’s oil spill, pollution, and hazardous materials laws and enforcement authorities can be found at the following internet sites: <https://www.wildlife.ca.gov/OSPR/Legal>; https://www.waterboards.ca.gov/laws_regulations/; and <https://calepa.ca.gov/enforcement/enforcement-resources-and-information/>.

1150 State of Nevada

The State of Nevada derives its authority with respect to oil spills, pollution and hazardous materials spills from Nevada Revised Statute 414. See the Nevada Division of Emergency Management website at <http://dem.nv.gov/About/Overview/>.

The Nevada Division of Environmental Protection (NDEP) is designated in the *State*

Comprehensive Emergency Management Plan, NRS, Chapter 414, Emergency Management as the lead agency for the cleanup of hazardous materials incidents. The plan is at <https://www.leg.state.nv.us/Division/Legal/LawLibrary/NRS/NRS-414.html>

1200 Geographic Boundaries

The U.S. Coast Guard has jurisdiction for oil and hazardous substance spills in the “coastal zone” while EPA has jurisdiction in both the inland and coastal zones. By agreement with the USCG, EPA provides On-Scene Coordinators (OSC) for inland spills and the USCG provides FOSC/OSCs for marine and coastal spills.

The National Contingency Plan (NCP), 40 CFR §300.5, defines the "coastal zone" as "all United States waters subject to the tide, specified ports and harbors on inland rivers, waters of the contiguous zone, other waters of the high seas subject to the NCP, and the land surfaces or land substrate, and ground waters, and ambient air proximal to those waters."

The "inland zone" is defined as "the environment inland of the coastal zone excluding specified ports and harbors on inland rivers." In areas where precise boundaries are not defined, the boundary generally defaults to the high water mark. In locations where navigable waterways feed into the ocean, the boundary will generally default to the high tide mark.

Region IX’s coastal zone encompasses the portions of the Eleventh Coast Guard District that are in California as defined in 33 CFR Subpart 3.55. Specifically, these are the jurisdictional boundaries between the coastal and inland zones within the Captain of the Ports (COTP) of San Francisco, Los Angeles/Long Beach and San Diego. See https://www.ecfr.gov/cgi-bin/text-idx?SID=ee4de8449d4a30d88ec71c7f3d29f786&mc=true&node=sp33.1.3.3_155&rgn=div6

1210 EPA-USCG Jurisdictional Boundary

Each Area Contingency Plan defines the EPA-USCG jurisdictional boundary street-by-street in section 1200. The coastal Area Contingency Plans are on the California OSPR website at <https://www.wildlife.ca.gov/OSPR/Contingency>.

1211 Jurisdictional Boundary Review 2020

In 2019, USCG FOSCs and EPA OSCs initiated a review of the Region IX Line of Demarcation (a.k.a. jurisdictional boundary). The RRT9 Co-Chairs received the results of this joint review of each USCG

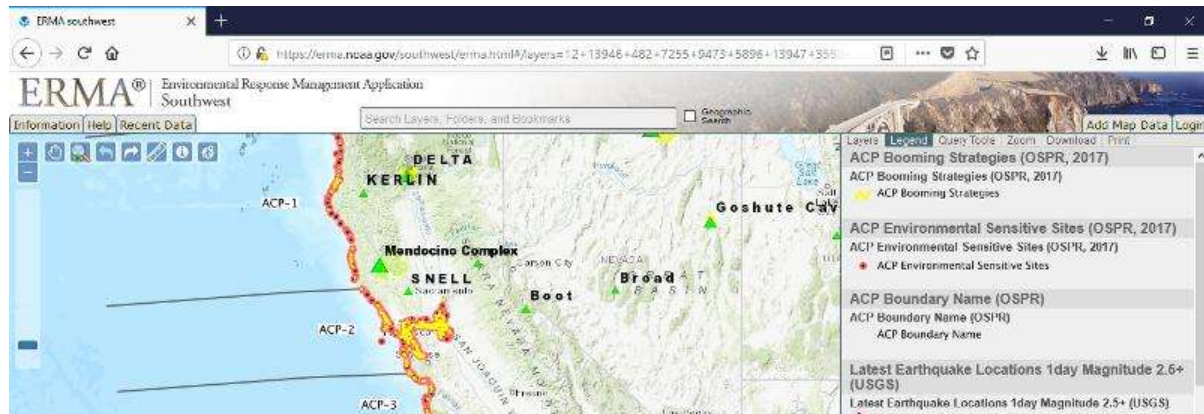
Sector/FOSC zone on 07 February 2020. The Co-Chairs concurred with the outcome of the review.

The results are as follows:

- SAN FRANCISCO (Del Norte to Monterey County): CG/EPA OSCs recommend no change to the existing line; and reiterated the need for close coordination with EPA when a response occurs near the demarcation line.
- LOS ANGELES (SLO to Orange County): CG/EPA OSCs recommend no change to the existing line.
- SAN DIEGO (San Diego County): CG/EPA OSCs recommend no change to the existing line.

1212 Jurisdictional Boundary on ERMA Maps

NOAA's Environmental Response Management Application (ERMA®) shows the EPA-USCG jurisdictional boundary in detail. ERMA® is an online mapping tool that integrates both static and real-time data, such as Environmental Sensitivity Index (ESI) maps, ship locations, weather, and ocean currents, in a centralized, easy-to-use format for environmental responders and decision makers.



To see the EPA-USCG jurisdictional boundary on a detailed map, do the following:

1. Using an Internet browser, go to <https://erma.noaa.gov/southwest/erma.html#/>.
(Note: Microsoft Internet Explorer is not supported.)

In the top, center of the page, there is a text box that contains the words, “Search Layers, Folders and Bookmarks”.

2. In this text box, type “jurisdiction” without quotes and press ENTER to search.
3. Click the item among the results that reads, “activate layer – USCG (Marine) USEPA

(Inland) Jurisdiction”.

A red line appears along the coastline.

4. To zoom in, click the “+” sign among the tools at the left margin.
5. To see sensitive site information for any point, click the magnifying glass tool among the tools at the left margin. The cursor will change to a magnifying glass symbol. Then click the place on the map you’re interested in.

1220 Oil Spills on the Mexican Border

The MEXUS Plan is a bi-national contingency plan for oil and hazardous materials spills near the U.S. maritime border with Mexico. Because this plan concerns international relations, it is maintained by USCG headquarters. The plan has two annexes: Gulf and Pacific. Those annexes are maintained and implemented by the local USCG District office.

[Enclosure 1220: MEXUS Plan](#) at

<https://www.nrt.org/sites/114/files/1220%20MEXUS%20Plan%20English%202017%20signed.pdf>.

1221 Activating the MEXUS Plan

To justify activating the plan, oil must at least threaten the waters of the other country. When USCG Sector San Diego becomes aware of a spill that may impact Mexico now or in the future, their command center notifies the 11th District Command Center. Throughout the spill, the Sector communicates with the District Command Center and the MEXUSPAC Coordinator, not directly with Mexico. The MEXUSPAC Coordinator may be assigned to the Incident Command Post under the Liaison Officer. For contact information see *U.S. Coast Guard, Regional Response Team Coordinator* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114. When the Second Naval Region in Ensenada becomes aware of a spill that may impact the U.S., now or in the future, their command center notifies the 11th District Command Center. The District then notifies the Sector.

On the coast of southern California the currents generally carry the oil south toward Mexico. For real-time information about surface currents, see <http://cordc.ucsd.edu/projects/mapping/maps/>. Numerous reporting stations provide data along the Pacific maritime border with Mexico. South of the border there are oil cargo loading stations near Tijuana, Rosarito and Ensenada, but there is a gap from *El Descanso* south to the *Bajamar Ocean Front Golf Resort*.

1222 Pacific Maritime Border

According to the MEXUSPAC Annex of the MEXUS Plan, the co-chair of the Joint Response Team (JRT) in Mexico is the Commander of the 2nd Naval Region in Ensenada, Baja California. The co-chair of the JRT in California is the Commander of the Eleventh Coast Guard District in Alameda, California. Each country responds to the spill in their national waters in the usual way as dictated by plans and policy.

MEXUSPAC describes a process of bi-national coordination which involves sharing relevant information about the spill by phone, email and web page. The MEXUSPAC Coordinator is responsible for this coordination. The USCG Regional Response Team Coordinator is also the MEXUSPAC Coordinator. See *U.S. Coast Guard, Regional Response Team Coordinator* in *Enclosure 0000, RCP Contacts in one list.xlsx* at https://www.nrt.org/site/doc_list.aspx?site_id=114.

Enclosure 1221: MEXUSPAC—Pacific Annex to the MEXUS Plan at <https://www.nrt.org/sites/114/files/1221%20MEXUSPAC%20Annex%202018%20signed.pdf>.

1223 Inland Border

The Mexico-United States Joint Contingencies and Emergencies Plan for Preparedness and Response to Events Associated with Chemical Hazardous Substances in the Inland Border Area (a.k.a. Inland Border Plan) is at https://19january2017snapshot.epa.gov/sites/production/files/2016-01/documents/us_mexico_joint_contingency_plan.pdf. A description of the Border 2025: United States - Mexico Environmental Program is at https://www.epa.gov/sites/production/files/2021-05/documents/final_us_mx_border_2025_final_may_6.pdf. Note: The name of this program changes every five years.

The inland Joint Response Team (JRT) is the policy and decision making body with overall responsibility for the maintenance and effective implementation of the Inland Plan. The co-chairs of the inland JRT are U.S. EPA and the *Secretaría de Medio Ambiente y Recursos Naturales* (SEMARNAT), who also serve as the coordinating authorities for implementation of the Inland Plan.

Initial responsibility for responding to incidents rests with local authorities unless otherwise identified as being under federal jurisdiction.

1224 International Requests for, or Offers of Assistance

In the event of large oil or hazardous materials spills, foreign governments may use diplomatic channels to notify the United States and/or to request response assistance. In appropriate cases, the U.S. government provides response assistance when it is determined to be in our national interest and resources are available. In the case of a major oil or hazardous materials spill in U.S. coastal waters, foreign governments may offer assistance to the United States. In the U.S. Department of State, the Office of Ocean and Polar Affairs in the Bureau of Oceans and International Environmental and Scientific Affairs (OES/OPA) coordinates such requests for, and offers of, assistance.

Enclosure 1223: U.S. DOS, Int'l Requests for, or Offers of Assistance at <https://www.nrt.org/sites/114/files/1223%20Int'l%20Req%20for%20and%20Offers%20of%20Assistance%2016%20STATE%206390.pdf>.

1225 Using Foreign Oil Spill Response Vessels

Federal law, 46 USC §55113, provides that the Federal On-Scene Coordinator (USCG) for an oil spill decides whether a foreign-flagged vessel may engage in oil spill response. That decision is based on whether there are an adequate number and type of U.S. flagged vessels available. In order to reach this determination, contact the U.S. Maritime Administration (MARAD). See *U.S. Maritime Administration* in *Enclosure 0000, RCP Contacts in one list.xlsx* at https://www.nrt.org/site/doc_list.aspx?site_id=114..

The full text of this law reads as follows:

§55113. Use of foreign documented oil spill response vessels

Notwithstanding any other provision of law, an oil spill response vessel documented under the laws of a foreign country may operate in waters of the United States on an emergency and temporary basis, for the purpose of recovering, transporting, and unloading in a United States port oil discharged as a result of an oil spill in or near those waters, **if**—

- (1) an adequate number and type of oil spill response vessels documented under the laws of the United States cannot be engaged to recover oil from an oil spill in or near those waters in a timely manner, as determined by the Federal On-Scene Coordinator for a discharge or threat of a discharge of oil; **and**
- (2) the foreign country has by its laws accorded to vessels of the United States the same privileges accorded to vessels of the foreign country under this section.

1226 Jones Act

The Jones Act, 46 USC §55102, does not apply to oil spill response vessels. The Jones Act prohibits the transportation of merchandise between U.S. ports on any vessel not U.S.-built, -owned, -documented, and which has a coastwise endorsement by the U.S. Coast Guard. Vessels without these qualifications are known as non-coastwise-qualified vessels. The Jones Act law protects U.S.-flagged coastwise-qualified vessels from foreign competition on domestic trade routes. The U.S. Coast Guard inspects and enforces the provision relating to whether a vessel is foreign-owned or flagged, or exempted according to the Jones Act.

Vessels that do not transport merchandise between ports in the United States are not in violation of the Jones Act. Merely transiting U.S. waters does not constitute coastwise transportation within the purview of the Jones Act.

1230 Interstate Spills

Within EPA Region IX, several inland waterbodies cross state borders. These water bodies include, but are not limited to Lake Tahoe, Truckee River, Carson River, Walker River and Colorado River. Geographic Response Plans (GRP) have been written for these water bodies. The GRPs include specific information regarding notification, agency roles and responsibilities, resources, maps and tactics.

In the event of large oil or hazardous materials spills that impacts more than one state in the U.S., the EPA will designate a FOSC/OSC who will coordinate and facilitate discussion between the two states.

1240 U.S. Maritime Limits and Boundaries

Maritime limits and boundaries for the United States are measured from the official U.S. baseline, recognized as the low-water line along the coast as marked on the NOAA nautical charts in accordance with the articles of the Law of the Sea. The Office of Coast Survey depicts on its nautical charts the territorial sea (12 nautical miles), contiguous zone (24nm), and exclusive economic zone (200nm, as well as maritime boundaries with adjacent/opposite countries). See <https://nauticalcharts.noaa.gov/data/us-maritime-limits-and-boundaries.html>.

Boundary	From Baseline	Definition
Baseline	0 nm	The low-water line along the coast as marked on NOAA nautical charts.
County Boundaries,		The maritime boundaries of counties in California are set forth in the

Coastal		<i>Coastal Act of 1976</i> See https://www.coastal.ca.gov/maps/cz/b/ . The county District Attorney has jurisdiction here.
State Territorial Limit	3 nm	The <i>Submerged Lands Act (SLA) of 1957</i> grants coastal states ownership of lands and resources out to three nautical miles from shore, and provides for State control and regulation of resource development, such as fisheries and energy resources, within this area. The State Attorney General has jurisdiction here.
Enclaves of federal waters		The <i>Outer Continental Shelf Lands Act (OCSLA) of 1958</i> establishes federal jurisdiction over the lands and resources beyond three nautical miles from shore. Even within state waters, the federal government has <u>enclaves of federal waters</u> in federally designated marine sanctuaries and aquatic national monuments such as the California Coastal National Monument and adjacent to military installations. The monument spans the entire coast between Mexico and Oregon. It encompasses the islands, rocks, exposed reefs, and pinnacles off the coast above mean high tide. The Bureau of Land Management manages these monuments in cooperation with state and local authorities.
Territorial Sea	12 nm	The territorial sea is a maritime zone over which the United States exercises sovereignty. Sovereignty extends to the airspace above and to the seabed below the territorial sea. The U.S. territorial sea extends 12 nautical miles from the baseline.
Contiguous Zone	12-24 nm	The contiguous zone is a zone contiguous to (sharing a common border; touching) the territorial sea. In this zone, the U.S. may exercise the control necessary to prevent and punish infringement of its customs, fiscal, immigration, cultural heritage, or sanitary laws and regulations within its territory or territorial sea. The U.S. contiguous zone is measured 24 nautical miles from the baseline.
Exclusive Economic Zone (EEZ)	200 nm	The exclusive economic zone overlaps the 12-24nm contiguous zone. Within the EEZ, the U.S. has: <ul style="list-style-type: none"> • sovereign rights for the purpose of exploring, exploiting, conserving and managing natural resources, whether living and nonliving, of the seabed and subsoil and the superjacent waters and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds. • jurisdiction as provided for in international and domestic laws with regard to the establishment and use of artificial islands, installations, and structures, marine scientific research, and the protection and preservation of the marine environment. • other rights and duties provided for under international and domestic laws. <p>Certain U.S. fisheries laws use the term “exclusive economic zone” (“EEZ”). While its outer limit is the same as the EEZ on NOAA charts,</p>

		the inner limit generally extends landward to the seaward boundary of the coastal states of the U.S.
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1300 Area Committees

The National Contingency Plan, 40 CFR 300.5, defines Area Committees, as provided for by Clean Water Act sections 311(a)(18) and (j)(4), as the entity appointed by the President consisting of members from qualified personnel of federal, state, and local agencies with responsibilities that include preparing for an area contingency plan for an area designated by the President.

Coastal California has six Area Committees: San Francisco (North Coast, Central Coast, and San Francisco Bay & Delta), Los Angeles/Long Beach (North & South), and San Diego. Each corresponds to a USCG Sector. The Sector's commanding officer is the Federal On-Scene Coordinator and Chair of the Area Committee. The California Office of Spill Prevention & Response is the co-chair of each Area Committee. Participation is open to all concerned parties.

Local Area Committees select appropriate spill protection, recovery, and cleanup techniques prior to and following a spill to limit the ultimate environmental impact. To choose those techniques which most effectively prevent or minimize adverse ecological impact, it is important to identify techniques which have minimal intrinsic ecological impacts and are also effective in minimizing the impact. Furthermore, it is important that these response techniques be planned and documented in the Geographic Response Plan of the ACP so that in the event of a spill, minimal time be spent preparing for the response.

A links to the full text of the ACPs (a.k.a. coastal oil spill plans) for coastal California are at <https://www.wildlife.ca.gov/OSPR/Contingency>. **1301 Leading Members of the Area Committee**

The most up-to-date source of information about the leading members of an Area Committee is the Area Contingency Plan for that Area. See the link in the section above. However, the table below shows the relative positions without naming the incumbants.

USCG Federal On-Scene Coordinator, a.k.a. USCG Sector Commander, a.k.a. Area Committee Chair
Cal OSPR State On-Scene Coordinator: Duty Warden (rotates weekly) Southern, Central, and Northern Field Response Teams have a duty schedule for the Oil Spill Prevention Specialist, Environmental Scientist, and State On Scene Coordinator

USCG Area Contingency Planning Coordinator, a.k.a. USCG Sector, Planning Specialist
Cal OSPR, Supervisor, Northern/Central/Southern Field Response Team
Cal OSPR Area Committee Co-Chairs <ul style="list-style-type: none"> • ACP 1: North Coast • ACP 2: SF Bay & Delta • ACP 3: Central Coast • ACP 4: LA/LB North • ACP 5: LA/:B South • ACP 6: San Diego

1310 Local Emergency Planning Committees

Local Emergency Planning Committees (LEPCs) are community-based organizations that assist in preparing for emergencies, particularly those concerning hazardous materials. Under the *Emergency Planning and Community Right-to-Know Act* (EPCRA), Local Emergency Planning Committees (LEPCs) must develop an emergency response plan, review the plan at least annually, and provide information about hazardous materials in the community to citizens. Plans are developed by LEPCs with stakeholder participation. The LEPC membership must include (at a minimum): Elected state and local officials; Police, fire, civil defense, and public health professionals; Environment, transportation, and hospital officials; Facility representatives; and Representatives from community groups and the media.

1400 National Response System

The National Response System (NRS) is a mechanism routinely and effectively used to respond to a wide range of oil and hazardous substance releases. It is a multi-layered system involving individuals and teams from tribal, local, state, and federal agencies, as well as industry and other organizations. These groups share expertise and resources to ensure that response and cleanup activities are timely, efficient, and minimize threats to human health and the environment.

At the heart of the system is the *National Oil and Hazardous Substances Pollution Contingency Plan* (NCP). The NCP outlines the process to ensure that the federal government's resources and expertise are available immediately for response actions that are beyond the capabilities of local and state responders. The NCP provides the framework for the NRS and establishes how it works.

When large scale incidents occur, such as a hurricane or earthquake, other federal resources

support the response under the National Response Framework (NRF) which works in conjunction with the NRS and NCP. The NRF is the federal government's comprehensive, all-hazard approach to crisis management. It also provides a mechanism for coordinating federal assistance to tribal, local and state governments.

1410 National Response Framework

The National Response Framework (NRF) is a guide to how the Nation responds to all types of disasters and emergencies. It's built on scalable, flexible, and adaptable concepts identified in the National Incident Management System to align key roles and responsibilities across the Nation. This Framework describes specific authorities and best practices for managing incidents that range from the serious, but purely local, to large-scale terrorist attacks or catastrophic natural disasters. The National Response Framework describes the principles, roles and responsibilities, and coordinating structures for delivering the core capabilities required to respond to an incident and further describes how response efforts integrate with those of the other mission areas. For more information, go to <https://www.fema.gov/> click *Search* and search for '*National Response Framework*'. .

The United States uses the National Response Framework (NRF) to coordinate the federal government's response to disaster or emergency situations. The NRF is applicable to natural disasters involving earthquakes, hurricanes, typhoons, tornadoes, volcanic eruptions, floods, and fires; technological emergencies involving radiological or hazardous materials; and other incidents requiring federal assistance under the Stafford Act. The NRF describes the basic mechanisms and structures by which the federal government mobilizes resources and conducts activities to augment state and local response efforts. To facilitate the provision of federal assistance, the NRF uses a functional approach to group the types of assistance that a State is most likely to need among fifteen Emergency Support Functions (ESFs). For more information, go to <https://www.fema.gov/> click *Search* and search for '*Emergency Support Functions*'.

The purpose of the NRF is to facilitate the delivery of all types of federal response assistance to states to help them deal with the consequences of significant disasters with or without Presidential Declaration. The Federal Emergency Management Agency (FEMA) is the lead agency for coordinating response activities that include 26 federal departments and agencies plus the Red Cross. Under the NRF, EPA is the Primary Agency responsible for coordinating preparedness and response activities for Emergency Support Function #10 (ESF-10), regarding hazardous materials including radiological releases, and leads ESF-10 responsibilities in dealing with counter-terrorism consequence management. The *Federal Radiological Emergency Response Plan* (FRERP) recognizes that OSC(s) coordinate their response

operations through the Federal Coordinating Officer (FCO), within the response community framework when responding to NRF incidents. The text of the FRERP is at <https://fas.org/nuke/guide/usa/doctrine/national/frerp.htm>.

1411 Spills of National Significance

The National Contingency Plan (NCP) defines a spill of national significance (SONS) as: “a spill that, due to its severity, size, location, actual or potential impact on the public health and welfare or the environment, or the necessary response effort, is so complex that it requires extraordinary coordination of federal, state, local, and responsible party resources to contain and clean up the discharge.” The NCP describes, in part, the federal government’s responsibility for strategic coordination and support of federal on-scene coordinators (FOSC/OSC) when responding to a SONS.

Statutory authority is found within the Clean Water Act and the NCP regulations found at 40 CFR §300.323 - Spills of National Significance at https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=5a77bb91b7d4f481e838353addd23392&ty=HTML&h=L&mc=true&n=pt40.30.300&r=PART#se40.30.300_1323.

Guidance on NRT-RRT coordination during spills of national significance is at <https://www.nrt.org/Main/Resources.aspx?ResourceType=Spill%20of%20National%20Significance&ResourceSection=2>.

The *USCG Spill of National Significance Public Affairs Reference, 2017* is at https://www.dco.uscg.mil/Portals/9/CG-5R/MER/MER%203/SPAR_FINAL_26Sept2017.pdf?ver=2017-09-27-115809-870.

The *USCG Spill of National Significance Executive Reference Guide, 2019* is at https://www.dco.uscg.mil/Portals/9/CG-5R/MER/MER%203/SERG_04_April_2019_FINAL.pdf?ver=2019-06-08-153911-130.

1420 National Response Team

The National Response Team (NRT) provides technical support, resources and coordination on preparedness, planning, response and recovery activities for emergencies involving hazardous substances, pollutants and contaminants, oil, and weapons of mass destruction in natural and technological disasters and other environmental incidents of national significance. Outreach materials that explain the purpose and actions of the NRT are at <https://www.nrt.org/NRT/About.aspx>. See *National Response Team* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

1421 NRT Member Agencies

The NRT has headquarters-level representatives from sixteen member agencies. It provides national oversight to response to discharges of oil and releases of hazardous substances, pollutants, and contaminants.

National Response Team	Role
U.S. EPA	Chair
USCG HQ MER	Vice-Chair
U.S. Department of the Interior	Natural Resource Trustee
U.S. Department of Commerce, National Oceanic & Atmospheric Administration	Natural Resource Trustee
General Services Administration	Member
Nuclear Regulatory Commission	Member
U.S. Department of Agriculture	Member
U.S. Department of the Army, Army Corps of Engineers	Unofficial member as directed by Commandant USCG.
U.S. Department of Defense	Member
U.S. Department of Energy	Member
U.S. Department of Health and Human Services	Member
U.S. Department of Homeland Security, Federal Emergency Management Agency	Member
U.S. Department of Justice	Member
U.S. Department of Labor, Occupational Safety & Health Administration	Member
U.S. Department of State	Member
U.S. Department of Transportation	Member
U.S. Department of the Treasury	Member

The NRT and Regional Response Teams (RRTs) have duties outlined in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR §300, to provide support during a response to an oil or hazardous substance spill or release.

The NCP provides information concerning what conditions should exist for the NRT to be activated (40 CFR §300.110 (j)) or for an RRT to request NRT activation (40 CFR §300.115 (k)). These guidelines are not intended to inhibit or impede agency-to-agency requests or the

decision-making authority of the NRT Chair and Vice Chair to call a NRT meeting.

1422 Activating the National Response Team

At the request of the NRT Chair or, in the Chair's absence, by the NRT Vice-Chair, the Executive Director will initiate the NRT Activation Protocol. See *National Response Team, Activation* in [Enclosure 0000, RCP Contacts in one list.xlsx](https://www.nrt.org/site/doc_list.aspx?site_id=114) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

An RRT can request assistance from the NRT as described in 40 CFR §300.115 (k),

- a. When there is insufficient guidance on a matter before the RRT,
- b. When a technical matter requires a solution, or the NCP needs to be interpreted,
- c. When a disagreement on discretionary actions among RRT members cannot be resolved at the regional level.

1430 Regional Response Teams

Subordinate to the National Response Team are the Regional Response Teams, one for each federal region. The interactive map at <https://nrt.org/Site/Regionmap.aspx> shows the areas of responsibility for each RRT with links to their websites, if they have one. The NRT website has a one-page RRT factsheet and a multi-page RRT brochure under the heading *RRT Roles and Responsibilities* at <https://nrt.org/NRT/About.aspx>.

1431 Seeking Approval from Regional Response Team IX

Activation refers to any consultation, request for approval to use Applied Response Technologies, or request for RRT members to go to an incident command post. Consultation and approval is usually done by phone. See *Regional Response Team IX, Activation* in [Enclosure 0000, RCP Contacts in one list.xlsx](https://www.nrt.org/site/doc_list.aspx?site_id=114) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

1432 RRT9 Member Agencies

In addition to the member agencies listed in the NRT table above, the RRT for Region IX has members from agencies in the states of Arizona, California and Nevada. These are listed below as members of the Executive Steering Committee.

1433 Executive Steering Committee

A sub-set of the member agencies direct the work of the RRT and are involved in deciding whether to approve the use of applied response technologies (ART). These agencies serve on the Executive Steering Committee and are listed below. The RRT Coordinators provide administrative support.

Executive Steering Committee of RRT9	Role
U.S. EPA, Region IX, Superfund Division (Approves use of ART in the coastal zone.)	Co-Chair
USCG Eleventh District (dxi), Incident Management and Preparedness Advisor	Co-Chair
U.S. Department of the Interior, Region IX Office of Environmental Policy and Compliance, Regional Environmental Officer	Natural Resource Trustee
U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Scientific Support Coordinator for the Eleventh Coast Guard District	Natural Resource Trustee
Arizona Department of Environmental Quality	Natural Resource Trustee
California Department of Fish and Wildlife, Office of Spill Prevention and Response	Natural Resource Trustee
California Office of Emergency Services Hazardous Materials Division	Member
Nevada Division of Environmental Protection	Natural Resource Trustee
Tribes (See section 1434. No tribes have requested membership.)	Natural Resource Trustee

The ESC meets four times a year, and as necessary. The ESC typically meets 4-8 weeks prior to the next, quarterly Regional Response Team meeting to decide what the meeting's focus will be and to identify speakers.

The ESC is activated 24x7 any time the Unified Commander wishes to use an applied response technology such as a surface-washing agent or chemical dispersant. It may also be activated any time a responder or agency needs to consult with the RRT. See *Regional Response Team, Activating* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

1434 Tribal Membership

Part 40 CFR §300.115(d) of the NCP states in part, “Indian tribal governments may arrange for representation with the RRT appropriate to their geographical location.” The initiative must come from the tribe to apply for membership on a given RRT. This process is not automatic.

According to the RRT9 charter, each member agency/tribe should designate or provide a representative and an alternate and at least one of those representatives must commit to attending most meetings and be responsive to email and phone communications.

40 CFR §300.180(a) states in part, "Indian tribes wishing to participate should assign one person or office to represent the tribal government on the appropriate RRT.”

1440 National Incident Management System

The National Incident Management System (NIMS) is a comprehensive, national approach to incident management that is applicable at all jurisdictional levels and across functional disciplines. It was designed to be applicable across a full spectrum of potential incidents, hazards, and impacts, regardless of size, location or complexity. It improves coordination and cooperation between public and private entities in a variety of incident management activities and it provides a common standard for overall incident management.

The NIMS provides a consistent nationwide framework and approach to enable government at all levels (federal, state, tribal, and local), the private sector, and nongovernmental organizations (NGOs) to work together to prepare for, prevent, respond to, recover from, and mitigate the effects of incidents regardless of the incident’s cause, size, location, or complexity.

The NIMS was effective on March 1, 2004 and is the standard with which emergency management organizations nationwide must demonstrate compliance. See *Homeland Security Presidential Directive-5*, (HSPD-5) at <https://www.dhs.gov/publication/homeland-security-presidential-directive-5>. Additionally, the NIMS is a measure by which regulatory agency plan reviewers, drill evaluators and spill responders gauge the adequacy of response actions. Since FY 2006, federal funding for state, local and tribal preparedness grants has been tied to compliance with the NIMS.

1441 Incident Command System

The NIMS incorporates the best incident management practices from previous emergency management coordination systems such as FIRESCOPE (Firefighting Resources of California Organized for Potential Emergencies) from the 1970s, ICS and the 1982 NIIMS (National Interagency Incident Management System). To provide an interoperable and compatible

system of emergency response, the NIMS is based on a balance between operational flexibility and functional standardization. The NIMS provides a core set of doctrine, principles and terminology, a collaborative planning process that delineates key management position responsibilities, common use of forms for documentation and reporting, essential Incident Action Plan elements, an effective feedback and communication system that channels information from field operations to the ICP, a process for continuous incorporation of lessons learned as activities progress, and response personnel and equipment resource tracking methods.

The ICS organization is built around five major management functions that are applied to the response of any incident, large or small. The functions are Command, Operations, Planning, Logistics, and Finance. A major advantage of the ICS organization is the ability to expand and contract organizationally as required by the incident. For some incidents only a few of the organization's functional elements may be required. For larger or more complicated responses, additional positions exist within the ICS framework to meet virtually any need.

1442 Incident Action Plan and ICS Forms

The web site for the EMSI ICS Institute includes a sample Incident Action Plan (IAP) for an incident involving a forest fire and release of oil near a waterway. See

<http://images.pcmac.org/Uploads/RESA8/RESA8/Departments/DocumentsSubCategories/Documents/Sample-Incident-Action-Plan.pdf>.

ICS Forms	Source
ICS forms, USCG-specific	https://www.dcms.uscg.mil/Our-Organization/Assistant-Commandant-for-C4IT-CG-6/The-Office-of-Information-Management-CG-61/Forms-Management/ICS-Forms/smdpage4085/2/

1443 Multi-Agency Coordination System

Multi-agency coordination occurs whenever personnel from different agencies that have legal responsibilities to abate the emergency are involved in the response. While informal arrangements among agencies can be made to work, it is more effective to establish MAC System (MACS) procedures in advance in a planned and organized fashion.

A Multi-Agency Coordination Group may be convened by a Federal On-Scene Coordinator to

establish priorities among multiple competing incidents, provide coordinated decision making for resource allocation among cooperating agencies, to make recommendations regarding complex policy issues, and/or to offer strategic guidance and direction to support incident management activities.

A MAC Group may also be referred to as a multi-agency committee, emergency management committee, interagency policy group, or as otherwise defined by the MAC System.

For detailed information see the *California Statewide Multi-Agency Coordination System Guide* written by the California Governor's Office of Emergency Services at [https://www.caloes.ca.gov/PlanningPreparednessSite/Documents/10%20California%20Statewide%20Multi-Agency%20Coordination%20System\(CSMACS\)%20Guide%202-13-13.pdf](https://www.caloes.ca.gov/PlanningPreparednessSite/Documents/10%20California%20Statewide%20Multi-Agency%20Coordination%20System(CSMACS)%20Guide%202-13-13.pdf).

1444 Incident Command System Training

Responders should have a minimum of ICS-300 'intermediate' level training to work in an incident command post. There are many sources of formal training. Consult the training manager for your agency.

The Federal Emergency Management Agency (FEMA) has an extensive web site devoted to ICS, job aids, and training. See <https://www.fema.gov/emergency-managers/nims>.

The U.S. Coast Guard has an agreement with the U.S. Forest Service regarding ICS On-the-Job Training for Coast Guard personnel. Specifically, the Forest Service coordinates shadowing opportunities at incidents where a Forest Service Type 1 Incident Management Team (IMT), Type 2 IMT, or National Incident Management Organization (NIMO) is working.

Enclosure 1442: USFS - USCG MOA re ICS OJT during Wildfires at <https://www.nrt.org/sites/114/files/1442%20MOA%20USFS-CG%20MOA%20for%20ICS%20OJT%20in%20wildfires%20signed.pdf>.

1445 Incident Management Handbooks

Detailed information about all positions within the Unified Command are in the incident management handbooks (IMH) published by several agencies.

EPA Incident Management Handbook, 2016.

[https://nepis.epa.gov/Exe/ZyNET.exe/P100URBP.txt?ZyActionD=ZyDocument&Client=EPA&Index=2016%20Thru%202020%207CHardcopy%20Publications&Docs=&Query=incident%20management%20handbook&Time=&EndTime=&SearchMethod=2&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&UseQField=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%](https://nepis.epa.gov/Exe/ZyNET.exe/P100URBP.txt?ZyActionD=ZyDocument&Client=EPA&Index=2016%20Thru%202020%207CHardcopy%20Publications&Docs=&Query=incident%20management%20handbook&Time=&EndTime=&SearchMethod=2&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&UseQField=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%20)

[5CZYFILES%5CINDEX%20DATA%5C16THRU20%5CTXT%5C00000008%5CP100URBP.txt&User=anonymous&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=15&FuzzyDegree=0&ImageQuality=r85g16/r85g16/x150y150g16/i500&Display=hpr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x](https://www.epa.gov/epaosopr/pubs/5CZYFILES%5CINDEX%20DATA%5C16THRU20%5CTXT%5C00000008%5CP100URBP.txt&User=anonymous&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=15&FuzzyDegree=0&ImageQuality=r85g16/r85g16/x150y150g16/i500&Display=hpr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x).

Or search the Archive below for the title: “incident management handbook”.
https://cfpub.epa.gov/ols/catalog/advanced_lookup.cfm?search_type=new

FEMA, Incident Action Planning Guide, 2015.

https://www.fema.gov/sites/default/files/2020-07/Incident_Action_Planning_Guide_Revision1_august2015.pdf

USCG, 2014 Incident Management Handbook, COMDTPUBP3120.17B.

<https://homeport.uscg.mil/Lists/Content/Attachments/2171/2014%20USCG%20IMH.pdf>

Or, <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=21958>

Or, in printed form from the Government Printing Office:

<https://bookstore.gpo.gov/products/sku/050-012-00516-8>

Or, as a USCG Mobile App (MIMH)

<https://play.google.com/store/apps/details?id=com.uscg.app&rdid=com.uscg.app>

Servicio de Guardacostas Manual Para el Manejo de Incidentes, 2006

at <https://www.nrt.org/sites/114/files/IMH-Spanish-2006.zip>.

or, in printed form from the Government Printing Office:

<https://bookstore.gpo.gov/products/sku/050-012-00473-1>

1450 National Preparedness System

The term *National Preparedness System* is used to identify and assess risk, estimate the capabilities needed to address those risks, build or sustain those capabilities, develop and implement plans to deliver those capabilities, validate and monitor progress, and review and update efforts to promote continuous improvement. For a complete description, see <https://www.fema.gov/emergency-managers/national-preparedness/system>.

1451 National Preparedness for Response Exercise Program

The National Preparedness for Response Exercise Program (PREP) established a workable exercise program that meets the intent of section 4202(a) of the Oil Pollution Act of 1990 (OPA-90). PREP was developed to provide a mechanism for compliance with the exercise requirements, while being economically feasible for the U.S. Government and oil industry to adopt and sustain. PREP is a unified federal effort and satisfies the exercise requirements of the U.S. Coast Guard (USCG), the Environmental Protection Agency (EPA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Bureau of Safety and Environmental Enforcement (BSEE). Completion of the exercises described in the PREP Guidelines is one option for maintaining compliance with the federal oil pollution response exercises mandated by OPA-90.

See the latest version of the *National Preparedness for Response Exercise Program (PREP) Guidelines*. at <https://homeport.uscg.mil/missions/incident-management-and-preparedness/contingency-exercises/port-level-exercises/port-level-exercises-general-information>.

1460 National Planning System

The *National Planning System* provides a unified approach and common terminology to support the implementation of the *National Preparedness System* through plans that support an all-threats and all-hazards approach to preparedness. These plans—whether strategic, operational, or tactical—enable the whole community to build, sustain, and deliver the core capabilities identified in the *National Preparedness Goal*, see <https://www.fema.gov/emergency-managers/national-preparedness/goal>. For information about *National Planning Frameworks*, see <https://www.fema.gov/emergency-managers/national-preparedness/frameworks>.

1461 Nat'l Oil and Hazardous Substances Pollution Contingency Plan

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) or NCP supports the National Response Framework (NRF) and describes an organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants, and contaminants. An overview of the plan can be found at <https://www.epa.gov/emergency-response/national-oil-and-hazardous-substances-pollution-contingency-plan-ncp-overview>

1462 Regional Contingency Plan

40 CFR §300.210(b) of the NCP states, “The RRTs, working with the states, shall develop federal RCPs for each standard federal region.” Consequently, this document, the *Regional Oil and Hazardous Substances Pollution Contingency Plan for Federal Region IX* which includes Arizona, California and Nevada, has been written.

The RCP seeks to contain all the information that is common to all Area Contingency Plans and/or Geographic Response Plans in the Region. This reduces redundancy and prevents the circumstance where common information held in separate plans conflicts with one another.

The RCP outlines the assistance available to the FOSC/OSC from Regional Response Team (RRT) member agencies and the response approaches that should be implemented by the FOSC/OSC during response actions. The plan also includes resource information from governmental, commercial, and other sources that may be used during a response. The RCP has been organized to follow the structure of the Incident Command System (ICS), as outlined in the Integrated Contingency Plan guidance developed by the National Response Team (NRT).

This RCP provides local, tribal, state, and federal emergency response personnel with information about responding to an oil or hazardous materials incident. It does not replace local emergency response plans.

1463 Area Contingency Plans

Area Contingency Plans (ACPs) cover, in part, how to respond to an oil or hazardous substance spill. This response includes notification procedures; identification, prioritization, and cleanup strategies for sensitive areas; and identification of contractors and equipment available. The plans also identify strategies for responding to a worst-case discharge.

The full text of the ACPs (a.k.a. oil spill plans) for coastal California are at <https://www.wildlife.ca.gov/OSPR/Contingency>.

ACPs, when implemented in conjunction with other provisions of the NCP and RCP, provide plans to remove a worst-case discharge and to mitigate or prevent a substantial threat of such a discharge.

Area Contingency Plans are required under the NCP 40 CFR §300.210(c). They are produced and maintained by multiagency coordination groups called Area Committees. Coastal California has three Area Committees: San Francisco (North Coast, Central Coast, and San Francisco Bay & Delta), Los Angeles/Long Beach (North & South), and San Diego. Each

corresponds to a USCG Sector.

1464 Geographic Response Plans

Geographic Response Plans (GRP), which are similar to Area Contingency Plans (ACP), have been developed for significant inland water bodies within EPA Region IX including the following. These plans can be found at <https://www.wildlife.ca.gov/OSPR/Contingency> and <https://ndep.nv.gov/environmental-cleanup/environmental-assistance-program/state-response-plans>.

- Lake Tahoe
- Truckee River
- Upper Sacramento River
- Carson River
- Walker River
- Lower Colorado River
- Humboldt River

In addition to the GRPs listed above, CA OSPR in conjunction with other federal, state and local agencies, as well as industry representatives, is producing GRPs for many water bodies within the State of CA. CA OSPR has completed GRPs for the following waterbodies:

- Upper Sacramento River
- North Fork American River
- Russian River
- Kern River
- Ballona Creek
- Cajon Pass

CA OSPR has plans to complete other GRPs, including but not limited to the following. The CA OSPR-led GRPs can be found at <https://www.wildlife.ca.gov/OSPR/Contingency>.

- Southern California
 - Santa Ana River
 - San Timoteo
 - Santa Margarita River

- Central California
 - Either Salinas River
 - Sespe Creek
- Northern California
 - Lower American River
 - Lower Sacramento River
 - Klamath River

1465 Community Emergency Response Plans

Under the Emergency Planning and Community Right-to-Know Act (EPCRA), Local Emergency Planning Committees (LEPCs) must develop an emergency response plan, review the plan at least annually, and provide information about chemicals in the community to citizens. Plans are developed by LEPCs with stakeholder participation. For more information about LEPCs, see <https://www.epa.gov/epcra/local-emergency-planning-committees>.

1500 State Response Systems

1510 Arizona Response System

The Arizona Department of Environmental Quality (ADEQ), Environmental Emergency Response Unit (EERU) is on call 24-hour a day, seven days a week to ensure that all environmental emergencies are promptly addressed. The unit works to minimize injuries, deaths, property damage and threats to the environment from chemical spills, fires, explosions and other pollutant releases. A spill of any quantity that impacts a waterway within Arizona must be reported. If in doubt, report the spill.

To report an environmental emergency in Arizona, call (602) 390-7894 24x7 or see: <https://azdeq.gov/ReportEnvironmentalEmergency>.

1511 Other Arizona Oil Spill Response Agencies

Other agencies involved in oil spill response are:

- Arizona Game and Fish Department (stakeholder*)
- Arizona Department of Transportation
- Arizona Department of Public Safety
- Arizona Department of Emergency and Military Affairs

- Arizona Corporation Commission (regulates transport of hazardous materials)

1520 California Response System

This section concerns the California response system as it relates to oil and hazardous materials spills in both the inland and coastal zone.

1521 Office of Spill Prevention and Response

The Department of Fish and Wildlife (DFW), Office of Spill Prevention and Response (OSPR) is the principle partner for oil spill response in the inland and maritime areas.

OSPR was created in 1990 to address all aspects of marine oil spills, including prevention, preparedness, planning, response, and natural resource assessment. With the recent advent of enhanced shale oil production in interior parts of the US, the state recognized increased risk to natural resources in inland areas from spills arising from rail and other overland transport of oil. As a result, OSPR's authority and budget were expanded in July 2014 through SB 861 to address inland oil spills that threaten state waters, making OSPR a statewide spill program. Specifically, SB 861 expanded OSPR's responsibility to ensure inland producers and transporters of oil are prepared for spills and provided increased administrative funding for the Oiled Wildlife Care Network, as well as access to the state's Oil Spill Response Trust Fund to pay for inland oil spill responses. For information, find "*Oil Spill Response Trust Fund*" in the [Index](#).

1522 Notifications

In the event of an incident, the California Office of Spill Prevention and Response (OSPR) is notified via the National Response Center (NRC), or by the State Warning Center. See *State Warning Center* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

1523 Other California Oil Spill Response Agencies

State agencies that have specific responsibilities during an oil or hazardous materials spill are listed in the table below.

Other agencies serve a secondary role and provide technical support and resources as needed. However, they do not generally maintain an emergency support capability for response. These agencies include State Lands Commission, Department of Agriculture, Department of Justice, Department of Health Services, Office of Environmental Health and Hazard Assessment,

California Coastal Commission, Bay Conservation and Development Commission and the Department of Conservation, Division of Oil and Gas, and Geothermal Resources.

California Department of Fish and Wildlife (DFW)	Maintains and implements the <i>State Oil Spill Contingency Plan</i> and serves as the state’s public trust representative for fish, wildlife and their habitat at all off-road oil and hazardous waste spills. DFW provides technical advice on cleanup methods to minimize damage to living resources; arranges for and oversees the care and rehabilitation of injured wildlife; determines when to terminate a cleanup when natural resources are threatened or affected; and conducts investigations to establish criminal and civil liability and responsibility and impacts to natural resource. DFW is responsible for the licensing and use of oil spill cleanup agents in state waters.
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<p>California Governor's Office of Emergency Services (Cal. OES)</p>	<p>Coordinates the emergency activities of all state agencies during an emergency through a standardized emergency management system incorporating principles of the incident Command System, the Multi-Agency Coordination System, the Mutual Aid Agreement, and the Operational Area Concept. Cal. OES wrote the State Emergency Plan and the Hazardous Materials Contingency Plan, and operates the state's central spill notification reporting system at the State Warning Center.</p> <p>State statute does not identify a specific agency to serve as an On-Scene Coordinator for off-highway inland oil and hazardous waste spills. Typically, local agencies will head the Unified Command if they have the appropriate training and resources. When natural resources are at risk, DFW serves as Unified Commanders, and fills positions within the incident command system when requested by the local impacted agency.</p>
<p>California Highway Patrol (CHP)</p>	<p>Serves as the state's Unified Commanders for all on-road spills occurring on all highways constructed as freeways, all state-owned vehicular crossings (toll bridges) and on most highways and roadways (state or county) within the unincorporated areas of the state. The CHP is also responsible for traffic supervision and control in these areas. The CHP provides technical support and expertise concerning commercial vehicle equipment regulations and/or hazardous material transportation provisions.</p>

Department of Toxic Substance Control (DTSC)	Provides technical advice regarding the safe handling and suitable disposal of toxic materials. Upon request, DTSC will respond to incidents involving facilities or activities where it has enforcement responsibilities to ensure compliance with regulations. DTSC's Oil Spill Prevention Unit assists in the assessment, evaluation, and control phases of a hazardous materials incident.
State Water Resource Control Board (SWRCB)	The SWRCB and its nine Regional Water Quality Control Boards (one located in each of the nine major watersheds of the state), serve as state trustees for surface waters, and provide DFG and DTSC with technical support by evaluating the potential impact of hazardous material spills on water resources. Regional Water Quality Control Boards set sediment cleanup limits at spill sites.
California State Fire Marshal (CSFM)	Has primary responsibility for the safety of all interstate and intrastate hazardous liquid pipelines. CSFM Pipeline Safety Division engineers respond to all pipeline-related incidents.
California Department of Parks and Recreation (DPR)	Responds locally when a spill or release would impact state park property. DPR headquarters coordinates local districts. Enforcement and non-enforcement staff in each district may be utilized for traffic control and for evacuating, closing, and patrolling DPR property. DPR ecologist may be used to identify natural and cultural resources at risk, and injuries to such resources. Heavy equipment and operators are also available from DPR.

Department of Transportation (CALTRANS)	Response to oil spills/hazardous materials releases is generally limited to the area of right-of-way. However, equipment and personnel are available to contain releases occurring off the right-of-way especially in life-threatening incidents in the interest of public safety. CALTRANS has 72 emergency teams stationed throughout the state and will make its entire fleet of vehicles and their operators available to assist in spill response operations.
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1524 California State Oil Spill Contingency Plan

The *California State Oil Spill Contingency Plan, 2019* (CSOSCP) is available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=172767&inline>. The Plan sets forth the roles and responsibilities of those State agencies with primary authority for oil spills in California. For page references for more information, see the [Index](#).

1525 California Coastal Management Program

The California Coastal Management Program, approved by NOAA in 1978, is administered by three state agencies:

California Coastal Commission	Manages development along the California coast except San Francisco Bay.
San Francisco Bay Conservation and Development Commission	Manages development in San Francisco Bay.
California Coastal Conservancy	Purchases, protects, restores, and enhances coastal resources, and provides access to the shore.

The primary authorities for the California Coastal Management Program are the *California Coastal Act*, *McAteer-Petris Act*, and *Suisan Marsh Preservation Act*. The California coastal zone generally extends 1,000 yards inland from the mean high tide line. The coastal zone for the San Francisco Bay Conservation and Development Commission includes the open water, marshes, and mudflats of greater San Francisco Bay, and areas 100 feet inland from the line of highest tidal action.

1526 U.S. FWS and CDFW OSPR Share Spill Responsibility

In the event of an oil or toxic spill, trust responsibilities for certain wildlife resources and their habitats are clearly given to the U.S. Department of the Interior, which includes the U.S. Fish and Wildlife Service, through several legislative acts and their associated regulations (CERCLA, Clean Water Act, and the NCP). The California Department of Fish and Wildlife (CDFW) also has trust responsibilities for wildlife and fisheries resources within the State under various State statutes. Because of overlapping areas of responsibility for certain endangered species, migratory birds and migratory fishes which may be impacted by a spill event, both agencies are responsible for responding.

To facilitate the most efficient and effective coordination of response both agencies agreed to an MOU Designating California Department of Fish and Game as Primary Contact for Fish and Wildlife Issues in the Event of Oil or Toxic Substances Spills in March 1988 and a Cooperative Agreement in August 1991 which designate a primary contact for advice concerning fish and wildlife resources during a natural resources emergency situation. The agreements also address issues of resource commitment and legal permits to handle wildlife, as well as cooperative roles in damage assessment to natural resources. Text of the MOU is at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=33719&inline=true>.

1530 Nevada Response System

Notify the community emergency coordinator and the State Emergency Response Commission (SERC) immediately after a release. The Nevada Division of Emergency Management (NDEM) serves as the contact point for the SERC. See *Reporting: Emergencies* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

1540 Interagency Agreements

There are many Interagency Agreements (IAA), Memoranda of Agreement (MOA) and Memoranda of Understanding (MOU) related to oil and hazardous material response. These are listed in the [Index](#) under 'MOU/MOA/IAA'.

1600 National Policy and Doctrine

1610 Net Environmental Benefit Analysis

The Net Environmental Benefit Analysis (NEBA) was developed to promote effective oil spill preparedness and response. NEBA is a valuable process used by the spill response community

for making the best choices to minimize impacts of oil spills on people and the environment.

A 32-page description of the NEBA process from the American Petroleum Institute is at: <http://www.api.org/environment-health-and-safety/clean-water/oil-spill-prevention-and-response/net-environmental-benefit-analysis>.

1620 Best Response Concept

The term “Best Response” means that a response organization will effectively, efficiently, and safely respond to oil spills, minimizing the consequences of pollution incidents and protecting our national environmental and economic interests.

“Best Response” equals a successful response when key success factors are achieved such as: responder safety, protection of public health, protection of the environment, effective public communication, minimizing economic impacts, and effective stakeholder involvement.

1621 Best Achievable Protection in California

The mission of the California Office of Spill Prevention and Response is to provide the *best achievable protection* of natural resources by preventing, preparing for, and responding to spills of oil and other deleterious materials, and through restoring and enhancing affected resources.

The California Code of Regulations, Title 14, Division 1, Subdivision 4, Chapter 1 defines Best Achievable protection as follows:

1(b)(4) "Best Achievable Protection" means

(A) the highest level of protection which can be achieved through the use of both of the following:

1. *the best achievable technology, and*
2. *those manpower levels, training procedures, and operational methods which provide the greatest degree of protection achievable.*

(B) The (OSPR) Administrator's determination of which measures provide the best achievable protection shall be guided by the critical need to protect valuable coastal natural resources and marine state waters, while also considering all of the following:

1. *the use of current and historical protection provided by the measures,*

2. the technological achievability of the measures, and
3. the cost of the measures.

(C) The (OSPR) Administrator shall not use a cost-benefit or cost-effectiveness analysis or any particular method of analysis in determining which measures provide the best achievable protection. The Administrator shall instead, when determining which measures provide best achievable protection, give reasonable consideration to historical and current prevention methods, historical and current improvements in technology, and response readiness. Additionally the Administrator shall consider the protection provided by the measures, the technological achievability of the measures, and the cost of the measures when establishing the requirements to provide the best achievable protection for coastal and marine resources the natural resources of the state.

For information about the State of California's expectations of mechanical and ART contributions to an oil spill response, see *Report on Best Achievable Technology Prevention/Mitigation*, 2016, at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=139976&inline>.

1630 How Clean is Clean?

A concept related to Best Achievable Protection is “How Clean Is Clean?”. This question relates to when cleanup can be declared complete. This decision is made by the scientists in the Environmental Unit in consultation with Natural Resource Trustees and people representing stakeholders in the area.

1640 Natural Resource Damage Assessment (NRDA)

Natural Resource Damage Assessment (NRDA) is the process of identifying and quantifying injuries to natural resources and their services as a result of a release, and then determining the value of those injuries or losses for the purpose of restoration. The NDRA is conducted outside of, but parallel to, the Unified Command response. Successful pursuit of NRDA actions, either by the trustees alone or in cooperation with the RP(s), is a complex process comprising numerous tasks involving the interaction of scientists, economists, lawyers, and administrators. The DOI Rules and NOAA rules reduce some of the complexity by establishing an assessment process and providing a mechanism for determining the merits of going forth with the assessment and claim. The process provides a record of the trustee's decisions.

NRDA activities do not occur within the structure, processes, and control of the ICS; however,

many NRDA activities overlap with the environmental assessment performed for the spill response, particularly in the early phases of a spill response. The NRDA Team coordinates and communicates their actions through the NRDA Representative via the Liaison Officer (LOFR). Therefore, NRDA Representatives should remain coordinated with the spill response organization via the LOFR and may need to work directly with the IC/UC, Planning and Operations Sections, and SSC to resolve any issues and prevent duplicative efforts. While NRDA resource requirements and costs may fall outside the responsibility of the Logistics and Finance/Administrative Sections, coordination is important. The NRDA Representative will coordinate NRDA or environmental injury determination activities.

DOI and DOC/NOAA can also provide technical support to those agencies for the initiation of damage assessments. The federal damage assessment regulations for oil discharges mandated under OPA were developed by NOAA and are now final (15 CFR Part 990). The regulations developed by DOI under CERCLA and CWA authorities apply to releases of hazardous substances and are in effect and available for trustee guidance and use (43 CFR Part 11).

1650 Ecological Risk Assessments

Coastal Area Committees and RRTs should strongly consider use of Ecological Risk Assessments (ERA) workshops to develop or re-evaluate response strategies across one or more Captain-of-the-Port Zones. For more information contact USCG Headquarters, Office of Marine Environmental Response. See *U.S. Coast Guard, Headquarters, Area Contingency Plan Program Manager* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

1700 Natural Resource Trustees

A factsheet, *Federal Natural Resource Trustees and ICS/UC NRT-RRT*, on the role of natural resource trustees in the unified command is at <https://nrt.org/sites/2/files/fnrt.pdf>. More information is in the *National Contingency Plan, Subpart G-Trustees for Natural Resources*, 40 CFR §300.600 at <https://www.ecfr.gov/cgi-bin/text-idx?SID=8eb49969748fe220145c811c83ed29a8&mc=true&node=sp40.30.300.g&rgn=div6>.

1710 Lead Administrative Trustee

Agencies such as the Department of Defense, the Department of Energy, the Department of Agriculture/U.S. Forest Service, and Department of Commerce/NOAA may serve as co-trustees with the Department of the Interior. At the time of a spill, the trustees of affected state

and tribal communities and federal trustees meet and select one agency to act as Lead Administrative Trustee (LAT) and will convene a trustee group to ensure the best possible coordination of natural resource trustee activities such as data gathering, Natural Resources Damage Assessment (NRDA), and negotiations with responsible parties.

1720 Responsibilities of Trustees

During a response, trustees have the following responsibilities.

- Where there are multiple trustees, because of coexisting or contiguous natural resources or concurrent jurisdictions, they should coordinate and cooperate.
- Trustees provide the RRTs and the Area Committees with appropriate contacts to receive notifications for inclusion in the RCP and the ACP.
- On notification or discovery of injury to, destruction of, loss of, or threat to natural resources, trustees may, pursuant to section 107(f) of CERCLA, or section 311(f)(5) of the Clean Water Act, or section 1006 of the Oil Pollution Act, take the following actions:
 - Conduct a preliminary survey of the area affected by the discharge to determine if trust resources are, or potentially may be, affected;
 - Cooperate with the OSC/RPM in coordinating assessments, investigations, and planning;
 - Carry out damage assessments. Trustees have the option of following the procedures for natural resource damage assessments in 43 CFR Part 11.
 - Devise and implement plans for restoration, rehabilitation, replacement, or acquisition of equivalent natural resources with appropriate public participation. In assessing damages to natural resources, the federal, state, and Indian tribe
- Trustees shall provide timely advice on recommended actions concerning resources that are potentially affected by a discharge of oil, including assisting the OSC in identifying/recommending pre-approved response techniques and in predesignating shoreline types and areas in ACPs or Geographic Response Plans.
- Trustees shall coordinate with the OSC, through the lead administrative trustee, their activities regarding natural resource damage assessment to minimize any interference with such operations.
- Trustees shall assure, through the lead administrative trustee, that all data

from the natural resource damage assessment that may support more effective operational decisions are provided to the OSC.

- When circumstances permit, the OSC shall share the use of federal response resources (including but not limited to aircraft, vessels, and booms to contain and remove discharged oil) with the trustees. The lead administrative trustee applies to the OSC for non-monetary federal response resources on behalf of all trustees. The lead administrative trustee also applies to the National Pollution Funds Center for funding to initiate the natural resource damage.
- The authority of federal trustees includes, but is not limited to the following actions:
 - Asking the Attorney General to seek compensation from the responsible parties for the damages assessed and for the costs of an assessment and of restoration planning; and
 - Participating in negotiations between the United States and potentially responsible parties to obtain PRP-financed or PRP-conducted assessments and restorations for injured resources or protection for threatened resources and to agree to covenants not to sue, where appropriate.
 - Requiring, in consultation with the lead agency, any person to comply with the requirements of CERCLA section 104(e) regarding information gathering and access.
 - Initiating damage assessments, as provided in OPA section 6002.
- Any trustee may take actions pursuant to section 107(f) of CERCLA, section 311(f)(5) of the CWA, or section 1006 of the OPA including but not limited to, any of the following:
 - Requesting that an authorized agency issue an administrative order or pursue injunctive relief against the parties responsible for the discharge or release; or
 - Requesting that the lead agency remove, or arrange for the removal of, or provide for remedial action with respect to, any oil or hazardous substances from a contaminated medium pursuant to section 104 of CERCLA or section 311 of CWA.

1730 Federal Natural Resource Trustees

Trustees in Federal agencies act on behalf of the public as trustees for natural resources. Natural resources means land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources managed or controlled by the United States (including the resources

of the exclusive economic zone).

The following section describes the Trustees for natural resources and provides a brief description of the resources that may be potentially impacted as a result of an oil spill or hazardous material release. Natural resources include land, fish, wildlife, biota, water, ground water, drinking water supplies, and other such resources. This list is provided for informational purposes and is not intended to be all-inclusive.

Trustee	Resources
Secretary of Agriculture	Natural resources located on, over, or under land administered by the USDA.
Secretary of Commerce	<p>Natural resources managed or controlled by DOC and for natural resources managed or controlled by other federal agencies that are found in, under, or using waters navigable by deep draft vessels, tidally influenced waters, or waters of the contiguous zone, the exclusive economic zone, and the outer continental shelf.</p> <p>Examples of the Secretary's trusteeship include the following natural resources and their supporting ecosystems: marine fishery resources; anadromous fish; endangered species and marine mammals; and the resources of National Marine Sanctuaries and National Estuarine Research Reserves.</p> <p>The National Marine Fisheries Service (NMFS) is responsible for the stewardship of the nation's ocean resources and their habitat.</p> <p>Under the <i>Marine Mammal Protection Act</i> and the <i>Endangered Species Act</i>, the NMFS works to recover protected marine species while allowing economic and recreational opportunities.</p>
Secretary of Defense	Federal Natural Resource Trustees are the Department of Agriculture, the Department of Commerce/NOAA, the, the Department of Energy, and the Department of Interior.
Secretary of Energy	Natural resources located on, over, or under land administered by the USDOE.

Secretary of the Interior	<p>Natural resources managed or controlled by the DOI.</p> <p>Examples of the Secretary's trusteeship include the following natural resources and their supporting ecosystems: migratory birds; anadromous fish; endangered species and marine mammals; federally-owned minerals; and certain federally managed water resources.</p> <p>The Secretary of the Interior is also the trustee for those natural resources for which an Indian tribe would otherwise act as trustee in those cases where the United States acts on behalf of the Indian tribe.</p>
Secretary for the Land Managing Agencies	<p>Natural resources located on, over, or under land administered by the United States, the trustee shall be the head of the department in which the land managing agency is found. The trustees for the principal federal land managing agencies are the Secretaries of DOI, USDA (Forest Service), DOD, and DOE.</p>
Head of Authorized Agencies	<p>Natural resources located in the United States but not otherwise described in this table, the trustee shall be the head of the federal agency or agencies authorized to manage or control those resources.</p>

1731 U.S. Department of the Interior

Agency	Duties
Office of Environmental Policy and Compliance	<p>OEPC is the initial contact for notification and for overall coordination of DOI's trustee activities. U.S. DOI's primary focus is stewardship of natural, cultural, and historical resources. Any such resource is relevant to the OEPC when contacted as a "Federal Trustee." See <i>U.S. Department of the Interior, Regional Environmental Officer</i> in Enclosure 0000, RCP Contacts in one list.xlsx at https://www.nrt.org/site/doc_list.aspx?site_id=114.</p>

<p>Fish and Wildlife Service</p>	<p>The federal authority for managing migratory birds, threatened and endangered species, anadromous fish, and lands in the National Wildlife Refuge system.</p> <p>While the FWS will respond to oil & hazardous materials spills most of the time, other services may be impacted, such as the Bureau of Indian Affairs, the Bureau of Land Management, the Bureau of Reclamation, and the National Park Service.</p> <p>The Regional Director is responsible for all FWS activities in the Region. Region 8 covers California, Nevada, and the Klamath Basin. Field Supervisors oversee all regulatory activities within each Field Office area.</p>
<p>Bureau of Land Management (BLM)</p>	<p>Among the BLM lands, the primary program is the National Landscape Conservation System. This includes some National Monuments, Wild and Scenic Rivers, and wilderness study areas. BLM also manages the California Coastal National Monument.</p>
<p>Bureau of Reclamation (BR)</p>	<p>The Bureau's major resources include hydroelectric projects (e.g., dams), irrigation and water supply projects (e.g., the Central Valley Project).</p>
<p>Bureau of Safety and Environmental Enforcement (BSEE)</p>	<p>BSEE, formerly the Minerals Management Service, develops, oversees, and enforces safety and environmental standards for offshore energy and mineral operations. Under OPA-90, BSEE is responsible for federal oversight of oil discharge planning and preparedness activities for regulated facilities located in both state and federal offshore waters. These responsibilities include review and approval of Oil Spill Response Plans (OSRP), inspections of offshore oil spill response equipment, and unannounced exercises to test plan holder readiness.</p>

National Park Service (NPS)	The NPS primarily manages the National Park system which includes National Parks, National Recreation Areas, National Historic Sites, and National Monuments. These include such major areas as Whiskeytown, Lake Mead, and Golden Gate National Recreation Areas and Channel Islands, Pt Reyes, Lassen, Yosemite, Sequoia-Kings Canyon, Death Valley, Saguaro and Organ Pipe National Parks among others. The National Park Service also has specific expertise under the National Historic Preservation Act.
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1731.1 California Coastal National Monument

All unappropriated or unreserved lands and interest in lands owned or controlled by the United States in the form of islands, rocks, exposed reefs, and pinnacles above mean high tide within 12 nautical miles of the shoreline of the State of California were designated as the *California Coastal National Monument* (CCNM) by Presidential Proclamation on January 11, 2000. It is managed by the Bureau of Land Management. The monument is described at <https://www.blm.gov/programs/national-conservation-lands/california/california-coastal>.

The *California Coastal National Monument Resource Management Plan* is at <https://eplanning.blm.gov/epl-front-office/eplanning/legacyProjectSite.do?methodName=renderLegacyProjectSite&projectId=69063>.

The U.S. Bureau of Land Management (BLM), the CDFW and the CA Department of Parks and Recreation (CDPR) have agreed to collaborate in the management of the California Coastal National Monument. The full text of the *Memorandum of Understanding between BLM, CDPR and DFW (formerly DFG for Management of the California Coastal National Monument, May 2000* is at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=33726&inline>.

1731.2 California Islands Wildlife Sanctuary

The MOU referenced above includes as *Attachment A* regarding *Management of the California Islands Wildlife Sanctuary* which starts on page 5..

1740 State Natural Resource Trustees

State trustees act on behalf of the public as trustees for natural resources, including their supporting ecosystems, within the boundary of a state or belonging to, managed by, controlled

by, or appertaining to such state. The governor of a state is encouraged to designate a state lead trustee to coordinate all state trustee responsibilities with other trustee agencies and with response activities of the RRT and the FOSC/OSC.

1741 Arizona

The Director of the Arizona Department of Environmental Quality (ADEQ) is the Natural Resource Trustee for the State.

As Natural Resource Trustee, the Director should be notified of potential damages to Arizona natural resources resulting from releases in accordance with the *Comprehensive Environmental Response, Compensation and Liability Act of 1980* (CERCLA), the *Superfund Amendment and Reauthorization Act of 1986* (SARA), and the *Clean Water Act* (CWA). The Director also coordinates with federal and state natural resource trustees to assess injury resulting from releases or threatened releases of hazardous substances, to conduct investigations, planning and other activities necessary to fulfill the obligations of the State Natural Resource Trustee.

1742 California

California's Natural Resource Trustees are the Director of the Department of Fish and Wildlife, the California Water Resources Control Board, the State Lands Commission, and the Department of Toxic Substances Control. Additional trustees are authorized to act under state law, including the Department of Parks and Recreation and the University of California. See *Office of Spill Prevention and Response* and *State Warning Center* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

1743 Nevada

Nevada's Natural Resource Trustees are in the Nevada Division of Environmental Protection (NDEP). See *Division of Environmental Protection* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

1750 Tribal Natural Resource Trustees

Initial notification of spills that may affect tribal lands is made through the Department of the Interior and the Unified Command provides for tribal involvement during response activities.

The tribal chairs (or heads of the governing bodies) of Indian tribes, or a person designated by the tribal officials, shall act on behalf of the Indian tribes as trustees for the natural resources, including their supporting ecosystems, belonging to, managed by, controlled by, or appertaining to such Indian tribe, or held in trust for the benefit of such Indian tribe, or

belonging to a member of such Indian tribe, if such resources are subject to a trust restriction on alienation. Such officials are authorized to act when there is injury to, destruction of, loss of, or threat to natural resources, including their supporting ecosystems as a result of a release of a hazardous substance.

1751 EPA Consultation Policy with Tribes

EPA recognizes the importance of respecting tribal treaty rights and its obligation to do so. The purpose of the new *Guidance for Discussing Tribal Treaty Rights* (Guidance) is to enhance EPA's consultations under the *EPA Policy on Consultation and Coordination with Indian Tribes* (EPA Consultation Policy). The Guidance outlines affirmative steps for EPA tribal consultations in situations where tribal treaty rights or treaty-protected resources may be affected by an EPA action. The EPA Consultation Policy, the Guidance, related documents, and answers to frequently asked questions are at <http://www.epa.gov/tribal>.

1760 Foreign Natural Resource Trustees

Pursuant to section 1006 of the Oil Pollution Act, foreign trustees shall act on behalf of the head of a foreign government as trustees for natural resources belonging to, managed by, controlled by, or appertaining to such foreign government.

1800 Accident Investigations

The agency or agencies) that investigates an accident varies by the type of accident. See the table below.

Accident Location/Type	Investigator
Accidents involving vessels in the marine environment.	The local U.S. Coast Guard Sector supported by the USCG Eleventh District, Prevention Department.
Oil spills that impact the marine environment regardless of source.	The local U.S. Coast Guard Sector.
	California Office of Oil Spill Prevention and Response
Oil spills that impact the inland zone.	U.S Environmental Protection Agency
	California Office of Oil Spill Prevention and Response

Chemical spills.	U.S Environmental Protection Agency
	California EPA, Department of Toxic Substances Control https://www.dtsc.ca.gov/
The NTSB is an independent federal agency that determines the probable cause of transportation accidents and promotes transportation safety, and assists victims of transportation accidents and their families.	National Transportation Safety Board (NTSB) http://www.nts.gov
The CSB is an independent federal agency that conducts root-cause investigations of chemical accidents at fixed industrial facilities. Root causes are usually deficiencies in safety management systems, but can be any factor that would have prevented the accident if that factor had not occurred. Their jurisdiction includes petroleum refineries.	U.S. Chemical Safety Board (CSB) http://www.csb.gov

1810 Marine Casualties

If an oil spill occurs as a result of a marine casualty or accident, the U.S. Coast Guard Prevention Department conducts an investigation to determine the cause. Marine casualties include, but are not limited to allisions, collisions, fires, flooding, groundings, personnel casualties and sinkings. In the event of a marine casualty, the Investigations Officer (IO) on duty is notified. The IO begins the fact-finding phase of the investigation which includes the collection of evidence, conducting witness interviews and, if required, directing drug and alcohol testing. Marine casualty investigation activities are conducted outside the Unified Command structure.

The USCG Investigations Program investigates deaths, injuries, property loss, and environmental damage to determine the associated human performance, equipment, and environmental causal factors; investigates negligence by merchant mariners, misconduct, incompetence, and dangerous drug use leading to appropriate remedial suspension or revocation of merchant mariner credentials; criminal and civil offenses for assessment of civil penalties or referral for criminal prosecution; and analyzes trends and risks in the maritime industries.

Where they have jurisdiction, the state may or may not choose to conduct an investigation into the cause of the casualty. For pollution investigation, the California Department of Fish and

Wildlife, Office of Spill Prevention and Response (OSPR) conducts the investigation. Typically, this is done in tandem with the U.S. Coast Guard's investigation.

1811 Investigating Oil Spills

For oil spills in the marine environment, the local Coast Guard Sector's Pollution Investigator seeks to discover the source of the spill and the responsible party (RP). If a RP is identified, a Notice of Federal Interest (NOFI) issued, and a Letter of Warning or a Notice of Violation (NOV) may be issued. Pollution investigation activities are also conducted outside the Unified Command structure.

Spills from facilities are investigated in the same way as a spill from a vessel. The California Office of Spill Prevention and Response (OSPR) conducts the investigation. Typically, this is done in tandem with the U.S. Coast Guard's investigation. The USCG and OSPR have concurrent jurisdiction when a spill occurs in state waters.

OSPR investigates oil pollution incidents from vessels and facilities into state waters as set forth in Cal. PRC Code §5650.

1812 Oil Spills from Facilities

For pollution events from facilities, Pollution Responders from the local Coast Guard Sector will work in tandem with Prevention's Facility Inspectors to determine the cause and any associated violations of law that may have contributed to the discharge. The investigation into the cause of the discharge and any pollution prevention violations of Title 33 Code of Federal Regulation, Part 154 and 156 will be investigated by Prevention staff. Response staff will ensure all clean-up activities are conducted in accordance with the Facility's Response Plan and the National Oil and Hazardous Substances Pollution Contingency Plan.

1813 Oil Spills Due to Exploration or Production

A Memorandum of Agreement (MOA) between the USCG and the Bureau of Safety and Environmental Enforcement) identifies both agencies' responsibilities when investigating incidents on the U.S. Outer Continental Shelf. It is numbered OCS 05.. The MOA is available at: <https://www.bsee.gov/interagency-agreements-mous-moas/bsee-uscg-moa-ocs-05-18jan2017>.

The BSEE investigates incidents related to systems associated with exploration, drilling, completion, workover, production, pipeline, and decommissioning operations for hydrocarbons and other minerals on the OCS.

1900 Federal Laws and Regulations

For more information about these federal laws, see the *USCG Marine Environmental Response and Preparedness Manual* (a.k.a. MERMAN), U.S. Coast Guard COMDTINST M16000.14A at https://media.defense.gov/2018/Oct/01/2002046527/-1/-1/0/CIM_16000_14A.PDF. If the link above does not work. Go to the ‘directory of manuals’, <https://www.dcms.uscg.mil/Our-Organization/Assistant-Commandant-for-C4IT-CG-6/The-Office-of-Information-Management-CG-61/About-CG-Directives-System/Commandant-Instruction-Manuals/>. Scroll half-way down the page and search under the heading *Commandant Instruction Manuals* for ‘marine’ and select the link to the ‘Marine Environmental Response’ manual.

1910 Pollution Control

1911 Federal Water Pollution Control Act

Federal Water Pollution Control Act (FWPCA) of 1961 has been amended by the Clean Water Act of 1966 and the Oil Pollution Act of 1990. The FWPCA is the primary law used for response and enforcement of oil pollution and hazardous substance discharges on or upon the navigable waters of the United States, or tributaries thereof. The FWPCA requires that, upon a discharge or release, proper notifications are made.

1912 Clean Air Act

The CAA is codified at 42 USC §7401 et seq. Among the purposes of the CAA is “to protect and enhance the quality of the Nation’s air resources so as to promote public health and welfare and the productive capacity of its population.” Under CAA authority, EPA has established National Ambient Air Quality Standards (NAAQS) at 40 CFR §50, for six “criteria” air pollutants (i.e., carbon monoxide, lead, nitrogen dioxide, ozone, particle pollution, and sulfur dioxide).

FOSC/OSCs/OSCs should be aware of the potential for air pollution caused by an oil spill or a hazardous substance release.

1913 Oil Pollution Act of 1990

The *Oil Pollution Act of 1990* (OPA-90) amended the FWPCA and made the following provisions:

- Established a \$100 million pollution fund.
- Defined “reportable and harmful quantities”.
- Authorized the federal assumption of clean-up operations.

- Established the National Response Center.

Section 311 of the *Clean Water Act of 1966* (CWA), 33 USC §1321, gives the federal government the authority to respond to a discharge or substantial threat of discharge of oil or a hazardous substance into or upon the navigable waters of the United States, adjoining shorelines, or the waters of the contiguous zone. Section 311(c)(1) of CWA gives the President the authority to remove or arrange for removal of a discharge and mitigate or prevent a substantial threat of a discharge at any time; direct or monitor all private, local, state, and federal actions to remove a discharge; and if necessary, destroy a vessel discharging, or threatening to discharge, by whatever means are available.

The full text of OPA-90 is at <http://www.gpo.gov/fdsys/pkg/USCODE-2010-title33/html/USCODE-2010-title33-chap40.htm>.

1913.1 Oil Spill Liability Trust Fund

The *Oil Pollution Act of 1990* (OPA-90) streamlined and strengthened the Coast Guard's and EPA's ability to prevent and respond to catastrophic oil spills in numerous ways. OPA-90 established the *Oil Spill Liability Trust Fund* (OSLTF), a trust fund financed by a tax on oil that is available to clean up spills when the responsible party is incapable or unwilling to do so.

OPA-90 requires oil storage facilities and vessels to submit to the federal government plans detailing how they will respond to large discharges. EPA has published regulations for aboveground storage facilities; the Coast Guard has done so for oil tankers. OPA-90 also requires the development of Area Contingency Plans to prepare and plan for oil spill response on a regional scale.

1913.2 Limits of Liability

Each responsible party for a vessel or facility from which a hazardous substance is released, or which poses a substantial threat of a discharge, is liable for removal costs as specified in OPA-90 which provides that “the total of the liability of a responsible party and any removal costs incurred by, or on behalf of, the Responsible Party, with respect to each incident shall not exceed...” (*those listed in the table below*).

Tank Vessels	A. single-hull vessels, including a single-hull vessel fitted with double sides only or a double bottom only.	\$3,000 per gross ton
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	B. a vessel other than a vessel referred to in above.	\$1,900 per gross ton
a vessel >3,000 gross tons that is...	a vessel described in subparagraph (A),	\$22,000,000
	a vessel described in subparagraph (B),	\$16,000,000
a vessel ≤ 3,000 gross tons that is...	a vessel described in subparagraph (A),	\$6,000,000
	a vessel described in subparagraph (B)	\$4,000,000
Any other vessel	\$950 per gross ton, or \$800,000 whichever is greater	
An offshore facility, except a deepwater port,	All removal costs plus \$75,000,000	
Any onshore facility and a deepwater port,	\$350,000,000	

1914 Clean Water Act of 1966

The Oil Pollution Act of 1990 (OPA-90) amended the Clean Water Act (CWA) and made the following provisions:

- Created a \$1 billion pollution fund commonly called the Oil Spill Liability Trust Fund (OSTLF).
- Allowed the On-Scene Coordinator (OSC) to issue administrative orders. (40 CFR §300).
- Increased civil penalties.
- Increased spiller liabilities.

A summary of the Clean Water Act is at: <https://www.epa.gov/laws-regulations/summary-clean-water-act>.

The Clean Water Act applies to navigable waters, which the Act defines as the Waters of the United

States (WOTUS). See <https://www.epa.gov/nwpr>. **1914.1 Cleanup Orders under the Clean Water Act**

In the event of an oil spill in the inland or coastal zone the U.S. Environmental Protection Agency and the U.S. Coast Guard may separately, or jointly, issue a federal Clean Water Act order to ensure the cleanup of the spilled material. The order requires the Responsible Party to continue its cleanup work and prevent further contamination.

Such orders establish federally enforceable timelines and cleanup requirements for the long-term response action that is required. They ensure that response work continues until the impacted area is restored.

1915 CERCLA a.k.a. Superfund

The *Comprehensive Environmental Response, Compensation and Liability Act* (CERCLA), (42 USC §9601 *et seq* and 40 CFR Part 307) provides the authority to respond to uncontrolled releases of hazardous substances from inactive hazardous waste sites that endanger public health and the environment. CERCLA established prohibitions and requirements concerning closed and abandoned hazardous waste sites, provided for liability of persons responsible for releases of hazardous waste at such sites, and established a trust fund to provide for cleanup when no responsible party could be identified. In addition, CERCLA provided for the revision and republishing of the *National Contingency Plan* (NCP, 40 CFR §300) that provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also provides for the National Priorities List, a list of national priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action.

CERCLA provides a federal Superfund to clean up uncontrolled or abandoned hazardous-waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment. Through the Act, the Coast Guard and EPA have the power to seek out those parties responsible for any release and assure their cooperation in the cleanup.

An overview of CERCLA can be found at <https://www.epa.gov/superfund/superfund-cercla-overview>.

1916 Rivers and Harbors, Marine Debris and Refuse

1916.1 Rivers and Harbors Act of 1899

The Rivers and Harbors Appropriation Act of 1899 is the oldest federal environmental law in the United States. Although many activities covered by the Rivers and Harbors Act are regulated under the Clean Water Act, the 1899 Act retains independent vitality. The full title is *33 USC §403 - Obstruction of navigable waters generally; wharves; piers, etc.; excavations and filling in*. To see the full text, go to <https://uscode.house.gov/search/criteria.shtml>. In the 'Jump To' field, type "33" and "403".

The Rivers and Harbors Act is administered by the U.S. Army Corps of Engineers. However, authority to administer Section 9 of the Rivers and Harbors Act of 1899, which applies to bridges and causeways in/over/on navigable waters of the U.S., was removed from the Corps of Engineers and re-delegated to the U.S. Coast Guard under the provisions of the DOT Act of 1966 because the Corps owns and operates many bridges and may not regulate themselves due to conflict of interest.

The *Rivers and Harbors Act* also makes it a misdemeanor to excavate, fill, or alter the course, condition, or capacity of any port, harbor, channel, or other areas within the reach of the Act without a permit. The Act also made it illegal to dam navigable streams without a license (or permit) from Congress; this included for the purposes of hydroelectric generation.

1916.2 Marine Debris Act of 2012

The *Marine Debris Research, Prevention, and Reduction Act* legally established the NOAA Marine Debris Program. The Act initially set a \$10M authorization for NOAA for implementation of the program, including identification and impact assessments, removal and prevention activities, research, and development of alternatives to fishing gear posing threats to the marine environment, and outreach activities. The Act also re-establishes the Interagency Marine Debris Coordinating Committee, which NOAA chairs.

In cases where marine debris poses an oil or hazardous substance threat, the FOSC/OSC shall notify the NPFC to ensure availability of the OSLTF. The FOSC/OSC/OSC shall also notify the regional NOAA Marine Debris Coordinator. The FOSC/OSC/OSC shall lead removal actions to address the oil and hazardous substance threat in accordance with the FWPCA, CERCLA, and NCP. It is important to note that actions taken are in response to actual or substantial threat from the oil or hazardous substance, and not to marine debris itself. When the potential source is mitigated, the FOSC/OSC/OSC's authority under the NCP does not apply to the remaining marine debris.

Marine debris may include materials from on shore, flotsam (the wreckage of a ship or its cargo found floating on or washed up by the sea), jetsam (unwanted material or goods thrown overboard, jettisoned, from a ship), and wrack (marine vegetation driven by ocean currents).

In most cases, marine debris is removed by state and local entities, volunteers, and NGOs. Extreme circumstances, such as earthquakes, floods, storms, or massive maritime accidents may generate marine debris in such magnitude that normal response becomes overwhelmed. Such marine debris occurrences, when triggered by natural disasters, are termed “Severe Marine Debris Events”. Severe marine debris events add to the risks normally posed by marine debris, risks which include hazards to navigation, impacts to the environment, commerce, and public health and safety.

Under the 2012 reauthorized Marine Debris Act, during a severe marine debris event response the NOAA Marine Debris Program shall develop interagency plans, including lead coordination with states, tribes, and other federal agencies; assess debris composition, volume, and trajectory; and estimate potential impacts.

In 2011, marine debris that originated from the March 11, 2011 earthquake and tsunami in northeastern Japan arrived along the U.S. West Coast. Alaska, California, Hawaii, Oregon, and Washington State developed Governor-approved marine debris emergency response plans. During any future marine debris emergency responses these plans would be put into effect for use. The *Japan Tsunami Marine Debris (JTMD) Concept of Operations*, maintained by the California Governor’s Office of Emergency Services is at

<http://www.caloes.ca.gov/PlanningPreparednessSite/Documents/JapanTsunamiMarineDebrisConops2012.pdf>.

1916.3 Refuse Act

The Refuse Act makes it a misdemeanor to discharge refuse matter of any kind into the navigable waters, or tributaries thereof, of the United States without a permit. For the text of 33 USC §407 - *Deposit of refuse in navigable waters generally*, go to <https://uscode.house.gov/search/criteria.shtml>. In the ‘Jump To’ field, type “33” and “407”.

1917 Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) of 1976, is at 42 USC §6901 *et seq.* RCRA gives EPA authority to control hazardous waste from "cradle-to-grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also sets forth a framework for the management of non-hazardous solid wastes. The 1986 amendments to RCRA enabled EPA to address environmental problems that could result from underground tanks storing petroleum and other hazardous substances. For more information

see <https://www.epa.gov/rcra>. See *Superfund + RCRA* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

1918 Abandoned Barge Act of 1992

The *Abandoned Barge Act of 1992*, 46 USC Chapter 47, states that the owner or operator of a barge may not abandon it on the navigable waters of the United States and prescribes penalties and criteria for removal. For the full text, go to <https://www.law.cornell.edu/uscode/text/46/subtitle-II/part-B/chapter-47>.

1919 Intervention on the High Seas Act of 1974

The IHSA Implements the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969. The IHSA permits the Secretary of the department in which the Coast Guard is operating to take any action deemed necessary to prevent, mitigate, or eliminate a threat of oil pollution resulting from a maritime accident beyond the coastal States' territorial sea. The IHSA requires an express determination by the Secretary that there exists a "grave and imminent" danger to the coastline or related interests of the United States from pollution or threat of pollution of the sea by oil before exercising such authority. It authorizes the Secretary to use the revolving fund established pursuant to the FWPCA as a means of funding extraordinary federal activities under the IHSA, and specifies those limits within which the Secretary must act and those criteria upon which action should be taken.

1920 Natural Resources

1921 Coastal Zone Management Act of 1972

The CZMA (16 USC §1456 et seq.) encourages coastal states to develop and implement Coastal Zone Management Plans (CZMPs), with the aim of preserving, protecting, developing, and restoring the coastal zones and coastal resources. Most coastal states have federally approved CZMPs.

1922 Endangered Species Act of 1973

The *Endangered Species Act (ESA)* provides a program for the conservation of threatened and endangered plants and animals and the habitats in which they are found. The U.S. Department of the Interior, Fish and Wildlife Service (FWS) maintains the list of endangered species and threatened species. Anyone can petition FWS to include a species on this list. The law prohibits any action, administrative or real, that results in a "taking" of a listed species, or adversely affects designated critical habitat. Likewise, import, export, interstate, and foreign commerce of listed species are all prohibited.

The mission of the *Endangered Species Act (ESA)*, first passed in 1973, is to:

- Identify species needing protection and provide means to protect and recover those species;
- Provide for consideration of listed species prior to any federal action that may affect them; and
- To prevent and punish takings of those species and harm to their critical habitats. The ESA’s main Sections of 4, 7, and 9 provide the basic structure for the Act’s missions.

ESA Section 4	Contains the process for the initial listing of endangered and threatened species and for critical habitat. This section also mandates that the U.S. Fish and Wildlife Service or National Marine Fisheries Service prepare recovery plans for each listed species in order to identify and implement the measures needed to protect and recover each species.
ESA Section 7	Mandates that all federal agencies carry out programs for the conservation of endangered and threatened species. Section 7 requires that federal agencies consult with the Secretary of the Interior or the Secretary of Commerce before taking any action which may affect a listed species in order to ensure that the action will not jeopardize the continued existence of the endangered species or result in the destruction or modification of critical habitat for the species. The Act is applicable to all federal departments and agencies and to all actions “authorized, funded or carried out” by them including federal permits, federal funding, or other federal action necessary to a private project. Federal actions that may affect a listed species require consultation between the permitting agencies and the USFWS or NMFS. The consultation process may include issuance of a “biological opinion” by the agency with jurisdiction over the endangered species assaying the nature and extent of the jeopardy posed to that species by the agency action.

ESA Section 9	Prohibits “takings” of listed species. The statute defines “takings” as including to “harass, harm, pursue, hunt, wound or attempt to engage in any such conduct.” “Harass” is further defined by regulations as an intentional or negligent act or omission that significantly disrupts normal behavior patterns of the endangered animal. Similarly, “harm” is defined to include activity that results in significant environmental modification or degradation of the endangered animal’s habitat.
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For more information about ESA consultation, see *Endangered Species Act, Consultation* in the [Index](#).

1923 Magnuson-Stevens Fishery Conservation Act of 1976

The *Magnuson-Stevens Fishery Conservation Act* is the primary law governing marine fisheries management in U.S. federal waters. For detailed information see <https://www.fisheries.noaa.gov/resource/document/magnuson-stevens-fishery-conservation-and-management-act>.

For information about Essential Fish Habitat, see <https://www.fisheries.noaa.gov/national/habitat-conservation/essential-fish-habitat>.

For points of contact, see NOAA, National Marine Fisheries Service, Essential Fish Habitat in [Enclosure 0000, RCP Contacts in one list.xlsx](https://www.nrt.org/site/doc_list.aspx?site_id=114) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

1924 Migratory Bird Treaty Act of 1918

The Migratory Bird Treaty Act of 1918 (MBTA), codified at 16 USC §703–712 implements a convention for the protection of migratory birds between the United States and Great Britain. The Act makes it unlawful without a waiver to pursue, hunt, take, capture, kill, or sell birds listed therein as migratory birds. The statute does not discriminate between live or dead birds and also grants full protection to any bird parts including feathers, eggs, and nests. Over 1,000 species are currently on the list. For more information see *Executive Order: 13186: Protection for Migratory Birds* in the [Index](#).

1925 Bald and Golden Eagle Protection Act

Eagles, both bald and golden, are listed under the MBTA, but they are also protected by an additional law, the *Bald and Golden Eagle Protection Act (BGEPA)*. Like the MBTA, the

BGEPA has implementing regulations that provide for permits to carry out specific types of activities. These regulations are codified at 50 CFR §22.

1926 Marine Mammal Protection Act of 1972

All marine mammals are protected under the Marine Mammal Protection Act (MMPA). The MMPA prohibits, with certain exceptions, the "take" of marine mammals in U.S. waters and by U.S. citizens on the high seas, and the importation of marine mammals and marine mammal products into the U.S.

Jurisdiction for MMPA is shared by U.S. Fish and Wildlife Service (Service) and the National Marine Fisheries Service (NMFS). The Service's Branch of Permits is responsible for issuing take permits when exceptions are made to the MMPA.

1927 National Marine Sanctuaries Act of 1972

The National Marine Sanctuaries Act (NMSA) authorizes the Secretary of Commerce to designate and protect areas of the marine environment with special national significance due to their conservation, recreational, ecological, historical, scientific, cultural, archeological, educational or esthetic qualities as national marine sanctuaries. Day-to-day management of national marine sanctuaries has been delegated by the Secretary of Commerce to NOAA's Office of National Marine Sanctuaries.

1930 Cultural and Tribal Resources

1931 National Historic Preservation Act of 1966

The National Historic Preservation Act (NHPA) (Public Law 89-665; 54 USC §300101 et seq.) is legislation intended to preserve historical and archaeological sites in the United States of America. It outlines responsibilities for federal and state governments to preserve our nation's history.

1931.1 Section 106 of the NHPA

Section 106 of the NHPA requires federal agencies to consider the effects of their actions on historic and archeological sites that are listed or eligible for listing on the National Register of Historic Places (National Register). The National Register is overseen by the U.S. Department of the Interior, National Park Service. The NHPA requires compliance with Section 106 of the Act for any activity that requires a federal permit or license, uses federal funds, or is otherwise assisted or approved by the U.S. government. Regulations for accomplishing this responsibility have been published in the Federal Register at 36 CFR §800: Protection of Historic Properties.

Note that the National Register is not sufficient to determine all of the properties that need to be considered in an Area Contingency Plan (ACP) for oil spills, as properties that *could* be determined eligible for inclusion in the National Register must also be considered.

1932 National Programmatic Agreement of 1997-98

In 1997-98, the Programmatic Agreement (PA) was adopted to ensure that historic properties are taken into account in the planning for and conduct of emergency response. The PA facilitated the ability of federal agencies to develop and execute a uniform nationwide approach to handling historic properties before and during emergency response. Implementation of the PA ensured that emergency response is in compliance with Section 106 of the NHPA. However, FOSC/OSC/OSC compliance with the NHPA and the PA may or may not fulfill other compliance obligations associated with culturally significant resources protected under other federal, Tribal Response, state and/or local laws and regulations.

To brief members of the Unified Command about their responsibilities under the NHPA, you can use the following one-page, two-sided handout.

[Enclosure 1932: Cultural Resource Policy Handout](#) at

<https://www.nrt.org/sites/114/files/1932%20Cultural%20Resource%20Policy%20handout.pdf>
f.

Full title: *The Programmatic Agreement on Protection of Historic Properties during Emergency Response under the National Contingency Plan* (Programmatic Agreement). See https://www.achp.gov/sites/default/files/programmatic_agreements/2019-03/nw.doi_.dod_.epa_.noaa_.nps_.uscg_.emergency%20response%20to%20national%20oil%20and%20hazardous%20substances%20pollution%20contingency%20plan.pa_.2002.pdf.

1933 Region IX Programmatic Agreement

The Regional Programmatic Agreement (known locally as the *EPA Region IX Implementation Guidelines*) consists of a memorandum and attachments/checklists which condense the procedures set forth in the National PA. The intent of developing these checklists is to condense requirements set forth in the National PA, and to use these checklists as a means of fulfilling the parties' obligations under Section 106 of the NHPA.

The EPA Region IX Implementation Guidelines have four attachments:

Attachment 1: FOSC/OSC Procedure to Activate Historic Properties Specialists is also known as the FOSC/OSC Checklist.

Attachment 2: Historic Properties Specialist Checklist

Attachment 3: Documentation of Actions that Resulted in Injury to Historic Properties is a fill-in form.

Attachment 4: List of SHPOs and THPOs for the states in Region IX is a list that was current when the Implementation Guidelines were adopted in 2011.

Enclosure 1933: EPA Region IX Historic Properties Guidelines at <https://www.nrt.org/sites/114/files/1933%20EPA%20RIX%20Historic%20Prop%20Guidelines.pdf>. {works 2021/05/24}

One of the essential *pre-spill* planning elements is the identification of those who will be responsible for providing reliable and timely expertise on historic properties to the FOSC/OSC/OSC during emergency response, i.e., the FOSC/OSC/OSC's HPS. The PA provides that historic properties expertise and support may be obtained by the FOSC/OSC by implementing an agreement with state or federal agencies that have an HPS on staff or by executing a contract with experts identified in the ACP.

The PA calls for the identification of the person "...who will be responsible for providing expertise on historic properties matters to the FOSC/OSC during emergency response."

1934 Protecting Tribal Resources

The Unified Command that is established to respond to a spill initially notifies federally-recognized tribes about spills through the U.S. Department of the Interior, Bureau of Indian Affairs. The Unified Command involves tribes in response activities to the greatest extent possible. Tribes that are not federally-recognized but are state-recognized are notified via the state warning system or command center. Tribes that may be impacted are also listed in local Area Contingency Plans and Geographic Response Plans.

The National Park Service has *A Quick Guide for Preserving Native American Cultural Resources*, see <https://www.nps.gov/history/tribes/Documents/106.pdf>.

Spills may affect tribes either by occurring on or near a reservation or by threatening treaty reserved resources (including habitat) or cultural areas. Tribes with reservations and/or usual and accustomed hunting or fishing grounds within the state of California must be notified by the FOSC/OSC in the event that a spill may impact or threaten to impact resources. Since boundaries for usual and accustomed hunting and fishing grounds may be complicated, the Historic Properties Specialist (HPS) should consult the hazardous materials official at the Bureau of Indian Affairs (BIA) to ensure proper notifications are made. In California, the NAHC should also be consulted to assist in the identification of tribes for notification. However, it remains the FOSC/OSC's responsibility to ensure all proper notifications to tribes

are completed. Please note that the term “reservation” also includes Rancherias, pueblos, missions, villages, communities, etc., as defined by the BIA. There are 107 federally-recognized tribes in California. For a list of federally- and state-recognized tribes, see <http://www.ncsl.org/research/state-tribal-institute/list-of-federal-and-state-recognized-tribes.aspx>.

Some federally-recognized tribes have rights to land in multiple states. There may also be non-federally recognized tribal lands with historical or cultural resources at risk. This land can be identified by consulting the appropriate SHPO office or the Native American Heritage Commission (NAHC) for land in California. See <http://nahc.ca.gov/>.

In addition to land areas owned outright, many tribes have treaty rights to use of land and waters outside their reservation lands. Tribal lands abut both marine and inland waterways. Treaty rights make tribes partners in planning and, often, impacted resource owners. Further, NHPA and Section 106 consultation include resources that are of a traditional religious and cultural importance for tribes. This can apply to resources that are off reservation lands.

1935 NHPA Training

The *Advisory Council on Historic Preservation* offers training on the *National Historic Preservation Act* and the *Section 106* process. They have both beginner and advanced courses.

1940 Investigation and Enforcement

1941 Ports and Waterways Safety Act of 1972

The Ports and Waterways Safety Act, 46 USC §70118, specifically authorizes state law enforcement officers to enforce Coast Guard safety and security zones. Safety zones protect what’s outside (i.e. the public). Security zones protect what’s inside (i.e. a high-value asset). This statute has been implemented by the Coast Guard through memoranda of agreement with state and local law enforcement agencies.

All safety zones are established by regulation. 33 CFR §165 Subpart C sets forth procedures for the COTP to establish Safety Zones for the protection of vessels, water, and shore areas. See <http://www.ecfr.gov/>. Search first for the Title and then for the Part.. Temporary Safety Zones issued in response to an emergency, such as a ship fire, are issued as final rules and are effective immediately upon signing.

Permanent safety and security zones are also noted in the *United States Coast Pilot* at <https://nauticalcharts.noaa.gov/publications/coast-pilot/index.html>. Click California on the map. Locate the chapter that covers the area of interest. Click the icon to the right to download

the chapter. Search the chapter to find the text "safety zone" or "security zone".

1942 SAFE Port Act of 2006

The *Security and Accountability for Every Port Act of 2006* (or *SAFE Port Act*, Public Law 109–347) was an Act of Congress in the United States covering port security to which an online gambling measure was added at the last moment.

The port security provisions were one of 20 bills introduced to Congress in the wake of the Dubai Ports World controversy that aimed to block Dubai Ports World acquiring P&O Ports, and more generally to stop key U.S. ports falling into the hands of foreign owners.

1943 Outer Continental Shelf Lands Act of 1953

The *Outer Continental Shelf Lands Act* (OCSLA), 43 USC §1331, requires that the Secretary of the Department of Interior conduct an investigation and issue a report on deaths, serious injuries, fires, and pollution events that occur as the result of offshore oil and gas operations. The Bureau of Safety and Environmental Enforcement (BSEE) carries out these investigations on behalf of the Secretary throughout America's 1.7 billion acres of the Outer Continental Shelf (OCS). To see the text of the *Outer Continental Shelf Lands Act*, go to <https://uscode.house.gov/search/criteria.shtml>. In the 'Jump To' field, type "43" and "1331".

The BSEE, within the U.S. Department of the Interior (DOI), is responsible for the development, oversight, and enforcement of safety and environmental standards for offshore energy and mineral operations. Under the OPA, BSEE is responsible for federal oversight of oil discharge planning and preparedness activities for regulated facilities located in both state and federal offshore waters. These responsibilities include review and approval of Oil Spill Response Plans (OSRP), inspections of offshore oil spill response equipment, and unannounced exercises to test plan holder readiness.

The USCG serves as the pre-designated Federal On-Scene Coordinator (FOSC/OSC) for oil and hazardous substance pollution incidents that occur, or have the potential to occur, within the coastal zone.

While each agency has separate authorities and responsibilities for preparedness, the USCG and BSEE coordinate execution of these responsibilities as closely as possible. A number of Memoranda of Understanding between BSEE (or its predecessor the Minerals Management Service) and the USCG or the EPA are at https://www.bsee.gov/search?search_api_views_fulltext=mou.

1950 Other Legislation

1951 Robert Stafford Disaster Relief & Emergency Assistance Act

When the President of the United States issues a National Disaster Declaration, additional funding for emergency operations such as maritime transportation system recovery, firefighting, search and rescue, and oil and hazardous material response, may be available through the *Robert T. Stafford Disaster Relief and Emergency Assistance Act*.

For more information about the Stafford Act and how to use it to fund response, see section [*6500: 'Robert T. Stafford Disaster Relief and Emergency Assistance Act'*](#).

1952 Emergency Planning & Community Right-to-Know Act of 1986

EPCRA was created to help communities plan for chemical emergencies. It also requires industry to report on the storage, use and releases of hazardous substances to federal, state, and local governments. EPCRA requires state and local governments, and Indian tribes to use this information to prepare their community from potential risks.

For more information, see <https://www.epa.gov/epcra>.

1953 Emergency Management Assistance Compact

EMAC, the Emergency Management Assistance Compact is an all hazards - all disciplines mutual aid compact that serves as the cornerstone of the nation's mutual aid system. The EMAC was ratified by U.S. Congress (PL 104-321) in 1996 and is law in all 50 states, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands. It describes a nationwide process for implementing state-to-state mutual aid agreements. See <https://emacweb.org/>.

The EMAC offers assistance during governor-declared states of emergency through a responsive, straightforward system that allows states to send personnel, equipment, and commodities to help disaster relief efforts in other states. Through EMAC states can also transfer services, such as shipping newborn blood from a disaster-impacted lab to a lab in another state.

1954 Occupational Safety and Health Act of 1970

Federal law requires public and private personnel engaged in emergency cleanup operations to have taken safety and other training. The primary federal regulations are the *Occupational Safety and Health Act* standards for hazardous waste operations and emergency response, in 29 CFR §1910.120, which apply to cleanup operations at an “uncontrolled hazardous waste

site.” The *Occupational Safety and Health Act* classifies an area impacted by oil as such a site; however, the regulations do not automatically apply to an oil spill cleanup. There must be a reasonable possibility for employee exposure to safety or health hazards.

In a response taken under the NCP, the Safety Officer within the Unified Command should make available an occupational safety and health program for the protection of workers at the response site, consistent with, and to the extent required by, 29 CFR §1910.120.

Contracts relating to a response action under the NCP should contain assurances that the contractor at the response site will comply with this program and with any applicable provisions of the *Occupational Safety and Health Act* (OSHA), including state laws with plans approved under section 18 of the Act.

Worker safety and health issues during emergency response activities are addressed in the *Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities* at <https://www.cdc.gov/niosh/docs/85-115/default.html>.

2000 Command

Response actions should be monitored or implemented by the most immediate level of government with the authority and capability to conduct such activities. The responsible party's (RP) representative should always respond, followed by local government agencies and by state agencies when local capabilities are exceeded.

If the Federal On-Scene Coordinator (FOSC/OSC) from the USCG or U.S. EPA determines there is a federal interest, or if an incident response is beyond the capability of the state, either agency may take those response actions deemed necessary to protect the public health or welfare or the environment.

Federal OSCs have response authorities pursuant to OPA, CERCLA and the NCP. Federal OSCs assume the role of Federal On-Scene Coordinator for responses under their jurisdictional authorities (i.e., discharges of oil to navigable waters of the United States, releases of hazardous substances, and releases of pollutants or contaminants that pose a substantial threat to public health, welfare or the environment). Additionally, FOSC/OSC/OSCs have the authority to request response support and assets from other Federal agencies under the National Response Framework as described in the NCP.

The National Response System (NRS) supports the responsibilities of the FOSC/OSC, under the direction of both OPA and CERCLA removal authorities. The FOSC/OSC plans and coordinates response strategy on scene, using the support of the National Response Team (NRT), Regional Response Team (RRT), states' representatives, Area Committees, Special Teams, Regional incident management teams, contractor resources and responsible parties as necessary, to supply the needed trained personnel, equipment, and scientific support to complete an immediate and effective response to any oil or hazardous substance discharge.

When appropriate, the NRS is designed to incorporate a unified command and control support mechanism generally consisting of the FOSC/OSC, the State On-Scene Coordinator, the Local Government On-Scene Coordinator, and the Responsible Party On-Scene Coordinator. Additionally, any other agency official that has statutory authority for managing a specific aspect of the emergency may participate in the Unified Command. Tribal officials with jurisdictional authority for the incident are considered "local officials" for the purposes of this plan. The unified command structure allows for a coordinated response and takes into consideration the federal, state, local, and responsible party concerns and interests when implementing the response strategy consistent with the NCP.

The National Contingency Plan for Discharges of Oil or Hazardous Materials (NCP) requires FOSC/OSCs to direct response efforts and coordinate all other actions at the scene of a spill or release. The NCP further states that the basic format for the response management system is a structure that brings federal and state agencies, and the responsible party together to achieve an effective and efficient response. This structure is known as a Unified Command (UC).

The FOSC/OSC directs the response to a discharge or release by coordinating with agency officials who may have authority over other aspects of the emergency, such as fire suppression, search and rescue, medical triage, crowd control, evacuations, etc. No single agency has sole jurisdictional authority to direct all aspects of a major emergency. That is the primary reason for establishing a Unified Command. Under Unified Command, no agency with statutory authority for the emergency abdicates that authority. Unified Commanders seek to reach consensus on decisions relating to the response.

2100 Unified Command

The Unified Command (UC) cadre consists of the Federal On-Scene Coordinator (FOSC/OSC), the State On-Scene Coordinator (SOSC), the Responsible Party On-Scene Coordinator (RPOSC), and the Local Government On-Scene Coordinator (LGOSC) (if any). The UC is responsible for assigning individuals from within the response community (federal, state, local or private), as necessary, to fill key ICS management positions. According to ICS doctrine, any position that is left vacant remains the responsibility of the position senior to it. One person may be assigned to more than one position.

Detailed information about all positions within the Unified Command are in the incident management handbooks (IMH) published by several agencies. See *Incident Command System, Incident Management Handbooks (IMH)* in the [Index](#) to find links to those handbooks.

2101 Why Is the RP Part of the Unified Command?

The National Contingency Plan, 40 CFR §300.135(d), says in part:

The OSC's/RPM's efforts shall be coordinated with other appropriate federal, state, local, and private response agencies. OSCs/RPMs may designate capable persons from federal, state, or local agencies to act as their on-scene representatives. State and local governments, however, are not authorized to take actions under subparts D and E of the NCP that involve expenditures of the Oil Spill Liability Trust Fund or CERCLA funds unless an appropriate contract or cooperative agreement has been established. The basic framework for the response management structure is a system (e.g., a unified command system), that brings together the functions of the federal government, the state government, and the responsible party to achieve

an effective and efficient response, where the OSC maintains authority.

2102 Federalizing a Spill

If a response action is being conducted through local, tribal, state, or responsible party efforts, the FOSC/OSC will ensure adequate oversight of response actions. If local, tribal, or state agencies or the responsible party cannot or will not initiate action to eliminate the threat, or if the removal is not being conducted properly, the FOSC/OSC will advise the government agency or responsible party that the federal government will take appropriate response actions under existing authorities to protect public health, welfare and the environment and bill the RP at a later time. This is known as federalizing a spill response.

2103 Tie Breaking

Notwithstanding the desire for consensus, the FOSC/OSC retains ultimate authority for decisions relating to a response. Since the inception of the NCP, only in few extraordinary situations did a FOSC/OSC have to exert his/her own authority independent of the UC when other members were not present or were unable to reach consensus within a reasonable time.

2104 Transfer of Command during an Incident

There are occasions when command responsibilities must transfer from one FOSC/OSC to another. The transition between FOSC/OSCs is often necessitated by a determination of where the greatest impact of a spill is likely to take place. For example, a spill may originate in the inland zone where EPA has primary responsibility, but the majority of the impact from the spill may occur in the coastal zone where the USCG has responsibility.

For incidents involving an oil discharge or substantial threat of an oil discharge to surface waters, where a transition among federal agencies is necessary after the Oil Spill Liability Trust Fund is opened and a Federal Project Number (FPN) assigned, the change in FOSC/OSC should be documented in a Pollution Report (POLREP). Both agencies must also submit cost documentation to account for funds expended during their tenure as FOSC/OSC.

Regardless of the circumstances that necessitate a transition from one jurisdiction to another clear and effective communication between the incoming and outgoing FOSC/OSC is essential to an efficient and safe response. At a minimum, the transition period should last at least one operational period and one complete planning cycle so that the incoming FOSC/OSC is thoroughly briefed on all aspects of the response operation. Every effort must be made to share all pertinent information during this briefing period. The transition from one FOSC/OSC to another should not be considered complete until the on-coming FOSC/OSC acknowledges they are comfortable and the transition is documented with a decision memo.

2110 Federal On-Scene Coordinator

The role of the Federal On-Scene Coordinator (FOSC/OSC) is defined by the *National Oil Spill and Hazardous Substances Contingency Plan* (NCP) at 40 CFR §300. The NCP defines the FOSC/OSC as the federal official pre-designated by EPA or the USCG to coordinate and direct responses under subpart D, or the government official designated by the lead agency to coordinate and direct removal actions under subpart E of the NCP.

When the FOSC/OSC has determined that a discharge or release has occurred or there is a substantial threat of a discharge or release, he/she is authorized by the NCP to direct all private, state, or federal actions to remove the discharge or release or to mitigate or prevent the threat of such a discharge or release. In addition, the FOSC/OSC may, if necessary, destroy a vessel discharging, or threatening to discharge, by whatever means available, without regard for any other provision of law governing contracting procedures or employment of personnel by the federal government (40 CFR §300.322). The FOSC/OSC is the link between local and State emergency response communities and federal response efforts.

Upon receipt of notification of a discharge or release, the FOSC/OSC is responsible for conducting a preliminary assessment to determine the threat to public health and the environment; the responsible party and its capability to conduct the removal; and, the feasibility of a removal or the mitigation of impact.

2111 Coastal Zone – USCG

During responses to marine oil spills, local agencies are not usually involved specifically as part of a unified command, but provide agency representatives who interface with the command structure through the Liaison Officer or the state representative. When a unified command is used, the Coast Guard establishes a Command Post and Joint Information Center (JIC). The Unified Command is normally located nearby and is convenient to the site of the discharge. All responders (federal, state, local and private) are incorporated into the response organization at the appropriate level.

The Sector Commanders, or his/her designee, of U.S. Coast Guard Sector San Francisco, Sector Los Angeles/Long Beach and Sector San Diego shall serve as Federal On-Scene Coordinator and respond to discharges of oil and hazardous substances in the coastal zone of Region IX. A Coast Guard FOSC/OSC will deploy response teams varying in size based on the nature of an incident. In all cases, the FOSC/OSC assesses the discharge to determine response measures, monitors and supervises pollution countermeasures, deploys pollution control equipment as available and necessary until a certified response contractor arrives on scene, documents all phases of the response, and conducts investigations.

2112 Inland Zone – U.S. EPA

For all inland areas within Region IX, the EPA Response Team consists of On-Scene Coordinators (OSC) located in the regional office, Emergency Response Section, in San Francisco, California and field offices in Los Angeles, CA and Carson City, NV. The OSCs are responsible for determining the source, cause and responsible party, as well as initiating source control and enforcement actions as appropriate. Additional responsibilities include ensuring containment, cleanup and disposal are carried out adequately, notification is made to all Natural Resources Trustees, and activities are coordinated with federal, state, tribal, and local agencies. EPA also has access to technical support contractors who can provide technical oversight and other resources at spills and uncontrolled hazardous waste sites. In some cases, EPA's technical assistance contractor may arrive on scene prior to the OSC. The EPA contractor will cooperate with on-scene agencies but will take direction through the EPA OSC only. EPA's contractor has technical response personnel and equipment located in San Francisco and Los Angeles.

EPA uses the title "On-Scene Coordinator (OSC)" while the U.S. Coast Guard uses, "Federal On-Scene Coordinator (FOSC/OSC)". Both terms are used interchangeably throughout this Plan.

2113 FOSC/OSC Responsibilities

In accordance with the NCP, FOSC/OSC responsibilities in the event of a discharge or release include the following:

- Notify the appropriate State and federal agencies pursuant to the NCP.
- Determine whether proper response actions have been initiated. If the party responsible for the release or spill does not act promptly in accordance with the directions of the FOSC/OSC, or does not take appropriate actions, or if the party is unknown, the FOSC/OSC shall respond in accordance with provisions of the NCP and agency guidance.
- Collect information concerning the discharge or release; its source and cause; the identification of potentially responsible parties; the nature, amount, location, direction, and time of discharge; pathways to human and environmental exposure; potential impact on public health, welfare, and safety, and the environment; possible impact on natural resources and property; priorities for protecting public health and welfare and the environment; and estimated cost for the response.
- Coordinate his/her efforts with other appropriate federal, state, and local agencies.

- Consult with and inform the RRT members of reported discharges and releases through Pollution Reports in Message Format (refer to 2005.01.1(a) for POLREP guidance).
- Consult with the appropriate EPA Regional or USCG District office regarding situations potentially requiring temporary or permanent relocation. In the event of a declared disaster, coordinate with Emergency Support Function #10 (Oil and Hazardous materials) as appropriate.
- Implement appropriate community relations activities.
- Address worker health and safety issues prior to and during a response operation and comply with all worker health and safety regulations.
- Consult with the Agency for Toxic Substances and Disease Registry (ATSDR), as the FOSC/OSC deems necessary, regarding short-term and/or long-term health threats to the local community from exposures to hazardous substances, pollutants and/or contaminants.
- Coordinate with the U.S. EPA Office of Radiation and Indoor Air (ORIA) and the Department of Energy (DOE) in emergencies involving radiological hazards.
- As requested by the NRT or RRT, the FOSC/OSC shall submit to the RRT a complete report on the removal operation, the actions taken, and the lessons learned. The report shall record the situation as it developed (e.g., a chronology of events), the actions taken, the resources committed, the problems encountered, the lessons learned and the recommendations for specific actions that need to be taken to improve emergency preparedness and response at all levels of government and private industry. When appropriate, the NRF is designed to incorporate a Unified Command generally consisting of the FOSC/OSC, the State On-Scene Coordinator, the Local Government On-Scene Coordinator, and the Responsible Party On-Scene Coordinator. Additionally, any other agency official that has statutory authority for managing a specific aspect of the emergency may participate in the Unified Command. Tribal officials with jurisdictional authority for the incident are considered “local officials” for the purposes of this plan. The unified command structure allows for a coordinated response and takes into consideration the federal, state, local, and responsible party concerns and interests when implementing the response strategy consistent with the NCP.

The FOSC/OSC works with the members of the Unified Command to reach consensus in a timely manner on decisions regarding the mitigation of an incident involving an oil discharge or hazardous substance release. However, the FOSC/OSC retains his or her authority to

respond and mitigate a discharge or release as deemed necessary to protect public health, welfare or the environment during hazardous substance release responses, local agencies usually assume a leading role in the Unified Command.

2114 How to Identify the On-Scene Coordinator

Section 300.120(b) of the NCP states, “In general, USCG Captains of the Port (COTP) shall serve as the designated OSCs for areas in the coastal zone for which an ACP is required under Clean Water Act section 311(j) and EPA Regional Administrators shall designate OSCs for areas in the inland zone for which an ACP is required under CWA section 311(j).”

The Department of Defense and the Department of Energy shall serve as OSCs in the circumstances described in the table below.

Type of Incident	Who Provides FOSC/OSC and RPM*
On, or when the sole source of the release is from, any facility or vessel under the jurisdiction, custody or control of the Department of Defense (DOD), or the Department of Energy (DOE)	Department of Defense -or- Department of Energy
Off-post and off-site, or potential off-post and off-site release	The DOD or DOE FOSC/OSC may ask the RRT co-chair to provide support by facilitating FOSC/OSC and RRT coordination and communication. Decisions regarding RRT agencies' support would, however, be made as usual by the DOD or DOE FOSC/OSC.
Incidents involving DOD military weapons and munitions or weapons and munitions under the jurisdiction, custody, or control of DOD.	DOD
All removal actions that are not emergencies.	Federal agencies other than EPA, USCG, DOD, or DOE

* Remedial Project Managers

2115 Incidents Involving More Than One Area

Only one FOSC/OSC serves as Unified Commander at any time during the course of a response to a single incident, regardless whether the spill covers multiple areas, ACPs or federal Regions (40 CFR §300.140). In the coastal zone, the primary consideration in determining which Captain of the Port (COTP) is to be the FOSC/OSC is based on which area is the most vulnerable or is faced with the greatest threat. If a discharge or release moves from the area covered by one ACP into another area, the authority for response actions may likewise shift.

In the inland zone, the OSC should initially come from the EPA region whose response jurisdiction is the most vulnerable or is faced with the greatest threat.

When a discharge affects two or more areas with different lead agencies having response authority (for example EPA and Coast Guard), the FOSC/OSC to be assigned as Unified Commander should be assigned from the agency that maintains the most appropriate response expertise or whose area is vulnerable to the greatest threat. If the agencies cannot agree, the applicable Regional Response Team (RRT) or Teams will designate the FOSC/OSC. See 40 CFR §300.140(b).

If two or more RRTs are unable to agree on an FOSC/OSC designation within two or more adjacent RRT areas, the National Response Team (NRT) designates the FOSC/OSC.

2116 Area Command

Under the ICS, if two or more incidents are competing for critical resources, an Area Command should be established over them. Here, the term ‘area’ refers to the area encompassed by the two incidents, not to the area described in the Area Contingency Plan. The Area Command does not have an Operations Section. Its function is to broker critical resources and to obtain more of them and to relieve the unified commands of certain common functions such as Public Information.

2117 Discharges that Affect More than One Area

According to Section 300.140(b) of the NCP, if a discharge or release affects more than one zone, determination of the FOSC/OSC should generally be based on the area vulnerable to the greatest threat. If the area vulnerable to the greatest threat cannot be determined, the Unified Commanders may want to consider establishing an organization that can adequately provide for effective response in both zones. As a general rule, spills or releases that mostly impact land are best addressed by EPA and spills that impact surface water in coastal areas are best addressed by the Coast Guard. In the case of oil and hazardous substance, pollutant or contaminant releases from shoreline facilities and for those releases that threaten or have

resulted in sediment, soil, or other shoreline contamination, the RRT co-chairs and coordinators and FOSC/OSCs from both agencies should consult on how best to address contamination on or close to, the jurisdictional border.

If a discharge or release affects areas covered by two or more Regional Contingency Plans (RCP), the response actions of all the regions concerned shall be fully coordinated as detailed in the RCPs.

Should a discharge or release affect two or more areas, EPA, USCG, DOD, DOE, or other lead agency, as appropriate, shall give prime consideration to the area vulnerable to the greatest threat in determining which agency should provide the Federal OSC or Remedial Project Manager (RPM).

The RRT(s) shall designate the federal OSC or RPM if the RRT member agencies with response authority within the affected area are unable to agree on the designation. The NRT shall designate the federal OSC or RPM if members of one RRT or two adjacent RRTs are unable to agree on the designation.

2118 First Federal Official on Scene

According to Section 300.135(b) of the NCP, the first federal official (FFO) affiliated with a National Response Team (NRT) member agency to arrive on scene of a discharge or release should coordinate activities under the NCP. That (FFO) is authorized to initiate, in consultation with the pre-designated FOSC/OSC and prior to the FOSC/OSC arrival on scene, any necessary actions normally carried out by the FOSC/OSC. Arrival of the FFO on scene does not affect the designation of the appropriate FOSC/OSC.

If the FFO determines that the FOSC/OSC should be from the other agency, that FOSC/OSC will generally accept the transfer of authority. Once that transfer has occurred, the FOSC/OSC will need to coordinate with the National Pollution Fund Center (NPFC) to ensure that only one Federal Project Number (FPN) remains open for that case, as appropriate.

2120 State On-Scene Coordinator

Each state has identified a primary agency to act as State On-Scene Coordinator (SOSC) in the event of an oil or hazardous materials spill.

2121 Arizona SOSC

ADEQ's Environmental Emergency Response Unit provides State OSCs for response. See <https://azdeq.gov/ReportEnvironmentalEmergency>.

2122 California SOSC

The *California State Oil Spill Contingency Plan* (CSOSCP) specifies which State agencies have primary authority for oil spills in California depending on the source and location of the spill. A link to the plan is at <https://www.wildlife.ca.gov/OSPR/Contingency>. All these agencies can be contacted via the State Warning Center. See [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114 for the phone number.

Type of Oil Spill	Primary California State Agency
<p>In or Threatening State Waters</p> <ul style="list-style-type: none"> • Surface Waters • Groundwater 	<ul style="list-style-type: none"> • Office of Spill Prevention and Response • Regional Water Quality Control Board
<p>On Land (with no release to state waters)</p> <ul style="list-style-type: none"> • Off-highway spills that do not affect the waters of the state 	<ul style="list-style-type: none"> • Governor's Office of Emergency Services (Cal OES)
<ul style="list-style-type: none"> • Drilling rigs or producing facilities 	<ul style="list-style-type: none"> • Division of Oil, Gas & Geothermal Resources (DOGGR)
<ul style="list-style-type: none"> • Hazardous materials spills 	<ul style="list-style-type: none"> • Department of Toxic Substances Control (DTSC)
<ul style="list-style-type: none"> • Impacting wildlife or habitat 	<ul style="list-style-type: none"> • Office of Spill Prevention & Response determines whether cleanup actions have mitigated impacts or potential impacts on wildlife and habitat.
<p>On Highways & Roads</p> <ul style="list-style-type: none"> • Local Roads • State Highways 	<ul style="list-style-type: none"> • The law enforcement agency with primary traffic investigation authority on the road where the incident occurred. • California Highway Patrol (CHP)
<p>Involving Railroads</p>	<p>The Railroad Accident Prevention and Immediate Deployment Force (RAPID) is a multi-agency group within California EPA that provides immediate response capability for large-scale releases of toxic materials. Such spills are managed according to the <i>State Hazardous Materials Incident Prevention & Immediate Deployment Plan</i>.</p>

2123 Nevada SOSC

Request state assistance through the Department of Public Safety's Emergency Management Division (NDEM) Duty Officer, or through the appropriate State On-Scene Coordinator (SOSC) from the designated lead state agency identified below. NDEM will notify the appropriate SOSC, as follows:

- Incidents involving hazardous materials, which impact a State highway, notify Dept. of Public Safety-Highway Patrol Division (DPS-HPD).
- Incidents, other than those occurring on a State highway, involving hazardous materials, notify the Nevada Division of Environmental Protection (NDEP). NDEP should also be notified for hazardous materials incidents on a State highway with off-highway impacts.
- Radiological, biological, explosive and terrorist incidents have their own SOSCs as described in the *State of Nevada Hazardous Materials Emergency Response Plan, 2005* at https://ndep.nv.gov/uploads/documents/hazmat_master.pdf.

If the designated SOSC is not on-scene, the most qualified State representative available will serve as the SOSC, until the designated SOSC arrives. The SOSC is designated as the On-Scene Coordinator when the state has jurisdictional responsibility for the incident. When legal responsibility rests with the local jurisdiction, the SOSC will be the coordinator for all state resources and will coordinate state activities at the direction of the local government IC. When legal responsibility rests with both the state and the local jurisdiction, the SOSC will serve as the state representative in a unified command structure.

2130 Responsible Party On-Scene Coordinator

The Responsible Party designates a qualified individual to represent them as Responsible Party On-Scene Coordinator (RPOSC) in the Unified Command.

2140 Local Government On-Scene Coordinator

There is no region-wide or statewide policy regarding the involvement of local governments in the Unified Command. If a local Area Contingency Plan (ACP) specifies a policy for their involvement, it will be in Section 2100 Command.

When a spill occurs, the FOSC/OSC evaluates the nature and severity of the spill, jurisdictions that may be affected, potential for public involvement, and the need for local agency support. The FOSC/OSC may then exercise the option to invite a Local Government On-Scene Coordinator (LGOSC) to participate in the Unified Command. Or, local governments may request appointment of an LGOSC through the State On-Scene Coordinator (SOSC). The state and local governments must agree on one, ICS- and incident-qualified person to represent the local governments. If an LGOSC is not appointed, the SOSC represents the interests of local government.

Upon appointment, the LGOSC no longer represents their agency or jurisdiction but instead represents the responsibilities and interests of all cities, towns, special districts, and county governments in the affected areas.

2141 Managing Candidates for LGOSC

Knowledge of ICS and the National Contingency Plan for Oil is essential for the LGOSC because local government employees are typically not familiar with the response system required by the NCP. Instead they are familiar with the response system described by the Stafford Act for Presidentially-declared emergencies. The two systems are completely different.

If an Area Committee wants the option of including an LGOSC in their unified command, they should develop guidelines to address the following issues with respect to the LGOSC. Otherwise it may be very difficult to satisfy all the local governments. Similar information should be captured in the RECP, such as, selection, qualifications, demonstrated competencies (training), duties / responsibilities, coordination, authorities, interaction with established regional emergency management governance structures

2142 Arizona LGOSCs

There is no statewide policy or statute in Arizona regarding the designation or involvement of a Local Government On-Scene Coordinator.

2143 California LGOSCs

The California Governor's Office of Emergency Services (Cal OES) manages the LGOSC program and appoints an LGOSC to the Unified Command when appropriate. When a spill occurs, Cal OES Regional Staff conduct a conference call with the Operational Areas during a response and from that call an LGOSC is chosen. Cal OES and Operational Areas should be in full coordination. The LGOSC Program is considered a regional program.

The Operational Area is responsible for managing their candidates for LGOSC, and insuring the Operational Area has an up-to-date pool of names and that the individuals are trained and certified.

In California, local Regional Emergency Coordination Plans (RECP) specify the response of local governments and state agencies in response to a major regional emergency incident or disaster. This RECP document resides with Cal OES.

2144 Nevada LGOSCs

There is no statewide policy or statute in Nevada regarding the designation or involvement of a Local Government On-Scene Coordinator.

2150 Command Staff

A typical Command Staff includes the following basic positions:

- Safety Officer
- Public Information Officer
- Liaison Officer
- Scientific Support Coordinator

Additionally, the Unified Command may appoint other officers to the Command Staff to manage other areas of concern as needed: Legal Officer, Intelligence Officer. However, the UC cadre should be mindful to maintain a span of control of five plus-or-minus two people reporting to the UC cadre. Span of control may be maintained by appointing a Chief of Staff who reports directly to the Unified Command cadre and supervises several Command Staff Officers.

2160 Tribes and the Unified Command

If a spill or response impacts tribal resources or tribal members, the FOSC/OSC may invite the tribe to send representatives to the Command Cadre, the Liaison Staff, the Historic Properties Specialist's staff, and/or the Environmental Unit.

2170 Response Objectives and Priorities

Objectives and priorities are captured on ICS Form 202-CG "Incident Objectives". This form is completed by the Planning Section Chief under the direction of the Unified Commanders

during the Unified Command Objectives Meeting. This meeting occurs at the beginning of each operational period. Objectives and priorities may be written to apply only to the next operational period, or they may be written to apply to the entire response. Either way, the wording should make it clear which operational period(s) the objective or priority applies to.

For more information about the Incident Command System, the Planning “P”, meetings, the Incident Action Plan (IAP) and forms, see *Incident Command System* in the [Index](#).

2171 Objectives

Objectives are concise descriptions of tasks the Unified Commanders want the Operations Section (usually) to accomplish during the next operational period.

Sample objectives might include:

- Ensure the safety and health of response personnel and the public for the duration of the incident.
- Continue on-water skimming operations in areas where the thickness of the oil slick is sufficient.
- Continue to enforce an on-water safety zone around all on-water operations on a 24x7 basis.

Although incident objectives are operational objectives to be accomplished by the Operations Section, this does not prevent officers on the Command Staff from setting their own objectives by writing plans. The Safety Plan is a standard part of the Incident Action Plan (IAP). Other officers of the Command Staff may write their own plans (Public Information Plan, Liaison Plan) but these are not normally included in the IAP.

2172 Priorities

Priorities are optional. They are captured in section 4, “Operational Period Command Emphasis” of ICS Form 202-CG. Priorities are a way for the Unified Commanders to tell the Operations Section Chief and other members of the General Staff how to apply resources to competing objectives and in what order to complete them.

For oil spill response, the standard priorities are as follows but the Unified Commanders make the final decision regarding protection priorities.

- Resources and sites critical to the preservation of public health and safety, such as drinking water intakes, desalinization plants, power plant intakes, other health/safety intakes, and critical public use areas at risk.

- Next, environmentally sensitive sites that could be impacted are ranked A, B & C in Volume II of each Area Contingency Plan with the highest priority being A.
- Finally, economically sensitive or significant sites are ranked D, E, & F in Volume II of each Area Contingency Plan.

The UC may use the predetermined response strategies in the ACP for environmentally sensitive sites and economically significant sites. However, the UC and the responders should remain flexible and be receptive to additional information when instituting the booming plan or other countermeasures. Factors such as unusually high winds, strong tidal currents or freshets, equipment limitations, and the type of oil can have a significant effect on the proposed strategy. Modifications to the planned strategies should be expected.

The protection priority of an entire area may be changed, with good reason. For example, if the Scientific Support Coordinator (SSC) or a Department of Fish and Wildlife biologist determine that a certain section of marshland or coastline, previously categorized as a lower priority (or not categorized at all), is currently a breeding ground for an endangered species, then protection of that site may be given the highest priority even at the expense of a previously categorized A site located adjacent to it.

2180 Support from the Regional Response Team

The RRT should be activated at the request of an FOSC/OSC when an actual or potential discharge or release meets the requirements below. For contact information, see *Regional Response Team (RRT)*, *Activating* in the [Index](#).

- Exceeds the response capability available to the Federal On-Scene Commander (FOSC/OSC) in the place where it occurs;
- Crosses state/FOSC/OSC boundaries;
- Requires RRT approval of applied response technologies such as dispersants, surface cleaning agents or *in-situ* burning.
- May pose a substantial threat to the public health, welfare, environment, or to regionally significant amounts of property;
- Otherwise meets the definition of a major discharge as defined in the National Contingency Plan (NCP); or
- Is requested by the FOSC/OSC or an RRT Representative.

Once a co-chair asks to activate the RRT or receives such a request from another RRT representative, the other co-chair will be notified of the decision. The USCG co-chair will

assume the lead for coastal incidents and the EPA co-chair will be the lead for inland incidents. Notification of remaining RRT members will be the responsibility of the lead co-chair and may be delegated to the RRT Coordinator or other staff representatives.

When activated, the RRT may meet or convene by teleconference at the call of the incident-specific Chair and may:

- Monitor and evaluate reports from the FOSC/OSC. The RRT may advise the FOSC/OSC on the duration and extent of the federal response and may recommend to the FOSC/OSC specific actions in responding to the discharge or release;
- Request other federal, state/commonwealth, or local government, or private agencies to provide resources under their existing authorities to assist the FOSC/OSC's response efforts;
- Help the FOSC/OSC prepare information releases for the public and for communications with the National Response Team (NRT);
- If circumstances warrant, make recommendations to the regional or district head of the agency providing the FOSC/OSC that a different FOSC/OSC should be designated; and
- Submit Pollution Reports (POLREPS) to member agencies and other entities as significant developments occur.

The RRT will be deactivated by the incident-specific Chair typically after a discussion with the RRT Agencies. The incident-specific Chair, or his/her representative, will be responsible for notifying RRT members of the deactivation. The dates and times for activation and deactivation should be included in POLREPS or other summaries generated by the FOSC/OSC or the incident-specific Chair and/or documented in summaries of meetings or teleconferences with the RRT.

2200 Safety Officer

In addition to the authority to direct a response to a discharge or release, the FOSC/OSC has specific responsibilities for addressing worker health and safety concerns at a response scene, in accordance with the NCP (40 CFR §300.150).

The Safety Officer (SOFR) writes the Site Safety Plan (ICS-208). IT is part of the Incident Action Plan (IAP) that describes all operational activity. The Safety Plan is the primary source of safety information for everyone who works at the incident. All response personnel are required to read and sign the Site Safety Plan prior to commencing activities.

The Safety Officer and the Medical Unit Leader in the Logistics Section are only concerned with the health and safety of responders assigned to the Unified Command. If emergency medical services (EMS) are needed by the public those providers will be assigned to the Operations Section.

2210 Public Health Issues for the Safety Officer

Some public health issues the Safety Officer may consider include:

- Extending the Operational Risk Management (ORM) process to non-USCG responders such as Vessel-of-Opportunity (VOO) operators, and volunteers.
- Identifying lab capacity at both the state and federal levels to handle the large number of samples that may need to be analyzed in a reasonable time.
- Providing environmental sanitation to prevent health issues in commercial lodging a.k.a. “hotels” because these facilities lack basic monitoring for hygiene, sanitary, and safety for oil or cleanup workers.

2220 Worker Health and Safety

The Safety Officer determines what PPE is needed for worker health and safety in accordance with OSHA standards. Additionally, the Safety Officer may send Assistant Safety Officers (ASOFR) into the field to observe operations in progress. Assistant Safety Officers can stop operations any time they judge the activity to be potentially unsafe. Assistant Safety Officers are always assigned to observe high-risk activities such as diving, *in-situ* burning and the use of large cranes.

2230 Hazardous Waste Operations and Emergency Response Standard

The U.S. Occupational Health and Safety Administration (OSHA) enforces the Hazardous Waste Operations and Emergency Response Standard, 29 CFR §1910.120 (e)(3)(i), known as HAZWOPER. HAZWOPER training is designed to protect those who work at or visit uncontrolled hazardous waste operations such as oil spills. There are three classes as shown in the table.

Course	Description
8-hour HAZWOPER annual refresher course	The course must meet OSHA’s requirements for 8 hours of annual refresher training for workers at hazardous waste sites who have already completed their initial 40-hour or 24-hour HAZWOPER training. This course is designed for general site workers who <u>remove</u> hazardous waste or who are <u>exposed</u> or <u>potentially exposed</u> to hazardous substances or health hazards. See https://trainex.org and search for “HAZWOPER”.
24-hr HAZWOPER	This course covers broad issues pertaining to hazard recognition at work sites. HAZWOPER 24 Hour is required for employees <u>visiting</u> an <i>Uncontrolled Hazardous Waste Operation</i> (such as an oil spill) mandated by the Government.
40-hr HAZWOPER	This course is designed for workers who are <u>involved in clean-up operations</u> , voluntary clean-up operations, emergency response operations, and storage, disposal, or treatment of hazardous substances or uncontrolled hazardous waste sites. HAZWOPER 40 Hour is required for employees working on a project consisting of an <i>Uncontrolled Hazardous Waste Operation</i> mandated by the Government. See https://trainex.org and search for “HAZWOPER”.

The U.S. EPA’s TRAINEX web site advertises HAZWOPER training that is free to federal employees. You can search the site by course title, location or date. See <https://trainex.org>. There are also many commercial providers.

2300 Public Information Officer

The Public Information Officer (PIO) develops and releases information about the incident to the news media, the general public and incident personnel. For details of the PIOs responsibilities, see *Incident Command System, Incident Management Handbooks* in the [Index](#) for a list of incident management handbooks published by several agencies.

The index of this Regional Contingency Plan as well as local Area Contingency and

Geographic Response Plans are a valuable source of technical information about a wide range of issues.

The Public Affairs web site for the U.S. Coast Guard, Eleventh District, “United States Coast Guard News”, is at

<https://www.news.uscg.mil/News-by-Region/11th-District-Pacific-Southwest/>.

2310 Joint Information Center (JIC)

The National Response Team maintains a Technical Assistance Document to describe the preferred model the Joint Information Center should follow. The *JIC Model, 2013* is at

<https://nrt.org/Main/Resources.aspx?ResourceType=Public%20Information&ResourceSection=2>.

During a major oil spill where media activity is expected to last several days, the Public Information Officer (PIO) should establish a Joint Information Center (JIC) to coordinate the public affairs activities of participating agencies and parties. The role of the JIC is to:

- Provide multiple phone lines for incoming calls, staffed by knowledgeable individuals;
- Ensure state and federal government Public Information Officers (PIO) a.k.a. Public Affairs Officers (PAO) are available to the media;
- Develop and produce joint news releases under the Unified Command, which must be approved by the federal, state and RP On-Scene Coordinators, and provide copies to the Unified Command and each Section of the ICS; and
- Schedule, organize, and facilitate news conferences.

It is recommended that the JIC be in the same building as the Incident Command Center, but in a room separate from other sections. PAOs need to be close to the UC and other sections for effective communication flow, but not so close as to disturb response operations.

2320 Media Briefings

Pollution incidents that generate significant media interest require news conferences, at least in the first few days of emergency response. These media gatherings provide an opportunity for the Unified Commanders (FOSC/OSC, SOSC, & RP) to tell the media what has happened and what they’re doing about it. It also gives reporters a chance to photograph and ask questions of senior response officials.

2330 Segregating the Media

If possible, a “Press Room” separate from the incident command post should be established for reporters’ use, at spills that attract a great deal of media interest. This room may be used by reporters covering the story and would ideally be equipped with several phone lines and electrical outlets, and a couple of desks or tables and chairs. There should be a way to display maps, status boards, and other visual aids that could be used on-camera, and a table near the door for the latest news releases, fact sheets, and advisories. If there is room for seating and a podium with PA system, the pressroom is a good site for all formal news conferences. This allows TV news crews to set-up cameras in advance, and reporters to do stand-ups and call-ins from an easy, central location.

2340 California Spill Watch & DFW News Room

The Cal Spill Watch page is the California Department of Fish and Wildlife's one-stop spot for information about current response efforts to pollution incidents in California. The site is populated with information when a spill incident occurs. See <https://calspillwatch.dfg.ca.gov/>.

- For beach information, contact local authorities.
- For fisheries information, and other Department of Fish & Wildlife news, see <https://www.wildlife.ca.gov/News>.

2400 Liaison Officer

Only one Liaison Officer (LOFR) is assigned for each incident, including incidents operating under a Unified Command and multi-jurisdiction incidents. The LOFR is assigned to the incident to direct stakeholder services, including coordination of assisting and/or cooperating Agency Representatives. The LOFR is assisted by Assistant Liaison Officers (there is no co-Liaison or Deputy) and Technical Specialists (THSP).

The LOFR should be designated before, or at the same time as, the Public Information Officer because these two work closely together. The PIO communicates with the general public. The Liaison Officer communicates with spill response stakeholders in other agencies, among elected officials, among impacted businesses, and with non-governmental organizations (NGOs).

The LOFR is a conduit of information and assistance between entities and does not normally have delegated authority to make decisions on matters affecting that agency’s participation in the incident; however, the UC/IC may assign additional responsibilities or authorities in order

to effectively manage complex incidents. Due to the complexity or scope of the incident, the LOFR may require one or more Assistant Liaison Officers (ALOFR) within the ICP or in the field in order to maintain a manageable span of control. An ALOFR is a representative of the Unified Command and is not a representative of any specific agency.

2410 Selecting the Liaison Officer

The Liaison Officer should come from one of the agencies that provide an On-Scene Coordinator. Employees of the Responsible Party (RP) are not eligible to fill the role of Liaison Officer. The RP may assign someone from their corporate communications staff to function as an Agency Representative for the corporation. See *Agency Representatives* in the [Index](#).

A qualified LOFR should be trained and experienced in all duties of the LOFR and Liaison staff. Ideally, s/he would hold a formal qualification from his/her agency. The LOFR should have a strong general knowledge of relevant federal, state and local government agencies and elected officials, the Incident Command System, protection strategies, spill cleanup methods, response equipment, permitting, waste management, local shorelines and associated resources requiring protection during an oil spill response. S/he should be familiar with federal and state natural resources trustee agencies.

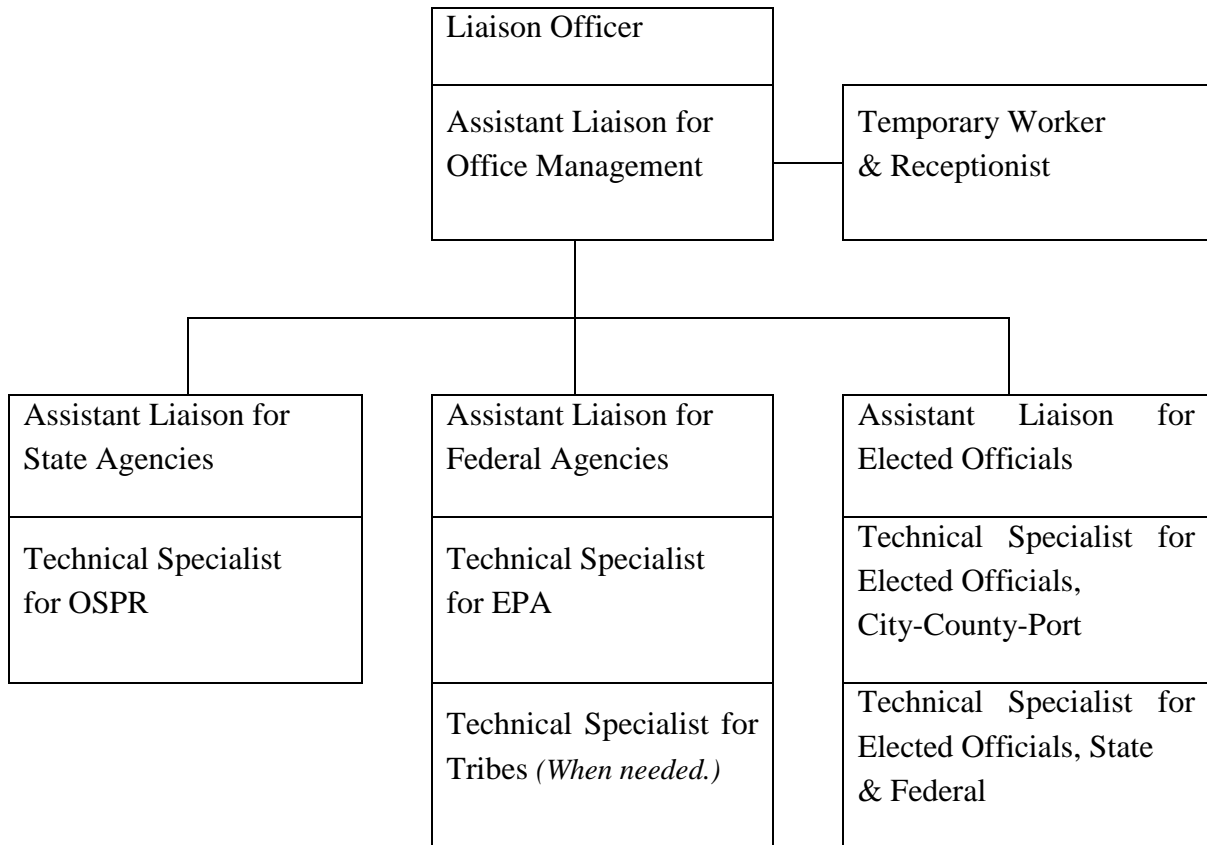
2411 In the Coastal Zone

In the Coastal Zone, this position is subject to RRT9 staffing policies. See section 2800 below.

Because incidents in California are usually multi-jurisdictional and have several agencies involved, the Unified Commanders should immediately designate a Liaison Officer (LOFR). Good candidates include the USCG Regional Response Team Coordinator, USCG Area Committee Coordinator, and trained Liaison Officers from CA DFW OSPR since those people are knowledgeable about the USCG, CA DFW OSPR, ICS, spill response, and local, state and federal agencies.

2420 Organizing the Liaison Staff

The following organization was used successfully during the COSCO BUSAN Response in San Francisco Bay during November-January 2007. Note that the only person who reports to the LOFR is the Office Manager. This is because the LOFR spends most of his or her time in meetings or away from the Liaison work space consulting with other members of the Unified Command. The Office Manager should spend most or all of his or her time in the Liaison work area ensuring that all issues are addressed correctly and efficiently.



The receptionist can be a worker with general office skills hired from a temporary agency. This person stays by the phone and the computer to ensure that all calls are answered quickly, messages are quickly routed or delivered, and email is acknowledged immediately and assigned to the appropriate staff member.

Assistant Liaisons should have some training in ICS and the role of the Liaison Officer. Technical Specialists only need to know the subject area they are handling questions for.

2430 Agency Representatives

With or without a Local Government On-Scene Coordinator (LGOSC), local agencies may be represented by their own Agency Representative(s) who work with the incident Liaison Officer. (See the *Unified Command* section above for more information about LGOSCs.) An Agency Representative is assigned to an incident from an assisting or cooperating agency. He/she is delegated full authority to make decisions on all matters affecting their agency's participation at the incident. Agency Reps work for their agency, not for the Unified Command or the Liaison Officer.

2440 LOFR Job Aids and Personal Qualification System

The *USCG Liaison Manual and Liaison Officer Job Aid, 2015* is at https://homeport.uscg.mil/Lists/Content/Attachments/2916/LOFR_Job_Aid-JUL15-1.pdf.

The *USCG Liaison Officer Personal Qualification System (PQS)* is available on <http://www.emsics.com/us-coast-guard-ics-task-books/>.

2450 Coordinating Versus Cooperating Agencies

The Coordinating Agency for an incident is that federal agency which owns, has custody of, authorizes, regulates, or is otherwise deemed responsible for the radiological facility or activity involved in the incident (NRP).

A Cooperating Agency (40 CFR §1508.5) means any federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in the incident. A state or local agency of similar qualifications or, when the effects are on lands of tribal interest, a Native American tribe may, by agreement with the lead agencies, also become a cooperating agency.

2460 Research Request Form

During an oil spill, academic researchers may wish to gain access to the spill site in order to conduct research. It is up to the Unified Commanders which, if any, requests they approve. A form may be placed on the incident web page as an online form.

Enclosure 2460: Research Request Form at <https://www.nrt.org/sites/114/files/2460%20Research%20Request%20form.docx>.

2500 Legal Officer

In most cases, a Legal Officer is not assigned to the Command Staff. However, a Duty Legal Officer for the U.S. Coast Guard and an Attorney Advisor for the U.S. EPA are always available. See *U.S. EPA, Attorney Advisor or U.S. Coast Guard, Legal Officer* in *Enclosure 0000, RCP Contacts in one list.xlsx* at https://www.nrt.org/site/doc_list.aspx?site_id=114.

The Eleventh Coast Guard District Legal Office should be consulted immediately upon notice of a significant spill. Agency counsel may be dispatched to serve as the Legal Officer. Agency counsel should report directly to the FOSC and are not logistics or operational staff members.

All non-federal attorney communications should be directed through the Legal Officer. This includes communications with the Responsible Party's counsel.

2600 Intelligence Officer

The Intelligence Officer is the Unified Commanders' resource for obtaining information from the intelligence community to gain better understanding of the size and scope of the emergency condition. For example, overhead imagery showing both before and after views of an incident area can yield significant insight into the nature and extent of damage or pollution.

2700 Historic Properties Officer

This position is subject to RRT9 staffing policies. See [section 2800](#) below.

2710 Responsibilities of the Historic Preservation Officer

The Historic Preservation Officer (HPO) is a member of the Command Staff in a Unified Command. The HPO's responsibilities include, but are not limited to:

- Help the FOSC/OSC meet his or her Section 106 legal obligations.
- Include among the Incident Objectives (ICS-202) a statement on protecting historic properties and cultural resource.
- Ensure the Unified Commanders understand that the relationship of the HPO to the FOSC/OSC is unique among the command staff because the HPO is responsible for helping the FOSC/OSC meet his or her legal obligations under Section 106 of the National Historic Preservation Act. These obligations do not apply to the state-, local government- or Responsible Party On-Scene Coordinator.
- If the SOSOC has similar legal obligations under their state law, then that should be made clear and added to the list of responsibilities for the HPO. The FOSC/OSC and SOSOC should be clear with the HPO about their legal obligations.
- Provide responders with instructions to ensure protection of historical properties and cultural resources via the Assignment List (ICS -204 and 204a).
- Distribute Enclosure 1932: Cultural Resource Policy Handout.
- Follow the steps in the FOSC/OSC Checklist, as appropriate.
- Document in the Unit Log (ICS-214) any actions taken that resulted in adverse impacts to historic properties or cultural resources.

- Identify culturally sensitive sites in the vicinity of a spill by consulting the California Historical Resources Information System (CHRIS), THPOs, or the trustee agency of the affected land, such as the U.S. Forest Service or the Bureau of Land Management.

2711 Hiring Historic and Cultural Resource Professionals

The Programmatic Agreement (PA) specifies the professional qualifications and standards that an HPS must meet. Only the FOSC/OSC and not the Responsible Party, may contract with experts to serve as the FOSC/OSC's HPS. An FOSC/OSC may utilize a Pollution Removal Funding Authorization (PRFA) to fund the activation of an HPS only during emergency responses to oil pollution incidents. Oil Spill Liability Trust Fund resources are not available for hiring of a specialist to assist with pre-spill planning activities.

If an FOSC/OSC chooses to obtain historic properties expertise by executing contracts with an appropriate cultural resource professional, it is possible to go through a solicitation process that includes technical input and assistance from appropriate State Historic Preservation Officers (SHPO) and cultural resource specialists from federal land-management agencies. Blanket Purchase Request Agreements may then be established with one or more companies or with one or more named individuals who may be activated during emergency response to serve as the FOSC/OSC's Historic Properties Officer or Historic Properties Specialists.

2720 Historic and Cultural Properties Contacts

See [Enclosure 0000, RCP Contacts in one list.xlsx](https://www.nrt.org/site/doc_list.aspx?site_id=114) at https://www.nrt.org/site/doc_list.aspx?site_id=114. In the 'Action/Topic' column, click the down arrow and select 'Historic Properties' to focus your search.

2730 Historic Properties Technical Advisory Group

Depending on the size and complexity of the incident, a FOSC/OSC Historic Properties Specialist (HPS) or a Historic Properties Technical Advisory Group (HPTAG) convened by the specialist may be the most effective mechanism."

The FOSC/OSC's HPS may recommend formation of an HPTAG, depending on the characteristics of the incident, to assist with the protection of historic properties during a response. Upon approval by the FOSC/OSC, the HPS is responsible for identifying individuals who would serve on the HPTAG and for serving as the chairperson for the group. The HPTAG would be inclusive of federal, state, and local trustee agencies as well as tribal representatives

such as Tribal Historic Preservation Officers (THPOs).

2800 RRT9 Staffing Policies for the U.C.

The Executive Steering Committee of RRT9, in consultation with the California Office of Spill Prevention and Response, U.S. EPA and other federal agencies, has established policies about who should staff specific positions in the Unified Command. Some of these policies ensure that Natural Resource Trustees are in positions that make recommendations concerning natural resources. Others ensure that experts with appropriate knowledge and qualifications are available when key decisions are made.

The members of the Command and General Staff who most need to know this information are the federal-, state- and Responsible Party On-Scene Coordinators, the people who appoint people affected by these policies, the Logistics Section Chief, the Supply Branch Director, and the Resource Unit Leader.

The policies are listed in the table on the next page.

Position	Appointed By	Policy
Historic and Cultural Resource Professionals	Unified Command Cadre	Only the FOSC/OSC and not the Responsible Party, may contract with experts to serve as the FOSC/OSC's Historic Properties Officer and HPS staff.
Liaison Officer		A single Liaison Officer will be assigned from either the USCG or the California Office of Spill Prevention and Response for all spills where the USCG is FOSC.
Operations Section Chief and Deputies		For incidents where the USCG is FOSC either the OSC or one of the Deputies shall be a USCG officer.
Planning Section Chief and Deputies		The Planning Section Chief or the Deputy Planning Section Chief should be from the EPA in the case of an inland spill, or from the U.S. Coast Guard in the case of a coastal spill. The Responsible Party may fill the other position.
Wildlife Branch Director and Deputy	Operations Section Chief	For spills where the U.S. Coast Guard is FOSC, the Wildlife Branch Director shall be a specialist from California OSPR or their designee. When significant risks to marine mammals or sea turtles are present, the Wildlife Branch Director may choose to activate a Deputy WBD for marine mammals/sea turtles. California OSPR, the NOAA Marine Mammal Stranding Network, the Marine Mammal Center, and the NOAA Scientific Support Coordinator can identify qualified personnel. See <i>Marine Mammal Stranding Coordinator</i> and <i>Marine Mammal Assistant Stranding Coordinator</i> , and NOAA, <i>Scientific Support Coordinator</i> in Enclosure 0000, RCP Contacts in one list.xlsx at https://www.nrt.org/site/doc_list.aspx?site_id=114 .
Environmental Unit Leader	Planning Section Chief	Whenever possible, the EUL position should be an experienced response employee of a natural resource trustee agency. The designated EUL may be assisted by a Deputy EUL provided by another trustee agency or by the RP.

Applied Response Technology Lead Technical Specialist	Environmental Unit Leader	The CA OSPR ART Lead THSP has the necessary qualifications in the coastal and inland zones and the NOAA SSC and U.S. EPA Environmental Response Team have the necessary qualifications in the coastal and inland zones respectively. These experts also have established roles with the RRT and FOSC/OSC and understand the environmental trade-off discussions that need to occur with trustee agencies. Staffing this way assures that an FOSC/OSC decision to use any ART leverages these experts' ability to incorporate, whenever possible, trustee agency input and Best Management Practices that will help support any conclusions related to the net environmental benefit that can be achieved by using ART.
Shoreline Cleanup Assessment Technique Coordinator		The SCAT Coordinator shall be a member of the California OSPR field staff.
Resources-at-Risk Technical Specialist		The RAR Technical Specialist must be the person most qualified and knowledgeable of local resources requiring protection during an oil spill response. California OSPR field staff and members of other state or federal natural resource trustee agencies possess those qualifications.

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3000 Operations

If a topic is not covered in this chapter see the local Area Contingency Plan.

3001 Coastal Access

Responders in the Divisions assigned to the Operations Section as well as Assistant Safety Officers and members of the Shoreline Cleanup and Assessment Teams (SCAT) need access to the shoreline. The *California Coastal Access Guide*, provides information on more than 1150 public access coastal areas: campgrounds, trails, recreation areas, transportation, parking, addresses, phone numbers, web sites, transit information, and hours. Information on wheelchair-accessible facilities, 170 maps and more than 360 color photographs. See <https://www.coastal.ca.gov/access/accessguide.html>.

3010 Operations Section Organization

A detailed description of each position in the Operations Sections is found in Chapter 7 of the U.S. Coast Guard, Incident Management Handbook. See *Incident Command System, Incident Management Handbooks* in the [Index](#).

3011 Operations Section Chief

The Operations Section Chief position is subject to RRT9 staffing policies.
See section 2800 above.

3011.1 Responsibilities of the Operations Section Chief

The OSC manages tactical operations directly in support of the Unified Commanders' objectives. The OSC directs preparation of operational plans, requests or releases resources, monitors progress, makes expedient changes to the Incident Action Plan, and reports those changes to the On-Scene Coordinators or Unified Commanders. These duties are explained in detail in the Incident Management Handbook referenced above.

3011.2 Selecting the Deputy Operations Section Chief

For anything larger than a small incident, the OSC should have a Deputy. The Deputy must be fully qualified to be an OSC. Typically the OSC remains in the incident command post to participate in the initial Incident Brief, the Command & General Staff meeting, the Tactics

Meeting, and the Planning Meeting. The Deputy may either be in the field or in the work area used by the Operations staff in the incident command post. There may be more than one Deputy.

3020 Notifications

Anyone witnessing an oil spill, hazardous materials release, maritime security incident, or terrorism should call the National Response Center (NRC). See *National Response Center* in *Enclosure 0000, RCP Contacts in one list.xlsx* at https://www.nrt.org/site/doc_list.aspx?site_id=114.

Most partner agencies subscribe to receive oil spill reports from the National Response Center.

To subscribe to oil spill reports from the National Response Center, send email to NRC@uscg.mil. In your email, tell them which agency you are with.

Local Area Contingency Plans contain detailed information about how and when partner agencies should be notified of a spill.

Federal reporting standards for oil and hazardous substances spills can be found at <https://www.epa.gov/emergency-response/when-are-you-required-report-oil-spill-and-hazardous-substance-release>.

3021 Downstream Notifications of River Spills

Notification of potentially impacted communities downstream of a release is important to helping provide time to prepare all potentially impacted communities to respond to the release. Many notification systems already exist at the state, tribal, local, and other levels, and U.S. EPA is working to build on the existing infrastructure.

Enclosure 3021: EPA Memo re Downstream Notifications at <https://www.nrt.org/sites/114/files/3021%20EPA%20memo%20re%20Downstream%20Notifications%202015-09-04.pdf>.

3022 Arizona Notifications

ADEQ's Environmental Emergency Response Unit is on call 24-hour a day, seven days a week to ensure that all environmental emergencies are promptly addressed. The unit works to minimize injuries, deaths, property damage and threats to the environment from chemical

spills, fires, explosions and other pollutant releases. A spill of any quantity that impacts a waterway within Arizona must be reported. If in doubt, report the spill. See *Report Spills* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

3023 California Notifications

All emergency notifications for the State of California go to the State Warning Center. See *State Warning Center* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114. The State Warning Center can also connect you with the appropriate agency based on your description of the problem.

3024 Nevada Notifications

The State Emergency Operations Center (SEOC) is on call 24/7/365 to assist local and tribal authorities in response to emergencies. See *Report All Emergencies* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

Depending on the incident, when the SEOC is activated, it is staffed by DEM and representatives from the appropriate state agencies and volunteers, with responsibility for disaster response and recovery efforts. Additional information and the *Nevada State Comprehensive Emergency Management Plan (SEMP)*, NRS Chapter 414, Emergency Management is at <https://www.leg.state.nv.us/Division/Legal/LawLibrary/NRS/NRS-414.html>.

Upon discovery of a hazardous materials leak, release, or spill, the spiller must follow incident notification procedures required by statute. See *Report: Spills* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114. Then notify the community emergency coordinator and the State Emergency Response Commission (SERC). See *Report: Spills* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

3025 Tribal Notifications

Tribal contacts in each local planning area are in each local Area Contingency Plan. Additional tribal agencies and tribal experts in various agencies in Region IX are listed in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

3030

Protection Tactics

In the Coastal zone, detailed protection tactics including lists of the resources required are provided in Volume II, Section 9800 of local Area Contingency Plans at <https://www.wildlife.ca.gov/OSPR/Contingency>.

In the Inland zone, see local Geographic Response Plans for California and Nevada at <https://www.wildlife.ca.gov/OSPR/Contingency>.

3031 Response System Planning Calculators

Four response system planning tools provided by the Bureau of Safety and Environmental Enforcement (BSEE) are available on the BSEE website at <https://www.bsee.gov/what-we-do/oil-spill-preparedness/response-system-planning-calculators>.

Type of Response	Tool
Mechanical recovery	The Estimated Recovery System Potential calculator (ERSP), plus the Recovery System Evaluation Tool (ReSET), an aid for the ERSP calculator.
In-situ burning	The Estimated Burning System Potential calculator (EBSP).
Surface-applied dispersants	The Estimated Dispersant System Potential calculator (EDSP).
All the tools combined	The Response Options Calculator (ROC) assesses how spilled oil weathers over time and the volume of oil that can be recovered, treated, or burned for the response systems selected.

For a more complete explanation and links to the tools, see <http://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/response-tools/response-system-planning-tools.html>, or <https://www.bsee.gov/what-we-do/oil-spill-preparedness/response-system-planning-calculators>.

3032 Spill Response Planning Guide

NOAA maintains a 76-page guide called *Characteristics of Response Strategies: A Guide for Spill Response Planning in Marine Environments*, Revised 2010, at https://response.restoration.noaa.gov/sites/default/files/Characteristics_Response_Strategies.pdf or <http://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/resources/characteristics-response-strategies.html>. The guide helps spill responders select appropriate response options to minimize environmental impacts when oil spills in coastal habitats. The response methods discussed include natural recovery; mechanical, chemical, and biological treatments; and in situ burning.

3033 Choosing Among Spill Response Alternatives

Characteristic Coastal Habitats: Choosing Spill Response Alternatives describes each habitat

and discusses how oil is likely to behave there and then describes considerations for treating oil. The guide is especially useful for people participating in cleanup assessment as part of an Environmental Unit within the Incident Command System (ICS). This job aid is available in English and Spanish at <http://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/resources/characteristic-coastal-habitats.html>.

3034 Alternative Response Tool Evaluation System (ARTES)

During an oil or chemical spill, the On-Scene Coordinator (OSC), who directs the response, may be asked to consider using a non-conventional alternative countermeasure (a method, device, or product that hasn't typically been used for spill response). To assess whether a proposed countermeasure could be a useful response tool, it's necessary to collect and evaluate quickly the available information about it.

To aid in evaluating non-conventional alternative countermeasures in particular, the Alternative Response Tool Evaluation System (ARTES) was developed. ARTES can also be used to evaluate proposed conventional countermeasures. It is designed to evaluate potential response tools on their technical merits, rather than on economic factors. See <https://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/resources/alternative-response-tool-evaluation-system-artes.html>.

3040 Rescue and Medical Care to Victims

If rescue or provision of medical care to victims becomes part of the response, appropriate Groups are established in the Operations Section.

3100 Vessel and Facility Response Plans

The USCG requires Vessel Response Plans for tank vessels that carry petroleum products as cargo and for non-tank vessels of a certain size that carry petroleum as fuel or cargo. The USCG and US EPA require Facility Response Plans (FRP) for certain facilities that store and use oil.

3110 Vessel Response Plans

The USCG identifies ships that need Vessel Response Plans (VRP) as tank vessels that are “carrying groups I through IV petroleum oil as a primary cargo,” and non-tank vessels that are “carrying groups I through IV petroleum oil as fuel or cargo.” The Coast Guard has to review and approve the VRP before the vessel can operate legally.

3111 Tank Vessels

The Oil Pollution Act of 1990 (OPA-90) requires oil spill response plans for tank vessels, called vessel response plans (VRP). The details are in the Code of Federal Regulations 33 CFR Subpart D.

In brief, the requirements include:

- Consistency with the National Contingency Plan (NCP) and area plans;
- Identification of a "qualified individual" to implement the plan and to coordinate with the federal on-scene coordinator (FOSC);
- Assurance, by contract or other approved means, of private resources to respond to a worst case spill (defined as loss of the entire cargo during adverse weather conditions);
- Training and drills; and
- Periodic updates.

3112 Non-Tank Vessels

For the purpose of preparing a Vessel Response Plan, a non-tank vessel is a self-propelled, non-tank vessel of 400 gross tons or greater, that carries oil of any kind as fuel for main propulsion and that operates on the navigable waters of the United States. The details are in 33 CFR § 155.5035. The VRP contains procedures for the crew to mitigate or prevent any discharge or a substantial threat of a discharge of oil resulting from shipboard operational activities associated with internal or external oil transfers, and procedures for the crew to mitigate or prevent any discharge or a substantial threat of a discharge in the event of a casualty or emergency. The VRP should also specify which Oil Spill Removal Organizations are contracted to respond in which geographic areas.

3120 Facility Response Plans

According to the Clean Water Act (CWA), as amended by the Oil Pollution Act of 1990 (OPA-90), certain onshore and off-shore facilities that store and use oil are required to prepare and submit plans to respond to a worst case discharge of oil and to a substantial threat of such a discharge. EPA has established regulations that define who must prepare and submit a Facility Response Plan (FRP) and what must be included.

The Code of Federal Regulations 40 CFR § 112.20 states that “The owner or operator of any non-transportation-related onshore facility that, because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the

navigable waters or adjoining shorelines shall prepare and submit a facility response plan to the Regional Administrator (of the US EPA).” The owner or operator of any non-transportation-related facility that handles, stores, or transports animal fats and vegetable oils must also prepare and submit a facility response plan. The plan shall identify private personnel and equipment necessary to remove to the maximum extent practicable a worst case discharge, and to a substantial threat of such a discharge, of oil. The Plan also includes responses to small and medium discharges as appropriate.

Plan holders must review relevant portions of the National Contingency Plan and applicable Area Contingency Plans (ACP) annually and, if necessary, revise the FRP to ensure consistency with these plans.

3130 Worst Case Discharge

Worst Case Discharge (WCD) is defined in the Code of Federal Regulations 33 CFR § 154.1029:

(a) The response plan must use the appropriate criteria in this section to develop the worst case discharge.

(b) For the MTR segment of a facility, not less than -

(1) Where applicable, the loss of the entire capacity of all in-line and break out tank(s) needed for the continuous operation of the pipelines used for the purposes of handling or transporting oil, in bulk, to or from a vessel regardless of the presence of secondary containment; plus

(2) The discharge from all piping carrying oil between the marine transfer manifold and the non-transportation-related portion of the facility. The discharge from each pipe is calculated as follows: The maximum time to discover the release from the pipe in hours, plus the maximum time to shut down flow from the pipe in hours (based on historic discharge data or the best estimate in the absence of historic discharge data for the facility) multiplied by the maximum flow rate expressed in barrels per hour (based on the maximum relief valve setting or maximum system pressure when relief valves are not provided) plus the total line drainage volume expressed in barrels for the pipe between the marine manifold and the non-transportation-related portion of the facility; and

(c) For a mobile facility it means the loss of the entire contents of the container in which the oil is stored or transported.

3200 On-Water Recovery

This section describes oil spill response tactics that do not use Applied Response Technologies (ART) (i.e. chemical dispersants, bioremediation, and *in-situ* burning).

3210 Floating Oils

Floating oils may be light, such as gasoline or diesel, or they may be thick and tar-like. Different tactics and materials may be better suited to one type of floating oil. The section describes equipment and tactics to contain/exclude or recover floating oils.

3211 Containment, Exclusion and Deflection with Boom

Oil spill containment boom generally has five operating components—flotation chamber, freeboard, skirt, tension member and ballast. The overall height of the boom is divided between the freeboard, the portion above the surface of the water, and the skirt, the portion below the water. Boom heights range from approximately 6 inches to over 90 inches, to address different types of water bodies and environmental conditions. Flotation attached to the freeboard and ballast (e.g., chain, weights) attached to the skirt enable the boom to float upright in the water. In other words, the plane created by the boom is perpendicular to that of the surface of the water. Boom is typically made up of 50-foot sections; the sections, and the connectors between sections, provide flexibility both in boom length and shape. Depending on the specific booming strategy, boom is towed through the water, anchored in place (typically in water less than 100 feet deep), or attached to the shoreline or to a vessel.

Booming Strategy	Description
Containment	Boom is used to contain and concentrate the oil until it can be removed.
Deflection	Boom is used re-direct floating oil away from sensitive areas.
Diversion	Boom is used to re-direct floating oil toward recovery sites that have slower flow, better access for equipment and personnel, and a way to remove the oil.
Exclusion	Boom is used to keep oil out of a sensitive area.

There are four basic booming strategies. In addition, booming strategies can be used in combination with each other. Boom may also be used to enhance recovery of oil by skimmers or to collect and concentrate a sufficient thickness of oil on the water surface to allow *in-situ* burning. During a response, boom is typically in place for days to a week, depending on the spill. During that time, boom may be moved and repositioned to maximize its effectiveness at containing, excluding, diverting or deflecting oil.

Boom can potentially be used in all open water habitats, depending on environmental conditions, but boom placement may be constrained by water depth and boat accessibility (except in the cases of very small bodies of water, where boom may be deployed by hand). Boom may come in contact with the substrate in shallow water or along shorelines. However, this is undesirable in most cases, as typical floating boom that comes into contact with the substrate is likely to lie flat and lose its ability to contain oil. Boom designed for this specific purpose (i.e., to maintain containment after coming in contact with the substrate), known as intertidal or tidal seal boom, may be used for oil containment along shorelines. Like other boom, intertidal boom floats up and down over tidal cycles. However, the skirt is replaced by one or two continuous tubes filled with water, which forms a seal with the substrate. As a result, a vertical plane is maintained by the boom and it continues containing oil as the tide recedes.

Traditional boom attached to the shoreline typically comes in contact with substrate along shorelines for only a short distance, usually less than 10 feet, depending on the slope of the shoreline. In addition to shallow water depths, the effectiveness of booming strategies can be significantly reduced by wind, currents, waves and the presence of large quantities of floating debris. For maximum boom effectiveness, the depth of the water should be at least 5 times the draft of the boom. Once deployed, boom is routinely checked and repositioned by response personnel using small boats to maximize its effectiveness in changing environmental conditions.

3212 Barriers/Berms and Underflow Dams

Barriers/berms and underflow dams can prevent entry of oil into a sensitive area or divert oil to a collection area. A physical barrier is placed across an area to prevent moving oil from passing. Oil may be removed using sorbent material (placed in the water where oil is trapped by the barrier), skimmers or vacuums. Barriers can consist of earthen berms, filter fences, boards or other solid barriers.

Because of the time and labor required to construct berms, they are likely to be in place for one to five weeks, depending on the specific event. This response is more likely to be implemented in shallow and small water bodies than deep ones. Earthen berms are fortified with sandbags or geotextile fabric (fabric or synthetic material that enhances water movement and retards soil movement), to minimize the amount of siltation that may be caused as a result of the structure. Silt fences and settling ponds (or a series of them) are used to contain any suspended sediments that may be mobilized in the water while the berm is being constructed in place or being removed. In-stream barriers may be removed using manual or mechanical means, or both, depending on the accessibility of the site, the size of the structure and stream and the sensitivity of the area to the use of heavy machinery.

If it is necessary for water to pass the barrier because of water flow volume or downstream water needs, underflow dams (for low flow rates) can be used. Underflow dams contain oil with a solid barrier (e.g., boards, earthen berms) at the water level, while a submerged pipe (e.g., PVC or opening along the bottom of the barrier) allows some water to flow beneath and past the barrier. This response is used in small rivers, streams and drainage ditches or at the entrances to shallow sloughs when the flow of oil threatens sensitive habitats. The importance of maintaining water quality and sufficient flow downstream of barriers is recognized (this response is often used to protect sensitive habitats that are located downstream of the barrier), so these features of affected habitats are monitored. This type of response activity may require permitting and will require coordination with the appropriate trustee agency. Ask the Environmental Unit if any permits are required.

3213 Canadian Oil Sands and Diluted Bitumen

A study by Natural Resources Canada in June 2016 found that crude from Canada's oil sands floats, contrary to popular belief and previous studies. The study showed that diluted bitumen sinks less than conventional oil in fresh water, though it can sink faster in hot temperatures.

A 2015 report by the National Academy of Sciences showed that Dilbit sank quickly in a freshwater spill, requiring special water-bed-cleaning equipment and practices. The 2016 study, however, could mean a less expensive cleanup in cooler areas.

3220 Sorbents

Sorbents remove floating oil by allowing it to adhere to pads, pompoms or rolls made of oleophilic (oil attracting) material. The dimensions of sorbent pads are typically 2 feet by 2 feet. Sorbent rolls are approximately the same width as pads and may be 100 feet long.

Sorbents are most likely to be used to remove floating oil in nearshore environments that contain shallow water. Sorbent material is placed on the surface of the shoreline substrate, allowing it to adsorb oil as it is released by tidal or wave action. The sorbents most typically used for medium to heavy oils are snares (like cheerleader pompoms) made of oleophilic material; snares are attached at 18-inch intervals along a rope that can be tied, anchored or staked along the intertidal shoreline. As the snares are moved about by tidal or wave action, they also help remobilize oil by rubbing across rock surfaces. Snare lines are monitored on a regular basis for their effectiveness at picking up oil, and to collect and replace oiled sorbents with new material. This method is often used as a secondary treatment method after gross oil removal, and along sensitive shorelines where access is restricted. Passive collection with sorbents can also be used in conjunction with other techniques (e.g., flushing, booming) to collect floating oil for recovery.

Sorbents may be used for all types of oil; lighter oils absorb into the material and heavier oils adsorb onto the surface of sorbent material. This requires sorbents with greater surface area. Retrieval of sorbent material is mandatory, as well as at least daily monitoring to check that sorbents are not adversely affecting wildlife or breaking apart after lengthy deployments. Sorbent materials generally do not remain in the environment for longer than one day.

Best Practices for Passive Collection of Oil

- Passive collection of oil using sorbent material may be used on all shoreline types, but is most useful with light to moderate oiling.
- Continually monitor and collect passive sorbent material deployed in the intertidal zone to prevent it from entering the environment as non-degradable, oily debris.
- Monitor passive absorbents placed in the mid- or lower intertidal zone for potential entrapment of small crustaceans; coordinate with Environmental Unit for corrective actions if entrapment is observed.

3230 Solidifiers

In California, solidifiers may only be used when encased in a mesh package that prevents the individual grains of solidifier from entering the environment, or in an enclosed space such as the bilge of a vessel. This is because under certain conditions, the solidifier could be released to the environment (e.g., windblown powder, failure of containment booms and pillows). Polymers degrade very slowly, thus residues may be highly persistent. There are concerns that the product could be ingested by wildlife feeding on the water surface or in fauna living in sediments.

Most solidifiers are dry, high molecular weight polymers that have a porous matrix and large oleophilic surface area. Solidifiers form a physical bond with the oil. The oil's viscosity increases to the point that the oil becomes solidified into a rubberlike solid. The end product can range from a firm cohesive mass to a non-cohesive granular material. Solidifiers are available in various forms, including dry powder, granules, semisolid materials (e.g., pucks, cakes, balls, sponge designs), and contained in booms, pillows, pads, and socks.

The reaction time is primarily controlled by the grain size (and thus surface area) of the product. Fine grained powders solidify faster than granules because of the higher surface area of the product and the higher diffusion rate of the oil. Light, low viscosity oils are solidified more readily compared to heavy, high viscosity oils. Heavy, viscous oils take longer to solidify.

Some solidifier products advertise that after binding with petroleum products the solid

solidifier may be discarded as clean waste (not as hazardous waste).

Solidifier products listed on the Product Schedule as of May 2006 have a specific gravity less than 1.00 and should float in both fresh and salt water. The treated oil should float as well.

3240 Skimming

Skimming recovers floating oil from the water surface using mechanized equipment known as skimmers. There are numerous types or categories of skimming devices, including weir, centrifugal, submersion plane, and oleophilic.

- Weir skimmers use gravity to drain oil from the water surface into a submerged holding tank. Once in the holding tank, oil may be pumped away to larger storage facilities.
- Centrifugal (also vortex) skimmers create a water/oil whirlpool in which the heavier water forces oil to the center of the vortex. Once in the center, oil may be pumped away from the chamber within the skimmer.
- Submersion plane skimmers use a belt or inclined plane to push the oil beneath the water surface and toward a collection well in the hull of the vessel. Oil is scraped from the surface or removed by gravity and then flows upward into a collection well where it is subsequently removed with a pump.
- Oleophilic (i.e., having an affinity for oil) skimmers may take several forms (e.g., disc, drum, belt, rope, brush), but the general principle of oil collection remains the same; oil on the surface of the water adheres to a rotating oleophilic surface. Once oil has adhered to the surface it may be scraped off into containers or pumped directly into large storage tanks.

Skimmers are placed at the oil/water interface to recover, or skim, oil from the water surface. Skimmers may be operated independently from shore, be mounted on vessels, or be completely self-propelled. To minimize the amount of water collected incidental to skimming oil, booming may be used in conjunction with skimming to concentrate the floating oil in a wedge at the back of the boom, which provides a thick layer of oil to the skimmer head.

In shallow water, hoses attached to vacuum pumps may be used instead of other skimming devices described earlier in this section. Oil may be removed from the water surface using circular hose heads (4 to 6 inches in diameter); however, this is likely to result in the intake of a large water-to-oil ratio and inefficient oil removal. Inefficient oil removal of this kind may also result in adverse effects to organisms in the surrounding water. Instead, flat head nozzles,

sometimes known as “duckbills” are often attached to the suction end of the hose in order to maximize the contact between the oil and vacuum, minimizing the amount of water that is removed from the environment.

Duckbills (very much like an attachment to a vacuum cleaner) are typically 18 inches or less in width and less than 2 inches in height. In other words, duckbills are relatively small and designed for maximizing the amount of oil removed from the water surface relative to the volume of water removed. Vacuum hoses may also be attached to small, portable skimmer heads to recover oil they have collected. Adequate storage for recovered oil/water mixtures, as well as suitable transfer capability, must be available.

Recovery systems that use skimmers are often placed where oil naturally accumulates: in pockets, pools or eddies.

Skimming can be used in all water environments (weather and visibility permitting) for most oils. The presence of large waves, strong currents, debris, seaweed, kelp, as well as viscous oils, will reduce skimmer efficiency.

3241 Vessel of Opportunity Skimming Systems

Vessels of Opportunity Skimming Systems (VOSS) may be local commercial or recreational vessels identified to assist in responding to large oil spills. Vessel owners volunteer during a spill to supplement the system of organized, professional spill responders who are already in place. All vessel types are welcome to volunteer; fishing, charter, deck barges or other types of smaller passenger and pleasure boats. The Operations Section Chief of the Unified Command decides whether VOSS are needed.

To qualify for a contract, Vessels of Opportunity (VOO) should:

- Pass a USCG dockside vessel safety examination,
- Have minimum staffing with adequate/qualified crew (defined by vessel type),
- Pass a 4-hour training class to conduct support activities,
- Pass an additional 4-hour course to conduct oil recovery,
- Have necessary communications equipment, and
- Sufficient Personal Protective Equipment.

The VOO operator should also certify that all persons on board were:

- Physically able to conduct emergency procedures (firefighting, abandon ship),

- Alcohol/drug free.

Other requirements put a 40-hr HAZWOPER qualified HAZMAT Technician onboard each vessel, and an English speaker and bilingual speakers onboard the lead VOO.

3250 Decanting After Oil is Collected

For details about the Region IX decanting policy and approval, find “*Waste Management, Decanting*” in the [Index](#).

3260 Nonfloating Oils

With the growing use of heavier crude oils and refined products, the percentage of subsurface oil spills has increased. Recovery of sunken oil has proven to be very difficult and expensive because the oil is usually widely dispersed.

NOAA has a guidance document to help oil spill responders and planners better manage sunken (or submerged) oil mats, known as SOMs. SOMs can form near the shoreline under a range of circumstances and present unique and difficult challenges in oil spill response. See ‘*A Response Guide for Sunken Oil Mats (SOMs): Formation, Behavior, Detection and Recovery*’ at https://response.restoration.noaa.gov/sites/default/files/SOM_Report_03-30-2020_508b.pdf.

There is a working group involving various agencies, organizations, states, and counties attempting to advance response to nonfloating oils. This *Submerged Oil Working Group* is coordinated through the University of New Hampshire, Coastal Response Research Center (CRRC). Go to <http://www.crrc.unh.edu/> and search for ‘submerged oil’.

3261 USCG OSRO Classification Guidelines for Nonfloating Oils

See the *Guidelines for the U.S. Coast Guard Oil Spill Removal Organization Classification Program*, June 2019 at <https://homeport.uscg.mil/Lists/Content/Attachments/55022/2019%20Guidelines%20for%20the%20US%20Coast%20Guard%20OSRO%20Classification%20Program.pdf>.

3262 California Law Regarding Nonfloating Oil

In October 2019, California enacted Assembly Bill 936 to protect California’s critical marine and freshwater resources from harms caused by a spill of nonfloating oil.

Historically, California has been a major producer of extra-heavy crude oils, similar to the well-known tar sands oil now coming from Canada. However, as California’s domestic oil production has declined, refineries in the state have turned to other sources of heavy oil, including Canada, Mexico, and Venezuela. Most of this oil arrives by tanker.

AB 936 advances a number of noteworthy changes to California law:

- Defines nonfloating oils.
- Creates a state-run system that allows state and local regulators and first responders to obtain advance notice of the types and characteristics of all oils entering California by tanker or rail car.
- Creates a “nonfloating oil” certification for oil spill removal organizations (OSRO) and requires that entities operating tankers and trains carrying non floating oils contract with these OSROs for spill response services.

3263 Choosing Among Methods to Collect Nonfloating Oil

Protocols for determining which methods to use for a given nonfloating oil situation have been proposed by Castle et al. (1995). The approach is based on a decision tree structure, with the principal branching being determined by the buoyancy of the oil, the depth of the water column, and whether the oil is pumpable or not.

For the complete explanation see, Castle, R.W., F. Wehrenburg, J. Bartlett, and J. Nuckols. 1995. *Heavy oil spills: out of sight, out of mind*. Pp. 565–571 in Proceedings of the 1995 International Oil Spill Conference. Washington, D.C.: American Petroleum Institute. <http://ioscproceedings.org/doi/pdf/10.7901/2169-3358-1995-1-565>.

3264 Containment and Recovery Methods for Nonfloating Oil

The text in this section is taken from *Spills of Nonfloating Oils: Risk and Response*, © National Academy of Sciences. The full text contains much more detail about techniques and is available at <http://www.nap.edu/catalog/9640.html>.

Oil that is spilled and transported subsurface either remains suspended in the water column or is deposited on the seabed, usually after interaction with suspended sediments or sand. Different strategies for containing these oils can be used depending on the location of the oil. Typical response strategies are described below. Few of these techniques have been used and their performance has not been documented during spill events.

The containment and recovery of oil dispersed in the water column or deposited on the seabed are very difficult. The problem begins with locating the oil and determining its status. The success of current methods varies greatly but is usually limited because the oil, which is mixed with sediments and water, is usually widely dispensed. In general, the success is greatest when the current speeds and wave conditions at the spill site are low, the oil is pumpable, the water depths are relatively shallow, and the sunken oil has concentrated in depressions or collection areas. The selection of containment and recovery methods is highly dependent on the specific location and environmental conditions during the spill, the characteristics of the oil and its state of weathering and interaction with sediments, the availability of equipment, and logistical

support for the cleanup operation. In addition, the potential environmental impacts of implementing these methods, particularly in sensitive benthic habitats, must be considered.

3265 Manual Removal of Nonfloating Oil

The manual removal of submerged oil, one of the most widely used recovery methods, involves divers or boat-based personnel using dip nets or seines to collect oil, which is temporarily stored in bags or containers. The purpose of manual recovery is to remove the oil and minimize the collection, handling, treatment, storage, and disposal of other material (oiled sediment, sediment, and water). This approach can be useful for widely dispersed oil, and its effectiveness can be assessed by cleanup standards or criteria. The biggest disadvantages of manual removal are the large manpower and logistical requirements, slow rates of recovery, strong dependency on weather conditions, and the potential for the oil to be transported while it is being recovered.

3266 Oil on the Seabed

Oil deposited on the seabed can be moved by ambient currents and waves. Sedimented oil tends to collect in natural or man-made depressions on the bottom, including natural and dredged channels, wave generated troughs offshore of sandy beaches, and natural depressions. Dredging to create depressions for oil collection is not practical as part of a spill response except for very large spills or spills that have very substantial benthic impacts. Identifying natural depressions and collection points, however, may be very useful for locating sedimented oil and planning for its recovery.

Bottom-mounted boom systems can be used to contain oil on the seabed. The booms can be moored to the seabed and flotation used to maintain the vertical structure of the boom. These systems are only suitable for locations with low currents and little wave activity. No practical applications of these systems have been reported.

3267 Pump and Vacuum Systems for Nonfloating Oil

Pump and vacuum systems have historically been most successful for removing large volumes of submerged oil. They typically consist of a submersible pump/vacuum system, an oil-water separator, and a storage container. The systems can be mounted on trucks, on land, or on barges or ships. The suction head of the system is normally directed and controlled by divers and may have an air or water injection system to assist in fluidizing and transporting the slurry. The pumped material is usually a mixture of water, oil, and oiled sediment. Highly viscous or solid oils are usually not pumpable and, hence, are not recoverable with this method. High-energy pumping systems cannot be used because of their potential for breaking up oil droplets or globules and emulsifying the oil. The pumped mixture is typically routed to an oil-water

separator from which the oil and oiled sediment are removed and stored. The water may be stored for treatment or released into the sea. Oil-water separation may be difficult if the recovered oil is denser than the recovered water. Pumps and vacuum systems are effective if the oil is localized but are not practical for large areas. They also require extensive equipment and the capacity to handle and treat large volumes of water and sediments.

3268 Dredging Nonfloating Oil

Dredging is an efficient, well developed method for removing large volumes of sediment (and oil) from the seabed at high recovery rates. Large volumes of water, oil, and sediment are typically generated in the dredging process and must be handled, stored, and disposed of as the recovery operation proceeds. Accurate vertical control of the dredge depths is critical to minimizing the amount of dredged material and the amount of clean sediment contaminated with oil as the result of the dredging operation. Operational costs and logistics requirements are lower for land-based than for barge-based methods of handling and storing dredged materials. Given the potential for storms that increase freshwater flows and shipping traffic, both of which can re-suspend or remobilize sunken oil, the timeliness of dredging is crucial.

3270 Containing Oil in the Water Column

Containing oil suspended in the water column is generally possible only in areas with weak currents (less than 10 cm/sec) and small waves (less than 0.25 m).

3271 Silt Curtains

Silt curtains, which are normally used to control the transport of suspended sediment during dredging operations, are typically restricted to water depths of 3 to 6 meters and are deployed so that the bottom of the curtain does not extend to the seabed. They have not been used in actual spill events.

3272 Nets and Trawls

Midwater trawls and nets may be used for containing selected oil types in certain conditions. The performance of these systems depends on the viscosity of the oil and being able to locate and concentrate the oil.

Delvigne (1987) has suggested that nets can successfully contain oil if the currents are low (less than 10 cm/sec) and the viscosity of the oil is high. Nets can be towed, moored, or mounted on moving floats. This method is sometimes used to protect fixed structures (water intake systems) or resources at risk. The effectiveness of trawls and nets declines rapidly as current speeds increase or as nets become clogged. During the *Presidente Rivera* spill in the

Delaware River, fish nets were able to recover eight tons of oil before they became fouled (NOAA, 1992).

3273 Pneumatic Barriers and Booms

Pneumatic barriers involve injecting air at the seabed and forming a bubble plume that rises to the surface. Pneumatic barriers have been considered for protecting seawater intakes against oil dispersed in the water column, but little data are available for assessing their performance. Standard oil booms (deep draft) have been considered for containing subsurface oil. In fact, booms have been suggested as the preferred option for responding to spills of bitumen-surfactant-water mixtures and have undergone limited testing at sea (Deis et al., 1997; Sommerville et al., 1997). Boom can only be used when oil remains in the upper water column, the currents are low (less than 0.20 m/sec), and the waves are small (less than 0.25 m).

3300 Shoreline Cleanup

Shoreline countermeasures are treatments applied to shorelines damaged by an oil spill, in order to reduce the ultimate environmental impact and cost of a spill. For guidance, see:

- *NOAA's Shoreline Countermeasures Manuals* at <http://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/resources/shoreline-countermeasures-manuals.html>.
- The online *Selection Guide for Oil Spill Response Countermeasures* at <http://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/response-tools/selection-guide-oil-spill-response-countermeasures>.
- *California State Oil Spill Contingency Plan (CSOSCP)* at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=172767&inline>.

3310 Degree of Oiling, How to Determine

The degree of oiling of a beach or shoreline (Heavy, Moderate, Light, Very Light, Trace) is determined in a 2-step process based on the cross-shore width, percent cover and thickness of the oiling zones identified by SCAT. This applies whether a shoreline is sandy, muddy, marshy or rocky

An initial categorization is made based on the width and percent cover. Then the final categorization is made based on the thickness. The diagram below is from page 53 of the NOAA Shoreline Assessment Manual. (As an example, a 2m wide band of 100% cover will have an initial oiling categorization of "Moderate" and will ultimately be "Heavy" if the thickness is Pooled Oil or Cover, "Moderate" if it is a Coat, or "Light" if it is a Stain.

A key point of the degree of oiling is that it is a qualitative assessment. A common misconception is that "heavy oiling" means X gallons of oil per sq m. That's not true. It's a qualitative assessment meant to guide cleanup decisions and situational awareness. The two graphics below illustrate the two steps.

Step 1		Width of Oiled Area			
		Wide >6 m	Medium >3 m to 6 m	Narrow >0.5 m to 3 m	Very Narrow <0.5 m
Oil Distribution	Continuous 91 – 100%	Heavy	Heavy	Moderate	Light
	Broken 51 – 90%	Heavy	Heavy	Moderate	Light
	Patchy 11 – 50%	Moderate	Moderate	Light	Very Light
	Sporadic 1 – 10%	Light	Light	Very Light	Very Light
	Trace < 1%	Very Light	Very Light	Very Light	Very Light

Step 2		Initial Categorization of Surface Oil			
		Heavy	Moderate	Light	Very Light
Average Thickness	Pooled Oil > 1 cm	Heavy	Heavy	Moderate	Light
	Cover 0.1 – 1.0 cm	Heavy	Heavy	Moderate	Light
	Coat 0.01 – 0.1 cm	Moderate	Moderate	Light	Very Light
	Stain/Film < 0.01 cm	Light	Light	Very Light	Very Light

Figure 15. Matrices to be used in the two-step process to assign an oiling category for a segment. In the first step, the surface oiling degree is based on the width and the surface distribution. In the second step, the oiling category from the first matrix is combined with oil thickness in the second matrix to define the final oiling category. From Owens and Sergy (2000). Modify for the spill-specific conditions, particularly the width of Wide, Medium, Narrow, and Very Narrow.

3311 Beaches, Sea Walls, etc.

NOAA maintains a guide to oil spill response tactics called *Characteristics of Response Strategies: A Guide for Spill Response Planning in Marine Environments* at .

https://response.restoration.noaa.gov/sites/default/files/Characteristics_Response_Strategies.pdf.

Mechanical means are usually the primary tactic to remove oil from beaches, cliffs, sea walls and pilings. RRT approval is not required. mechanical methods include:

- Cutting Vegetation
- Manual removal of debris and sediment.
- Sand-cleaning machines.
- Power washing (hot or cold) without chemicals.
- Blasting with dry ice (CO₂) pellets.

3312 Removing Surface Oil

When removing stranded oil on the shoreline the goal is to remove a minimum amount of sediment. Collected oil is placed in bags or containers and removed from the shoreline. No mechanized machinery is used, with the possible exception of All Terrain Vehicles (ATVs) that may be used to transport containers of collected oil to a staging area for retrieval. ATVs are generally used on sand beaches, and restricted to transiting outside of the oiled areas along the upper part of the beach. The techniques used in the removal of surface oil can be used on most shoreline types, but they are most effective on sand or gravel beaches. Generally, removal of surface oil is not recommended on soft mud substrates where mixing oil deeper into the sediment might occur, unless this activity can take place from a boat when the substrate is underwater. It is most appropriate for light to moderate oiling by medium to heavy oils. Light oils such as gasoline and diesel rapidly evaporate and spread out to very thin layers and are not easily picked up. Removal of surface oil is not recommended for mud flats, because of the potential for mixing the oil down into the soft sediments. For similar reasons, removal of surface oil is typically only used along the edges of sheltered vegetated low riverbanks and marshes and must be closely monitored.

Best Practices:

- Do not use on tidal flats to avoid mixing oil deeper into the sediments.
- Start cleanup after the majority of oil has come ashore unless significant burial (on sand beaches) or remobilization is expected; minimize burial and/or remobilization by conducting cleanup between tidal cycles.
- Minimize the amount of sediment removed with the oil.

- Minimize foot traffic through oiled areas on non-solid substrates (sand, gravel, dirt, etc.) to reduce the likelihood that oil will be worked into the sediment.
- Restrict foot traffic over sensitive areas (shellfish beds, salmon redds, algal mats, bird nesting areas, dunes, etc.) to reduce the potential for mechanical damage.
- Restrict shoreline access to specific areas to minimize the impact of human presence/excessive noise on nearby sensitive biological populations (bird nesting, marine mammal pupping, breeding, fish spawning, etc.).
- Separate and segregate contaminated wastes to optimize waste disposal stream and minimize what has to be sent to hazardous waste site.
- Establish temporary upland collection sites for oiled waste materials for large spill events; collection sites should be lined with asphalt pad and surrounded by berms to prevent secondary contamination from run-off.
- Ensure safety of responders by maintaining proper span of control under experienced crew bosses. Be mindful of heat stress.

Three variations of this response exist:

- Manual removal of oil,
- Passive collection of oil (sorbents) and
- Vacuum removal of oil.

3313 Manual Removal

Manual removal removes oil using tools such as hands, rakes, shovels, and other manual means. Collected oil is placed in bags or containers and removed from the shoreline. This variation of the response can be used on most shoreline types except for tidal flats where the threat of mixing oil deeper into sediments as a result of foot traffic is typically greater than the benefits gained through use of this variation.

Recommended for use on:	<i>Conditionally</i> recommended on:
Sheltered rocky shorelines and man-made structures	Exposed rocky shorelines.
Sheltered rubble slopes.	Sand beaches.
	Gravel beaches.
	Sheltered, vegetated low banks.
	Marshes.

3314 Vacuum Removal of Oil

The objective of this variation of the removal of surface oil is to remove free oil that has pooled on the substrate. It entails the use of a vacuum unit with a suction head to recover free oil. Equipment can range in size from small portable units that fill individual 55-gallon drums to large “Supersuckers” that are truck-mounted and have the capacity to lift large rocks. Supersuckers are primarily used when circumstances (e.g., the length or number of hoses used) necessitate that the suction capacity is great. In other words, suction is reduced with increasing hose length and with a number of the hoses used. In these situations, additional suction capacity may be necessary to make up for these losses. This system can also be used with water spray systems to flush the oil towards the suction head. This response variation is used when free, liquid oil is stranded on the shoreline (usually along the high-tide line) or is trapped in vegetation that is readily accessible. Vacuum removal of oil is not recommended on any shoreline habitat.

It is *conditionally* recommended on:

- exposed rocky shorelines,
- sand beaches,
- gravel beaches,
- sheltered rocky shores and man-made structures,
- sheltered rubble slopes,
- sheltered vegetated low banks, and
- marshes.

Best Practices for Vacuum Removal of Oil

- Vacuum removal of oil may be used on any shoreline type where liquid oil has pooled with the exception of tidal flats; not recommended for these shorelines because of poor access and potential for mixing oil deeper into the sediments.
- Closely monitor vacuum operations in wetlands; site specific restrictions may be required to minimize impact to marsh plant root system which could lead to erosion.

3315 Vegetation Cutting

Vegetation cutting on the shoreline removes oiled vegetation attached to plants on the shoreline to prevent the oiling of wildlife or remobilization of trapped oil. Thick layers of oil may adhere to plant leaves or pool on the substrate under a layer of overlapping plant leaves. The upper

parts of the oiled plant are cut away using hand tools or “weed eater” type power tools. The oiled plant cuttings are raked up and removed for disposal. Any remaining oil pooled around the roots/stems can then be flushed out for recovery. These attached plants provide protective habitat to fish and invertebrate species, so cutting of this type will result in a temporary loss of habitat. Cut vegetation may or may not recover depending on the reproductive cycle of the plant and whether the plant roots are oiled or damaged in the cutting operation. Resource experts are routinely consulted prior to initiating vegetation cutting. This response method is generally used when large quantities of potentially mobile oil is trapped in the vegetation or when the risk of oiled vegetation contaminating wildlife is greater than the value of the vegetation that is to be cut, and there is no less destructive method to remove the oil.

When conducted in marshes, boards are generally laid down for workers to walk; this distributes the worker’s weight to prevent damage to plant root system and to avoid working oil deeper into the soft sediments. This response is conditionally recommended for (1) exposed rocky shore-lines, (2) gravel beaches, (3) sheltered rocky shorelines and man-made structures, (4) sheltered rubble slopes, (5) sheltered vegetated low banks and (6) marshes.

Best Practices for Vegetation Cutting:

- Start cleanup after most of the oil has come ashore.
- Minimize mechanical impacts on vegetation being cut by taking appropriate actions to ensure continued health and survival of vegetative ecosystem.
- Minimize foot traffic through oiled areas on non-solid substrates (sand, gravel, dirt, etc.) to reduce the likelihood that oil will be worked into the sediment.
- Restrict foot traffic over sensitive areas (shellfish beds, salmon redds¹, algal mats, bird nesting areas, dunes, etc.) to reduce the potential for mechanical damage.
- Shoreline access to specific areas may be restricted for periods of time to minimize impact of human presence/excessive noise on nearby sensitive biological populations (bird nesting, marine mammal pupping, breeding, fish spawning, etc.).
- Separate and segregate any contaminated wastes generated to optimize waste disposal stream and minimize what has to be sent to hazardous waste site.

¹ A redd is a spawning nest that is built by salmon and steelhead in the gravel of streams or the shoreline of lakes. It is formed by the female using her tail to dig in a small area of gravel in the bottom of the stream or shore.

- Establish temporary upland collection sites for oiled waste materials for large spill events; collection sites should be lined with asphalt pad and surrounded by berms to prevent secondary contamination from run-off.

Vegetation cutting nearshore removes oil trapped in the canopy of kelp beds, to prevent the oiling of wildlife or remobilization of trapped oil. Thick layers of oil may adhere to kelp fronds or collect under the kelp canopy. This response is used in nearshore marine areas along the coasts and in northern Puget Sound. The upper 1 to 2 feet of the kelp canopy is cut away by hand (bull kelp) or with a mechanical kelp harvester (*Macrocystis*). The oiled kelp cuttings are removed for disposal. Trapped tar balls in the kelp are freed and can be manually collected or flushed to a collection site. Vegetation cutting is used when a large quantity of oil is trapped in the kelp canopy and the oil poses a risk to sensitive wildlife using the kelp habitat or when the remobilization of oil to other adjacent sensitive environments is likely to occur.

Macrocystis kelp plants grow very rapidly and continue to provide protective habitat to marine fishes and invertebrates. Other types of kelp (such as *Nereocystis* or bull kelp) may be more sensitive to cutting and removal. Bull kelp fronds comprise one layer, so cutting may result in loss of protective habitat for associated fishes and invertebrates. If the reproductive cycle is not taken into account, the kelp forest may not return the following spring. Resource experts are routinely consulted relative to these concerns prior to vegetation cutting activities.

3316 Power Washing

Power washing and CO₂ blasting are usually done on surfaces without any living plant or invertebrates on them. The Historic and Cultural Properties Officers may also prohibit power washing of rocks that had encrusting organisms on them.

RRT approval is required when a chemical or biological surface-washing agent is used. EPA defines surface-washing agents as chemical. CDFW OSPR defines them as either chemical or biological. If surface-washing agents are used "offsite" in a contained area where no oil or chemicals run off into the environment, no RRT approval is required.

3317 Removing Oiled Debris and Sediment

This method removes oiled debris (organic and man-made) from the shoreline. Debris (e.g., seaweed, trash and logs) is removed when it becomes heavily contaminated and when it is either a potential source of chronic oil release, an aesthetic problem or a source of contamination for organisms on the shoreline. If time and resources permit, un-oiled, man-made debris (e.g., trash, mooring lines, etc.) may be removed or placed above the high tide line prior to oil reaching a shoreline (based on oil spill trajectory) in order to minimize the amount of oiled debris generated by the spill.

Oiled debris removal is recommended for (1) sand beaches, (2) gravel beaches, (3) sheltered rocky shores and man-made structures and (4) sheltered rubble slopes. It is conditionally recommended on (1) exposed rocky shores, (2) tidal flats, (3) sheltered vegetated low banks and (4) marshes.

Best Practices:

- Removal of oily debris from shorelines with soft mud substrates (mudflats, marshes) is usually restricted to debris stranded at the high tide line where debris can be recovered without grinding oil into the substrate.
- Minimize foot traffic through oiled areas on non-solid substrates (sand, gravel, dirt, etc.) to reduce the likelihood that oil will be worked into the sediment.
- Minimize quantity of oiled vegetative debris removed by concentrating on debris that is moderately to heavily oiled; leave lightly oiled and clean stranded seaweed and wood debris in place to provide habitat for small invertebrates and to help stabilize shoreline.
- Restrict foot traffic over sensitive areas (shellfish beds, salmon redds, algal mats, bird nesting areas, dunes, etc.) to reduce the potential for mechanical damage.
- Shoreline access to specific areas may be restricted for periods of time to minimize impact of human presence/excessive noise on nearby sensitive biological populations (bird nesting, marine mammal pupping, breeding, fish spawning, etc.).
- Separate and segregate any contaminated wastes generated to optimize waste disposal stream and minimize what has to be sent to hazardous waste site.
- Establish temporary upland collection sites for oiled waste materials for large spill events; collection sites should be lined with asphalt pad and surrounded by berms to prevent secondary contamination from run-off.
- Ensure safety of responders by maintaining proper span of control under experienced crew bosses.

Oiled sediment is removed either by using hand tools or by using various kinds of motorized equipment. Oiled sediment removal is restricted to the supratidal and upper intertidal areas to minimize disturbance of biological communities in the lower intertidal and subtidal. After removal, oiled sediments are transported and disposed of offsite. New sediments are not typically transported to replace those that were removed; however, a variation of this response that includes sediment replacement (described below) is used for beaches with low natural replenishment rates or high rates of erosion. This method of cleanup is most effective when

there is a limited amount of oiled sediment that must be removed.

Close monitoring is required so that the quantity of sediment removed, siltation, and the likelihood of erosion may be minimized in all cases. Such operations are generally restricted in fish spawning areas. Sensitive areas that are adjacent, and may be potentially affected by released oil sheens, must also be protected.

Oiled sediment may be removed (and removal of adjacent sediment) along riverbanks or other upland areas to prevent oil from leaching into the adjacent aquatic environment. For example, when a tanker truck or rail car overturns and spills oil in an upland area adjacent to a stream. As a primary response, the source of the oil in the environment, including the sediment and/or adjacent soil into which it was spilled, is removed before it has a chance to remobilize into nearby water. The tools used to remove source sediment and/or adjacent soil varies with the scale of the spill and the accessibility of the site; however, both manual and mechanized removal tools are used regularly. In areas that are prone to erosion, contaminated sediment and/or soil that is removed is typically replaced with clean sediment.

Best Practices:

- Removal:
 - Oiled sediment removal (without replacement) is used primarily on sand beaches not subject to high rates of erosion; small quantities of oiled sediment removal may be permitted on gravel beaches (pebble- to cobble-size gravel or riprap) and sheltered vegetated stream banks.
 - Start cleanup after most of the oil has come ashore, unless significant burial (sand beaches) or remobilization is expected; minimize burial and/or remobilization by conducting cleanup between tidal cycles.
 - Minimize vehicle traffic through oiled areas to reduce the likelihood that oil will be worked into the sediment and contamination carried off site by cleanup equipment.
 - Ensure safety of responders by maintaining proper span of control under experienced crew bosses.
- Sensitive Sites:
 - Restrict sediment removal to supra and upper intertidal zones (or above waterline on stream banks) to minimize disturbance of biological communities in lower intertidal and subtidal zones.
 - Take appropriate actions to protect nearby sensitive environments (salmon spawning streams, shellfish bed, nursery areas) from the effects of increased oil runoff/sheening or siltation by the proper deployment of booms, siltation

- curtains, sorbents, etc.; monitor for effectiveness of protection measures.
- Restrict foot or vehicular traffic over sensitive areas (shellfish beds, salmon redds, algal mats, bird nesting areas, dunes, etc.) to reduce the potential for mechanical damage.
- Shoreline access to specific areas may be restricted for periods of time to minimize impact of human presence/excessive noise on nearby sensitive biological populations (bird nesting, marine mammal pupping, breeding, fish spawning, etc.).
- Oily Waste:
 - Minimize the amount of oiled sediment removed by closely monitoring mechanical equipment operations.
 - Coordinate the locations of any temporary oiled sediment staging or storage sites near the shoreline with the Environmental Unit.
 - Separate and segregate any contaminated wastes generated to optimize waste disposal stream and minimize what has to be sent to hazardous waste site.
 - Establish temporary upland collection sites for oiled waste materials for large spill events; collection sites should be lined with asphalt pad and surrounded by berms to prevent secondary contamination from run-off.

Reworking oiled sediment breaks up oil deposits, increases surface area and mixes oxygen into deep subsurface oil layers; this activity exposes the oil to natural removal processes and enhances the rate of oil degradation. Oiled sediment is not removed from the beach. Instead, beach sediments are tilled or otherwise mechanically mixed with the use of heavy equipment. The oiled sediments in the upper beach area may also be relocated to the mid-tidal portion of the beach. Relocation enhances natural cleanup during reworking by wave activity. This procedure is also known as surf washing, or berm relocation.

Generally, sediment reworking is used on sand or gravel beaches where high erosion rates or low natural sediment replenishment rates are issues. Sediment reworking may also be used where remoteness or other logistical limitations make sediment removal unfeasible. Sediment reworking is not used on beaches near shellfish harvest or fish spawning areas because of the potential for release of oil or oiled sediments into these sensitive habitats. Sediment reworking is conditionally recommended for (1) sand beach and (2) gravel beach habitats.

Best Practices:

- Oiled sediment reworking (tilling) breaks up oil crusts or aerates light surface oiling is used primarily on sand or mixed sand and gravel beaches, especially those prone to erosion.
- Berm relocation or surf washing may be used on sand, mixed sand and

gravel, or gravel (pebble- to cobble-size) beaches exposed to at least moderate wave energy.

- Restrict tilling to mid- and upper-intertidal zones to minimize disturbance of biological communities in lower intertidal and subtidal zones.
- Restrict berm relocation/surf washing in vicinity of sensitive environments (salmon spawning streams, shellfish bed, nursery areas, etc.) to prevent adverse effects from increased oil runoff/sheening or siltation.

3318 Removing and Replacing Sediment

This tactic removes oiled sediment and replaces it with cleaned or new material. Oiled sediments are excavated using heavy equipment on the beach at low tide. After removal of the oiled sediment, new clean sediment of similar composition is brought in for replacement. The oiled sediment may also be cleaned and then replaced on the beach. The sediments are loaded into a container for washing.

Cleansing methods include a hot water wash or physical agitation with a cleaning solution. After the cleansing process, the rinsed materials are returned to the original area. Cleaning equipment must be placed close to beaches in order to reduce transportation problems. This variation is conditionally recommended on (1) sand beaches, (2) gravel beaches and (3) sheltered rubble slopes, although the beaches must be exposed to wave activity so the replaced sediments can be re-worked into a natural distribution.

Best Practices:

- Oiled sediment removal (with replacement) is used primarily on sand, mixed sand and gravel, gravel, and vegetated stream bank shorelines subjected to high rates of erosion.
- Restrict sediment removal and replacement to supra and upper intertidal zones (or above waterline on stream banks) to minimize disturbance of biological communities in lower intertidal and subtidal zones
- Take appropriate actions to protect nearby sensitive environments (salmon spawning streams, shellfish bed, nursery areas) from the effects of increased oil runoff/sheening or siltation by the proper deployment of booms, siltation curtains, sorbents, etc.; monitor for effectiveness of protection measures.
- Coordinate the locations of any temporary oiled sediment staging or storage sites near the shoreline with the Environmental Unit.

3319 **Subsurface Oils**

Oil may sink below the surface or be buried by sediment washed up by wave action.

Trenching or recovery wells remove subsurface oil from permeable substrates. Trenches or wells are dug down to the depth of the oil (or water table) to intercept oil migrating through the substrate. The oil collected in the trench or well is then recovered by vacuum pump or skimmer, and disposed of offsite. The oil must be liquid enough to flow at ambient temperatures. Water flooding or flushing the substrate can be used to speed up oil migration into the trench or well. If the trench or well is not deep enough to reach the water table, the bottom must be lined with plastic to prevent oil penetration deeper into the sediment. Trenches are not dug in the lower portions of the beach where attached plants and organisms may be abundant.

Trenching and recovery wells are conditionally recommended for sand beaches, gravel beaches (pebble- to cobble-size substrate), and sheltered, vegetated low banks.

Best Practices:

- Trenching and recovery wells may be used on sand and gravel shorelines with grain sizes ranging from fine sand to pebble-size gravel.
- Line the bottom of trenches that do not reach the water table (dry) with plastic to prevent the collected oil from penetrating deeper into the substrate.
- Restrict trenches from the lower intertidal zone where attached algae and organisms are abundant.
- Collapse or fill in trenches/well when response action is completed; ensure sides and bottom of trenches are clean before collapsing.
- Minimize foot traffic through oiled areas on non-solid substrates (sand, gravel, dirt, etc.) to reduce the likelihood that oil will be worked into the sediment.
- Restrict foot traffic over sensitive areas (shellfish beds, salmon redds, algal mats, bird nesting areas, dunes, etc.) to reduce the potential for mechanical damage.
- Shoreline access to specific areas may be restricted for periods of time to minimize impact of human presence/excessive noise on nearby sensitive biological populations (bird nesting, marine mammal pupping, breeding, fish spawning, etc.).
- Separate and segregate any contaminated wastes generated to optimize waste disposal stream and minimize what has to be sent to hazardous

waste site.

- Establish temporary upland collection sites for oiled waste materials for large spill events; collection sites should be lined with asphalt pad and surrounded by berms to prevent secondary contamination from run-off.
- Ensure safety of responders by maintaining proper span of control under experienced crew bosses.

3320 Flushing Tactics

Flushing tactics use large quantities of water, sometimes under pressure, to mobilize oils and move them to containment areas where they may be recovered.

3321 Flushing with Ambient (temperature, salinity) Water

Pump water from hoses onto an oiled beach, beginning above the highest level where the oil is stranded and slowly working down to the water level. The flow of water remobilizes oil stranded on the surface sediments and flushes it down to water's edge. The remobilized oil is contained by boom and recovered for disposal. Increased water pressure may be needed to assist in the remobilization as the oil weathers and begins to harden on the substrate. Because of the potential for higher pressures to cause siltation and physical disruption of the softer substrates, flushing with higher pressures is restricted to rock or hard man-made substrates.

Intake and outflow hoses may range from 2–4 inches in diameter and, depending on the pump used, pump between 200 and 400 gallons of water per minute. Intake hoses are fitted with screens to minimize the extraction of debris, flora and fauna. Screen holes generally range from 0.25 inch to 1 inch in diameter, depending on the environment from which the water is being pumped. Intake hoses are propped off bottom using rebar in about 3 feet of water to further minimize the amount of sediment and debris, and the number of organisms, taken into the hose and pump.

Best Practices:

- Start cleanup after most of the oil has come ashore, unless significant burial (sand beaches) or remobilization is expected; minimize burial and/or remobilization by conducting cleanup between tidal cycles.
- Protect sensitive nearby environments (salmon spawning streams, shellfish bed, submerged aquatic vegetation, nursery areas, etc.) from the effects of increased oil runoff by the proper deployment of booms, sorbents, etc.; monitor for effectiveness of protection measures.
- Restrict foot or vehicular traffic over sensitive areas (shellfish beds,

salmon redds, algal mats, bird nesting areas, dunes, etc.) to reduce the potential for mechanical damage.

- Shoreline access to specific areas may be restricted for periods of time to minimize impact of human presence/excessive noise on nearby sensitive biological populations (bird nesting, marine mammal pupping, breeding, fish spawning, etc.).
- Ensure safety of responders by maintaining proper span of control under experienced crew bosses.

3322 Flooding (Simulated Tidal Washing)

This is a variation of ambient water flushing. It's used to mobilize stranded oil from rock crevices and interstices. Ambient water is pumped through a header pipe at low pressure above and inshore from the fouled area of shoreline. The pipe is meant to create a sheet of water that simulates tidal washing over the affected area. Removing stranded oil may be particularly important when a more sensitive habitat is nearby and in danger of becoming fouled with oil after the intertidal zone is washed over the next tidal cycle, remobilizing oil. The effects of flooding may also be desired when a spring tide has de-positated oil above the normal high water mark or when the wave energy of the adjacent water is not great enough to sufficiently wash the affected area over the following tidal cycle. After oil has been loosened from the substrate it is collected and removed using a variety of mechanical, manual and passive methods. Ambient water flooding is recommended for use on gravel beaches. Ambient water flooding is conditionally recommended for the following habitats: (1) sand beaches, (2) sheltered rocky shorelines and man-made structures, (3) sheltered rubble slopes, (4) sheltered vegetated low banks, and marshes.

Best Practices:

- Ambient water flooding (deluge) could be used on all shoreline types with the exception of fine- to coarse-grained sand beaches. Use in this habitat could mobilize contaminated sediment into the environmentally sensitive subtidal zone or cause excessive siltation.
- Closely monitor flooding of shorelines with fine sediments (mixed sand and gravel, sheltered rubble, sheltered vegetative banks, marshes) to minimize excessive siltation or mobilization of contaminated sediments into the subtidal zone.
- Ambient water flooding is not generally useful on exposed rocky shorelines or submerged tidal flats because these areas are naturally well flooded.

3323 Ambient Water, Low-Pressure Flushing

Ambient water flushing mobilizes liquid oil that has adhered to the substrate or man-made structures, pooled on the surface, or become trapped in vegetation to the water's edge for collection. Low-pressure washing (<50 psi) with ambient seawater sprayed through hoses is used to flush oil to the water's edge for pickup. Oil is trapped by booms and picked up with skimmers or sorbents. This variation may also be used in concert with ambient water flooding, which helps move the oil without the potential effects associated with higher water pressures. Low- pressure flushing is conditionally recommended for (1) exposed rocky shores, (2) sand beaches with coarser sediments (mixed sand and gravel), (3) gravel beaches, (4) sheltered rocky shore-lines and man-made structures, (5) sheltered rubble slopes, (6) sheltered vegetated low banks and (7) marshes.

Best Practices:

- Ambient water, low-pressure flushing could be used on all shoreline types with the exception of sand beaches (fine- to coarse-grained) and mud flats (exposed or sheltered).
- Flushing on exposed rocky shorelines may be hazardous to response personnel; ensure presence of adequate safeguards and monitoring to ensure personnel safety.
- Prevent pushing or mixing oil deeper into the sediment by not directing the stream of water directly into the oil; direct hoses to place stream of water above or behind the surface oil to create a sheet of water to re-mobilize and carry oil down the beach to a containment area for recovery.
- Closely monitor flushing of shorelines with fine sediments (mixed sand and gravel, sheltered rubble, sheltered vegetative banks, marshes) to minimize excessive siltation or contaminated sediments mobilization into the subtidal zone.
- Restrict flushing in marshes from boats or on shore above the high tide line during high tide to minimize mixing oil into the sediments or mechanically damaging the marsh plants.

3324 High-Pressure Flushing

High-pressure flushing with ambient water mobilizes oil that has adhered to hard substrates or man-made structures.

It is similar to low-pressure washing except the water pressure may reach 100+ psi, and it can be used to flush floating oil or loose oil out of tide pools and between crevices on riprap. Compared to the lower pressure spray, high-pressure spray will more effectively remove oil

that has adhered to rocks. Because water volumes are typically low, this response method may require the placement of sorbents directly below the treatment area or the use of a deluge to carry oil to the water's edge for collection.

High-pressure flushing is conditionally recommended for (1) exposed rocky shores, (2) gravel beaches, particularly those consisting of cobble- and boulder-size rocks, and riprap, (3) sheltered rocky shorelines and man-made structures and (4) sheltered rubble slopes.

Best Practices:

- Ambient water, high-pressure flushing may be used on rocky (exposed and sheltered) and riprap shorelines.
- Flushing on exposed rocky shorelines may be hazardous to response personnel; ensure presence of adequate safeguards and monitoring to ensure personnel safety.
- Prevent pushing or mixing oil deeper into the riprap by not directing the stream of water directly into the oil; direct hoses to place stream of water above or behind the surface oil to create a sheet of water to re-mobilize and carry oil down to a containment area for recovery.
- If small volumes of high-pressure water are used to remobilize weathered oil from rocky surface, include larger volume of low-pressure water to help carry remobilized oil into containment area for recovery.

3325 Warm Water, Moderate-Pressure Washing

Warm water, moderate-pressure washing mobilizes thick and weathered oil that has adhered to rock surfaces, prior to flushing it to the water's edge for collection. Seawater is heated (typically between the ambient temperature and 90°F) and applied at moderate pressure to mobilize weathered oil that has adhered to rocks. If the warm water is not sufficient to flush the oil down the beach, flooding or additional low- or high-pressure washing may be used to float the oil to the water's edge for pickup. Oil is then trapped by boom and may be picked up with skimmers or sorbents.

Warm water, moderate-pressure washing is conditionally recommended for (1) exposed rocky shores, (2) gravel beaches (including riprap) and (3) sheltered rocky shorelines and man-made structures. One variation of the response exists: hot water, moderate-pressure washing (described below).

Best Practices:

- Warm water, moderate-pressure flushing may be used on heavily oiled gravel beaches, riprap and hard, vertical, manmade structures such as

seawalls, bulk- heads and docks.

- Restrict use to certain tidal elevations so that the oil/water effluent does not drain across sensitive low-tide habitats (damage can result from exposure to oil, oiled sediments and hot water).
- Flushing on exposed rocky shorelines may be hazardous to response personnel; ensure presence of adequate safeguards and monitoring to ensure personnel safety.
- If small volumes of warm water are used to remobilize weathered oil from rocky surface, include larger volume of ambient water at low-pressure to help carry re-mobilized oil into containment area for recovery.
- Cleanup should commence after the majority of oil has come ashore.
- Protect nearby sensitive environments (salmon spawning streams, shellfish bed, submerged aquatic vegetation, nursery areas, etc.) from the effects of increased oil runoff by the proper deployment of booms, sorbents, etc.; monitor for effectiveness of protection measures.
- Restrict foot traffic over sensitive areas (shellfish beds, salmon redds, algal mats, bird nesting areas, dunes, etc.) to reduce the potential for mechanical damage.
- Shoreline access to specific areas may be restricted for periods of time to minimize impact of human presence/excessive noise on nearby sensitive biological populations (bird nesting, marine mammal pupping, breeding, fish spawning, etc.).

3326 Hot Water, Moderate-Pressure Washing

This variation of warm water, moderate-pressure washing dislodges and mobilizes trapped and weathered oil from inaccessible locations and surfaces not amenable to mechanical removal, prior to flushing oil to water's edge for collection.

Water heaters are mounted on offshore barges or on small land-based units. The water is heated to temperatures from 90°F to 170°F, which is usually sprayed in small volumes by hand using moderate-pressure wands. Used without water flooding, this procedure requires immediate use of vacuums (vacuum trucks or super suckers) to remove the oil/water runoff. With a deluge system, the oil is flushed to the water's edge for collection with skimmers or sorbents. This response is generally used when the oil has weathered to the point that even warm water at high pressure is ineffective for the removal of adhered oil, which must be removed due to the threat of continued release of oil or for aesthetic reasons. Hot water washing is conditionally recommended for (1) exposed rocky shores, (2) gravel beaches (specifically riprap) and (3) sheltered rocky shorelines and man-made structures

Best Practices for Hot Water, Moderate-pressure Washing:

- Hot water, moderate-pressure flushing is used only on heavily oiled hard, man-made structures such as seawalls, bulkheads, docks and riprap, primarily for aesthetic purposes.
- Restrict use to certain tidal elevations so that the oil/water effluent does not drain across sensitive low-tide habitats (damage can result from exposure to oil, oiled sediments and hot water).
- If small volumes of hot water are used to remobilize weathered oil from rocky surface, remobilized oil must be recovered using sorbent material at the base of the structure; or a second stream with ambient water can be used to flush the remobilized oil to the water's edge for recovery.

3330 Response Options in Marshes

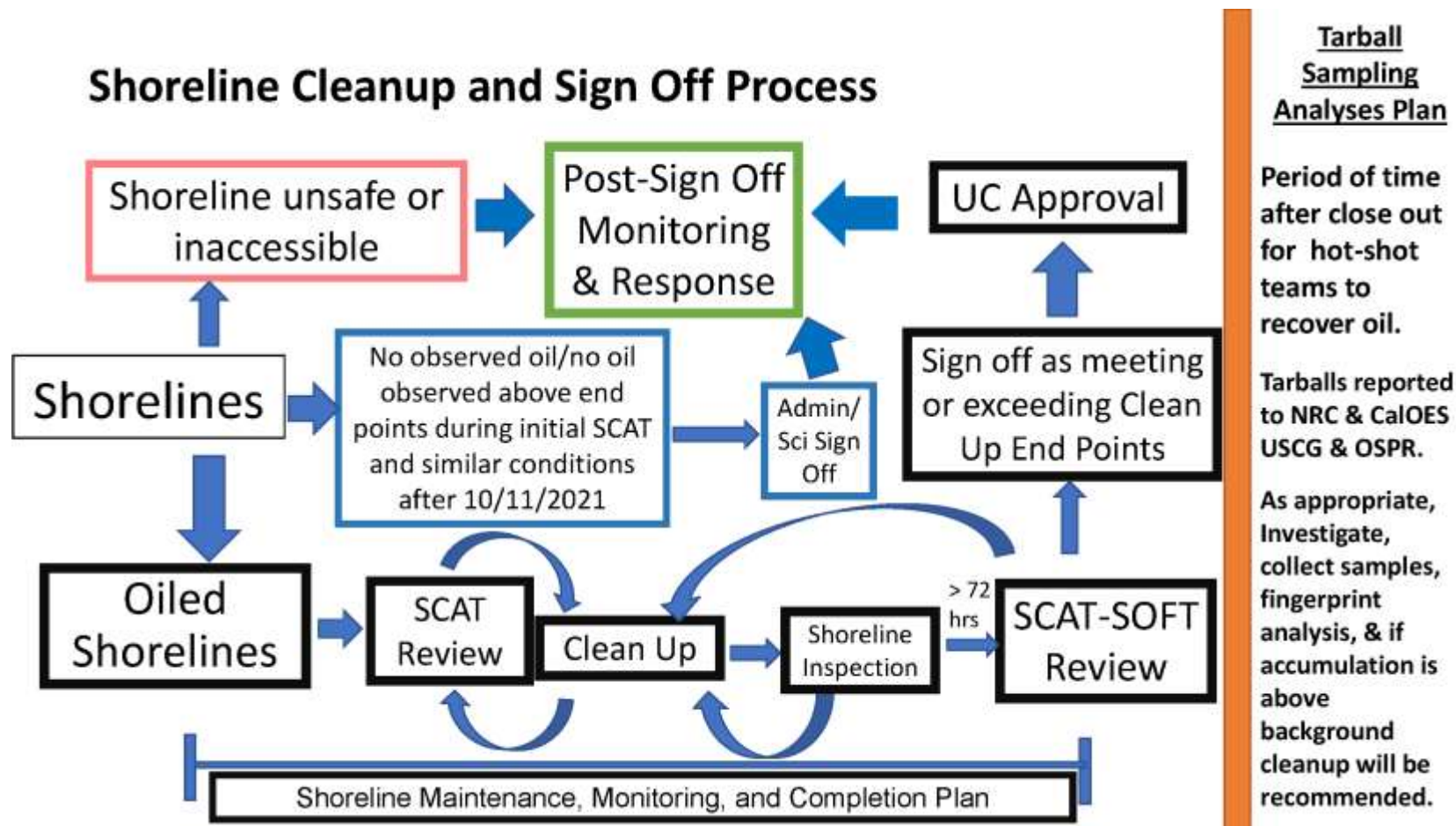
See *Oil Spills in Marshes: Planning and Response Considerations* at <http://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/resources/oil-spills-marshes.html>.

See also, *Oil Spills in Marshes, Planning & Response Considerations, September 2013* at http://response.restoration.noaa.gov/sites/default/files/Oil_Spills_in_Marshes.pdf.

And, *Responding to Oil Spills in Coastal Marshes: The Fine Line between Help and Hindrance*, December 1995, at http://response.restoration.noaa.gov/sites/default/files/Coastal_Marshes_508.pdf.

3340 Shoreline Cleanup Sign-off Process

The shoreline cleanup sign-off process is illustrated in the graphic below.



3400 Applied Response Technologies

The first tactic used in oil spill cleanup operations on surface waters is usually mechanical countermeasures such as booms and skimmers. However, when oil threatens the public interest, the economy, or the environment, other response countermeasures and technologies should be considered. These countermeasures include: chemical dispersants, *in-situ* burning, solidifiers and bioremediation. Applied response technologies (ART) are listed in Subpart J of the National Contingency Plan.

It's the policy of the Region IX RRT that Applied Response Technologies (ARTs), such as dispersants, *in-situ* burning, bioremediation agents and other Oil Spill Cleanup Agents (OSCA); *e.g.*, surface-washing agents, solidifiers) are an integral part of spill response and ought to be available and used, as appropriate, in a timely and efficient manner. The use of ARTs shall be considered when their environmental benefit outweighs their adverse effects.

All use of ARTs other than preapproved use of dispersants and *in-situ* burning are governed by the case-by-case RRT approval process (40 CFR §300.910(b)), and is accomplished at the time of a spill.

At the time of an oil spill, the FOSC/OSC can request to use an ART via a formal request to the RRT. *It is the policy of the Region IX RRT to "approve" or "deny" an ART request within 2 hours of the request being made.* Once approval is granted, a product can be used subject to conditions of approval. Use of any ART on a Regional boundary shall include the appropriate RRT members of the bordering Region.

Prior to pursuing the use of ARTs, the FOSC/OSC should first seek advice from the NOAA, Scientific Support Coordinator (in the coastal zone), or the U.S. EPA, Scientific Support Coordinator (in the inland zone), as well as the OSPR (or other) ART Technical Specialists. See *Scientific Support Coordinator and Applied Response Technology (ART), Lead Technical Specialist* in [Enclosure 0000, RCP Contacts in one list.xlsx](https://www.nrt.org/site/doc_list.aspx?site_id=114) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

3401 Oil Spill Cleanup Agents

An OSCA is any chemical, or any other substance, used for removing, dispersing, or otherwise cleaning up oil or any residual products of petroleum in, or on, any of the waters of the state or shorelines thereof. This category of substances would include surface-washing agents and shoreline cleaners, dispersants, gelling agents, herding agents, emulsifiers-demulsifiers, chemical booms, sorbents (other than polypropylene or other inert products) and bioremediants. The use of OSCAs is regulated at both the state and federal levels. It also includes the chemicals used to wash surfaces such as a ship's hull, sea wall, hard boom, or rip

rap; or to recover oil; and the chemicals used for bioremediation.

3402 Shoreline-Cleanup Agents

Chemical agents applied to shorelines generally are designed either to prevent adherence (stranding) of oil or to release already stranded oil. The efficiency of mechanical cleanup operations may be enhanced by the use of shoreline cleaning agents by assisting with the refloating of oil or preventing its subsequent stranding. While the use of chemical cleaning agents may be appropriate under proper circumstances, certain limitations must be recognized. The potential for toxic responses in indigenous fauna or flora to the cleaning agent must be considered. As compared to dispersants, in which the chemical agents are immediately diluted upon addition to the water surface, shoreline cleaning agents often remain undiluted for prolonged periods of time and consequently can have a greater impact upon the indigenous biological and geological resources.

The NCP, Section 300.910, authorizes the use of chemical agents to respond to discharges of oil. The following guidelines consolidate existing federal and state policies and streamline the approval process without jeopardizing proper environmental consideration of the use of shoreline cleaning agents.

The FOSC/OSC *shall* adhere to the following:

- (1) Zone 1: By definition, shoreline cleaning agents would be considered for use on oil stranded on shorelines. The OSC shall obtain approval from the EPA, state representatives to the RRT and the Natural Resource Trustee(s).
- (2) Data Collection/Technical Support: EPA, State of California, DOI, and DOC will each have a representative available to coordinate data collection and interpretation and to consult with the OSC.
- (3) Authorized Chemical Agents: Only chemicals listed on the NCP Product Schedule and approved for use in compliance with Article Three (sections 2332 through 2336) of California Code of Regulation, Title 23, may be considered for use. Shoreline cleaning agents must be clearly labeled and licensed for this specific use. OSCAs categorized as dispersing agents cannot be applied to the shoreline [Article Three (Section 2332) of the California Code of Regulations, Title 23], and therefore cannot be used as shoreline cleaning agents.
- (4) Monitoring: The application process and results must be documented. This can be accomplished using film or video footage made from the shore or from the air. Visual observations can also be made by a trained observer. Filming should be done without causing delay to the shoreline cleaning agent application.

3403 California Requires State Licenses and RRT Approvals

To use an OSCA in California waters three things must be true:

- The chemical is listed as an approved OSCA on the National Contingency Plan, Subpart J, Product Schedule (commonly known as the EPA Selection Guide).
- The chemical is licensed or exempted in the State of California as an OSCA:
 - Licensed
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=33684&inline>.
 - Exempt
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=33682&inline>.
- Regional Response Team IX has approved the use and method of application of that chemical during a particular cleanup response.

3403.1 State of California OSCA Licensing Procedures

Government Code Section 8670.13.1 authorizes the CDFW OSPR to license OSCAs. The intent of the licensing process is to give the OSPR the opportunity to review product information, including toxicity, efficacy & degradation characteristics in a non-emergency situation, to determine if use of such a product would be beneficial. This provides the UC with as much flexibility as possible at the time of a spill without necessitating a thorough review of product literature. Although it is possible to use an unlicensed product during a spill incident, this can only be done on an experimental use basis, with approval by the state.

Additionally, the use of an unlicensed product should only be considered if such use provides a result that cannot be obtained any other way, including the use of a licensed product.

3403.2 Exception to License Requirement in California

Sorbents and cleanup devices that do not use active chemical agents, or are otherwise determined by the OSPR Administrator not to cause aquatic toxicity for purposes of oil spill response do not need to be licensed. For more information, see *Applied Response Technology (ART)*, *Lead Technical Specialist* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

3404 Regional Response Team (RRT) Approval for Use

During an oil spill response, the Unified Command (UC) can request to use an Oil Spill Cleanup Agent (OSCA). This is done through a formal request of the RRT. All Alternative

Cleanup and Chemical Countermeasures must be approved in advance of use by the RRT. This includes dispersants, in-situ burning and chemical OSCAs. Once the RRT grants approval, a product can be used.

If a product is licensed by the State of California and listed on the NCP, it can be used in spill response. The ART Section of the UC will provide specific information regarding the proposed use of the product needs to be submitted for review. The proposal for use of the product must be reviewed and approved by the UC (the Administrator of the OSPR and the FOSC/OSC). Once approved by the UC, a formal request must be made to the RRT. Once the RRT grants approval, a product can be used.

3410 ART Product Categories under the NCP, Subpart J

The National Contingency Plan (NCP) Product Schedule includes five types of products which are authorized for use in controlling oil spills. They are defined 40 CFR §300.5 - NCP Definitions as Bioremediation agents, Dispersants, Sorbents, Surface-Collecting Agents, Surface-Washing Agents, or as Miscellaneous Oil Spill Control Agents.

In the Coastal zone, Applied Response Technologies must be approved by the RRT each time they are used, except as noted below.

ART	Description
Bioaugmentation a.k.a. Natural Microbe Seeding	A form of bioremediation used to accelerate natural microbial degradation of oil by adding high numbers of oil-degrading microorganisms to accelerate the process. Note: Bioaugmentation has not been demonstrated to be effective on oil spills in the field. Bioaugmentation appears less effective than biostimulation because: 1) hydrocarbon degraders are ubiquitous in nature and, when an oil spill occurs, the influx of oil causes an immediate increased response in the hydrocarbon-degrading populations; but, 2) if nutrients are limited, the rate of oil biodegradation will be less than optimal; thus, 3) supplying nutrients will enhance the process initiated by the spill, but adding microorganisms will not, because they still lack the necessary nitrogen and phosphorus to support growth. See <i>Characteristics of Response Strategies</i> , page 71, at https://response.restoration.noaa.gov/sites/default/files/Characteristics_Response_Strategies.pdf .
Bioremediation Agents	Bioremediation agents are microbiological cultures, enzyme additives, or nutrient additives that are deliberately introduced into an oil discharge and that will significantly increase the rate of biodegradation to mitigate the effects of the discharge.

ART	Description
Biostimulation a.k.a. Nutrient Enrichment	A form of bioremediation used to accelerate natural microbial degradation of oil by exploiting the ability of microorganisms to convert hydrocarbons to carbon dioxide, water, and innocuous by-products. Specifically, by adding nutrients to increase the rate of natural biodegradation. See <i>Characteristics of Response Strategies</i> , page 69, at https://response.restoration.noaa.gov/sites/default/files/Characteristics_Response_Strategies.pdf .
Dispersants	Dispersants are chemical agents that emulsify, disperse, or solubilize oil into the water column or promote the surface spreading of oil slicks to facilitate dispersal of the oil into the water column.
Sinking Agents (prohibited)	Sinking agents adsorb oil, making it denser and causing it to sink to the bottom. One example is chalk (calcium carbonate), which is chemically and biologically inert. Oil sunk to the ocean floor can only be biodegraded <i>anaerobically</i> , which is significantly slower than the <i>aerobic</i> biodegradation that can occur on the surface or in the water column. The National Contingency Plan, 40 CFR §300.910(e), states “Sinking agents shall not be authorized for application to oil discharges.” Therefore, sinking agents are prohibited in California and throughout Region IX.
Soil Washing	Soil-washing techniques may be applied to soil, sediment, bedrock and sludge. Treatment is typically <i>ex-situ</i> and requires excavation and transport of contaminated soils. Soil washing systems offer the greatest promise for application to soils contaminated with a wide variety of heavy metal, radionuclides, and organic contaminants. Commercial processes are uncommon. The contaminated water generated from soil washing is treated with technologies suitable for the contaminants.
Solidifiers	Most solidifiers are products composed of dry high molecular weight polymers that have a porous matrix and large oleophilic surface area. Solidifiers form a physical bond with the oil.
Sorbents (no approval required)	See also, <i>Application of Sorbents and Solidifiers for Oil Spills</i> at https://www.epa.gov/sites/production/files/2013-09/documents/nrt_rrt_sorbsolidifierfactsheet2007finalv6.pdf . Sorbents are essentially inert and insoluble materials that are used to remove oil and hazardous substances from water. This is done through <u>adsorption</u> or <u>absorption</u> . In adsorption, the oil or hazardous substance is attracted to the sorbent surface and then adheres to it. In absorption, the oil or hazardous substance penetrates the pores of the sorbent material, or a combination of the two. Sorbents are generally manufactured in particulate form for spreading over an oil slick or as sheets, rolls, pillows, or booms. Most sorbents do not have to be on the Subpart J, Product Schedule. Sorbents consist of materials such as: Organic products (peat moss, straw, cellulose fibers, cork, corn cobs, chicken or duck feathers, and human hair); Mineral compounds (volcanic ash, perlite, vermiculite or zeolite); and Synthetic products (polypropylene, polyethylene, polyurethane, or polyester).

ART	Description
Surface-Collecting (a.k.a. Herding) Agents	Surface-collecting agents are those chemical agents that form a surface film to control the layer thickness of oil. They are also known as oil herding agents or herders. For detailed information, see <i>RESEARCH ON USING OIL HERDING AGENTS FOR RAPID RESPONSE IN SITU BURNING OF OIL SLICKS ON OPEN WATER</i> at http://oilspilltaskforce.org/wp-content/uploads/2015/08/Final_Report_Herders_O-W_Rapid_ISB.pdf .
Surface-Washing Agents	A surface-washing agent is any product that removes oil from solid surfaces, such as beaches and rocks, through a detergency mechanism, and does not involve dispersing or solubilizing the oil into the water column. RRT approval is required when a chemical or biological surface washing agent is used. EPA defines surface-washing agents as chemical. CDFW OSPR defines them as either chemical or biological. If surface-washing agents are used "offsite" in a contained area where no oil or chemicals run off into the environment, no RRT approval is required.
Miscellaneous Oil Spill Control Agents	Miscellaneous oil spill control agents include any product, other than a dispersant, sinking agent, surface-washing agent, surface collecting agent, bioremediation agent, burning agent, or sorbent that can be used to enhance oil spill cleanup, removal, treatment, or mitigation.

The National Contingency Plan, Subpart J, "Use of Dispersants and Other Chemicals" at 40 CFR §300.900 lists applied response technologies which "may be used in carrying out the NCP." The EPA maintains a schedule of dispersants and other chemical or bioremediation products, called the *NCP Product Schedule*. See <http://www2.epa.gov/emergency-response/alphabetical-list-ncp-product-schedule-products-available-use-during-oil-spill>.

3411 Input from the Field Regarding Product Efficacy

EPA welcomes input from the field on the efficacy of Applied Response Technologies on the Product Schedule. Contact the *U.S. EPA, Regional Response Team Coordinator, Region IX* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

National Contingency Plan Product Schedule Toxicity and Effectiveness Summaries at: <http://www2.epa.gov/emergency-response/national-contingency-plan-product-schedule-toxicity-and-effectiveness-summaries>.

3420 Format for Proposed Use of Alternative Response Technologies

Date of Request:

Name of Person Submitting Request:

- Issue Statement: Please describe the issue being addressed by the proposal and the recommended solution for addressing this issue.
- Problem Statement: Please describe the specific problem being addressed by this proposal.
- Background Information: Please provide sufficient background information to provide a context for this proposal. This should include any site-specific, spill-specific or resource-specific information as well as any product information that is pertinent.
- Possible Alternatives for Addressing the Problem: Please identify the possible alternatives for addressing the problem. This may include a "do nothing" alternative. Please provide the pros and cons for each alternative.
- Recommendation: Please specify the recommended alternative. Include any additional information you feel is necessary to make your case.
- Procedures and Methodologies for Implementation: Please outline the specific experimental design & methodologies as well as the procedures for implementation of the recommended alternative.

3430 Dispersant Use Plan for California

Dispersants are an important tool for cleaning up oil spills. Like detergents, they help break up oil slicks into small droplets that biodegrade more quickly, thus mitigating harm to coastal habitats.

The *RRT9 Dispersant Use Plan for California* applies only to marine waters. See <https://www.wildlife.ca.gov/OSPR/Contingency/>.

3431 Subsea Dispersant Guidelines

The application of dispersants underwater, as they were used during the DEEPWATER HORIZON oil spill, is not covered in the *RRT9 Dispersant Use Plan for California*. Using subsea dispersants in California waters would require approval from RRT9. For instructions about the approval process, see *Regional Response Team (RRT), Approval Process* in the [Index](#).

The International Maritime Organization (IMO) has been working to develop Subsea Dispersant Guidelines for some time. The U.S. led IMO correspondence group has submitted the final draft of the IMO Guidelines for the use of Subsea Dispersants (Part IV) to the IMO Pollution Prevention & Response subcommittee. The IMO has distributed the draft for comment and will assign a drafting group to complete the work in February 2018. You can search the IMO web site for publications at <http://www.imo.org>.

3432 Endangered Species Act, Section 7 Compliance

To comply with Section 7 of the Endangered Species Act, RRT9 prepared a Biological Assessment (BA) which evaluated the potential for adverse effects on species and habitats protected under the Endangered Species Act (ESA) from implementation of the *California Dispersant Use Plan* (DUP) for Region IX. The *ESA Section 7 Biological Assessment Files* is at https://response.epa.gov/site/site_profile.aspx?site_id=8592.

3433 Human and Animal Exposure

Coast Guard responders and contractors must wear Personal Protective Equipment (PPE) when working with or near dispersants. To further limit human exposure, response and clean-up work is paused in areas being treated with aerial dispersants.

To limit animal exposure, a spotter plane flies ahead of the dispersant plane to tell the dispersant pilot when to turn the spray nozzles off to avoid spraying whales, marine mammals, birds, boats and land.

When studying human exposure, it's important to differentiate between responders exposed only to dispersants versus those exposed to both dispersants and crude oil. The U.S. Coast Guard has a rigorous Occupational Medical Surveillance and Evaluation Program that ensures that Coast Guard members who have been exposed to certain hazards are carefully monitored and given world-class care if concerns arise.

3440 *In-Situ* Burning

3441 *In-Situ* Burning in California Waters

The *RRT9 On-Water In-Situ Burning Plan for California* applies only to marine waters and is part of the *Regional Contingency Plan*. See <https://www.wildlife.ca.gov/OSPR/Contingency/>.

3342 *In-Situ* Burning in the Inland Zone

There is no Inland In-Situ Burning Plan for Region IX. Address questions to the U.S. EPA, Environmental Response Team-West in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

3350 Bioremediation

There is no Bioremediation Plan for Region IX. If bioremediation or nutrient enhancement are considered, contact the U.S. EPA, Bioremediation Expert in [Enclosure 0000, RCP Contacts in](#)

[one list.xlsx](https://www.nrt.org/site/doc_list.aspx?site_id=114) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

Nutrient enhancement requires RRT approval on a case-by-case basis, as well as the development of a detailed operations and monitoring plan.

Bioremediation/nutrient enhancement increases the rate of natural degradation of oil by adding nutrients (specifically nitrogen and phosphorus). Microbial biodegradation is the conversion by microorganisms of hydrocarbons into oxidized products via various enzymatic reactions. Some hydrocarbons are converted into carbon dioxide and cell material, while others are partially oxidized or left unaltered as a residue. Nutrients are applied to the shoreline using one of several methods: (1) soluble inorganic formulations are dissolved in water and applied as a spray at low tide, requiring frequent applications; (2) slow-release formulations are applied as a solid to the intertidal zone and designed to slowly dissolve; and (3) oleophilic formulations that adhere to the oil itself and are sprayed directly on the oiled areas. This response method is limited to shorelines and adjacent water bodies, which are well flushed, minimizing the potential for nutrient runoff that may cause significant and undesirable enrichment of an ecosystem with chemical nutrients, typically compounds containing nitrogen, phosphorus, or both (known as eutrophication). Nutrient enhancement is conditionally recommended on (1) sand beaches, (2) gravel beaches, (3) sheltered rubble slopes and (4) marshes.

3400 Air Operations Branch

Air operations may include piloted or unpiloted aircraft.

3410 Piloted Aircraft

3411 Temporary Flight Restrictions

If the Air Operations Branch Director or Air Operations Group determines that flight restrictions are needed to ensure the safety of aircraft operating in support of the response, contact the Federal Aviation Administration via the USCG Command Center or directly. See *Federal Aviation Administration, Temporary Flight Restrictions* in [Enclosure 0000, RCP Contacts in one list.xlsx](https://www.nrt.org/site/doc_list.aspx?site_id=114) at https://www.nrt.org/site/doc_list.aspx?site_id=114. Current temporary flight restrictions are listed at <https://tfr.faa.gov/tfr2/list.html>.

TFRs can be written to apply to Unmanned Aircraft Systems (drones). In that case the restricted airspace is designated a ‘No Drone Zone’.

3420 Unmanned Aircraft Systems

Unmanned aircraft are referred to by several names, including: Unmanned Aerial Vehicles (UAV), Unmanned Aircraft Vehicle Systems (UAVS), Unmanned Aircraft Systems (UAS), drones, remote controlled aircraft and model aircraft. A gender neutral term is Autonomous Aircraft Systems (AAS). EPA uses the term Aerial Video Platforms (AVP).

For general information about UAVs see <http://www.theuav.com/>. The FAA has adopted the acronym UAS for Unmanned Aircraft System to reflect the fact that these complex systems include ground stations and other elements besides the actual air vehicles. The term UAS, however, is not widely used as the term UAV has become part of the modern lexicon.

3421 FAA Regulations for Unmanned Aircraft Systems

The proliferation of commercially-available camera equipped aircraft means we must expect surveillance of spill response activities by the news media, hobbyists, environmental groups and unfriendly forces.

FAA is the primary regulator; state/local laws may also apply. See <https://www.faa.gov/uas/>.

Register unmanned aerial systems including model aircraft for hobby or recreation only at: <https://faadronezone.faa.gov/#/>.

3422 State and Local Regulations

Currently FAA allows overlapping enforcement at the state and local level, it's uncertain if/how that will continue or if it will be broken down between commercial and recreational use. For example, it's doubtful a city would be able to restrict the use of UASs by a national retailer to deliver packages.

Some local municipalities have enacted regulations prohibiting operations, e.g., City of Los Angeles Harbor Department, Santa Monica, Beverly Hills, and Berkeley.

3423 National Security Flight Restrictions for UAS

Drones are prohibited from flying over designated national security sensitive facilities. Operations are prohibited from the ground up to 400 feet above ground level, and apply to all types and purposes of UAS flight operations. See https://www.faa.gov/uas/critical_infrastructure/. Examples of these locations are:

- Military bases designated as Department of Defense facilities.
- National landmarks – Statue of Liberty, Hoover Dam, Mt. Rushmore.

- Certain critical infrastructure, such as nuclear power plants.

3430 UAS Activity Directed Against the USCG

In the event a UAS is used against any USCG or USCG-Related Activity, the unit should:

- Advise local law enforcement to immediately investigate
- Advise FAA via DEN (Domestic Events Network – Air Traffic Security Coordinator)
- Awareness campaign on safety through Public Affairs.
- Contribute to FAA on drafting of regulations – security focus
- Work with local municipalities on enforcement
- Work with local government to create ordinances (may not be authorized)
- Use or expand Safety & Security Zones to cover UASs and provide CG enforcement action

For additional guidance about the USCG Unmanned Aircraft Systems (UAS) program, see *U.S. Coast Guard, Unmanned Aircraft Systems (CG-7114)* in *Enclosure 0000, RCP Contacts in one list.xlsx* at https://www.nrt.org/site/doc_list.aspx?site_id=114., or the USCG Unmanned Aircraft Systems (UAS) division web site at <https://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Capability-CG-7/Office-of-Aviation-Force-CG-711/Unmanned-Aircraft-Systems-CG-7114/>.

3431 Reporting Near Mid-Air Collisions with USCG Aircraft

As with any near midair collision an immediate report to the local FAA Air Traffic Control (ATC) facility is *required*. If the USCG aircraft is unable to do that while airborne, the report should be made as soon as possible after landing. If the incident occurs with a cutter or land based unit, the local FAA ATC phone call should be made immediately followed by notification to local law enforcement. Even after FAA puts out its regulations, local law enforcement will have to be involved if only due to their ability to respond.

3432 Reasonable Suspicion Required to Examine Images

If a UAS with a camera is recovered, government personnel *may not examine or seize any imagery* under U.S. Supreme Court *Riley vs. California* 134 S. Ct. 2473 (2014). If you believe you have a *reasonable suspicion* that justifies examination of the images, contact the *U.S. Coast Guard, Legal Officer* in *Enclosure 0000, RCP Contacts in one list.xlsx* at https://www.nrt.org/site/doc_list.aspx?site_id=114.

3500 Wildlife Branch Director

In the Coastal Zone, this position is subject to RRT9 staffing policies. See [section 2800](#) above.

3510 Wildlife Deterrence, Capture, and Treatment

If birds and other wildlife are exposed to oil, an immediate decision must be made concerning the capture and rehabilitation of oiled birds and other wildlife. That decision must be made in consultation with the appropriate state and federal natural resource trustees, because state and federal permits are usually required for such activities. The U.S. Department of the Interior (DOI) has statutory responsibilities (delegated to the FWS) for the protection of migratory birds and federally-listed threatened and endangered species. If wildlife other than migratory birds or federally-listed species are found injured, the responsible agency would typically be the state wildlife agency.

3511 U.S. FWS Policy for UAS in Wildlife Refuges

The U.S. FWS Refuge Inventory and Monitoring Program created a flowchart to help refuges understand the requirements that need to be met before operating a UAS on a refuge.

Enclosure 3611: U.S. FWS Rules for Unmanned Aircraft Systems at <https://www.nrt.org/sites/114/files/3611%20FWS%20UAS%20refuge%20flow%20chart.pdf>.

3520 State Wildlife Plans

3521 Arizona Wildlife Action Plan

Information about wildlife in Arizona is available from the Arizona Game and Fish Department: <https://www.azgfd.com/>.

The Arizona Game and Fish Department's State Wildlife Action Plan provides a framework and information to assist in setting conservation priorities for the state's wildlife and habitats. Data gathered for Arizona's State Wildlife Action Plan represents myriad sources and extensive public comment, and is used to support efforts to develop proactive conservation goals and objectives. Much of that data (more than 300 data layers) is compiled into a single model of wildlife conservation potential, the *Species and Habitat Conservation Guide*.

To ensure the State Wildlife Action Plan information is accessible and useful to everyone, the Arizona Game and Fish Department developed HabiMap™ See <http://www.habimap.org/>. This tool allows users to visually explore the distribution of Arizona's wildlife, potential

stressors to wildlife, the Species and Habitat Conservation Guide, and other relevant data.

3522 California Wildlife Response Plan

The *Wildlife Response Plan for Oil Spills in California* (the Plan) is at <http://www.wildlife.ca.gov/OSPR/Preparedness/Wildlife-Response>.

The State of California's *Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (OSPRA)* requires:

- Contingency plans for the protection of fish and wildlife;
- Funding for a network of rescue and rehabilitation facilities for seabirds, sea otters, and other marine wildlife;
- Assessment of injuries to natural resources from a spill; and
- Restoration plans to compensate for adversely affected wildlife resources and habitats.

To address these statutory mandates, the Plan was developed by a group of federal and state agencies and other interested parties. The Plan is a joint document of the U.S. Coast Guard and the California Department of Fish and Wildlife, Office of Spill Prevention and Response, and is part of the Regional Contingency Plan for federal Region IX. It's also designed to function as a stand-alone document.

The Wildlife Branch is in the Operations Section of the Unified Command. The Plan details the Wildlife Branch's purposes, goals, objectives, responsibilities, and structure. The Wildlife Branch structure required in California and detailed in this plan is expanded beyond that described in the NCP and USCG *Incident Management Handbook*. As is always true, the structure may be expanded or contracted to fit the need, but the mission remains unchanged.

3522.1 Wildlife Branch Director's Site Safety Plan

The wildlife portion of the Site Safety Plan is typically prepared by the Wildlife Branch Director and submitted to the Safety Officer for approval and incorporation into the overall response Site Safety Plan. A sample, wildlife-specific Site Safety Plan is provided in *Appendix II*; of the *Wildlife Response Plan for Oil Spills in California*. See <http://www.wildlife.ca.gov/OSPR/Preparedness/Wildlife-Response>.

3522.2 California State Wildlife Permits

State wildlife permits may be applied for at <https://www.wildlife.ca.gov/Conservation/Environmental-Review>. However, no permit is required under emergency circumstances, rather, emergency consultation between CDFW and

the Responsible Party must be initiated as soon as possible.

3523 Nevada Wildlife Action Plan

Information about wildlife response in Nevada can be found at the Nevada Department of Wildlife website: <http://www.ndow.org/>

3550 Magnuson-Stevens Fishery Conservation and Management Act

In 1996 the *Magnuson Fisheries Conservation Act* was amended by the *Sustainable Fisheries Act* to include a number of new mandates, and was subsequently renamed the *Magnuson-Stevens Fishery Conservation Act* (MSA) (16 USC 1801 *et seq*). The MSA established procedures designed to identify, conserve, and enhance Essential Fish Habitat (EFH) for those species regulated under a federal fisheries management plan (FMP).

Under Section 305(b)(2) of the MSA, federal action agencies are required to consult with NOAA's National Marine Fisheries Service (NOAA Fisheries) on all actions, or proposed actions, authorized, funded, or undertaken by the agency that may adversely affect EFH. Consultation involves the submission of an EFH assessment to NOAA Fisheries for actions including emergency responses to oil discharges and hazardous substance releases. See Section 300 of the MSA for guidance on the identification of EFH in your FOSC/OSC's area of responsibility.

3551 Consulting NOAA about Essential Fish Habitat

The EFH consultation process is in place to ensure that federal agencies consider the effects of their actions on EFH, with the goal of "maintain[ing] fish production consistent with a sustainable fishery and the managed species contribution to a healthy ecosystem" (50 CFR §600.815(a)(2)(i)(C)(4)).

Term	Definition
Essential Fish Habitat	Those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity" and can include rivers, estuaries, bays and open ocean (out to 200 miles).
Habitat of Particular Concern	A subset of EFH which includes all bays, estuaries and river mouths including where herring spawn in San Francisco Bay.

In California, when OSPR/USCG requests an ESA Section 7 consultation from NOAA

National Marine Fisheries Service (NMFS) does a review for ESA and includes EFH, and *Marine Mammal Protection Act* reviews.

As with the *Endangered Species Act*, FOSC/OSCs determine when an action “may adversely affect” EFH. Once the FOSC/OSC has identified an action that may adversely affect EFH, the FOSC/OSC must notify NOAA Fisheries and provide an EFH Assessment. Once NOAA Fisheries receives the Assessment, it provides recommendations to the FOSC/OSC within 30 days regarding the actions taken or to be taken. The FOSC/OSC is then required to provide a detailed response in writing to NOAA Fisheries within 30 days of receiving the recommendation. As with ESA Section 7 consultations, EFH consultations should be taking place in an expedited manner during an emergency with a formalized consultation process taking place after the emergency is declared over, if necessary.

Alternatively, if the FOSC/OSC determines that there are “no adverse effects,” the FOSC/OSC is not required to notify NOAA Fisheries of its findings and actions related to the spill response. However, NOAA Fisheries on their own may decide that an action may adversely affect EFH and send their recommendations to the FOSC/OSC. In this case, the FOSC/OSC must respond to NOAA Fisheries in writing within 30 days.

The FOSC/OSC’s response to NOAA Fisheries shall include a description of measures proposed to avoid, mitigate, or offset the impact of the activity on EFH. In cases where the FOSC/OSC is not in agreement with the recommendations by NOAA Fisheries, the FOSC/OSC must at a minimum explain the reasons for not following the recommendations.

The FOSC/OSC should contact NOAA Fisheries (through the Scientific Support Coordinator) early in emergency response planning but may consult after-the-fact if consultation on an expedited basis is not practicable before taking action (50 CFR §600.920(a)(1)). Additionally, the FOSC/OSC and NOAA Fisheries may agree to combine an EFH consultation into an already established consultation process, such as those for the ESA for the same incident, provided all the information required for EFH is documented. See NOAA, *Scientific Support Coordinator* in [Enclosure 0000, RCP Contacts in one list.xlsx](https://www.nrt.org/site/doc_list.aspx?site_id=114) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

FOSC/OSCs are encouraged to work with applicable Regional Response Teams and Area Committees before an oil discharge or a hazardous substance release to update their ACPs with methods on how to minimize, mitigate, or avoid adverse effects to EFH.

3560 Federal Protection of Endangered Species

The introduction to the *Endangered Species Act of 1973* states that endangered and threatened

species of wildlife and plants "are of esthetic, ecological, educational, historical, recreational, and scientific value to the Nation and its people."

The Act states further that the purposes of the Act are "...to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved [and] to provide a program for the conservation of such ... species...."

3561 California DFW Is Primary Contact for Fish & Wildlife Issues

On 1988, U.S. FWS signed a Memorandum of Understanding designating CA Department of Fish and Wildlife as the primary contact for Fish and Wildlife in the event of oil or toxic substances spills in the State of California. The text of the MOU is at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=33719>.

3570 Endangered and Migratory Bird Species

Regulations provide that rehabilitation of species listed under both the *Migratory Bird Treaty Act* (MBTA) and the *Endangered Species Act* (ESA) may be authorized via a migratory bird rehabilitation permit issued under 50 CFR §21.31. The U.S. Fish and Wildlife Service is party to a Memorandum of Agreement with the Environmental Protection Agency and the National Oceanic and Atmospheric Administration that addresses how threatened and endangered species should be addressed during an oil spill.

It is important to note that the federal regulations for the *Endangered Species Act* include provisions that allow for handling of sick, injured and orphaned wildlife specimens by authorized individuals. 50 CFR §17.21(c) (3) & (4) describe this authority for endangered wildlife and 50 CFR §17.31(b) describes the authority available for threatened wildlife. In this section of the regulations, certain employees of the U.S. Fish and Wildlife Service, other federal land management agencies, NOAA NMFS and state conservation agencies are given the authority to aid wildlife species and are given specific steps that must subsequently be followed regarding disposition of these specimens. If an emergency permit is issued when the life and health of a specimen is threatened and there is no alternative, a comment period must be announced within 30 days of issuance of the emergency permit.

3571 Executive Order 13186: Protection for Migratory Birds

Under the *Migratory Bird Treaty Act* (MBTA) and *Executive Order 13186: Responsibilities of Federal Agencies to Protect Migratory Birds*, federal agencies are required to complete a memorandum of understanding with the U.S. Fish and Wildlife Service if their activities *may* have negative effects on birds. The MOU outlines how agencies will reduce those impacts.

The Coast Guard signed an updated Memorandum of Understanding (MOU) with the U.S. Fish and Wildlife Service in 2014 to promote the conservation of migratory bird populations. The MOU obligates the Coast Guard to identify actions that might have a substantial adverse impact on migratory birds and it requires the Coast Guard to incorporate certain specific concerns for migratory birds into its day-to-day decision-making.

For the full text of *Executive Order 13186: Responsibilities of Federal Agencies to Protect Migratory Birds*, see

<https://www.fws.gov/birds/policies-and-regulations/administrative-orders/executive-orders.php>.

3572 Co-Trusteeship for Migratory Birds and Endangered Species

U.S. Fish and Wildlife Service and the States share co-trusteeship for migratory birds and threatened and endangered species. Both need to be consulted if such resources are affected.

States are sole trustees for resident (non-migratory) and non-listed (threatened or endangered) fish and wildlife. National Marine Fisheries Service is responsible for threatened and endangered marine species and habitats including anadromous salmonids. Indian tribes are trustees for natural resources, including their supporting ecosystems, belonging to, managed by, controlled by, or appertaining, to the tribe.

3580 Permits for Activities Associated with Oil and Hazardous Materials Spills

The following permits all relate to wildlife.

3581 Rehabilitation Permits for Migratory Birds

Most species of birds found in the United States are protected by the *Migratory Bird Treaty Act (MBTA)* (50 CFR §10.13). The MBTA implements within the U.S. the protocols established by four international treaties between the U.S. and four other nations. Each treaty protects species of birds that occur in each of the signatory countries. In all, the MBTA protects over 800 species of birds native to the U.S. and makes it illegal (except for limited permit exceptions granted by regulation) to take, capture, kill, possess, sell, purchase, import, or export any species listed under the MBTA without a permit. Implementing regulations provide that permits may be issued for certain activities (e.g. scientific collecting, taxidermy, falconry). The regulation that provides for permits for activities associated with oil and hazardous waste spills is found at 50 CFR §21.31.

Permits issued under this regulation, 50 CFR §21.31, authorize capture, possession, transport, and disposition of sick, injured, or orphaned migratory birds. The regulation contains additional provisions that apply to oil and hazardous waste spills at 21.31(f). All entry to spill sites must be authorized by the U.S. Fish and Wildlife Service Field Response Coordinator and the On-Scene Coordinator. The initial cleaning, emergency care, and triage of birds is usually performed by contracted permitted responders, although additional volunteers may be recruited quickly to provide assistance under the supervision of the permittee. The U.S. Fish and Wildlife Service has oversight for all phases of the migratory bird rehabilitation effort. Oversight will be based on protocols found in *AVOIDING AND MINIMIZING IMPACTS TO BIRDS* at <https://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>. All activities conducted on site are subject to the authority of the On-Scene Coordinator. Subsequent off-site migratory bird rehabilitation must be with a permitted rehabilitator or sub-permittee thereof.

3582 Permits to Rehabilitate Bald and Golden Eagles

Eagles, both bald and golden, are listed under the MBTA, but they are also protected by an additional law, the *Bald and Golden Eagle Protection Act (BGEPA)*. Like the MBTA, the BGEPA has implementing regulations that provide for permits to carry out specific types of activities. These regulations are codified at 50 CFR §22. In most cases, activities prohibited by the BGEPA may only be authorized by issuance of a permit under 50 CFR §22. However, one of the exceptions is for rehabilitation: special provisions apply that enable the U.S. Fish and Wildlife Service to authorize the rehabilitation of eagles under the regulations that govern rehabilitation of other migratory birds at 50 CFR §21.31.

3583 Endangered Species Act Permits

Section 10 of the Endangered Species Act (ESA) is designed to regulate a wide range of activities affecting plants and animals designated as endangered or threatened, and the habitats upon which they depend. With some exceptions, the ESA prohibits activities affecting these protected species and their habitats unless authorized by a permit from the U.S. Fish and Wildlife Service (FWS) or the NOAA National Marine Fisheries Service (NMFS). Permitted activities are designed to be consistent with the conservation of the species.

3584 Where to Get Federal Permits

For inquiries regarding federal endangered species permits and federal migratory bird permits including Bald and Golden Eagle permits and criteria for qualified wildlife rehabilitators, see *U.S. Fish and Wildlife Service, Endangered Species Permits*, or *NOAA, National Marine Fisheries Service, Endangered Species Permits* or *U.S. Fish and Wildlife Service, Migratory Bird Permits* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at

https://www.nrt.org/site/doc_list.aspx?site_id=114.

3590 Marine Mammals

3591 Guidelines for Seals

The NOAA, National Marine Fisheries Service (NMFS), Marine Mammal Health and Stranding Response Program maintains the *Pinniped and Cetacean Oil Spill Response Guidelines*. See

<https://www.fisheries.noaa.gov/resource/document/pinniped-and-cetacean-oil-spill-response-guidelines>.

CDFW OSPR and NOAA NMFS have a Memorandum of Agreement Regarding the *California Marine Mammal Stranding Network & Oiled Wildlife Care Network* at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=33723&inline=true>.

3592 Marine Mammal Stranding Network Contacts

For live and dead strandings, see “Marine Mammals” in *Enclosure 0000, RCP Contacts in one list.xlsx* at https://www.nrt.org/site/doc_list.aspx?site_id=114.

Strandings of Guadalupe fur seals occur seasonally along the entire coast of California and generally peak in April through June of each year. Strandings in California became elevated in early 2015 and have continued so through 2019.

3593 Unusual Mortality Events

Under the Marine Mammal Protection Act, an *unusual mortality event* (UME) is defined as "a stranding that is unexpected; involves a significant die-off of any marine mammal population; and demands immediate response." Understanding and investigating marine mammal UMEs is crucial because they can be indicators of ocean health, giving insight into larger environmental issues which may also have implications for human health. For more information, see <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-unusual-mortality-events>.

3600 Wrecks and Abandoned Vessels

The greatest challenge associated with wrecks and abandoned vessels is funding for removal. The cost of vessel removal can be multiple millions of dollars. If the vessel owner has insurance or funds of their own, they can be ordered to remove the vessel by Captain of the Port (COTP) order. The trouble arises when the vessel owner has no, or inadequate insurance and

insufficient funds of their own. The Oil Spill Liability Trust Fund (OSLTF) pays to remove pollution threats, not to remove vessels from which pollution threats have been removed. However, abandoned vessels are prone to illegal dumping activities including use as meth labs. The presence of environmental and public health hazards may make other funds available.

The FOSC shall always coordinate with the National Pollution Fund Center (NPFC) to ensure that proposed actions are consistent with policies regarding the use of the OSLTF/CERCLA fund.

3601 Abandoned vs. Derelict

The terms “abandoned” and “derelict” are often used interchangeably to describe the condition of a vessel, but the terms have very different meanings. Generally, “abandoned” applies when the vessel owner(s) surrenders all rights to the vessel and its cargo. “Derelict” refers to a vessel in significant disrepair left unattended by its owner. Whereas an abandoned vessel has no owner, a derelict vessel may have a known owner.

The U.S. Coast Guard defines an abandoned vessel as, “any craft designed for navigation that has been moored, stranded, wrecked, sunk, or left unattended for longer than 45-days”. A vessel on private property with permission of the owner is not considered abandoned.

The U.S. Code of Federal Regulations, 33 CFR Part 245, *Removal of Wrecks and Other Obstructions* describes a vessel as when the owner gives up “the exclusive right to salvage and an indication of no intent to claim the vessel.”

The authorities supporting an NCP response, CERCLA and the CWA, do not use the term “abandoned.” Response actions to address a “vessel” (abandoned or not) under these Acts is generally based on the threat to public health or the environment from the release or substantial threat of a release of a hazardous substance, or discharge or substantial threat of a discharge of oil.

3610 Vessel Removal

Local authorities and residents often want a wreck or abandoned vessel removed, especially if it is visible at high tide. If the vessel is a hazard to navigation, the Army Corps of Engineers has funds to remove it or to mitigate the hazard. As of this writing, the state of California has no fund for removing wrecks or abandoned vessels. CERCLA funds can sometimes be used but usually funding has to be provided by multiple funds and agencies. If the vessel lies within the borders of a national marine sanctuary, NOAA has a small fund that may be used. Local authorities may also provide some funds.

The normal USCG posture is to remove the threat of pollution from the vessel *in-situ*. FOSC/OSCs that pursue vessel removal/destruction shall follow the Commandant's requirements for vessel removal/destruction requests. The vessel removal/destruction process is not available for vessels that are simply a community nuisance.

The headquarters Office of Waterways and Ocean Policy (CG-WWM) manages the abandoned vessel program. For contacts see, <https://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Marine-Transportation-Systems-CG-5PW/Office-of-Waterways-and-Ocean-Policy/>. For information about abandoned vessels, underwater legacy threats from sunken vessels, vessel destruction and marine debris pollution policy, see *Chapter 10* of the *USCG Marine Environmental Response and Preparedness Manual* (a.k.a. MERMAN), U.S. Coast Guard COMDTINST M16000.14A at https://media.defense.gov/2018/Oct/01/2002046527/-1/-1/0/CIM_16000_14A.PDF. If the link above does not work, go to <https://www.dcms.uscg.mil/Our-Organization/Assistant-Commandant-for-C4IT-CG-6/The-Office-of-Information-Management-CG-61/About-CG-Directives-System/Commandant-Instruction-Manuals/>. Scroll half-way down the page and search under the heading *Commandant Instruction Manuals* for 'marine' and select the link to the 'Marine Environmental Response' manual.

3611 USCG Vessel Destruction Policy

Destruction requests are an extremely detailed and time-consuming processes. Nothing in this policy precludes the FOSC from taking appropriate action (i.e. open the OSLTF and hire a contractor to remove the oil/hazardous substance) to immediately mitigate the substantial threat of discharge or substantial threat to public health. Early coordination with all levels of the Chain of Command (i.e., District, Area, Headquarters) is vital to the expedient processing of a destruction request. FOSCs shall consult with their District Legal Office before commencing any vessel destruction action for abandoned vessels.

Under the FWPCA or CERCLA, the FOSC mitigates the effects of an actual or substantial threat of an oil discharge and/or hazardous substance release. However, the Commandant of the Coast Guard has the sole authority to destroy a vessel under these statutes. *Appendix K* of the *USCG Marine Environmental Response and Preparedness Manual* (a.k.a. MERMAN), COMDTINST M16000.14A at https://media.defense.gov/2018/Oct/01/2002046527/-1/-1/0/CIM_16000_14A.PDF provides a checklist to assist FOSCs in determining coordination requirements and compiling the vessel destruction request.

3612 Abandoned Barges

Under the Abandoned Barge Act "abandoned barge" means any barge of more than 100 gross tons which is moored, stranded, wrecked, sunk or left unattended for longer than 45 days. A

barge is not abandoned if it is on private property with the permission of the owner.

The Abandoned Barge Act allows an owner or operator to escape liability under the Act by notifying the Coast Guard that the barge is not abandoned and providing its location. However, such a notification provides the Coast Guard with the name of a responsible party who may be subject to liability under the Oil Pollution Act of 1990, the Clean Water Act or CERCLA if the barge poses a pollution threat either at the time of notification or in the future. Furthermore, such a notification may expose the owner or operator to liability under other federal and state laws as well as possible civil liability to third parties. If an owner or operator of an abandoned barge is identified, the COTP should initiate civil penalty procedures, against either or both as appropriate. Penalties are assessed per day.

Under the Abandoned Barge Act, the Coast Guard has the authority to remove an abandoned barge after complying with notification procedures. After identifying the number of barges meeting the criteria for removal under the Abandoned Barge Act and the estimated cost of removal, the program may request funding for following fiscal years. Absent an emergency, abandoned barges will not be removed under the authority of the Abandoned Barge Act unless they can be removed at no cost to the Coast Guard (i.e., the scrap value exceeds the cost of removal).

. Although an abandoned barge over 100 gross tons may be removed under authority provided by the Abandoned Barge Act, the Clean Water Act or CERCLA should be used to remove the barge whenever applicable. In order to use the Clean Water Act or CERCLA, the response must be principally for the purpose of dealing with a discharge or substantial threat of a discharge of oil or a hazardous substance.

The Coast Guard will normally remove an abandoned barge under the authority provided by the Abandoned Barge Act *only* if *all* the following criteria are met:

- The owner or operator cannot be identified or has been notified and refuses to remove the barge and is unlikely to be compelled to remove the barge by the civil penalty process.
- The barge cannot be removed under the Clean Water Act or CERCLA.
- The barge cannot be removed by the Army Corps of Engineers as a hazard to navigation.
- The barge poses a significant threat to public health, safety or welfare that cannot be effectively abated by a means other than removal.
- The threat posed by the abandoned barge Justifies the cost of removal.

The exercise of removal authority under the Abandoned Barge Act is always a special case,

and therefore requires approval of Commandant.

Any case that results in Coast Guard removal is potentially a case for reimbursement, even if the owner or operator is not known at the time of removal. In all such cases, records should be maintained to account for all costs and labor involved in the removal process, detailing for each individual the time spent on each task (e.g., writing plans and specifications for removal, inspecting contractor work, etc.).

3613 Historic Vessels

Written approval from the appropriate State Historic Properties Officer (SHPO) shall be obtained for all vessels over 50 years of age.

3614 Ocean Dumping

If the vessel will be sunk in an approved area instead of being removed to land, an application for an EPA ocean dumping permit is required. The USCG servicing District legal office shall review all ocean dumping permit applications. If sunk within three nautical miles from shore, the appropriate state agency must be consulted.

When considering vessel scuttling or ocean dumping, brief the Regional Response Team. The *Marine Protection, Research, and Sanctuaries Act* (MPRSA), 16 USC Chapter 32, regulates the ocean dumping of wastes including disposal of ships at sea. The Environmental Protection Agency (EPA) has criteria for ocean dumping permits including the sites and time periods at which ocean disposal can occur. See *U.S. EPA, Ocean Dumping Coordinator* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

When an emergency situation exists, where the vessel poses an immediate peril, is at risk of sinking, and is likely to result in a pollution event or hazard to navigation, the disposal process can be expedited. For example, when the USACE and/or the USCG determine that an emergency exists; exceptions can be made regarding the notification requirements, the daylight requirement, and the requirement that all oils and contaminants be removed.

In most emergency instances involving vessel scuttling, the vessel owner is involved in the decision-making. However, in cases where the owner is unknown or uncooperative, the USCG, in accordance with the National Contingency Plan (NCP), has the authority to remove and, if necessary, destroy a vessel. While the Federal On-Scene Coordinator (FOSC) makes the initial determination of whether a vessel should be removed or destroyed, only the USCG Commandant can authorize removal or destruction.

3615 Natural Disasters

Unlike typical abandoned vessel cases—which lack a clear owner/operator—vessels displaced, sunk, or grounded due to a natural disaster typically have an owner/operator. USCG COTPs should make every effort to identify the vessel owner/operator and compel them to remove/relocate vulnerable vessels before they become an obstruction or hazard to navigation. If an owner/operator is not found or not financially able to remove the vessel, disaster funding under the Stafford Act Emergency Support Function 10 (ESF-10) may be available.

3620 State Guidance

3621 Arizona

Arizona has provisions for registering abandoned boats in the possession of a towing company. Boats abandoned on private property are handled on a case-by-case basis. See *Watercraft Rules & Regulations* <https://www.azgfd.com/boating/regulations/>.

3622 California

The State of California in Harbors and Navigation Code section 522(a) defines an abandoned vessel as, “Any hulk, derelict, wreck, or parts of any ship, vessel, or other watercraft sunk, beached, or allowed to remain in an unseaworthy or dilapidated condition upon publicly owned submerged lands, salt marsh, or tidelands within the corporate limits of any municipal corporation or other public corporation or entity having jurisdiction or control over those lands, without its consent expressed by resolution of its legislative body, for a period longer than 30 days without a watchman or other person being maintained upon or near and in charge of the property, is abandoned property.”

In exceptional cases, it’s possible to request special funding from the State legislature.

3623 Nevada

Response to abandoned watercraft in the State of Nevada is defined in statute. See *Chapter 488 – Watercraft* at <https://www.leg.state.nv.us/nac/nac-488.html>.

3630 Other Federal Guidance

The statutes and regulations listed below are the primary authorities that facilitate federal action in addressing abandoned vessels. Depending on the circumstances, other authorities may be used to mitigate damage from or otherwise address abandoned vessels.

Title	Statute	Lead Agencies					
		DOD	DOI	EPA	NOAA	USACE	USCG
Abandoned Barge Act	46 USC 4701					X	X
Abandoned Shipwreck Act of 1987	43 USC 2101		X				
CERCLA	42 USC 9601			X			X
Clean Water Act	33 USC 1251			X			X
Intervention on the High Seas Act	33 USC 1471						X
Marine Debris Act	33 USC 1951			X	X		X
Marine Protection, Research and Sanctuaries Act	33 USC 1401			X	X		
National Marine Sanctuaries Act	16 USC 1431				X		
Oil Pollution Act of 1990 (OPA-90)	33 USC 2710			X	X		X
Wreck Act	33 USC 414					X	X
Salvage Facilities Act	10 USC 7361	X					
Saving Life and Property	14 USC 88						X

3631 NRT Guidance

NRT abandoned vessel guidance is for Federal On-Scene Coordinators (FOSCs) and Area Committees developing solutions for the abatement of pollution from abandoned vessels and removal and disposition of abandoned vessels, including existing state programs. See <https://www.nrt.org/Main/Resources.aspx?ResourceType=Abandoned%20Vessels&ResourceSection=2>

3632 U.S. Army Corps of Engineers

USACE shares some responsibility in removing abandoned vessels that are hazards to navigation in the navigable waters of the U.S., in accordance with 33 Code of Federal Regulations (CFR) § 245. Vessels removed under this authority do not need Commandant approval and may be handled as a matter between the COTP and the USACE District Engineer.

The USCG and USACE signed a Memorandum of Understanding (MOU) on October 5, 2012, which outlines procedures for making determinations of hazards to navigations and coordinating mitigation actions when a hazard to navigation exists. 33 CFR. Part 245, *Removal*

of Wrecks and Other Obstructions, describes the administrative procedures and policy the USACE uses to exercise its authority for wreck removal.

See also, 33 CFR Part 64, *Marking of Structures, Sunken Vessels and other Obstructions*, at <http://www.ecfr.gov/>. Search first for the Title and then for the Part.

3633 Grave and Imminent Danger

The *Intervention on the High Seas Act* (IHSA) applies to oil and other substances, and allows the Coast Guard to “remove, and, if necessary, destroy” a vessel determined to be a “grave and imminent danger” to the coastline or related interests of the United States”. This authority applies even if the vessel and the source of pollution are located beyond the U.S. territorial sea boundary. Intervention with foreign vessels is used when an owner is uncooperative, taking no action, or taking insufficient action.

3800 Other Spill Sources and Materials

3810 Marine Debris.

The *Marine Debris Act of 2012*, 33 U.S.C. 1951 et seq., marine debris is defined as “Any persistent, solid material that is manufactured or processed and, directly or indirectly, intentionally or unintentionally, disposed of or abandoned into the marine environment...” Examples of marine debris include but are not limited to docks, vessels, garbage, drums and abandoned nets.

In cases where marine debris poses an oil or hazardous substance threat, the FOSC shall notify the NPFC to ensure availability of the OSLTF. The FOSC shall also notify the regional NOAA Marine Debris Coordinator. It is important to note that actions taken are in response to actual or substantial threat from the oil or hazardous substance, and not to marine debris itself. When the potential source of oil and/or hazardous substances are mitigated, the FOSC’s authority under the NCP does not apply to the remaining marine debris.

3820 Pollution from Legacy Wrecks

In 2010, the National Oceanic and Atmospheric Administration (NOAA) received funding to identify and prioritize the most ecologically and economically significant potentially polluting wrecks in U.S. waters, including the Great Lakes. The resultant Remediation of Undersea Legacy Environmental Threats (RULET) report series (NOAA, 2013) narrowed 20,000 sunken vessels known in U.S. waters to 107 that may pose a substantial pollution

threat based on a variety of factors. The report series provides 87 separate risk assessment packages for FOSC/OSC visibility, consideration, and possible action.

The prioritized RULET listing provides an opportunity for the USCG and interagency partners to address potential pollution threats from legacy wrecks in a more proactive, methodical, and cost-effective manner, but how FOSC/OSCs choose to use and act on the information may vary from site to site and from region to region. See *Potentially Polluting Wrecks in U.S. Waters* at <https://sanctuaries.noaa.gov/protect/ppw/>.

3830 Petroleum Pipelines

The U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA), pronounced "*fim sa*", establishes national policy, sets and enforces standards, educates, and conducts research to prevent incidents. They also prepare the public and first responders to reduce consequences if an incident does occur. For more information, see their web site at <http://www.phmsa.dot.gov/>.

PHMSA's Office of Pipeline Safety (OPS) is responsible for ensuring the safe, reliable, and environmentally sound operation of the pipeline transportation system in the U.S.

3831 National Pipeline Mapping System

PHMSA maintains the National Pipeline Mapping System (NPMS) at <https://www.npms.phmsa.dot.gov/>. The NPMS is a dataset containing locations of and information about gas transmission and hazardous liquid pipelines and Liquefied Natural Gas (LNG) plants which are under the jurisdiction of the Pipeline and Hazardous Materials Safety Administration (PHMSA).

Emergency responders can obtain more detailed information than is available to the public by contacting the NPMS at the link above and requesting access.

The NPMS website contains:

- The NPMS Public Map Viewer, which allows the public to view pipeline maps in a user-selected county;
- PIMMA, which allows government officials and pipeline operators to view pipeline maps with additional scope and detail; and
- Find Who's Operating Pipelines in Your Area, which searches for pipeline operator contact information in a user-selected county, state, or ZIP code.

Please note that the spatial accuracy of pipeline data in the NPMS is +/-500 feet. Therefore,

the NPMS should never be used as a substitute for calling 811 before digging or excavating.

3840 Crude by Rail

Search the Federal Railroad Administration (FRA) website at <https://railroads.dot.gov/> for “crude by rail”. Maps of crude-by-rail routes are not available to the public.

The U.S. Department of Transportation, Federal Railroad Administration (FRA) enables safe, reliable, and efficient movement of people and goods primarily by issuing, implementing, and enforcing safety regulations, investing selectively in rail corridors across the country, through research and by developing technology.

3850 Liquefied Natural Gas and Liquefied Petroleum Gas

Liquefied Natural Gas and Liquefied Petroleum Gas have begun to find their place in heavy-duty applications in places like the US, Japan, the UK and some countries in Europe. For many developing nations, they are not a practical option.

3851 Differences between LNG and LPG

The properties of Liquefied Natural Gas and Liquefied Petroleum Gas are very different. See the table below.

Name	Description	Advantages	Disadvantages
Liquefied Natural Gas (LNG)	Natural gas stored as a super-cooled (cryogenic) liquid. The temperature required to condense natural gas is typically between -120 and -170°C (-184 and -274°F).	LNG has an energy density comparable to gasoline and diesel fuels, which extends driving range.	The high cost of cryogenic storage on vehicles & the major infrastructure requirement of LNG dispensing stations, production plants and transportation facilities.

Liquefied Petroleum Gas (LPG) a.k.a. Autogas	Consists mainly of propane, propylene, butane, and butylene in various mixtures. It's produced as a by-product of natural gas processing and petroleum refining. The components of LPG are gases at normal temperatures and pressures.	LPG evaporates at normal temperatures and pressures.	<ul style="list-style-type: none"> • LPG varies widely in composition, leading to unpredictable engine and cold starting performance. • LPG is stored in pressurized steel bottles. • LPG is heavier than air, and will flow along floors and settle in low spots, such as basements. Such accumulations can cause explosion hazards, and are the reason that LPG-fueled vehicles are prohibited from indoor garages in many jurisdictions.
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3852 Liquefied Gas Carrier Expertise

The *Liquefied Gas Carrier National Center of Expertise* (LGCNCOE) was established in 2009. See <https://www.dco.uscg.mil/lgcncoe/>. The scope of its expertise includes: foreign and domestic flagged vessels and barges that carry liquefied gases in bulk, commercial ships that

use LNG as a fuel, and the safety and engineering systems associated with LNG/LPG storage facilities.

3860 Biofuels (Ethanol, Ethyl Alcohol and Biodiesel)

Ethanol and Biodiesel fuels are very different: They

- Behave very differently when spilled into the marine, freshwater or terrestrial environments.
- Are part of two very distinct and dynamic economic, industrial, and regulatory regimes.
- Are regulated by laws enacted by Congress in an effort to achieve certain political and environmental objectives.

3861 Ethanol

Ethanol or Ethyl Alcohol:

- Includes E10, E85, E98 (fuel blends denatured with gasoline).
- Is a non-persistent product, evaporates and dissolves very rapidly once spilled especially with a high degree of mixing energy.
- Is totally miscible in water, similar to mixing milk into coffee.
- Will typically mix immediately into the water column, with some evaporation.
- Containment and recovery are usually not possible on water.
- Fires and spills involving ethanol and ethanol/gasoline blends pose complex challenges for emergency responders
- Ethanol is a polar/water-miscible flammable liquid
- Degrades effectiveness of firefighting foams that are not alcohol resistant

Resources Potentially Affected	Habitat, Location	Potential Impact (depends on exposure duration, life stage)	Recovery Time (depends on severity of effect, duration of exposure, etc.)
Microbes, Plankton	Water surface, Upper water column	Acute – lethal in high doses, depends on duration of exposure	Very short, on the order of hours to days - because rapidly replaced

Shellfish	Intertidal, subtidal, benthic	A few hours exposure, can have substantial acute effects, such a depressed activity, narcosis and other effects on various systems; can metabolize	Depends on severity of effect, duration of exposure, etc. ~ weeks to months
Fish	Water column	Larval, juveniles more susceptible than adults; 11200 ppm = 24hr LC50 Rainbow Trout	Depends on severity of effect, duration of exposure, etc. ~ weeks, months, years. Ethanol trapped in sediments could affect eggs, larvae
Birds	Water surface, Shoreline	Low likelihood of exposure on water surface, subsurface plume. Long term exposure can cause substantial effects, including cardiomyopathy	Depends on severity of effect, duration of exposure, etc. ~ likely years or one breeding cycle
Mammals	Water surface, Shoreline	Acute LD ₅₀ mouse = 3,450 ppm oral; acute LD ₅₀ rabbit dermal = 20,000 ppm	Depends on severity of effect, duration of exposure, etc. ~ likely years or one breeding cycle

3862 Biodiesel

Biodiesel is created as follows: Fatty Acid Methyl Esters (FAME) (aka fatty acid esters or alkyl esters) are mixed with methanol and a catalyst, usually Sodium Hydroxide (NaOH), and react to form Methoxide. Methoxide is then mixed with source oils to initiate the Transesterification process which produces Glycerin and Biodiesel (Methyl Esters).

Property	Corresponding Behavior
High Boiling Point, Low Vapor Pressure	Remains in liquid phase under most environmental conditions
Typical Flash Point ~ 150°C (302°F)	Rather non-flammable
Viscosity similar to diesel, 1.9 – 6.0 cSt at 40°C (vs. 1.3-2.4)	Speed of flow/flow potential are similar

Specific Gravity: 0.86	Lighter than water, floats
Evaporation rates tend to be slower than diesels	Could affect persistence, although biodiesel biodegradation is ~ 5x faster than diesel
“Light ends” or the highly toxic, water-soluble BTEXs , and PAHs – much less than diesel	Affects evaporation, persistence, toxicity

3862.1 Biodiesel Response Challenges

- 5-10x less acutely toxic to aquatic organisms than petro diesel.
- Biodiesel/petro diesel blends up to 20% are similarly toxic to petro diesel.
- Toxicity for blends is not linear with blend concentration.
- No strong correlations between solubility and toxicity.
- Numerous lab tests show biodiesel has very low toxicity to marine and aquatic organisms, but could present a smothering problem.
- Response may be Hazardous Substances or Oil discharge, or both.
- Methanol and NaOH are inhalation and dermal hazard, Sodium Methoxide even more so.
- Sorbents can be effective, as well as particular skimmers and vacuum devices.
- Biodiesel can be corrosive to rubber, which affects skimmer choice.
- Biodiesel Forensics can be done with “fingerprinting” as for diesel.
- Biodiesels will naturally disperse to a greater extent than diesel
- Biodiesels are mild surfactants (i.e. Compounds that lower the surface tension between two liquids. Surfactants may act as dispersants.);
- Biodiesel blended with diesel, as low as B10 to B20, can cause dispersion of diesel into the water column.

3863 Planning Considerations

Biofuels and production chemicals are transported by barge and vessel in some parts of the country in large volumes, spills from these vessels would most likely have a USCG FOSC/OSC.

Area Committees and RRTs need to know the volumes and modes of transport in their areas of responsibility, and associated risks of spills to explore contingencies and means to mitigate the risks.

3870 Sewage Spills

Sewage spills are not covered by oil and hazardous materials spill response plans. U.S. EPA's Water Division handles such spills under their Clean Water Act Section 301(a) authority. See U.S. EPA, *Sewage Spills* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

While there may be a minor hazardous material or oil component to raw sewage that might allow application of CWA Section 311, the EPA believes the overwhelming fraction is best addressed by EPA's National Pollutant Discharge Elimination System (NPDES) program (a non-oil CWA program). In California, EPA's Pacific Southwest (Region IX) issues NPDES permits for wastewater, industrial, and storm water discharges on Tribal lands; and any discharges into federal ocean waters. The California State Water Resources Control Board (SWRCB) and its Regional Boards issue permits for state waters. See NPDES Permits in EPA's Pacific Southwest Region (Region 9) at <https://www.epa.gov/npdes-permits/npdes-permits-epas-pacific-southwest> or California State Water Resources Control Board at <https://www.waterboards.ca.gov/>.

3880 Ultra-Low Sulfur Fuel Oils

Since January 1, 2015, in accordance with MARPOL Conventions, ship emissions must contain no more than 0.1% sulfur in Emission Control Areas (ECAs). Due to these tightened restrictions, low sulfur fuel oils have been virtually replaced with ultra-low sulfur fuel oil (ULSFO). Today the term ultra-low sulfur fuel oil usually refers not to desulfurized heavy fuel oils, but to marine gasoil, which is already low in sulfur. It is composed exclusively of distillates and has a sulfur content of under 0.1%. This marine fuel is also known as ultra-low marine gasoil. ULSFO is used in medium- to high-speed diesel engines. But, not all engine technologies are compatible with ULSFO.

The alternative to using marine fuels with ultra-low sulfur content is the use of scrubbers. This technology involves injecting water into the exhaust stream to reduce sulfur and other emissions. However, refitting a ship with this technology costs several million dollars. On the other hand, a scrubber allows higher-sulfur marine fuels to be used. In this context, such heavy fuel oils are designated as high-sulfur fuel oils (HSFO). They have a maximum sulfur content of 3.5%.

Ultra Low Sulfur Oils (ULSFO)	S < 0.1 % m/m
Very Low Sulfur Oils (VLSFO)	S < 0.5 %m/m
Low Sulfur Oils (LSFO)	S < 1% m/m
High Sulfur Fuel Oils (HSFO)	S < 3.5% m/m

3900 Waste Management

A major challenge associated with an oil spill response is the disposal of collected product and contaminated cleanup materials, soil, and debris. Each category of waste has its own type of response and management problem.

References:

Land, Waste, and Cleanup Topics at <https://www.epa.gov/environmental-topics/land-waste-and-cleanup-topics>.

Managing Materials and Wastes for Homeland Security Incidents at <https://www.epa.gov/homeland-security-waste>.

Waste Management Options for Homeland Security Incidents at <https://www.epa.gov/homeland-security-waste/waste-management-options-homeland-security-incidents>.

Enclosure 3900: EPA's Waste Management Lessons from Deepwater Horizon at <https://www.nrt.org/sites/114/files/3900%20Waste%20mgmt%20lessons%20DWH%20EPA%202013-05.pdf>.

In the coastal zone, the USCG FOSC/OSC usually relies on the oil spill removal organization (OSRO) hired by the Responsible Party to write the waste management plan.

3910 State-Specific Waste Management Rules

3911 Arizona

Direct questions to the Regional Response Team IX Representative listed in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

3912 California Department of Toxic Substances Control

In California, the Director of DTSC designates a DTSC representative(s) in advance or when notified by OSPR, the Governor's Office of Emergency Services, or the U.S. Coast Guard that a threatened or actual spill or discharge of oil and/or oily materials has occurred. The DTSC Representative(s) are authorized to implement and ensure compliance with all terms and conditions of the MOU between the Department of Fish and Wildlife's Office of Spill Prevention and Response and the Department of Toxic Substances Control Relating to the Handling and Transport of Materials Used or Recovered during an Oil Spill, 1997.

Enclosure 3912: CA OSPR- DTSC MOU re Handling\Transporting Oil Spill Waste at <https://www.nrt.org/sites/114/files/3912%20CA%20OSPR%20CA%20DTSC%20MOU%20re%20Handling%20%20Transporting%20Waste%20from%20Oil%20Spills%201997.pdf>.

3913 Nevada

Hazardous waste disposal in the State of Nevada is coordinated through the Nevada Department of Environmental Protection (NDEP) Bureau of Waste Management. Nevada regulations on discharges from water craft can be found in *NAC Chapter 488 – Watercraft* of the Nevada regulations at <https://www.leg.state.nv.us/nac/nac-488.html>.

3920 Federal Disposal of Oil

The NCP, Appendix E to Part 300, Oil Spill Response, Section 5.4, states that oil recovered in cleanup operations shall be disposed of in accordance with the RCP, ACP, and any applicable laws, regulations, or requirements. RRT and ACP guidelines may identify the disposal plans to be followed during an oil spill response and may address: the sampling, testing, and classifying of recovered oil and oiled debris; the segregation and stockpiling of recovered oil and oiled debris; prior state disposal approvals and permits; and the routes, methods (e.g. recycle/reuse, on-site burning, incineration, land filling, etc.), and sites for the disposal of collected oil, oiled debris, and animal carcasses. If you have questions, see *Scientific Support* in *Enclosure 0000, RCP Contacts in one list.xlsx* at https://www.nrt.org/site/doc_list.aspx?site_id=114.

The *Solid Waste Disposal Act* as amended by the *Used Oil Recycling Act of 1980* and the *Hazardous and Solid Waste Amendments of 1984* provide the statutory authority for the *Resource Conservation and Recovery Act (RCRA)*, as amended regulations applying to recovered oils and oily wastes. In 1992, U.S. EPA promulgated new used oil regulations at 40 CFR Part 279; these regulations incorporate the old used oil fuel requirements formerly codified at 40 CFR §266, Subpart E (1986 - 1992 CFRs). The new used oil management standards at 40 CFR Part 279 apply only to "used oil", defined as any oil that has been refined from crude oil, used, and, as a result of such use, contaminated by physical and chemical impurities. If used oil is destined for disposal, the 40 CFR Part 279 regulations reference the RCRA hazardous waste management standards. Mixtures of waste oil (i.e., spilled, unused product oils) and used oil are regulated as used oil. Waste oil and oily wastes are subject to the hazardous waste management regulations at 40 CFR Parts 124, 260-266, 268, and 270. Non-hazardous used oil may be disposed of in an industrial or a municipal solid waste landfill (each state may have additional, more stringent requirements), in accordance with 40 CFR §257 and §258.

It is federal policy to recycle waste and used oils rather than dispose of them. For more information see *Managing, Reusing, and Recycling Used Oil* <https://www.epa.gov/recycle/managing-reusing-and-recycling-used-oil>.

3921 Temporary Storage of Oiled Waste

To expedite removal of spilled oil, refined products, and contaminated material from marine waters during an emergency response, temporary storage sites may be erected at appropriate shore locations convenient to the recovery operations [CCR 66270.1(c)3]. The transportation of oil and contaminated material to temporary storage sites during the emergency response is exempt from handling and permitting requirements [Title 22, Sec. 66264.1(g)(8)]. See *Waste Management, Temporary Storage of Oiled Waste* in [Enclosure 0000, RCP Contacts in one list.xlsx](https://www.nrt.org/site/doc_list.aspx?site_id=114) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

Siting the temporary facility must be done with the concurrence of the USCG and state FOSC/OSC, DTSC, the local Regional Water Quality Control Board (RWQCB), and the local health, fire and emergency services departments. If a Unified Command is established, OSPR will facilitate the contact of the state and local government agencies through their liaison function.

Temporary storage facilities can include Baker tanks, tank trucks, oil drums, or empty fuel storage tanks. If suitable containers are not available, oily wastes may be temporarily stored in pits dug in the soil. These pits must be lined with plastic sheeting to prevent oil leakage and soil penetration.

A temporary storage site may require an emergency permit from the California Coastal Commission (CCC) or the San Francisco Bay Conservation and Development Commission (BCDC).

3922 Initial Treatment

Petroleum and petroleum contaminated cleanup materials can potentially be treated at a temporary storage site. One of the treatment processes that may be used is Transportable Treatment Units (TTU). The most likely treatment process undertaken with a TTU will be separation of sea water from collected petroleum. Another method employed for separating water is decanting water from temporary storage tanks.

Any water generated through the separation of petroleum and sea water may be potentially discharged to a sanitary sewer system or back to marine waters. The sanitary sewer discharge will require a permit from the local sanitation district which will establish effluent requirements for the discharged water. Should a sanitation district not allow the discharge of water to its

system, the recovered sea water would either be discharged back to the adjacent marine waters or transported off-site for disposal. The discharge of recovered sea water to state waters will require a NPDES permit from the local RWQCB.

A portable incinerator may be another type of TTU available during a spill response for use with contaminated material. The use of an incinerator will require a permit from the local air quality agency. The potential use of any TTU and regulatory standards must be discussed with DTSC.

3923 Characterizing Recovered Petroleum & Debris

Recovered petroleum and contaminated debris not recycled must be characterized to determine their waste classification before the waste can be shipped to a proper waste management facility for final disposal. The actual testing may be conducted on representative samples of each type of waste by a State of California certified laboratory.

It is the responsibility of the generator/RP to have petroleum and contaminated material managed as waste accurately classified as hazardous or nonhazardous for proper disposition [22 CCR 66260.200(c)]. A waste generator who incorrectly determines and manages a hazardous waste is in violation of California standards for the management of hazardous waste and is subject to DTSC enforcement action.

22 CCR 66264.13 and 66265.13 states that before an owner or operator of a treatment, storage, or disposal facility transfers, treats or disposes of any hazardous waste, the owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the waste. Characterization of the waste must be provided to DTSC (via profile sheet). The DTSC then designates the waste acceptable prior to shipment. State criteria for characterizing a waste hazardous or nonhazardous is found in 22 CCR §66261.10 and §66261.20-66261.24 while federal criteria are presented in 40 CFR §261.30-261.33 (see Figure E.VI.2). These criteria can apply to any oily-water, sorbents, booms, and debris generated as a result of an oil spill cleanup. Based on waste characterization, the wastes can be further defined as either a federal *Resource Conservation and Recovery Act (RCRA)* waste (hazardous waste regulated under federal regulations), non-RCRA waste (hazardous waste regulated under California regulations), or nonhazardous waste. Nonhazardous waste in this instance is defined as designated waste per 23 CCR 25522. Once the waste is characterized, disposition options can then be selected. Removal of recovered material from temporary storage will require the authorization of the on-scene coordinator.

3924 Transporting Recovered Petroleum

Recovered petroleum product not accepted at a refinery or recycling facility and contaminated

material must be transported to an approved waste management facility. The type of waste management facility will be based on the results of the waste characterization performed.

3930 Decanting Oil

Waste management plans should include a decanting plan that specifies how the oil and water mixture that is recovered from the spill will be safely separated so that clean water can be returned to the environment. This process is called decanting.

Efforts are made to minimize the amount of water collected during skimming (as discussed above). However, the collection of water, in addition to oil, may be a reality under some circumstances. Limited storage capacity for oil and water collected through skimming may constrain a response and the removal of floating oil. Decanting is the process of draining off recovered water from portable tanks, internal tanks, collection wells or other storage containers to increase the available storage capacity for recovered oil. The liquid in the tanks is allowed to sit for a sufficient period of time to permit oil to float to the top of the tanks. Water is then drained from the bottom of the tank (stopping in time to retain most of the oil). The water removed from the bottom of the tank is discharged back into the environment, usually in front of the skimmer or back into a boomed area. When decanting is conducted properly, minimal oil is discharged back into the environment. The decanting process is monitored visually to ensure prompt detection of oil discharges in decanted water and that water quality standards set forth in the *Clean Water Act* are not violated.

Decanting may be allowed because of storage limitations; however, it may not be permitted in all cases. Incidental discharges include, but are not limited to, the decanting of oily water, oil and oily water returns associated with runoff from vessels and equipment operating in an oiled environment and the wash down of vessels, facilities and equipment used in the response. Incidental discharges, do not require additional permits and do not constitute a prohibited discharge. See 33 CFR §153.301, 40 CFR §300. However, the FOSC/OSC should consider and authorize the use of decanting on a case-by-case basis, after an evaluation of the environmental tradeoffs of allowing oil to remain in the environment (because of storage limitations) or discharging decanted water. The response contractor or responsible party will seek approval from the FOSC/OSC and/or State On-scene Coordinator (SOSC) prior to decanting by presenting the Unified Command with a brief description of the area in which decanting approval is sought, the decanting process proposed, the prevailing conditions (wind, weather, etc.) and protective measures proposed to be implemented. The FOSC/OSC and/or SOSC will review such requests promptly and render a decision as quickly as possible. FOSC/OSC authorization is required in all cases and, in addition, SOSC authorization is required for decanting activities in state waters.

3931 Incidental Discharge of Wastewater During Response

In 1995 the Office of Spill Prevention and Response (OSPR) and the State Water Resources Control Board (SWRCB) signed a memorandum of understanding (MOU), to waive requirements pertaining to the incidental discharge of wastewater during oil spill response activities.

“Incidental discharges as described in this MOU which are in compliance with the instructions of the On-Scene Coordinator, pursuant to the National Contingency Plan or the applicable Coast Guard regulations, are excluded from regulation under an National Pollution Discharge Elimination System Permit (NPDES) permit, as provided by the Federal Environmental Protection Agency regulation 40 C.F.R. 122.3(d), are consistent with Federal laws and regulations, and do not constitute a prohibited discharge.”

“It is in the public interest for the Regional Water Quality Control Boards (RWQCB) for the North Coast, San Francisco Bay, Central Coast, Los Angeles, Santa Ana and San Diego Regions to waive the issuance of waste discharge requirements for incidental discharges, within the response area during a spill response as provided in Water Code section 13269. The SWRCB will recommend such action to the RWQCBs.”

[Enclosure 3931: MOA re Incidental Discharge of Wastewater During Response](https://www.nrt.org/sites/114/files/3931%20MOA%20re%20Incidental%20Discharges%20During%20Oil%20Spil%20Response%20CA%20OSPR%20CA%20WRCB%201995.pdf) at <https://www.nrt.org/sites/114/files/3931%20MOA%20re%20Incidental%20Discharges%20During%20Oil%20Spil%20Response%20CA%20OSPR%20CA%20WRCB%201995.pdf>.

3932 EPA’s Vessel General Permits and Incidental Discharges

US EPA issues Vessel General Permits (VGP) pursuant to authority in the CWA section 402, 33 USC §1342. An MOU between US EPA and USCG provides for *Collaboration on Compliance Assistance, Compliance Monitoring, and Enforcement of Vessel General Permit Requirements on Vessels*. See

<https://homeport.uscg.mil/Lists/Content/Attachments/883/signed%20CG%20EPA%20MOU%20dtd%2011feb11%202.pdf>.

Section 301 of the CWA prohibits the discharge of any pollutant from a point source into waters of the United States, including the contiguous zone or ocean, unless otherwise authorized under the CWA, such as in a permit issued under EPA's National Pollutant Discharge Elimination System (NPDES) program. Certain discharges are not subject to the NPDES permit requirement because they are authorized under other statutory provisions. Sewage from vessels, for example, is regulated pursuant to a separate program and is not addressed in NPDES permits. However, unlike the discharge of other pollutants, discharges incidental to the normal operation of a vessel do not require an NPDES permit when discharged

into the waters of the contiguous zone or ocean.

The VGP applies to specific discharges, which are identified in the VGP, that are incidental to the normal operation of a vessel and are discharged from non-recreational vessels of 79 feet or greater in length. In addition, the ballast water discharge provisions apply to any non-recreational vessel of less than 79 feet or commercial fishing vessel of any size discharging ballast water. If a vessel is greater than or equal to 300 gross tons or has the capacity to hold or discharge more than 8 cubic meters (2113 gallons) of ballast water, the owner/operator must submit a Notice of Intent (NOI) to be covered under the permit in accordance with the requirements of Part I of the VGP.

The VGP incorporates the USCG's mandatory ballast water management and exchange standards, adds additional ballast water management practices and provides effluent limits for other types of discharges including, but not limited to, deck runoff, bilge water, gray water, antifouling hull coatings and other discharge types. The VGP also establishes specific corrective actions, inspection and monitoring requirements, as well as recordkeeping and reporting requirements.

[Enclosure 3932: Sample Decanting Approval Form](https://www.nrt.org/sites/114/files/3932%20Sample%20Decanting%20Approval%20Form.doc) at <https://www.nrt.org/sites/114/files/3932%20Sample%20Decanting%20Approval%20Form.doc>.

3940 Federal Disposal of Hazardous Materials

In order to ensure proper treatment and disposal of hazardous substances recovered from CERCLA emergency response or removal sites, Section 300.65 of the NCP requires that off-site transport of hazardous substances use only facilities operating under appropriate federal or state permits or authorization. Hazardous substances removed from such sites may be transferred only to facilities that are operating in compliance with RCRA, TSCA, and all applicable state requirements. These requirements also preclude the use of disposal units that have releases of hazardous wastes or hazardous constituents, and of disposal facilities that have releases which have not been addressed by corrective action.

U.S. EPA issued policies and procedures related to these requirements on November 13, 1987, entitled "Revised Procedures for Implementing Off-site Response Actions" (Office of Solid Waste and Emergency Response [OSWER] Directive 9834.11). Specific FOSC/OSC roles and responsibilities for implementing the requirements can be found in the *Superfund Removal Procedures Manual, Section IV* dated February 1988 (OSWER Directive 9360.03B).

The FOSC/OSC should coordinate closely with the Regional RCRA Off-site Coordinator (RROC), and/or TSCA personnel and the state, as appropriate.

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The FOSC/OSC should coordinate closely with the Regional RCRA Off-site Coordinator (RROC), and/or TSCA personnel and the state, as appropriate.

3950 Waste Management Plans

The Oil Spill Prevention Specialists at CDFW OSPR have several waste management plans in their toolbox. However, OSPR and USCG prefer that the Responsible Party develop their own plan because it's their waste.

[Enclosure 3950: Sample Waste Management Plan](#) at

<https://www.nrt.org/sites/114/files/3950%20Waste%20Management%20Plan%202019.docx>.

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4000 Planning

4001 Planning Section Organization

A detailed description of each position in the Planning Section is found in the *U.S. Coast Guard, Incident Management Handbook*. See *Incident Command System, Incident Management Handbooks* in the [Index](#).

Anyone who works in the incident command post as a member of the Command and General Staff or one of their direct reports should complete Incident Command System training to the Intermediate level, i.e. ICS-300.

4002 Technical Specialists

Technical Specialists (THSP) are people with special skills or expertise. They may be agency personnel or contractors. THSPs may function within the Planning Section or be assigned wherever their services are required.

4010 Planning Section Chief

This position is subject to RRT9 staffing policies. See section 2800 above.

Persons assigned to this position should have a good operational background and experience with the type of incident to which they are responding. Since this is a key position in the response organization, assignment should be based on experience level versus rank. Past experience as a Situation Unit Leader and/or Resource Unit Leader is highly desirable.

The PSC collects, evaluates and disseminates all operational information concerning the incident in order to understand the current situation, predict incident course, and to assist in the preparation of response objectives and strategies. Key goals include making decisions on resource needs, and preparing an approved Incident Action Plan.

4020 Situation Unit Leader

The Situation Unit Leader (SITL) collects, processes and organizes incident information relating to the growth, mitigation or intelligence activities taking place on the incident. For complete details, see *Incident Command System, Incident Management Handbooks* in the [Index](#).

4021 Statute Miles vs. Nautical Miles

Land maps use statute miles (mi) which equal 5,280 feet. Nautical charts use nautical miles (nm) which equal 6076.12 feet. When you specify a distance in miles be sure to specify ‘statute’ or ‘nautical’.

Feature	Reported in
Oil sheen	Nautical miles
Fisheries closures	Nautical miles
SCAT surveys, amount completed	Statute miles

4022 Common Operating Picture

In the most basic display, the common operating picture (COP) was displayed by posting maps and documents on a physical Situation Status Board. The SITL, working with Display Processors and Field Observers, keeps the SIT STAT board up to date. The commonality is achieved by having only one SIT STAT board. Anyone who wanted to consult it had to walk to that wall in the Incident Command Post to look at it.

Currently there are many software systems designed to efficiently manage incident management data and to make it available to everyone via an intranet or the Internet. Computer-based COP software improves situation awareness within the command structure supports faster and better planning and execution of decisions. The State of California uses a customized version of *WebEOC* by Intermedix Corp. called *CalEOC*.

4022.1 Common Operating Picture Software

A variety of software programs are available to agencies and corporations to assist in organizing information and preparing an incident action plan (IAP). Many of these programs include or are compatible with an online mapping tool.

4022.2 Incident Management Software System (IMSS)

The USCG adopted the Incident Management Software System (IMSS) as the USCG standard in 2015. It was developed by The Response Group (TRG). See *The Response Group Computer-Based Training (CBT) portal* at <https://e-learningportal.responsegroupinc.com/#defaultfrontpagebody>.

4023 Geographic Information Systems

4023.1 Environmental Response Management Application (ERMA®)

The USCG has adopted ERMA® as its GIS solution for oil spill incident management. ERMA® is an Internet-based Geographic Information System (GIS) tool that helps emergency responders and environmental resource managers deal with incidents that may adversely impact the environment. ERMA® displays spill-response strategies from local Area Contingency Plans as well as resources and pre-identified Staging Areas.

Southwest ERMA® is an online mapping tool for the coastal California region. Highlighted data sets include habitats and natural resources at risk, Area Contingency Plans, and real-time weather and operational data. See *Southwest Information* at <https://erma.noaa.gov/southwest/erma.html#/x=-122.05013&y=37.16269&z=6&layers=12+482+12218+12601+8891+410+7255>.

4023.2 EPA's Common Operating Picture Software (COP)

U.S. EPA Region 9's geoviewers, including EPA's COP, can be accessed through the *Region 9 GIS Technical Center GeoViewers* at <http://r9.ercloud.org/Geoviewers/>.

4023.3 Nautical Charts Online Viewer

Nautical charts for U.S. waters are maintained by NOAA. See the *NOAA Chart Locator* at <https://www.charts.noaa.gov/InteractiveCatalog/nrnc.shtml>.

4023.4 Topographic Maps

Download U.S. Topo maps for free from USGS. See *The National Map* downloader at <https://apps.nationalmap.gov/downloader/#/>.

Hard copy maps can be delivered to an event site upon request from any federal emergency management agency. See *USGS Store* at <https://store.usgs.gov/>.

U.S. Topo includes content such as orthoimagery (digital version only), transportation, geographic names, topographic contours, boundaries, and hydrography. GIS data used to produce U.S. Topo maps can be combined with the *Topo TNM Style Template* to create custom U.S. Topo maps. See <https://viewer.nationalmap.gov/tools/topotemplate/>.

The U.S. Topo is produced as a Portable Document Format (PDF). The U.S. Topo products can be viewed and printed with Adobe Reader or any comparable PDF viewing software. See *National Geospatial Program* at <https://www.usgs.gov/core-science-systems/national-geospatial-program/us-topo-maps-america?qt->

[science support page related con=0%23qt-science support page related con.](#)

4030 Resource Unit

The Resource Unit orders and tracks the delivery of incident-related resources and supplies.

4040 Volunteer Unit

Each Area Contingency Plan (ACP) contains guidance for how volunteers are managed locally. Properly trained volunteers may be used during an incident for such duties as beach surveillance, logistical support, and bird and wildlife rehabilitation. Such use of volunteers must, however, be approved by the appropriate state, federal, and Native American fish and wildlife officials, as well as by the RP. Unless specifically requested by the FOSC/OSC, these volunteers should not be used for physical removal or mitigation activities. If, in the judgment of the FOSC/OSC, dangerous conditions exist, volunteers shall be restricted from on-scene operations.

4041 NRT Guidance Regarding Use of Volunteers for Oil Spills

The NRT maintains a Technical Assistance Document (TAD) entitled *Use of Volunteers Guidelines for Oil Spills*, September 2012 at

[https://www.nrt.org/sites/2/files/NRT_Use_of_Volunteers_Guidelines_for_Oil_Spills_FINAL_signatures_inserted_Version_28-Sept-2012.pdf.](https://www.nrt.org/sites/2/files/NRT_Use_of_Volunteers_Guidelines_for_Oil_Spills_FINAL_signatures_inserted_Version_28-Sept-2012.pdf)

4042 National MOU for Volunteers

Enclosure 4042: CNCS-USCG-EPA MOU re Managing Unaffiliated Volunteers at

[https://www.nrt.org/sites/114/files/4042%20MOU%20USCG-EPA-CNCS%20re%20Support%20for%20Volunteers.pdf.](https://www.nrt.org/sites/114/files/4042%20MOU%20USCG-EPA-CNCS%20re%20Support%20for%20Volunteers.pdf)

4043 Required Training for Volunteers

In California, when using volunteers in the Wildlife Branch, volunteer coordination, health and safety considerations, and training should be consistent with the *Conservation Measures: Avoiding and Minimizing Impacts to Birds* at

[https://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php.](https://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php)

The Volunteer Coordinator should also identify the means for providing the minimum required OSHA and EPA training for volunteers, including those who assist with injured

wildlife.

4050 Documentation Unit

The Documentation Unit maintains accurate, up-to-date incident documentation that is critical to post-incident analysis.

All Oil Spill Liability Trust Fund (OSLTF) users need to collect and maintain documentation that supports all actions taken under the National Contingency Plan (NCP). See 40 CFR §300.315. Also, FOSC/OSCs are required to document and create an administrative record of their response actions. 40 CFR §300. 40 CFR §300.315 establishes the documentation requirement for OSTLF oil spill responses.

For CERCLA responses, 40 CFR §300.160 establishes the documentation requirements. In addition, 33 CFR Part 136 sets out the National Pollution Funds Center documentation procedures. Taken together, these regulations require that response documentation take into consideration the needs of all future users of the documentation generated by the response organization.

4051 Information-Management Plans

An Information-Management Plan defines critical information that must be preserved and kept readily-accessible during the response. This may include: GIS data, photography, SCAT, remote sensing data, response sampling, and other information and data generated as a result of the response, or relevant to the mitigation of the incident. A less-detailed document may be called a data-sharing or information-sharing agreement.

An Information-Management Plan ensures continuity of information as personnel rotate in and out and facilitates sharing among response personnel during the incident. The plan also sets the foundation for archiving and access to information. The scope of the plan should include all operational and environmental Geographic Information Systems (GIS) data, all photography, SCAT, remote sensing, and response sampling efforts.

Enclosure 4051: Information-Management Plan from the Refugio Oil Spill at <https://www.nrt.org/sites/114/files/4051%20Refugio%20Data-Mgmt%20Plan%202015-05-04.pdf>.

4051.1 Information-Management Contacts

Information Management Technical Specialists are listed under *U.S. Coast Guard, Information Management Experts* in *Enclosure 0000, RCP Contacts in one list.xlsx* at

https://www.nrt.org/site/doc_list.aspx?site_id=114.

4052 Response Information Sharing

Response Information Sharing (RIS) is a concept closely related to Information Management Plans (discussed above). For more information, search the Internet for the words “response information sharing”.

4053 Reports from the Unified Command

The actions, decisions and expenditures made by the Unified Command must be fully documented to facilitate future financial audits and legal actions. The Documentation Unit Leader and his/her staff are the UC’s primary resource for this task. For more information about the DOCL, see *Documentation Unit* in the [Index](#).

4053.1 Situation/Pollution Reports

SITREPs and POLREPs are a report format used by the USCG. The procedure and format are explained in the *USCG Marine Environmental Response and Preparedness Manual, 2018* (a.k.a. MERMAN), U.S. Coast Guard COMDTINST M16000.14A at https://media.defense.gov/2018/Oct/01/2002046527/-1/-1/0/CIM_16000_14A.PDF. If the link above does not work. Go to the ‘directory of manuals’, <https://www.dcms.uscg.mil/Our-Organization/Assistant-Commandant-for-C4IT-CG-6/The-Office-of-Information-Management-CG-61/About-CG-Directives-System/Commandant-Instruction-Manuals/>. Search for ‘marine’ and select the link to the ‘Marine Environmental Response’ manual.

US EPA also issues SITREPs and POLREPs. Reports about incidents are listed on the EPA On-Scene Coordinator website at <https://response.epa.gov/>.

4053.2 After-Action Reports from FOSC/OSCs

After-action reports, also known as FOSC/OSC Reports, will be submitted when requested by the RRT or at the discretion of the FOSC/OSC for a particular incident as stated in 40 CFR §300.165(a). FOSC/OSC Reports should be routinely prepared for all major response actions to document lessons learned from the perspective of the FOSC/OSC and others that the FOSC/OSC has surveyed to enhance the report with a broader perspective. This should be considered an important mechanism for documenting and sharing information on lessons learned within the FOSC/OSC’s organization as well as with others in the response community.

The RRT should consider requesting an FOSC/OSC Report when the pollution response involved:

- an unusual challenge;
- a unique or complex issue (e.g., intergovernmental coordination, use of a new technology, etc.)
- a decision that creates precedent; or
- a lesson learned that should be made known regionally or nationally.

The RRT reviews the F/OSC report and forwards a copy to the NRT along with comments or recommendations.

4053.3 Incident Specific Preparedness Review

An Incident Specific Preparedness Review (ISPR) may be convened by the U.S. Coast Guard to review oil spill preparedness and response with respect to a significant spill. The ISPR team is composed of stakeholders and subject-matter experts who are not employees of the U.S. Coast Guard. Typically the ISPR team is not tasked with determining the cause of the incident, but rather is directed to objectively review oil spill preparedness and response in the specific case. Local examples are the M/V COSCO BUSAN oil spill in San Francisco (2007) and the SS Cape Mohegan oil spill in San Francisco (1996). See <https://www.wildlife.ca.gov/OSPR/NRDA/cosco-busan> and <https://www.wildlife.ca.gov/OSPR/NRDA/Cape-Mohican>.

4054 USCG Correspondence

During an incident where the USCG is FOSC/OSC it may be necessary to compose certain standard communications. See the reference below for instructions.

Letter	Reference
Administrative Orders	<i>USCG Marine Environmental Response and Preparedness Manual, 2018</i> (a.k.a. MERMAN), U.S. Coast Guard COMDTINST M16000.14A at https://media.defense.gov/2018/Oct/01/2002046527/-1/-1/0/CIM_16000_14A.PDF . If the link above does not work. Go to the ‘directory of manuals’, https://www.dcms.uscg.mil/Our-Organization/Assistant-Commandant-for-C4IT-CG-6/The-Office-of-Information-Management-CG-61/About-CG-Directives-System/Commandant-Instruction-Manuals/ . Search for ‘marine’ and select the link to the ‘Marine Environmental Response’ manual.
Letter of Designation	
Notice of Federal Assumption	
Notice of Federal Interest	

4060 Demobilization Unit

Demobilization is an orderly and cost effective process for the release and return of all response resources and personnel to their respective home destinations. Personnel and equipment are demobilized from the incident in accordance with a written Demobilization Plan approved by the Unified Commanders.

The demobilization of the resources and personnel from an incident is a team effort involving all personnel working on the incident. It is the responsibility of the Planning Section Chief to ensure that a systematic plan is established and implemented by the Demobilization Unit Leader early in the event timeline.

Enclosure 4060: Sample Demobilization Plan at <https://www.nrt.org/sites/114/files/4060%20Demobilization%20Plan%20sample.docx>.

4070 Specialized Units

The Planning Section Chief may establish additional units as needed for specific purposes. Two examples are explained below.

4071 Maritime Transportation System Recovery Unit

The MTS Recovery Unit is responsible for planning infrastructure recovery, including, prioritizing recovery operations (including ATON, dredging, salvage, cleanup, repairs, etc.) and development of vessel traffic management plans (Safety Zones, Security Zones, vessel decontamination corridors/areas). Additional MTS Recovery information can be found in the *USCG Incident Management Handbook*, Chapters 8 and 15. See *Incident Command System, Incident Management Handbooks* in the [Index](#).

The MTSRU also coordinates with the Maritime Administration (MARAD) when pollution response may impact commercial vessels that are transiting to, or anchored and waiting to enter a port. (LA Long Beach for example.) For the point of contact, see U.S. Maritime Administration in *Enclosure 0000, RCP Contacts in one list.xlsx* at https://www.nrt.org/site/doc_list.aspx?site_id=114.

4071.1 Common Assessment & Reporting Tool

During significant Marine Transportation System (MTS) incidents, much attention will be focused on the recovery efforts being managed by the Coast Guard (CG). It is recognized that calls for information regarding the status of MTS recovery efforts/progress will occur at all

levels of government. The Common Access Reporting Tool (CART) is intended to position CG units to be prepared to respond to the need for near real-time status information and to do so with minimal impact.

The CART system was designed to “mirror” the reporting requirements contained in the most recent LANTAREA and PACAREA Instructions on MTS Recovery. When looking for definitions of what to enter for specific Essential Elements of Information (EEI’s) refer to the AREA Instructions to ensure the correct type and amount of EEI information is being captured and entered into the database.

The best preparation to ensure rapid recovery of the MTS following a significant disruption is detailed knowledge of the MTS prior to the incident. To that end, the initial focus in CART should be to enter as much accurate and detailed information in the EEI Baseline Data portion of the database. This baseline info can then be imported when an incident or event is created to ensure an accurate first look at the impacts of the incident or event and to enable effective MTS Recovery decision making by the members of the response organization.

The CART system provides a repository of MTS Recovery information that is not currently available to the CG. It is a temporary solution to immediately serve the need to follow CG policy until the CG Enterprise Systems can be updated to better facilitate MTS Recovery. The information contained in CART assists the Maritime Transportation System Recovery Unit (MTSRU) in making MTS Recovery recommendations to the Unified Command and facilitates MTS Recovery Operations by:

- Providing timely and accurate information on pre incident conditions in a Sector Area of Responsibility (AOR);
- Comparing baseline data and post incident data to characterize the extent of the impact on the MTS;
- Auto-generating the MTS Executive Summary Report in various formats to ease the sharing of data with all MTS stakeholders; and
- Use of web-based format facilitates transmission and sharing of MTS Recovery Status and Impact reports.

To access or use selected features of CART, you need to create a username and password. See <https://cgcart.uscg.mil/logon.aspx?ReturnUrl=%2fdefault.aspx>.

4072 Places of Refuge Unit

In the Coastal zone, it may be necessary to staff a Places of Refuge Unit to coordinate Places of Refuge Decision-making. The Places of Refuge process is explained in chapter [8000](#) of this plan.

4100 Environmental Unit – Coastal Zone

The Environmental Unit Leader position is subject to RRT9 staffing policies.
See section 2800 above.

The responsibilities of the Environmental Unit Leader and the positions that may be filled in that unit are described in the U.S. Coast Guard Incident Management Handbook (COMDTPUB P3120.17B). See *Incident Command System, Incident Management Handbooks* in the [Index](#).

4110 Staffing the Environmental Unit

Whenever possible the UC should rely on the federal and state oil spill response agency personnel who possess *local* and *regional* oil spill response expertise, and can bring their respective natural resource trustee agency protection, management, and permitting/approval authority(ies) into play.

4111 Environmental Unit Leader Qualifications

A qualified EUL should be trained and experienced in all Environmental Unit duties, the Incident Command System, protection strategies, spill cleanup methods, response equipment, permitting, waste management, and local shorelines and associated resources requiring protection during an oil spill response). State natural resources trustee agencies, designated in the California Fish and Game Code Section 1802, and the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (OSPPRA) (Government Code Sections 8670.1 et seq.); and federal natural resources trustee agencies, as designated in 40 CFR §300.600(b)(1) and (2) and §300.605, are qualified to provide the response knowledge and expertise necessary to fill positions in the Environmental Unit including the EUL position.

The following state and federal natural resource trustee agencies have personnel most familiar with local natural resources requiring protection during an oil spill response.

- U.S. Fish and Wildlife Service (USFWS),
- National Oceanic and Atmospheric Administration (NOAA), Scientific Support Coordinator (SSC), Office of National Marine Sanctuaries (NMS), and National Marine Fisheries Service (NMFS),
- National Park Service (NPS),
- California Department of Fish and Wildlife, Office of Spill Prevention and Response (OSPR),
- California Department of Parks and Recreation (CDPR).

4112 Shoreline Cleanup Assessment Technique Coordinator

The Environmental Unit Leader position is subject to RRT9 staffing policies.
See section 2800 above.

The Shoreline Cleanup Assessment Technique (SCAT) is used to inspect impacted and potentially impacted shoreline to assess the level of damage and to judge what the best cleanup methods might be. It takes into account not only the type and degree of impact but also the accessibility of the work site. SCAT can also tell Operations which mechanical tactics to use in order to reduce the impact on birds and animals. For complete information, see the *NOAA, Shoreline Assessment Manual*, August 2013 at http://response.restoration.noaa.gov/sites/default/files/manual_shore_assess_aug2013.pdf.

The SCAT Coordinator must be knowledgeable of local shorelines and associated resources requiring protection during an oil spill response. OSPR field staff members possess these qualifications and may assume the role of SCAT Leader to ensure the following:

- Adequate access to SCAT data, which is critical to making cleanup recommendations consistent with the best achievable protection of resources;
- Use of the best SCAT data collection/data management process.

OSPR staff may use an electronic SCAT device to collect SCAT field data and use associated data base software to compile and display data when more efficiently and consistently than traditional methods.

Personnel from trustee agencies are most familiar with local natural resources requiring protection during an oil spill response. In addition, trustee agencies have, and must ensure, their statutory and regulatory natural resource protection authorities are recognized and used in the most effective and efficient way during an oil spill response.

4113 Resources-at-Risk Technical Specialist

The Environmental Unit Leader position is subject to RRT9 staffing policies.
See section 2800 above.

The Resources-at-Risk Technical Specialist (RAR THSP) participates in environmental mitigation and remediation of oil impacts as described in the U.S. Coast Guard Incident Management Handbook (COMDTPUB P3120.17B). See *Incident Command System, Incident Management Handbooks* in the [Index](#).

The individual filling the RAR Technical Specialist must be qualified (trained and experienced) in spill response and knowledgeable of local resources. OSPR field staff members and other natural resource trustee agency members possess these qualifications and should assume the role of RAR Technical Specialist. This is to ensure the resources at risk of oiling are properly identified and prioritized, which is critical to developing protection strategies consistent with the best achievable protection of resources. In addition, trustee agencies have, and must ensure, their statutory and regulatory natural resource protection authorities are recognized and used in the most effective and efficient way during an oil spill response.

4114 Applied Response Technology Lead Technical Specialist

The Environmental Unit Leader position is subject to RRT9 staffing policies.
See section 2800 above.

The ART THSP participates in environmental mitigation and remediation of oil impacts as described in the *U.S. Coast Guard Incident Management Handbook* (COMDTPUB P3120.17B). See *Incident Command System, Incident Management Handbooks* in the [Index](#).

Unlike other leadership positions described elsewhere in this policy, ART use decisions rest specifically with the FOSC/OSC, and not more generally with the Unified Command. The FOSC/OSC needs to assure that ART policies are being evaluated, implemented and documented as directed by the RRT. The ART Lead Technical Specialist working on behalf of the FOSC/OSC must know how to expertly and efficiently accomplish these critical evaluation tasks.

Because the decision to use ARTs is inherently a government decision, it follows that the OSPR ART Lead Technical Specialist and/or NOAA Scientific Support Coordinator (SSC) should staff this position. Both the OSPR ART Lead Technical Specialist and the NOAA SSC possess the necessary qualifications, have existing/established roles with the RRT and FOSC/OSC, understand the environmental trade-off discussions that need to occur with trustee agencies, and can ensure that any ART decisions made and technologies implemented occur with proper evaluation, approvals, documentation, and coordination with the Operations Section. This also assures that an FOSC/OSC decision to use any ART, as approved/directed by the RRT, also leverages the ART Lead Technical Specialist's ability to incorporate, whenever possible, trustee agency input and Best Management Practices that will help support any conclusions related to the net environmental benefit that can be achieved through ART use.

4115 Public Health Technical Specialist

The state and county Departments of Public Health are routinely involved in spill response to provide air and water monitoring and the more specific plume monitoring. The Responsible Party may employ contractors to expand the personnel and equipment available. US EPA also has an extensive capability as does the National Weather Service. In addition, the Public Health Technical Specialist may be assigned to the Environmental Unit to monitor and advise the Unified Command regarding health hazards.

4115.1 USCG-US EPA MOU re Public Health

USCG and EPA have an MOU Concerning the Mitigation of Damage to the Public Health or Welfare Caused by a Discharge of a Hazardous Substance under Section 311 of the Clean Air Act, 33 USC 1321. See <https://semspub.epa.gov/work/02/271906.pdf>.

4115.2 Public Health Messaging

Public health messaging may originate in the Environmental Unit from THSPs who coordinate closely with the Public Information Officer to release information. These THSPs may be physically located in the Environmental Unit, but also consult with EPA, USCG & U.S. DHHS CDC on technical issues related to public health. Public health experts are listed in [Enclosure 0000, RCP Contacts in one list.xlsx](https://www.nrt.org/site/doc_list.aspx?site_id=114) at https://www.nrt.org/site/doc_list.aspx?site_id=114, under ‘Agency for Toxic Substances and Disease Registry (ATSDR), Public Health Experts’ and under ‘Department of Public Health’.

HHS (ASPR/NIEHS/SAMSHA/FDA/CDC and NIOSH) are other federal resources who may be involved in discussions about Public Health, Mental Health, Industrial Hygiene & Environmental Health monitoring, Occupational Health and Safety, and sea-food quality control operations.

CDC/ATSDR can assist in translating public health messages into Spanish fairly easily. They can also assist with other languages; however, the time to translate may take longer if it is not a common language. For example, CDC/ATSDR has experience translating messages into Chinese, but something less common like Hmong might take a while.

4115.3 Public Health Issues for the Unified Command

Some public health issues the Unified Command may consider include:

- Beach closures.
- Fishery closures.
- Create monitoring and sampling plans (air, aquatic life forms, coastal

areas, health of response workers, both physical and mental and health monitoring of residents in the affect area).

- Identify lab capacity at both the state and federal levels to handle the large number of samples that may need to be analyzed in a reasonable time.
- Potential for foreign workers entering into U.S. Territory using various U.S. ports for bases or operations or as staging areas to raise issues in regards to importation of diseases and conditions requiring CDC Quarantine Stations to actively monitor health issues. There is no specific information on the plan on how monitoring activities will be carried out.
- U.S. DHHS technical specialists may be able to describe the Responsible Party liabilities and responsibilities regarding health and safety during on-land, near shore, VOO, and control site operations, as well as H&S responsibility for contractors and their operations (ex. worker shelters).
- It may be necessary to establish other public health technical specialists to work as part of the command staff and with the state or county department of health. Such line of communication is essential to be in a better position to recognize and address public health needs particularly those beyond the scope of a safety officer.

4115.4 Beach Closures

- If state or local Departments of Public health determine that the seawater or shoreline are unsafe, they can order the beaches closed. The Unified Command has no power to close a beach. Beach closures can be enforced by local law enforcement. Closure signs are posted at access point by local officials and volunteers (if available). Only the public health officials who closed the beach can open it again. There are two types of closure: soft and hard. A hard beach closure closes both the beach and the water. A soft beach closure closes access to the water while leaving the beach open.

4116 Public Health Assessment Unit

The Public Health Assessment Unit (PHAU) conducts air, water and sediment sampling to detect hazards to public health. Agencies represented in the unit may include local, county and state Public Health Departments, the California Air Resources Board (CARB) <https://ww2.arb.ca.gov/>, the California Office of Spill Prevention and Response and the U.S. Environmental Protection Agency.

4200 Environmental Unit – Inland Zone

For information, contact the U.S. EPA, Regional Response Team Coordinator, Region IX in Enclosure 0000, RCP Contacts in one list.xlsx at https://www.nrt.org/site/doc_list.aspx?site_id=114.

4300 Seafood Safety

Seafood safety procedures may vary in State waters versus Federal waters. Additional information is available on the NOAA, Office of Response and Restoration web site at <https://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/resources/seafood-safety-after-oil-spill.html>.

4310 Seafood Safety in Arizona State Waters

For information, call the Department of Environmental Quality which is listed in Enclosure 0000, RCP Contacts in one list.xlsx at https://www.nrt.org/site/doc_list.aspx?site_id=114.

4320 Seafood Safety in California State Waters

Enclosure 4200: Seafood Safety in California Waters at <https://www.nrt.org/sites/114/files/4100%20Seafood%20Safety%20in%20California%20Waters%202020-02-19.docx>. Or call a Seafood Safety Expert listed in Enclosure 0000, RCP Contacts in one list.xlsx at https://www.nrt.org/site/doc_list.aspx?site_id=114.

California law (Fish & Game Code §5654) dictates certain responses to a spill or discharge of a petroleum product into state waters in areas where any fishing, including all commercial, recreational, and non-licensed subsistence fishing, may take place, or where aquaculture operations are taking place.

California law also requires that the California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) evaluate the potential human health risks associated with seafood consumption following aquatic oil spills. If OEHHA determines that these activities pose a likely public health threat, or cannot make a determination, then the California Department of Fish and Wildlife (CDFW) will close fisheries in the affected area within 24 hours. See also OEHHA's web site at <https://oehha.ca.gov/fish/oil-spills-seafood>.

If a closure is in effect for more than 48 hours after notification of the spill, expedited testing

of seafood is required before fisheries can be re-opened. CDFW and its Office of Spill Prevention and Response (OSPR) estimate the volume of spilled oil and identify the species found in the area that are open to take at the time of the spill; OEHHA is responsible for preparing a sampling plan, establishing human health toxicity values, and evaluating the analytical results before making a recommendation to CDFW regarding fisheries re-opening.

OSPR and OEHHA have developed the *California Fisheries Closure Joint Protocol for Marine and Freshwater Oil Spills*. It explains the functions of each agency during a spill response and provides contact information for supporting local, state and federal agencies. Additionally, OEHHA has developed the *Protocol for Seafood Risk Assessment to Support Fisheries Re-Opening Decisions for Aquatic Oil Spills in California*, updated in March 2015. See <https://oehha.ca.gov/media/downloads/fish/document/2015updateseafoodoilspills.pdf>. This protocol describes the specific seafood risk assessment methods that OEHHA will follow to determine whether fish and shellfish can be safely consumed following oil spills in California waters.

4321 Public Affairs Guidance in California

The Office of Environmental Health Hazard Assessment (OEHHA) is responsible for evaluating whether a public health threat is likely to result from eating fish or shellfish after an oil spill into California inland or marine waters. Their web site explains the process in layman's terms. See <https://oehha.ca.gov/fish/oil-spills-and-seafood-fact-sheet>.

Information on fisheries closure and re-openings will be jointly prepared by CDFW and OEHHA Public Information Officers. The Joint Information Center at the Unified Command can distribute information products once they are approved by CDFW and OEHHA.

4322 Public Communication Protocol

CDFW and OEHHA should:

- Release announcements through established agency channels, including press releases, list serve announcements and website postings.
- Post pre-printed signs indicating closure of all fisheries at the direction of the Unified Command at piers and other appropriate locations. Signs will be removed as soon as practicable upon re-opening.
- Initiate a National Oceanic and Atmospheric Administration (NOAA) Weather Forecast Office (WFO) broadcast of a Coastal Waters Forecast Alert to notify sport and commercial anglers immediately following fisheries closures that affect fishing from boats. This is done by the CDFW OSPR Fisheries Closure Coordinator (FCC).

4323 Reopening Fisheries and Seeking Reimbursement

In brief, The CDFW Director shall reopen the closed areas, within 24 hours of receiving notification from OEHHA that no threat to human health exists from the spill or discharge or that no contaminant from the spill or discharge is present that could contaminate fish or shellfish. The CDFW Director may maintain a closure in any remaining portion of the closed area where OEHHA finds contamination from the spill or discharge persists that may adversely affect human health, including areas of commercial fishing or aquaculture. The CDFW Director shall seek full reimbursement from the responsible party or parties for the spill or discharge for all reasonable costs incurred by the department in carrying out this section, including, but not limited to, all testing.

The U.S. Food and Drug Administration (FDA) has jurisdiction over the safety of all food entering interstate commerce. California Department of Public Health (CDPH) has jurisdiction over certain commercial seafood operations in California. In the event of a spill in California state waters where FDA and/or CDPH also have jurisdiction over commercial product, all responsible agencies will coordinate to facilitate a unified seafood safety plan and re-opening protocol.

4330 Seafood Safety in Nevada State Waters

For information, call the Department of Environmental Quality which is listed in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114..

4340 Seafood Safety in Federal Waters

The National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS) has jurisdiction over fisheries in federal waters and operates the Seafood Inspection Program and National Seafood Inspection Laboratory (NSIL). The U.S. Food and Drug Administration (FDA) has jurisdiction over all fish and fishery products entering interstate commerce and operates a mandatory seafood safety program.

4341 Notification and Determination of the Threat to Public Health

In the event of a spill in federal waters, the Unified Command Environmental Unit Leader (EUL) will typically be responsible for notifying NOAA/NMFS and FDA if conditions suggest that consuming seafood from the spill area may pose a threat to human health. The EUL will also provide NOAA/NMFS and FDA information on the spill and NOAA/NMFS, in consultation with FDA, will decide whether fisheries in federal waters should be closed to

protect public health.

4342 Fisheries Closure Process

If the size of the spill and other considerations indicate that a fisheries closure should be implemented, NOAA/NMFS and FDA will follow the general procedures exemplified in the *Protocol for Interpretation and Use of Sensory Testing and Analytical Chemistry Results for Re-Opening Oil-Impacted Areas Closed to Seafood Harvesting Due to the Deepwater Horizon Oil Spill* (FDA, 2010b). See <http://www.fda.gov/Food/ucm217598.htm>.

Specifically, if oil (exceeding a light sheen) is observed on the surface, fisheries will likely be closed until oil is no longer visible. Trajectories may be used to predict surface oil movement and thus inform closure decisions. Closure areas may include a precautionary buffer zone around oiled waters.

4343 Seafood Monitoring Following a Federal Fisheries Closure

Once a fisheries closure has been implemented in federal waters, NOAA/NFMS and FDA will develop a seafood sampling and analysis plan to detect the presence of oil (and potentially dispersant, if dispersants have been applied to the spill) constituents and taint in edible tissues. Sensory analysis will be likely be conducted by a U.S. Department of Commerce Seafood Inspection Program Laboratory. NOAA/NMFS and the U.S. Food & Drug Administration (FDA) will evaluate the findings of the analytical and sensory tests.

4344 Re-Opening or Maintaining Federal Fisheries Closures

If oil did not enter an area that was closed as a precaution, that area may be re-opened without subjecting seafood samples to testing for taint or chemical contamination.

NOAA/NMFS, in consultation with FDA, will review the data generated, including the accuracy and quality of the data and may re-open a closed fishery with FDA concurrence.

If samples from an area fail sensory or chemical testing, decision makers will decide when to retest based on the condition of the fishery and the failure results.

4345 Post-Closure Risk Assessment

Following receipt of validated analytical results for selected oil (and potentially dispersant) constituents, FDA will conduct a human health risk assessment by comparing tissue concentrations to risk-based criteria developed to establish the safety of fish and shellfish consumption.

4400 Endangered Species Act Consultation

Extensive information about the *Endangered Species Act* as it relates to oil spill response, including training and the MOA discussed below is available at

[https://www.nrt.org/Main/Resources.aspx?ResourceType=Endangered%20Species%20Act%20\(ESA\)%20Section%207&ResourceSection=2](https://www.nrt.org/Main/Resources.aspx?ResourceType=Endangered%20Species%20Act%20(ESA)%20Section%207&ResourceSection=2).

During an oil or hazardous substance spill or release, the *Endangered Species Act (ESA)* (16 U.S.C. 1531 et seq.) should be considered in developing the activities and actions that can be done during an oil spill response by federal agencies or agencies that are acting for or under a federal agency. As the spill response occurs, the On Scene Coordinator (OSC) is responsible for contacting an ESA specialist at the appropriate agency that is responsible for an endangered species or critical habitat that could be affected.

The OSC should consult with the ESA specialist informally to discuss the oil spill response activities and the measures that could be taken to minimize any damage to the endangered species or a designated critical habitat. Consultation communications, whether formal or informal, should be documented. The ESA specialist will advise the OSC regarding which response measure(s) will avoid or minimize impacts on listed species and critical habitat and which response measure(s) are preferred. These recommendations must be considered, but shall not stand in the way of response efforts. The ESA specialist and the OSC jointly evaluate tradeoffs and sensitive area priorities.

After the emergency has ended, any of the following may be produced as a result of the consultation process: biological assessment, letters of concurrence, an initiation package, and/or a biological opinion including an incidental take statement.

Contacts for Endangered Species Act consultation are listed in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114, under *Endangered Species Act Consultation*.

4410 Pre-Planning Process under the ESA

In 2001, six federal agencies signed an Interagency Memorandum of Agreement (MOA) titled *Inter-Agency Memorandum of Agreement Regarding Oil Spill Planning and Response Activities Under the Federal Water Pollution Control Act's National Oil and Hazardous Substances Pollution Contingency Plan and the Endangered Species Act*. The text is at <https://www.nrt.org/sites/2/files/ESAMOA.pdf>. The MOA provides a framework for cooperation and participation among parties involved in oil spill planning and response. It outlines procedures to streamline Endangered Species Act (ESA) compliance process before,

during and after an incident.

According to the MOA, oil spill response activities qualify as an emergency action, as defined by regulations implementing the ESA in 50 CFR §402.2 which allow the oil spill response to occur. As such, the emergency continues to exist until the removal operations are completed and the case is closed in accordance with 40 CFR §300.320(b).

Under Section 7 of Endangered Species Act (ESA), the Environmental Protection Agency (EPA)/U.S. Coast Guard (USCG) is required to seek concurrence that implementation of an Area Contingency Plan (ACP) is not likely to adversely affect endangered species or habitats in the area of implementation. A *sample letter requesting informal review* by the Division of Endangered Species at U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service (FWS/NMFS) is at https://nrt.org/sites/2/files/Request_for_Concurrence_Letter.pdf.

For species protected by the USFWS, incident-specific consultations for ESA-listed species under their jurisdiction need to be done in accordance with the MOA.

4420 Emergency Consultation under the ESA

A guidebook, dated 2002, for the Inter-Agency Memorandum of Agreement Regarding Oil Spill Planning and Response Activities Under the Federal Water Pollution Control Act's National Oil and Hazardous Substances Pollution Contingency Plan and the Endangered Species Act is at:

<https://www.nrt.org/sites/2/files/MOATrainingManualVersion02.pdf>, Page 38 shows Figure 6-1 a flow chart for pre-spill planning. Page 46 shows Figure 7-1 a flow chart for emergency consultation.

This interagency memorandum of agreement concerns oil spill planning and response activities under the Federal Water Pollution Control Act's *National Oil and Hazardous Substances Pollution Contingency Plan* (NCP) and the Endangered Species Act. The parties to the agreement are the U.S. Coast Guard; U.S. Environmental Protection Agency; Department of the Interior's Office of Environmental Policy and Compliance and Fish and Wildlife Service; and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service and National Ocean Service.

The purpose of the MOA is to increase cooperation and understanding among agencies involved in *Endangered Species Act* compliance at every stage in oil spill planning and response. The MOA outlines procedures to streamline the ESA compliance process before, during, and after an incident. The purpose of the guidebook below is to familiarize oil spill responders and Service representatives with: the MOA; other pertinent documents and

management plans; the processes through which cooperation should occur before, during, and after an incident; and the roles of several players in the oil spill response process.

4421 NOAA SSC Role in ESA Section 7 Consultation

The Scientific Support Coordinator's role in consultations under the Endangered Species Act, Section 7 is not based on any trustee authority; it is based on the National Contingency Plan. This is discussed in some detail in the 2001 ESA/NCP Memorandum of Agreement.

In the coastal zone, the USCG FOSC/OSC may go to the NOAA Scientific Support Coordinator to facilitate ESA consultation. The intent is for the SSC to assist an FOSC/OSC in meeting the intent of the ESA, but not to do it for him/her. This arrangement can provide all parties some peace of mind because SSCs can speak "both languages", whereas USCG staff members are often not fluent in biology and Section 7 folks from the Services are often not fluent in spill response.

From the National Contingency Plan:

40 CFR §300.145(c)(1):

Generally, SSCs are provided by NOAA in the coastal zones, and by EPA in the inland zone.

40 CFR §300.145(c)(3):

At the request of the OSC, the SSC may facilitate the OSC's work with the lead administrative trustee for natural resources to ensure coordination between damage assessment data collection efforts and data collected in support of response operations.

The ESA consultation facilitation role for the NOAA SSC is also described in the 2014 update to the *U.S. Coast Guard, Incident Management Handbook* (IMH). See page 20-7 (duty F) for the ESA language.

Generally, SSCs and their Scientific Support Teams (SSTs) are provided by NOAA in the coastal zones and by EPA in the inland zones. However, EPA is not precluded from asking a NOAA SSC for assistance, but it's typically not the case. The FOSC/OSC can request SSC support directly from the SSC assigned to the area or from an RRT agency member.

4430 ESA Info in Area Contingency Plans

Section 9800 of each ACP classifies sites as sensitive due in part to the presence of federally-listed endangered or threatened species and/or their designated critical habitat. Section 9800 identifies sensitive sites and sensitive resources (habitats and species), and identifies specific response strategies for protection of those resources. The ESA consultation process identifies

potential effects to listed species and their habitat from various response measures.

Sensitive Site Summary and/or Site Strategy pages in ACP Section 9800 should have added information about listed species, designated critical habitat, and the Services should be included as a key contact. This documents that the ESA Section 7 consultation process is ongoing or completed for each site strategy and to remind response personnel that emergency consultation with the Services should be initiated, and input from the Services incorporated into Planning and Operations processes, when undertaking any federal action during an oil spill if the action could impact a listed species. If the action will have no impact on a federally-listed species, this determination must be documented as part of the response.

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4700 Technical Support

Federal agencies provide technical specialists (THSP) and expertise that FOSC/OSCs may call on. To contact them, see the table in chapter 5000, *Logistics*, of this plan.

Agencies described in this section can be contacted directly using the information in the Contacts appendices, or via the Scientific Support Coordinator (SSC) from NOAA or EPA who is normally assigned to the Environmental Unit during an incident. See NOAA, or U.S. EPA, *Scientific Support Coordinator* in [Enclosure 0000, RCP Contacts in one list.xlsx](https://www.nrt.org/site/doc_list.aspx?site_id=114) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

4710 Geographic Response Plans/Strategies

Because there is no national standard for oil spill response planning terminology, the term “Geographic Response Plan” has multiple meanings in the oil spill response community.

For example, the term “GRP” is used in California strictly for inland spill response plans by the U.S. EPA and other response agencies.

In Fall 2016, USCG headquarters proposed that Geographic Response Plans should be called Geographic Response Strategies because under the Endangered Species Act agencies may consult on strategies but not on plans.

In California, the six Area Contingency Plans use the term “Environmentally Sensitive Site” to define any site at risk of significant damage, such as bird nesting areas, mammal pupping,

breeding, fish spawning, presence of listed species, etc. Strategies to protect these sites from oil and collateral impacts are included.

4720 Scientific Support

Scientific support is provided by the National Oceanographic and Atmospheric Administration (NOAA) for coastal spills and by the Environmental Protection Agency for inland spills.

4721 NOAA, Scientific Support Coordinator

See NOAA, Scientific Support Coordinator in *Enclosure 0000, RCP Contacts in one list.xlsx* at https://www.nrt.org/site/doc_list.aspx?site_id=114.

The Scientific Support Coordinator is a NOAA employee, permanently assigned to each USCG District, who provides scientific support in environmental chemistry, oil spill trajectories, natural resources at risk, environmental tradeoffs of countermeasures and cleanup, and information management. The FOSC/OSC can request support directly from the SSC assigned to the District, or from the NOAA HAZMAT program office in Seattle, Washington. For spills in the coastal zone, the SSC serves on the FOSC/OSC's Command staff or as Environmental Unit Leader.

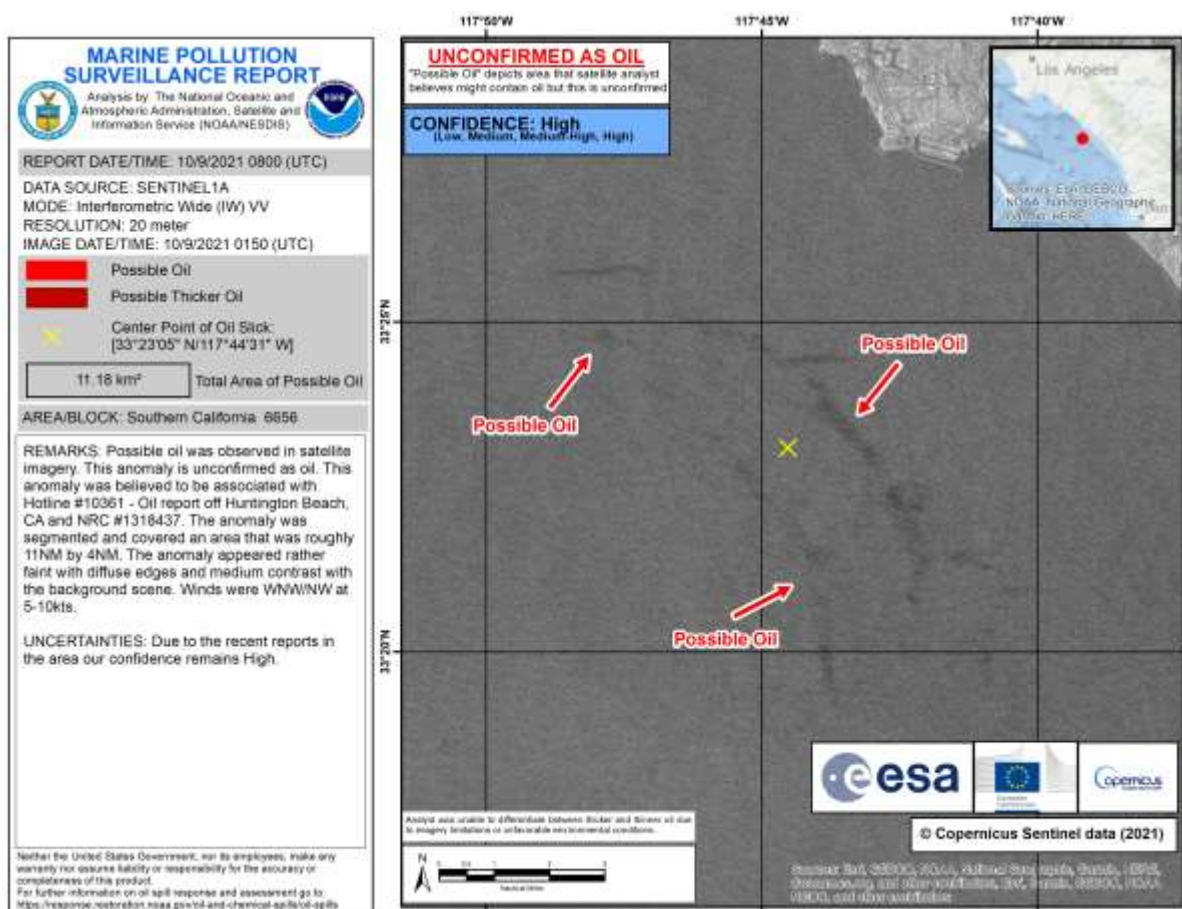
4722 EPA, Scientific Support Coordinator

The U.S. EPA Environmental Response Team (ERT) provides a Scientific Support Coordinator and special response equipment, including decontamination, sampling, and air monitoring equipment. The ERT provides advice to the OSC as a member of the Command Staff or as Environmental Unit Leader. The ERT has expertise in treatment technology, biology, chemistry, hydrology, geology, and engineering and can provide access to decontamination equipment for chemical releases. See *U.S. EPA, Scientific Support Coordinator* in *Enclosure 0000, RCP Contacts in one list.xlsx* at https://www.nrt.org/site/doc_list.aspx?site_id=114.

4730 Oil

4731 Detecting Oil with Satellites

NOAA routinely provides *Marine Pollution Surveillance Reports* to U.S. Coast Guard Districts. These reports indicate places off shore where surface anomalies may indicate spilled oil. These may be from spilled oil, natural seeps, or a vessel pumping its bilge.



4732 Trajectories and Plume Mapping

Since 2015, NOAA's Office of Response and Restoration (OR&R) and the Bureau of Ocean Energy Management (BOEM) have been collaborating to develop Trajectory Analysis Planner (TAP) software.

OILMAP by the RPS Group is an oil spill modelling system suitable for use in oil spill response and contingency planning. OILMAP provides rapid predictions of the movement of spilled oil. A comprehensive 3D model is included that tracks various hydrocarbon components on the water surface, in the water column, and in the air. See <https://www.rpsgroup.com/services/oceans-and-coastal/modelling/products/oilmap/>.

4733 Oil Sampling

The USCG Marine Safety Lab (MSL) provides forensic oil analysis and expert testimony to support oil pollution law enforcement efforts for Marine Investigators, Districts, Hearing Officers, NPFC, Department of Justice (DOJ), and other federal agencies. MSL is the Coast Guard's sole facility for performing forensic oil analysis. See *U.S. Coast Guard, Marine*

Safety Lab in [Enclosure 0000, RCP Contacts in one list.xlsx](https://www.nrt.org/site/doc_list.aspx?site_id=114) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

Because the FOSC/OSC in charge at the scene may be from one of several agencies, it is necessary to establish uniform procedures for notification of counsel and for collection of samples and information consistent with the several phases in federal response situations. Necessary information and sample collection must be performed at the proper times during federal involvement in a spill for the purpose of later use in identifying the party responsible for cost recovery. Time is of great importance, as wind, tide, and current may disperse or remove the evidence and witnesses may no longer be available. Thus, during the response phases, the FOSC/OSC must take the necessary action to ensure that information, records, and samples adequate for legal and research purposes are obtained and safeguarded for future use. Detailed guidance on preferred procedures can be found in "Enforcement Considerations for Evaluations of Uncontrolled Hazardous Waste Disposal Sites by Contractors," U.S. EPA, National Enforcement Investigation Center, April 1980.

4734 Special Monitoring of Applied Response Technologies

Special Monitoring of Applied Response Technologies (SMART) is a joint project of NOAA, USCG, EPA, Centers for Disease Control and Prevention, and BSEE (formerly Minerals Management Service). SMART relies on small, highly mobile teams that collect real-time scientific data during dispersant and *in-situ* burning operations to monitor efficacy of dispersant application as well as particulates concentration in sensitive environments. For details and links to guidance, see: <http://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/resources/smart.html>.

4740 Weather

4741 Weather Forecasts

As an outgrowth of coordination between NOAA, DHS, and other governmental departments in response to natural disasters, the NWS has developed an ever-evolving suite of support tools that can, and should be exploited in real-time for disaster response and planning. These include operationally available forecasts that incorporate the finest scale resolution of data and model predictions interpreted by professional meteorologists at the NWS Forecast Offices. These can be accessed in a number of ways at <https://www.weather.gov> including spot forecasts for HAZMAT and related applications, and a variety of formats including simple narratives, tables and graphs and gridded digital data.

Federal and state agencies, in support of emergencies, can initiate requests for special

forecasts for their particular geographic response needs and the NWS will respond to those requests with predictions of up to 12 sensible weather elements in timelines out to 7 days and tailored formats that are easy to use for emergency manager decision-making.

NOAA's National Weather Service (NWS) provides weather forecasts and warnings for the United States, its territories, adjacent waters, and ocean areas to protect life and property and to help facilitate commerce. NWS data and products can be used by the public and private sectors, as well as the global community. See *NOAA, National Weather Service* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

4742 Requesting Special (Spot) Forecasts

The NWS uses the NWS Spot Forecast Request and Dissemination System to handle such forecast requests. This system provides users a way to request spot weather forecasts and provides NWS forecasters a way to post those forecasts to a national web server, accessible by the requestor, in real time. To *submit a spot forecast request*, go to:

<https://www.weather.gov/spot/>.

4743 Requesting National Weather Service Technical Support

The NWS can provide remote technical support services from a local NWS office that serves the location of an incident. These services may include participation on planning conference calls, providing remote weather/situation briefings, reviewing incident action plans, and organizing and coordinating Subject Matter Experts (SMEs). See *NOAA, National Weather Service* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

The NWS can also provide specially trained weather forecasters to physically travel to the site of an incident to provide weather support to the emergency responders or staff an emergency operations center. The NWS also makes available Warning Coordination Meteorologists for conducting storm surveys and attending other on-scene meetings. Be prepared to provide: Requesting agency/POC, Location/type of incident, Reason for the request, and the associated Pollution Removal Funding Authorization (PRFA) number to fund the request.

4744 Atmospheric Hazards Predictions

The Department of Homeland Security's Interagency Modeling and Atmospheric Assessment Center provides atmospheric hazards predictions during any serious emergency.

[Enclosure 4744: MOA re Atmospheric Hazards Predictions](#) at <https://www.nrt.org/sites/114/files/4744%20MOA%20on%20Atmospheric%20Hazards%20>

[Predictions%20IMAACNOAADODEPA%202004.pdf](#).

4745 Managing Marine Weather Information

[Enclosure 4745: MOA re Managing Marine Weather Information](#) at <https://www.nrt.org/sites/114/files/4745%20MOA%20Managing%20Marine%20Weather%20Information%20NWS-USCG%202010.pdf>.

4750 Waves and Surface Currents Off California

Information about local surface currents and waves is useful during oil spill response. In coastal California this information is available in real time from the *Central & Northern California Ocean Observing System* (CeNCOOS) in Moss landing and the *Southern California Coastal Ocean Observing System* (SCCOOS) in La Jolla. Both collaborate with federal, state and local agencies to integrate high-frequency, radar-derived, surface-current data and products into statewide prevention and response applications.

For real-time information about surface currents, see <http://cordc.ucsd.edu/projects/mapping/maps/>. Numerous reporting stations provide data along the California coast. South of the border there are stations near Tijuana, Rosarito (where oil is loaded) and Ensenada but there is a gap from *El Descanso* south to the *Bajamar Ocean Front Golf Resort*. Or, you can call Ocean Observing System offices at numbers listed in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114 under *Currents: Southern California Coastal Ocean Observing System*. SCCOOS is an academic institution not a first responder so, response may be delayed.

Additionally, the *Coastal Data Information Program* (CDIP) provides wave measurements to support planning and response for oil spill exercises, drills and incidents.

4760 Air Monitoring

Air monitoring is necessary during *in-situ* burning operations and under some other circumstances. EPA, Environmental Response Team West and NOAA can provide air monitoring during oil spills, or advice on contracting a private company. See *U.S. EPA, Environmental Response Team-West* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

The National Response Plan designates the Interagency Modeling and Atmospheric Assessment Center (IMAAC) as the single federal source of airborne hazards predictions

during a hazardous chemical, biological, and radiological releases. See *U.S. Department of Homeland Security, Interagency Modeling and Atmospheric Assessment Center* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

The IMAAC's goal is to draw upon and coordinate the best available capabilities of participating agencies. The current IMAAC agency federal partners are the Department of Homeland Security, the Department of Defense, the Department of Energy, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration (Department of Commerce), the Nuclear Regulatory Commission, and the National Aeronautics and Space Administration.

The National Response Framework designates the Interagency Modeling and Atmospheric Assessment Center (IMAAC) as the single federal source of airborne hazards predictions during incidents that involve multiple federal agencies. IMAAC is responsible for producing and disseminating predictions of the effects from hazardous chemical, biological, and radiological releases. IMAAC is not intended to replace or supplant dispersion modeling capabilities that federal agencies currently have in place to meet agency-specific mission requirements. Rather, it provides interagency coordination to use the most appropriate model for a particular incident and for delivery of a single federal prediction to all responders.

4761 State Air Agencies

Contact information for state air agencies is listed in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

4762 Direct Air Plume Modeling with CAMEO

The CAMEO® Suite of applications (CAMEO – Computer-Aided Management of Emergency Operations, ALOHA – Aerial Locations of Hazardous Atmospheres, and MARPLOT – Mapping Application for Response, Planning and Local Operational Tasks) is designed to allow the user to plan for and respond to a hazardous substances incident. See *NOAA, Air Plume Modeling* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

CAMEO Chemicals has identification information and response recommendations for thousands of chemicals commonly transported in the United States. CAMEO is a set of blank database templates that state and local organizations can enter information for facilities that store hazardous substances. The CAMEO software suite can be downloaded for free at <http://www2.epa.gov/cameo>.

ALOHA® can predict the movement of hazardous substances in the atmosphere and display

the toxic threat zones on a digital map via MARPLOT®. ALOHA can also estimate thermal and explosive threat zones of flammable chemicals. ALOHA has almost a thousand chemicals in its database. MARPLOT uses electronic maps created by the Bureau of the Census that cover the entire country and can be downloaded for free as part of the CAMEO software suite mentioned above.

4770 Remote Sensing

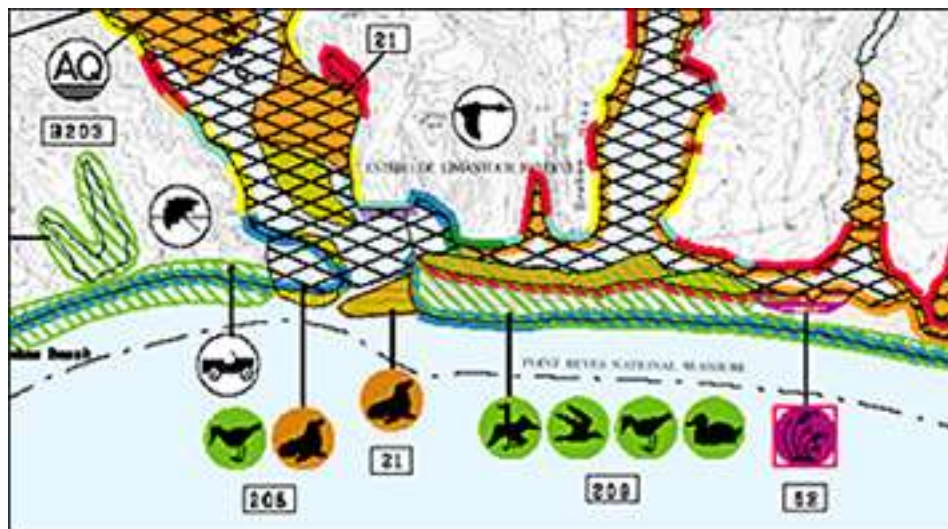
Remote sensing from UAVs (drones) or satellites can determine the location and thickness of oil on the ocean. Contact your *Scientific Support Coordinator* for more information. See [Enclosure 0000, RCP Contacts in one list.xlsx](https://www.nrt.org/site/doc_list.aspx?site_id=114) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

4780 Sources of Sensitive Site Information

Sensitive site information helps first responders to:

- Identify and prioritize protection of fish and wildlife resources and sensitive environments,
- Contact natural resources trustees and managers, and
- Provide guidance in selecting appropriate response strategies for avoiding or minimizing adverse ecological effects of a spill, including impacts associated with response activities.

A variety of tools are publicly available. See table below.



Shorelines on Environmental Sensitivity Index (ESI) maps are color-coded by sensitivity to oil. Symbols mark biological and human-use resources.

Sensitive Site Information	Address
California Department of Fish & Game, BIOS Database	https://www.wildlife.ca.gov/Data/BIOS/Contact Note: BIOS data are not comprehensive; a blank area does not indicate a lack of sensitive resources, only that sensitive resources have not been mapped in that area. BIOS and other state wildlife databases should be considered useful tools to assess the potential for sensitive resources in an area, but should not be considered definitive.
Environmental Sensitivity Index Maps	https://response.restoration.noaa.gov/resources/environmental-sensitivity-index-esi-maps
Local sensitive site information	See Geographic Response Plans in the local Area Contingency Plan.
NOAA's National Centers for Environmental Information (NCEI), climate and historical weather data	https://www.ncdc.noaa.gov/

4781 Lists of Threatened and Endangered Species

The Endangered Species List includes species listed by the federal government as Threatened (T), Endangered (E) or Proposed (P). For coastal spills, the local ACPs provide details on occurrence of federally and state- listed species in sensitive sites summaries.

The Fish and Wildlife Service maintains *Listed Species Reports* at <https://ecos.fws.gov/ecp/species-reports>. You can search by species name, by county or browse numerous lists.

The State of California maintains the *California Natural Diversity Database* at <https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals>.

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5000 Logistics

Logistics involves sourcing supplies, equipment, facilities and personnel in accordance with plans and resource requests from the Section chiefs. It also concerns essential services in support of response personnel, such as lodging, catering, shuttle services and the Medical Officer.

5001 Logistics Section Organization

For information about the organization of the Logistics Section, the positions within it and the Logistic Section's involvement in developing the Incident Action Plan see *Incident Command System, Incident Management Handbooks* in the [Index](#).

Anyone working in the incident command post as a member of the Command and General Staff or one of their subordinates should complete Incident Command System training to the Intermediate level, i.e. ICS-300.

5010 Logistics Section Chief

The Logistics Section Chief and the Branch Directors and Unit Leaders under him/her must have a position-specific qualification from their agency which certifies they are fully trained to fill that role. Consult your Training Officer/Coordinator for information about such training.

Responding agencies and resources will be responsible for their own administration and logistical support until a Logistics Section is established. The Logistics Section Chief will be appointed by the Unified Commanders. When commercial resources are required, the vessel/platform/facility representative should be consulted and given the Right-of-First-Refusal in the ordering process. A decision to not proceed with the Right-of-First Refusal by the Unified Commanders should be documented in a decision memo. This gives UC the ability to decline to use a resource that is determined unsafe.

Commercial vessels and facilities are required by federal law to maintain emergency response contracts for pollution and hazardous material response. Tank vessels carrying petroleum are also required to maintain contracts for marine firefighting and salvage services. Using these in-place contracts may be the most expedient method of ordering major equipment and services. Resources, including people and equipment may also be provided through assisting and cooperating agencies in accordance with the *California Fire Service and Rescue Emergency Mutual Aid System Plan*.

Sector Area Contingency Plans contain procedures and protocols for activating Mutual Aid agreements and designation communications frequencies. These Sector level plans also include a listing of salvage and marine firefighting resources and their contact information.

5020 Service Branch

See Section 5300 in local Area Contingency Plans.

5021 Communications Support from the USCG

The Logistics Section Chief (LSC) in a Unified Command is usually someone contracted by the Responsible Party. He or she may not know anything about Coast Guard equipment and procedures.

Contingency communications support available from the USCG is described in Annex K “*C4 & Electronics Support*” of Deputy Commandant for Mission Support’s Contingency Support Plan, 9930-15 which is classified. The USCG, D11/PAC Command Center can put you in touch with the Eleventh District’s Telecommunications staff (dt) to explain these capabilities. See [Enclosure 0000, RCP Contacts in one list.xlsx](https://www.nrt.org/site/doc_list.aspx?site_id=114) at https://www.nrt.org/site/doc_list.aspx?site_id=114. under ‘U.S. Coast Guard, Command Center, D11/Pacific Area’. Details may be sent via email. The ICS form 213-RR-CG may be used.

5030 Support Branch

There is more information about the Support Branch in Section 5200 of local Area Contingency Plans.

5031 Site Security

Generally, local law enforcement or the responsible party provides site security at the scene of a response. However, upon the recommendation of the Security Manager, the Federal On-Scene Coordinator (FOSC/OSC) has the authority to provide for site security as necessary. Site security may cover the Incident Base, Incident Command Post, Staging Area(s), and lodging area(s). When additional security is necessary, the General Services Administration (GSA) can quickly arrange for contract guards. See the index for contact information.

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5500 Sources of Spill Response Personnel

The tables below are offered for the convenience of the Logistics section staff when they complete requests for personnel, such as those contained on form ICS-213-RR-CG.

You may also consult the USCG pamphlet: *Hazardous Materials Response Special Teams Capabilities and Contact Handbook*, at <https://homeport.uscg.mil/Lists/Content/DispForm.aspx?ID=18552&Source=/Lists/Content/DispForm.aspx?ID=18552>.

5510 Sources of Federal Personnel

Federal agencies can provide technical specialists, expert advice and responders to staff the Unified Command. You can contact them by filtering the RCP Contacts list by ‘Action/Topic’, ‘Federal/State/Non-Govt’, or by ‘Agency’. See [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

5520 USCG Requests for Forces (RFF)

COMDTINST 5400.1 (series), *Obtaining Personnel Resources to Meet Surge Requirements*, explains the process for obtaining personnel resources to meet surge requirements. See https://media.defense.gov/2018/Aug/07/2001951363/-1/-1/0/CI_5400_1B.pdf.

5530 Requesting Technical Support from the EPA

If the incident occurs in EPA jurisdiction, a *request for technical assistance* from a state, tribal or local agency to the EPA should be made in writing and sent via fax to the Chief, Emergency Response Section. See the contact information at the bottom of this page <https://19january2017snapshot.epa.gov/www3/region9/disaster/emerresponse.html>.

A written request is also required when a local, state or tribal government agency asks EPA to take control of the incident or conduct a federally-funded removal action to mitigate the discharge or release, or threat of a discharge or release.

In addition, EPA OSCs may be asked to provide technical assistance to the lead agency FOSC/OSC who is responding to a release or threatened release. EPA FOSC/OSC may be requested by another federal agency to conduct a removal action on their property. In this situation, EPA may decide to enter into a reimbursable Interagency Agreement (IAG) with the other agency where EPA does the removal work and the other agency later reimburses EPA for their removal costs.

5540 Sources of State Personnel: California

To report any spill or emergency for the State of California go to the State Warning Center. The Warning Center can also connect you with the appropriate agency based on your description of the problem. See “Personnel” in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

5550 Chemical Experts and Professional Organizations

The technical and scientific information generated by the local community and professional organizations, along with information from federal, state, and local governments, should be used to assist the FOSC/OSC in devising response strategies where effective standard techniques are unavailable. See “*Chemical Spills*” in *Enclosure 0000, RCP Contacts in one list.xlsx* at https://www.nrt.org/site/doc_list.aspx?site_id=114..

5560 Tribal Contacts

Tribes in each local planning area are listed in Area Contingency Plans and Geographic Response Plans. Other tribal contacts are listed under *Tribes* in *Enclosure 0000, RCP Contacts in one list.xlsx* at https://www.nrt.org/site/doc_list.aspx?site_id=114..

5600 Spill Removal Equipment

Most removal equipment is provided by the oil spill removal organization (OSRO) contracted by the Responsible Party (RP). An example of the information available from an OSRO is at <https://www.msrc.org/services/oil-spill-response> where links describe response tools, major equipment and equipment locations. When working inland, all response equipment must be “clean” i.e. free of invasive species prior to entering the response area.

If the OSRO is unable to obtain specific equipment that is required, the U.S. Navy Supervisor of Salvage (SUPSALV) is a good alternate source.

5610 National Strike Force Coordination Center

The National Strike Force Coordination Center (NSFCC) provides support and standardization guidance to the Atlantic Strike Team (AST), Gulf Strike Team (GST) and Pacific Strike Team (PST). The NSFCC also oversees the maintenance of the OPA-90-mandated Response Resources Inventory (RRI), Oil Spill Removal Organization (OSRO) Classification Program which involves inspection of OSRO equipment, and the National Maintenance Contract (NMC). See <https://www.dco.uscg.mil/Our-Organization/National-Strike-Force/NSF-Coordination-Center/>

5620 Response Resource Inventory

The *Oil Pollution Act of 1990* mandated the creation of a national database of response

resources that would be maintained by the Coast Guard NSFCC. This voluntary equipment locator system, known as the Response Resource Inventory (RRI), was expanded in 1995 to accommodate the needs of the Oil Spill Removal Organization (OSRO) Classification initiative.

The RRI includes data received from companies that wish to have their equipment listed in a publicly accessible system, as well as data generated from the OSRO classification program. Participation by private industry is voluntary except for classified OSROs, whose participation becomes mandatory when they apply for a classification.

Through this application, providers can submit their data via the Data Submission Process. If the data is submitted by an OSRO requesting classification, it is processed to determine which requested Captain of the Port (COTP) and operating area classification levels are appropriate. Those results are forwarded to the National Strike Force (NSF) for additional processing and follow-up.

Pre-defined or customized reports are generated and additional reports on subsets of data can be obtained by contacting the NSFCC. The response resource data is available by resource categories which include skimmers, transfer pumps, boom, vessels, HAZWOPER trained personnel, etc. OSRO-specific reports are placed on the NSFCC's web page for availability to internet users.

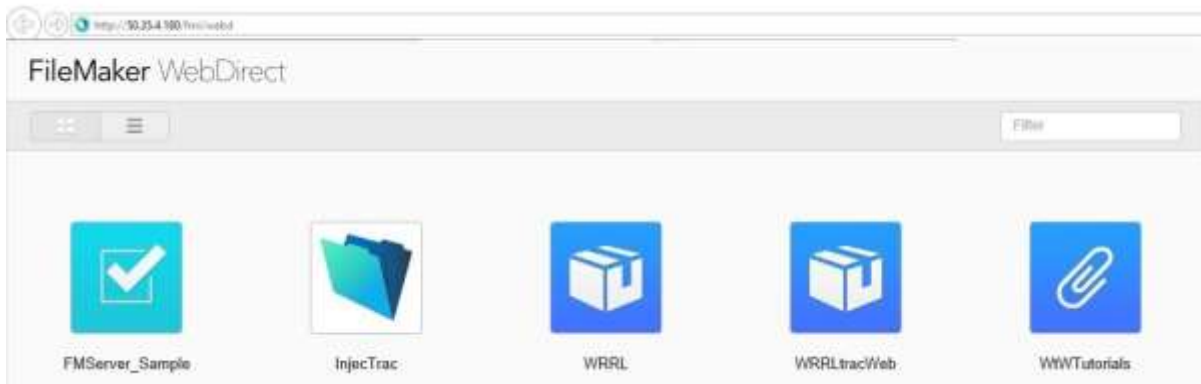
The RRI is at <https://cgrri.uscg.mil/UserReports/WebClassificationReport.aspx>. Register on the page to gain access. Available reports include:

- OSRO Mechanical Classification Reports: OSRO Listing by Company, Listing by COTP Zone, Listing by District
- OSRO Dispersant Classification Report: OSRO Dispersant Listing by Company
- Marine Salvage and Firefighting COTP Operational Report: Salvage Operational COTP Listing by Company
- OSRO Non-Floating Oil Classification Report: Non-Floating Oil Listing by Company
- Group V Capabilities by Company
- OSRO Point of Contact Report

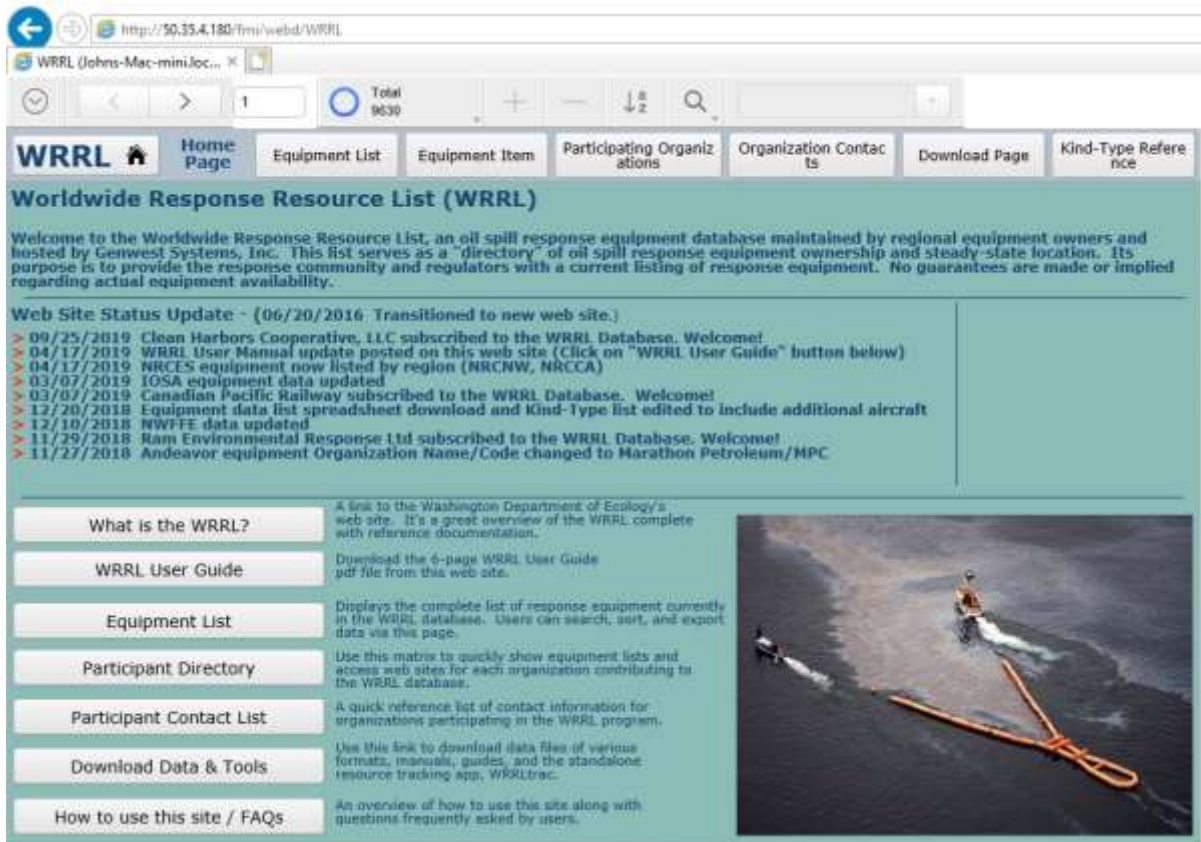
5630 Worldwide Response Resource List

The Worldwide Response Resource List (WRRL) is a database of information on various types of oil spill response equipment. It is maintained by equipment owners. It used to be known as

the Western Response Resource List See <http://50.35.4.180/fmi/webd> then click the icon labelled WRRL as shown below. You may sign on as a guest or request an account.



The page you will see as a guest will resemble the one below from November 2019.



Oil spill response equipment that could be used during a spill or is listed in area contingency plans should be listed on the WRRL. In most cases, equipment that is considered ‘consumable’ should not be listed on the WRRL. For example; pads, kitty litter, and sorbent boom should not be listed. But dispersant chemicals and fire boom would be listed. The other exception to

this is listing specific trailers or warehouses where absorbents are stockpiled. It is also not necessary to list things like anchors or tow bridles.

5700 Blank

5800 USCG Basic Ordering Agreements

The U.S. Coast Guard uses Basic Ordering Agreements (BOA) in emergencies to facilitate ordering from approved vendors. BOAs may be used regardless of the source of funds: Oil Spill Liability Trust Fund (OSLTF), CERCLA, Stafford Act, or USCG funds. Other methods of contracting can be used within the USCG when appropriate. Other agencies and Responsible Parties have their own contracting systems.

A Basic Ordering Agreement (BOA) contractor must be selected over a non-BOA contractor. BOA contractors are initially hired by verbal order followed by a written contract (Optional Form 347) for each incident, which will include the specific number of personnel and equipment needed, estimated cost, and the FPN. The OSC-authorized ceiling for a BOA contractor is set at \$50,000 per incident, per BOA contractor selected (two or more BOA contractors can be hired to perform different tasks on one incident at a maximum of \$25,000 each). The Contracting Officer must approve contractor services that will exceed the OSC's limit.

Unless the BOA contractor cannot provide a timely and adequate response, selection of a non-BOA contractor by an OSC is not authorized. The Contracting Officer is generally the only person authorized to hire a non-BOA contractor. If the Contracting Officer cannot be reached in a timely manner, the OSC is authorized to issue non-BOA purchase orders, on an emergency basis only, with a limit not to exceed \$25,000 per incident. The OSC must contact the Contracting Officer within 24 hours after exercising this emergency authority. If the OSC determines that another agency can assist in a removal effort, the OSC may authorize that agency to perform removal actions, by executing a Pollution Removal Funding Authorization.

5810 Emergency Response Contracting

The Shore Infrastructure Logistics Center (SILC) supports Coast Guard operations through lifecycle management and stewardship of shore infrastructure. Of particular interest to the FOSC/OSC is the COCO-BSS Emergency Services Contract Operations Branch (COB-1). This branch is responsible for Emergency Response Contracting.

Emergency response contracting is accomplished through Basic Ordering Agreements (BOA). A BOA is a written understanding that's already been negotiated between a contracting office

and a contractor and is the preferred method of contracting for oil spill cleanup.

For more information about BOAs, including points of contact, see the Chapter 11.C.6.a, b, and c, Change-1, September 2018 of the USCG *Marine Environmental Response and Preparedness Manual* in the [Index](#).

5811 USCG Contracting Support to EPA

The U.S. Coast Guard has a Memorandum of Understanding (MOU) with the Environmental Protection Agency (EPA) which states that the Coast Guard will provide contracting support. There is no similar Coast Guard arrangement with the Navy, Maritime Administration, Corps of Engineers, or other federal agencies. Questions from these organizations must be directed to Shore Infrastructure Logistics Center (SILC) Contracting Officer. See *U.S. Coast Guard, Shore Infrastructure Logistics Center* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

5820 Procurement Requests and CANAPS

The FOSC/OSC or Logistics Section Chief (LSC) prepares the Procurement Request (PR). The FOSC/OSC or LSC obtains an FPN/Ceiling by logging into the *Ceiling And Numbering Assignment Processing System* (CANAPS) at <https://npfc.uscg.mil/canaps/>. The local U.S. Coast Guard District receives the CANAPS-generated message automatically. CANAPS guides you through the steps to request a new project number and ceiling or to amend a previously opened project.



National Pollution Funds Center

Funding Today for a Cleaner Tomorrow

Ceiling and Number Assignment Processing System (CANAPS)	
Acting on behalf of: EPA Region 9 [Logout]	
<p>i Due to the critical shortage of CERCLA response funds available for Coast Guard FOSCs responding to CERCLA incidents, effective immediately CANAPS will only authorize a maximum of \$25K per case. Any additional funding levels needed above that threshold needs to be processed through the NPFC Duty Officer. The NPFC Duty Officer may be reached at 202-494-9118 </p> <p>The CANAPS wizard will guide you through the steps to request a new project number and ceiling or to amend a previously opened project. Use of this system is restricted to authorized Coast Guard and Environmental Protection Agency (EPA) users only. Unauthorized use is prohibited.</p>	
<p> New Project Wizard This wizard allows you to request a new project number and ceiling from the NPFC</p>	<p> Change Ceiling Increase or decrease the ceiling for an existing project</p>
<p>i Cancel Project Cancel a previously opened project - use only when no funds have been expended</p>	<p> Check Project Ceiling Check the ceiling for a previously opened project</p>
<p> CANAPS FAQs Check for the answers to many common questions in CANAPS FAQ</p>	<p> CANAPS POCs Points of Contact for CANAPS questions and issues</p>
<p> Change Account Settings Change your CANAPS account settings (i.e. Unit ID)</p>	

5821 Pay-As-You-Go

Don't obligate all the necessary funds at once. If a resource is needed for a month, obligate enough funds for a week and repeat as needed. Schedule funding to run out on Thursdays not Fridays.

5900 General Services Administration

The mission of GSA is to deliver the best value in real estate, acquisition, and technology services to government and the American people. See *General Services Administration* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

5910 Property

5911 GSA Schedules

GSA Schedules can be used prior to disaster as well as in response to disaster. GSA encourages the use of schedules to save other agencies money on their purchases and preparations in emergency management. Some of the schedules are open to state and local governments. See *General Services Administration* in [Enclosure 0000, RCP Contacts in one list.xlsx](https://www.nrt.org/site/doc_list.aspx?site_id=114) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

5912 Exchange/Sale Authority

GSA's Personal Property Division sells all property seized by the U.S. Government from drug interdiction and illegal activities by auction. See *General Services Administration* in [Enclosure 0000, RCP Contacts in one list.xlsx](https://www.nrt.org/site/doc_list.aspx?site_id=114) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

Once control of these vessels has been assumed by a federal agency, they can be reported as excess personal property to GSA Personal Property Management. At that time GSA PPM would proceed through the legal disposal channels. That means screening to federal and state customers for direct re-use. If there is no interest, then GSA offers the item for sale to the public.

Potentially proceeds from the sale may be returned to the agency, what GSA calls exchange sale. 41 CFR Part 3731.4 states:

"GSA can provide this service available for a nominal fee as long as the property was seized by a federal agency or was federal property. Typically, they can sell the property and return the proceeds back to the agency. In some cases the terms and conditions of the sale make the buyer responsible for the cost of getting the property to their destination."

The exchange/sale authority is a statutory provision, (40 USC §503), which states in part:

"In acquiring personal property, an executive agency may exchange or sell similar items and may apply the exchange allowance or proceeds of sale in whole or in part payment for the property acquired."

Alternately, if you choose not to replace the property using the exchange/sale authority, you may declare it as excess and dispose of it through the normal disposal process as addressed in 41 CFR Part 102-36. Keep in mind, however, that any net proceeds from the eventual sale of that property as surplus generally must be forwarded to the Miscellaneous receipts account at the United States Treasury and thus would not be available to you.

For a full explanation, see Title 41: Public Contracts and Property Management, Part 102-39—Replacement of Personal Property Pursuant to the Exchange/Sale Authority. Go to <http://www.ecfr.gov/>. In the ‘Jump To’ field, enter the Title and then select the link to the Part.

5913 Short Term Rentals

The General Services Administration (GSA) Fleet Short Term Rentals (STR) program supplies vehicles and equipment to all federal agencies to fulfill short term and temporary needs. GSA handles the procurement, so you can quickly obtain the resources you need to complete your mission. For seasonal work, special events, or surge requirement -- the STR program has the vehicles and equipment to meet your needs. Note: STRs cannot be used for travel proposes. For information about *Short-Term Rentals*, see <http://gsa.gov/str>.

5920 Emergency Lodging Services

Emergency Lodging Services through GSA can provide lodging for responders on short notice. The Emergency Lodging Services (ELS) Blanket Purchase Agreement (BPA) provides the following services:

- Locates and sources temporary housing with a single call to CLC;
- Negotiates discounted rates;
- Provides a phone line for GSA BPA at 1(800) 321-0455;
- Includes an audit and reporting trail; and
- Blocks rooms for personnel during a COOP event.

ELS offers secure accommodations, housing and ancillary services for federal agencies, and state and local governments as well as first responders. The BPA may be used for relief/emergency support personnel, displaced disaster/emergency victims and Continuity of Operations (COOP) events. The BPA includes a unilateral right to add additional users at no additional cost. For information about *Emergency Lodging Services*, see <http://www.gsa.gov/els>.

5930 Support Provided by GSA

GSA can provide a full range of timely logistical telecommunications and other support to the federal response effort in accordance with Federal Acquisition Regulations (FAR), the GSA Acquisition Regulations (GSAR), and relevant public laws so that the command post may be operational no later than 48 hours after acceptance of the space by the OSC. Support may include:

- Space
- Office Furniture and Equipment
- Office Supplies
- Transportation
- Telecommunications
- Printing, Graphics and Reproduction Services
- Advisory Personnel: GSA can provide technical advisors in the areas of acquisition, storage, transportation and other areas as required.
Engineering assistance will also be made available for help in damage surveys, appraisals of buildings for demolition or repair, etc.
- Procurement of Staff Quarters.
- Other Services:
 - Mobile home acquisition;
 - Assistance in the restoration of interrupted public utility service to federal agencies;
 - Loan of excess federal personal property and its return to the holding agency after use;
 - Donation of federal surplus personal property for use and ultimate disposition by state government in accordance with current procedures;
 - Preliminary damage assessment;
 - Cleanup contractor services;
 - Specialized technical support;
 - Support.

#

6000 Finance & Administration

Although procedures may vary depending which agency provides the Federal On-Scene Coordinator or On-Scene Coordinator, the basics of finance and administration are the same throughout the US.

6010 Finance/Administration Section

In the Unified Command, the Finance/Administration Section is responsible for all incident costs and financial considerations. Organizationally, the Finance/Administrations Section includes the Time Unit, Procurement Unit, Compensation/Claims Unit, and Cost Unit. If no Finance Section Chief is designated, the Unified Commanders must perform all those functions.

For information about the organization of the Finance/Administration Section in a Unified Command, the positions within it and its role in developing the Incident Action Plan, see *Incident Command System, Incident Management Handbooks* in the [Index](#).

Anyone working in the incident command post as a member of the Command and General Staff or as one of their direct reports should complete Incident Command System training to the Intermediate level, i.e. ICS-300.

6020 Finance Section Chief

The Finance Section Chief (FSC) is responsible for all financial, administrative and cost analysis aspects of the incident and for supervising the members of the Finance/Administration Section.

6100 Funds for Incident Response

Oil spill cleanup is funded in accordance with the National Contingency Plan, 40 CFR Parts 300-399, except when the spill is caused by a natural disaster. Even when the spill is caused by a natural disaster, if the Responsible Party is known, they pay 100% of cleanup costs (at least to the legal limit of liability). Costs beyond the legal limit of liability are paid from the Oil Spill Liability Trust Fund (OSLTF). The Stafford Act only pays for oil spill cleanup caused by a natural disaster through Emergency Support Function 10 when Responsible Parties cannot be identified.

Congress established three sources of funds to finance the cost of federal responses to discharges of oil or the release of hazardous substances.

<i>Oil Spill Liability Trust Fund</i> (OSLTF)	Costs of responding to discharges of oil.
<i>Hazardous Substance Superfund Trust Fund</i> (CERCLA)	Costs of responding to a release of a hazardous substance.
Robert T. Stafford Disaster Relief and Emergency Assistance Act	Costs of responding to discharges of oil and hazardous substances when the discharge was caused by a natural disaster and the President issues a National Disaster Declaration.

If an RP is not financially equipped or cannot be identified, the relevant fund may pay for federal response actions up to the amounts made available from it and within certain limitations. The federal government may recover response costs from RPs under liability provisions provided by OPA and CERCLA.

6110 Oil Pollution Act of 1990

The *Oil Pollution Act of 1990* (OPA-90) established a “polluter-pays” system placing the primary burden of liability for the costs of spills on the RP in return for financial limitations on that liability. Under this system, the RP assumes, up to a specified limit, the burden of paying for spill costs including removal costs and damage claims.

Persons and government agencies that incur damages as a result of discharges or substantial threats of discharges of oil are entitled to compensation. Section 1002 of OPA-90 describes damages as including natural resources, real or personal property, subsistence use, revenues, profits and earning capacity, and public services. The RP, as designated by the Director of the NPFC is required to advertise, in a manner directed by the NPFC, the name, address, telephone number, office hours, and workdays of the person(s) to whom claims are to be presented and from whom claim information can be obtained. Detailed information about claims procedures can be found in 33 CFR 136.

If the RP denies responsibility, proves unwilling or unable to deal with claims, or refuses to advertise, the NPFC will assume the role of responsible party for the purpose of receiving and paying claims. The NPFC then tries to recover those costs through litigation. If litigation is unsuccessful, costs are paid from the *Oil Spill Liability Trust Fund (OSLTF)*.

Above the specified limit, the RP generally is no longer financially liable. RPs are liable without limit if the oil discharge is the result of gross negligence or willful misconduct, or a violation of federal operation, safety, and construction regulations. The “polluter-pays” system is intended as a deterrent for RPs by requiring that they assume the burden of spill response, restore natural resources, and compensate those damaged by the spill, up to the their limit of liability.

6120 Superfund Trust Fund (CERCLA)

CERCLA is the *Comprehensive Environmental Response, Compensation and Liability Act*, also known as Superfund. Under CERCLA, the *Hazardous Substance Response Trust Fund (CERCLA/Superfund)* was established to pay for cleanup of releases of hazardous substances and uncontrolled hazardous waste sites. EPA manages and administers this fund. For more information, look up the index for

6130 Funds for Assistance to/from Mexico

The “polluter-pays” principle is set forth in Principle 16 of the 1992 *Rio Declaration on Environment and Development*, and is reflected in the national laws of the U.S. and Mexico. The Principal requires that the polluter or Responsible Party is generally responsible for the costs associated with pollution.

Mexico and the United States are parties to the *International Convention on Oil Pollution Preparedness, Response, and Co-operation (OPRC 1990)*. If requested, reimbursement of costs relating to assistance to or from Mexico shall be addressed according to OPRC 1990 and by a separate agreement to be concluded before assistance is provided by either Participant. For details, see the *MEXUSPAC Annex* or the *MEXUS Plan* in the index.

6200 Oil Spill Liability Trust Fund

The OSTLF is available to pay for oil spill cleanups and damages in cases where the responsible party is not known or cannot, or will not, pay for the cleanup.

The FOOSC/OSC may access the emergency fund of the Oil Spill Liability Trust Fund (OSLTF)

and CERCLA 24 hours a day. See *U.S. Coast Guard, National Pollution Funds Center* in [Enclosure 0000, RCP Contacts in one list.xlsx](https://www.nrt.org/site/doc_list.aspx?site_id=114) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

6210 National Pollution Funds Center

The Fund is a source for payment of removal costs and damages resulting from oil spills or incidents that threaten to spill oil into navigable waters of the United States, adjoining shorelines, or the Exclusive Economic Zone (EEZ). The NPFC serves as fiduciary agency for the OSLTF and administers the Coast Guard portion of CERCLA emergency response funds. The NPFC also provides 24-hour funding to FOSC/OSCs for immediate removal actions, to monitor RP actions, or to initiate an assessment of damages to natural resources. Organizationally, the NPFC operates within a Case Team concept. There are four case teams: Southeast, Gulf Coast, West Coast, and Northeast. Each case team includes a Case Manager and Specialists in legal, financial, natural resource damage claims and OSLTF claims.

As the fiduciary agency for the OSLTF, the NPFC has several responsibilities, including:

- Providing funding to permit timely removal actions;
- Providing funding to initiate Natural Resource Damage Assessments for oil spills;
- Compensating claimants for damages caused by oil pollution;
- Recovering costs owed by the RPs for removal costs and damages; and
- Certifying the financial responsibility of vessel owners and operators up to their vessel's limits of liability.

6211 NPFC Case Managers and Claims Managers

The National Pollution Funds Center (NPFC) Case Managers or the Shore Infrastructure Logistics Center (SILC) Contracting Officers can assist the FOSC/OSC with management and coordination on funding issues with other government agencies (OGAs). These positions should be filled during a Type 1 or 2 Incident. The Case Manager should have direct access to the FOSC/OSC/IC to eliminate delays in funding OGAs and make the FOSC/OSC aware of emerging issues with each OGA. The Case Manager will work in the Finance Section as a Technical Specialist (THSP).

Depending on the significance of an oil spill, the demand for coordinating claims due to oil spill may require the NPFC to provide a NPFC Claims Manager to answer questions on OPA-90 claims processes. See *U.S. Coast Guard, National Pollution Funds Center* in [Enclosure 0000, RCP Contacts in one list.xlsx](https://www.nrt.org/site/doc_list.aspx?site_id=114) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

6220 EPA & USCG Access to the OSLTF

EPA and USCG FOSC/OSCs access the Oil Spill Liability Trust Fund (OSLTF) via the NPFC's Ceiling and Numbering Processing System (CANAPS), an online funds request system.

More broadly, the USCG and EPA have an *MOU for the Use of the Oil Spill Liability Trust Fund*. See

https://www.uscg.mil/Portals/0/NPFC/docs/PDFs/urg/App/EPA_OSLTF_MOU_AppA_01.pdf.

6221 Ceiling and Numbering Assignment Processing System



The Ceiling and Numbering Assignment Processing System (CANAPS) automates and centralizes the creation and management of project numbers and ceilings for federally funded responses initiated by Federal On-Scene Coordinators (FOSC/OSCs). CANAPS is a web-based tool that collects basic incident information via a user-friendly, internet “wizard” and immediately assigns a project number and the requested spending ceiling up to a preset limit. An email confirmation of the project number and ceiling is sent to the requesting FOSC/OSC. For more information, find ‘CANAPS’ in the [Index](#).

6222 Federal Projects, Ceilings and Limits

Federal projects can be opened by EPA and USCG FOSC/OSCs to fund the removal of oil using the Oil Spill Liability Trust Fund (OSLTF).

CERCLA Projects can be opened by USCG FOSC/OSCs for the removal of hazardous substances using *Comprehensive Environmental Response, Compensation & Liability Act* (CERCLA) funds. The EPA has its own process for opening CERCLA/Superfund projects outside of CANAPS.

The need to manage the respective funds requires limits to the amount of money that can be obligated automatically by the CANAPS system before having to speak to the National Pollution Funds Center (NPFC).

- USCG FOSC/OSCs can open federal projects with ceilings up to \$500K and CERCLA Projects with ceilings up to \$25,000.
- EPA FOSC/OSCs can open federal projects with ceilings up to \$50,000.

These thresholds are subject to change based on the availability of funds. Additional money is available. If the project is going to grow beyond these ceiling limits, contact the NPFC Case Manager to request additional funding. See *U.S. Coast Guard, National Pollution Funds Center* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

6223 Federal Facilities or Vessels Cannot Use OSLTF and CERCLA

Neither fund is available to cover response costs associated with a discharge of oil or a release of a hazardous substances from a federal facility or vessel.

6230 State Access to the OSLTF

States may access the OSLTF through three mechanisms: Pollution Removal Funding Authorization (PRFA), uncompensated removal cost claims as described in 33 CFR §136, or through the procedures established in 33 CFR §133. Of the three mechanisms, PRFAs or claims are the most efficient ways for states to access the OSLTF. For more information about PRFAs, see the index. Additional guidance is in the *National Pollution Funds Center's User Reference Guide* (eURG) at <http://www.uscg.mil/npfc/urg/>.

6240 Trustee Access to the OSLTF

Information about how to make Natural Resource Damage Claims by Natural Resource Trustees and Federal Trustees is available at <https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Claims/Trustee Links/>.

6250 Claims against the OSLTF

Information about allowable claims against the OSLTF can be found in 33 *CFR* §136. Go to <http://www.ecfr.gov/>. In the ‘Jump To’ field, search for the Title and then select the Section. For additional information regarding these procedures or related subjects, state representatives, FOSC/OSCs, and other interested parties are urged to contact the NPFC Claims Division. See *U.S. Coast Guard, National Pollution Funds Center* in [Enclosure 0000, RCP Contacts in one list.xlsx](https://www.nrt.org/site/doc_list.aspx?site_id=114) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

6300 Superfund (CERCLA)

CERCLA is the *Comprehensive Environmental Response, Compensation and Liability Act*, also known as *Superfund*. The law is 42 USC §9601 et seq. (1980)

The *Hazardous Substance Response Trust Fund* (CERCLA/Superfund) was established to pay for cleanup of releases of hazardous substances and uncontrolled hazardous waste sites. EPA manages and administers this fund. In order for a response/cleanup to be initiated using CERCLA/Superfund monies, there must be a release or the threat of a release of a CERCLA hazardous substance, pollutant or contaminant. The release must cause a threat to public health or welfare or the environment based on the criteria outlined in NCP 300.415(b)(2). Pollutants or contaminants must meet a higher threshold of posing an “imminent and substantial endangerment” to public health or the environment. The Federal On-Scene Coordinator makes these determinations.

EPA administers the Superfund; however, the funds authorized for CERCLA are also available to Coast Guard FOSC/OSCs. EPA and USCG have an MOU, dated August 17, 1994, to improve procedures for USCG access to the Superfund. See the *MOU between USCG and EPA re Procedures for USCG to Access SUPERFUND to Support USCG Implementation of CERCLA* at

https://www.uscg.mil/Portals/0/NPFC/docs/PDFs/urg/App/EPA_CERCLA_MOU_AppA_02.pdf.

Detailed information regarding the use of the CERCLA/Superfund can be found in the *National Pollution Funds Center* (NPFC) *User Reference Guide* (eURG) at <http://www.uscg.mil/npfc/urg/>.

6310 Funding Response by Other Federal Agencies

There are two mechanisms for funding response-related activity by federal agencies other than

the USCG and the EPA.

- The agency's CERCLA/Superfund budget, or
- An interagency agreement (IAG) authorizing access to the CERCLA/Superfund account.

Response operations for hazardous substances or mixtures of hazardous substances and oil may be funded from the CERCLA/Superfund account. Removal actions shall not continue after \$2 million has been obligated or twelve months have elapsed from the date of the initial response, unless U.S. EPA grants an exemption in accordance with Section 104(c)(1) CERCLA, as amended.

Additionally, CERCLA-funded action may not be taken in response to a release or threat of a release:

- Of a naturally occurring substance in its unaltered form or altered solely through naturally occurring processes or phenomena, from a location where it is naturally found;
- From products which are part of the structure of, and result in exposure within, residential buildings or business or community structures;
- Into public or private drinking water supplies as a result of system deterioration through ordinary use.

However, U.S. EPA may respond to any release or threat of release if it is determined that it constitutes a public health or environmental emergency and no other person with the authority and capability to respond to the emergency will do so in a timely manner.

Coast Guard FOSC/OSCs have direct access to CERCLA funds via the NPFC and the U.S. EPA Region IX Superfund Division Director has been delegated the authority to approve actions costing up to \$2 million. state and local governments are not authorized to take actions that involve expenditures of CERCLA funds, unless an appropriate contract or cooperative agreement has been established.

6311 Interagency Agreements

The FOSC/OSC is responsible for identifying whether technical support from another agency is necessary, and for making arrangements for that assistance. In addition, FOSC/OSCs are responsible for initiating and processing any site-specific Interagency Agreements (IAG) necessary for reimbursing federal agency participation.

U.S. EPA FOSC/OSCs may develop, negotiate terms, and award IAGs for site-specific, U.S.

EPA-led actions. For these IAGs, the FOSC/OSC:

- Defines the scope of work to be performed; outlines the responsibilities of each agency; determines the performance period; identifies primary contacts in each agency; names contractors and the dollar amounts of any contracts, if applicable; and determines the overall reporting, invoicing, and amendment requirements;
- Prepares four copies of the Interagency Agreement/Amendment (EPA Form 1610-1), and prepares the commitment notice and the transmittal/decision memorandum. The FOSC/OSC then monitors accomplishment of work in accordance with the IAG scope of work.

6320 Local Government Reimbursement

Local authorities (county, parish, city, municipality, township, or tribe) may apply for reimbursement of costs incurred in response to an incident through the EPA, which administers the Superfund. *States are specifically excluded from seeking reimbursement from the Superfund.* Local governments are eligible for reimbursement up to \$25,000 per incident for costs such as overtime charges, response contractors, equipment purchased for the response, and replacement of damaged equipment. EPA may accept only one request for reimbursement for each hazardous substance release incident. EPA cannot reimburse for costs previously budgeted for by the local government. On February 18, 1998, EPA published an Interim Final Rule simplifying the process for Local Government Reimbursement (LGR). For information on the new rule and application forms, see *U.S. EPA, Local Government Reimbursement Help Line* in [Enclosure 0000, RCP Contacts in one list.xlsx](https://www.nrt.org/site/doc_list.aspx?site_id=114) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

Under the *Oil Pollution Act of 1990 (OPA-90)*, local governments may be reimbursed for additional services provided as a result of an oil spill. 33 CFR §136.237 outlines what may be reimbursable and the process for submitting claims. For guidance on accessing either OSLTF or CERCLA, see the index.

Section 123 of CERCLA authorizes U.S. EPA to reimburse local governments for some and (in rare cases) possibly all of the expenses incurred in carrying out temporary emergency measures in response to hazardous substance threats or releases. These measures or operations are necessary to prevent or mitigate injury to public health or the environment.

The intent of this provision is to reduce any significant financial burden that may have been incurred by a local government (city, county, municipality, parish, township, town, federally recognized Native American Tribe, or other official political subdivisions designated by a

particular state) that takes the above measures in response to hazardous substance threats. Traditional local responsibilities, such as routine firefighting, are not eligible for reimbursement. States are not eligible for this program and may not request reimbursement on their own behalf or on the behalf of a political subdivision within a given state (*40 CFR Parts 310.20 and 310.30*).

6321 Criteria for Reimbursement

The following criteria must be met before a request for reimbursement is to be considered:

- Local government must have had a *Title III* plan by October 1, 1988.
- Response occurred after the effective date of this rule (October 17, 1986).
- Local government informed U.S. EPA or the NRC as soon as possible, but not more than 24 hours after initiating response.
- Response actions were consistent with CERCLA, the NCP, and EPCRA.
- The request contains assurances that the response reimbursement does not supplant local funds normally provided for such activities.
- The applicant must have first attempted to recover the costs from all known potentially responsible parties (PRPs) and any other possible sources of reimbursement (state funds, insurance companies, etc.). Sixty (60) days must be allowed for the above responsible party to respond by making payment, expressing intent to pay, or demonstrating willingness to negotiate payment. CERCLA limits the amount of reimbursement to \$25,000 per single response. If several agencies or departments are involved in a response, they must determine among themselves which agency will submit the request for reimbursement. Any request must be received by U.S. EPA within six months of the related response action.

6322 Allowable Costs

Some of the allowable costs may include, but are not limited to, the following:

- Disposable materials and supplies acquired and used specifically for the related response.
- Employee compensation for response work that is not provided in the applicant's operating budget.
- Rental or leasing of equipment.
- Replacement costs of equipment contaminated to the extent that it is beyond reuse or repair.
- Decontamination of equipment.

- Special technical services needed for the response, such as those provided by experts or specialists.
- Other special services, such as utilities.
- Laboratory analysis costs related to the response.
- Costs associated with supplies, services, and equipment procured for a specific evaluation.

A review panel will evaluate each request and will rank the requests on the basis of financial burden. Financial burden is based on the ratio of eligible response costs to the locality's per capita income adjusted for population. If a request is not reimbursed during the review period for which it is submitted, the U.S. EPA reimbursement official has the discretion to hold the request open for one-year for reconsideration.

6400 State Spill Response Funds

6410 Arizona

Arizona does not have a spill response fund.

6420 California Oil Spill Response Trust Fund

If the *Oil Spill Liability Trust Fund* is opened to provide funds for a spill incident, local agencies can seek funding through the FOSC/OSC. If federal funds are not available or will not be available in an adequate period of time, and a Responsible Party does not exist or is unable or unwilling to provide adequate and timely cleanup and to pay for the damages resulting from a marine oil spill, then the State of California Oil Spill Response Trust Fund (OSRTF) shall be used to pay necessary costs for responding to, containing, and cleaning up the oil spill.

The California OSRTF is used by the State of California, Office of Oil Spill Prevention and Response to fund response activities in the event of an oil spill of any amount that impacts state waters, or in the event of an imminent threat of an oil spill. Information regarding OSRTF procedures can be obtained from the State of California Office of Oil Spill Prevention and Response, Cost Recovery Unit. See *Oil Spill Response Trust Fund (OSRTF)* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

6430 State of Nevada Petroleum Fund

The State of Nevada Petroleum Fund (Fund) was initially implemented in 1989 by state legislation to assist owners and operators of regulated underground storage tanks in meeting the federal requirement for financial responsibility, pursuant to Code of Federal Regulations 40 CFR §280.90-.99. The Fund also allows voluntary enrollment of non-regulated petroleum storage tanks and automatically covers releases from residential heating oil tanks.

The Fund provides reimbursement to the qualified storage tank owner/operators for corrective action costs associated with cleaning up petroleum product releases. The Nevada Division of Environmental Protection reviews requests for reimbursement and the Board to Review Claims approves payments from the Fund. The Board is composed of three statutory members and four governor-appointed members.

The Fund is supported by a \$0.0075 fee for each gallon of motor vehicle fuel, diesel fuel of grade number 1, diesel fuel of grade number 2, and heating oil imported into, or refined in, Nevada. There is also an annual registration fee of \$100 per tank for enrollment into the Fund for all regulated and non-regulated storage tanks with the exception of heating oil tanks.

More information on *State of Nevada Petroleum Fund* see <https://ndep.nv.gov/environmental-cleanup/petroleum-fund>.

If the responsible party is unknown or refuses to accept responsibility and the local government does not have the capability or funds for cleanup, the local government and/or the SOSOC will seek additional state or federal assistance as follows.

6431 Disaster Relief Fund/Emergency Assistance Account (NDEM)

The Disaster Relief Fund was created pursuant to NRS 353.2735. Money in the fund may be distributed as a grant to a state or local agency because of a disaster for the payment of expenses incurred by that agency. This funding is only available in the event of a disaster as declared by the Governor, and the requesting entity must demonstrate that they do not have adequate funding to address the problem. The Nevada Division of Emergency Management (NDEM) administers this fund. The Emergency Assistance Account was created pursuant to NRS 414.135 which states that the controller shall, at the end of each fiscal year, transfer the interest earned during the previous fiscal year on the money in the Disaster Relief Fund to the account in an amount not to exceed \$500,000. NDEM administers the account. All expenditures from the account must be approved in advance by NDEM. Except as otherwise provided, all money in the account must be expended solely to (a) provide supplemental emergency assistance to this state or to local governments in this state that are severely and adversely affected by a

natural, technological or man-made emergency or disaster for which available resources of this state or the local government are inadequate to provide a satisfactory remedy or (b) pay any actual expenses incurred by NDEM for administration during a natural, technological or man-made emergency or disaster.

6432 Account for the Management of Hazardous Waste (NDEP)

The Account for Management of Hazardous Waste is funded by fees paid by users of the state-owned hazardous waste disposal area in Beatty, NV. As described in NRS 459.537, these funds may be used for payment of costs of responding to a leak, spill or accident involving hazardous waste, hazardous material or a regulated substance. The Account for Management of Hazardous Waste is used to provide long-term funding for several programs within NDEP. The account is also the funding source for the Environmental Mitigation, Assessment and Remediation Program (EMAR) contract. This contract was awarded to Brown and Caldwell through June 2006. The scope of this contract includes performing environmental assessment, mitigation and remediation related services. It specifically excludes performing emergency response services.

6433 Other State Agency Funding

Individual state agencies such as the Highway Patrol Division and the Department of Transportation have internal funding that is available to respond to hazardous materials incidents. These agencies may be contacted regarding the availability of any such funding.

6500 Robert T. Stafford Disaster Relief & Emergency Assistance Act

When the President of the United States issues a National Disaster Declaration, additional funding for emergency operations such as maritime transportation system recovery, firefighting, search and rescue, and oil and hazardous material response, may be available through the *Robert T. Stafford Disaster Relief and Emergency Assistance Act*. See <http://www.fema.gov/robert-t-stafford-disaster-relief-and-emergency-assistance-act-public-law-93-288-amended>.

6510 Stafford Act

The *Robert T. Stafford Disaster Relief and Emergency Assistance Act*, (42 USC §5121 *et. seq.*), signed into law November 23, 1988; amended the Disaster Relief Act of 1974. This Act constitutes the statutory authority for most federal disaster response activities especially as they pertain to FEMA and FEMA programs. Broken into seven titles, the Stafford Act

establishes a federal process for declaring disasters, determining the appropriate level of response, and dividing up the costs among federal, state, and local governments. In addition to providing federal assistance programs to deal with economic losses resulting from disasters, the Act articulates the need for state and local governments to create comprehensive disaster preparedness plans and mechanisms to prepare for intergovernmental coordination during times of crisis.

Many Region IX Regional Response Team member agencies have specific responsibilities during and following a weapons-of-mass-destruction (WMD) incident or other terrorist act. To address the requirements set forth in the Stafford Act (previously implemented via the Federal Response Plan) and Homeland Security Presidential Directives 5, 8 and 9, (HSPD-5, HSPD-8, HSPD-9), the National Response Framework (NRF) has been promulgated. The NRF, in conjunction with additional guidance provided by USCG and EPA, addresses the integration and coordination of interagency operations under both the NRF and the National Contingency Plan.

The NRF describes the following coordinating mechanisms to assist the Secretary of Homeland Security in implementing his domestic incident management role for incidents of national significance including, but not limited to, terrorist attacks and the use of weapons of mass destruction:

- Homeland Security Operations Center (HSOC)
- Interagency Incident Management Group (IIMG)
- Assistant to the President for Homeland Security
- Principal Federal Official (PFO)
- Joint Field Office (JFO)

6520 Emergency Support Function #10 (ESF-10)

The EPA and the USCG participate in the National Response Framework (NRF), which outlines how the federal government responds to and/or coordinates the response to disasters and/or emergencies when an incident is of such magnitude that a state government's resources are overwhelmed. The President may implement the *Stafford Act* or undertake a non-*Stafford Act* response that provides for the reimbursement of agency appropriations used in support of declared disasters and emergencies. The Federal Emergency Management Agency (FEMA) acts as the President's primary Executive agency to coordinate the response to a disaster that has occurred in the United States and that overwhelms the resources of local and state authorities.

There are a total of 14 ESFs under the NRF. Each ESF is composed of designated primary and support agencies.

- Primary agencies: Federal agencies with significant authorities, roles, resources, or capabilities for a particular ESF.
- Support agencies: Limited in their authorities or in the capabilities they provide.

For details about ESF-10, see FEMA's *Oil and Chemical Incident Annex, 2021* at https://www.fema.gov/sites/default/files/documents/fema_incident-annex-oil-chemical.pdf.

6521 EPA is Primary Agency

The EPA is the primary agency when an incident impacts the inland zone and the Coast Guard is the primary agency when the incident impacts the coastal zone. In the case that impacts are in both in the inland and coastal zones, EPA is the primary agency. ESF #10 coordinates oil and hazardous materials response activities (including activities to detect, identify, clean up and dispose of oil/hazardous materials) and provides personnel, equipment, and supplies in support of state and local agencies involved in oil and hazardous materials response operations. *Emergency Support Function #10 (ESF-10) – Oil and Hazardous Materials Response* provides federal support in response to an actual or potential discharge and/or uncontrolled release of oil or hazardous materials when activated.

ESF-10 provides for a coordinated federal response to actual or potential oil and hazardous materials incidents. Response to oil and hazardous materials incidents is generally carried out in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300. For purposes of this annex, “hazardous materials” is a general term intended to mean hazardous substances, pollutants, and contaminants as defined in the NCP. Hazardous materials include chemical, biological, and radiological substances, whether accidentally or intentionally released.

The scope of ESF-10 includes the appropriate actions to prepare for, respond to, and recover from a threat to public health, welfare, or the environment caused by actual or potential oil and hazardous materials incidents. Appropriate general actions can include, but are not limited to: actions to prevent, minimize, or mitigate a release; efforts to detect and assess the extent of contamination (including sampling and analysis and environmental monitoring); actions to stabilize the release and prevent the spread of contamination; analysis of options for environmental cleanup and waste disposition; implementation of environmental cleanup; and storage, treatment, and disposal of oil and hazardous materials. Examples of specific actions may include:

- Sampling a drinking water supply to determine if there has been intentional contamination;
- Stabilizing the release through the use of berms, dikes, or impoundments;
- Capping of contaminated soils or sludge;
- Using chemicals and other materials to contain or retard the spread of the release or mitigate its effects;
- Decontaminating buildings and structures;
- Using drainage controls, fences, warning signs, or other security or site-control precautions;
- Removing highly contaminated soils from drainage areas;
- Removing drums, barrels, tanks, or other bulk containers that contain oil or hazardous materials; and
- Other measures as deemed necessary.

In addition, ESF-10 may be used under appropriate authorities to respond to actual or threatened releases of materials not typically responded to under the NCP but that pose a threat to public health or welfare or to the environment. Appropriate ESF-10 response activities to such incidents include, but are not limited to, household hazardous waste collection, monitoring of debris disposal, water quality monitoring and protection, air quality sampling and monitoring, and protection of natural resources.

ESF-10 applies to all federal departments and agencies with responsibilities and assets to support state, tribal, and local response to actual or potential oil or hazardous materials incidents.

6522 Oil and Chemical Incident Annex

FEMA's *Oil and Chemical Incident Annex* is at https://www.fema.gov/sites/default/files/documents/fema_incident-annex-oil-chemical.pdf.

The Annex focuses on the Response and Recovery mission areas, commonly identified as “consequence management,” excluding law enforcement, criminal investigation, and capabilities that fall under the Prevention mission area.¹ The term “consequence management” includes protecting the population, providing medical aid, securing the incident site, containing and stopping the release, enhancing first responder capabilities, decontamination and site remediation, increasing the population’s resilience and recovery capabilities, and assessing and responding to environmental impacts.

For pre-surge deployments, USCG pre-deploys assets and, consistent with the Stafford Act, those assets can be covered under the ESF-10 pre-surge MA. States are not involved in pre-surge deployments.

FEMA Region IX and EPA Region IX (Pacific Southwest) serve Arizona, California, Nevada, Hawaii and the U.S. islands of Oceania. USCG District 11 serves only Arizona, California, and Nevada. District 14 (Honolulu) serves Hawaii and the U.S. islands of Oceania.

6523 Policy Guidance on ESF #10 Mission Assignments

In September 1998, FEMA and EPA agreed that FEMA would use *Stafford Act* funds to reimburse EPA for specific emergency response activities related to hazardous materials (hazardous substances, pollutants, contaminants, and oil) under ESF #10, when there is an Emergency or Major Disaster Declaration.

FEMA Policy 9523.8 published in May 2001 and titled, *Policy Guidance on ESF #10 Mission Assignments* provides guidance on MAs and activities funded with *Stafford Act* funds. Because it was signed by Lacy E. Suiter of FEMA and Jim Makris of EPA is often called the *Suiter-Makris Memo*. The text of the *Suiter-Makris Memo* is at https://www.nrt.org/sites/2/files/Suiter_Makris_Policy_Guidance_on_ESF.pdf.

To talk to someone about mission assignments, see FEMA, ESF #10 Mission Assignments in [Enclosure 0000, RCP Contacts in one list.xlsx](https://www.nrt.org/site/doc_list.aspx?site_id=114) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

6524 Pre-Scripted Mission Assignments

The USCG maintains a catalog of Pre-Scripted Mission Assignments (PSMAs) at <https://cg.portal.uscg.mil/units/FEMA-Liaison/SitePages/PreScriptedMissionAssignments.aspx>. This site is only accessible to members of the USCG from their USCG workstations.

6525 California Guidance on EF-10

The *California Hazardous Materials and Oil Emergency Function* (EF-10) is an annex to the *State Emergency Plan*. EF-10 is a framework for agencies with jurisdictional or regulatory authority to conduct all phases of emergency management for threatened or actual releases of oil or hazardous materials. For more information and a link to the *State Emergency Plan*, see <http://www.calepa.ca.gov/Disaster/HazMatOil/>.

6530 Mission Assignments from FEMA

When an incident is of such magnitude that a state government's resources are overwhelmed, the state may request federal response assistance to supplement ongoing disaster relief activities. The *Stafford Act* establishes the programs and processes for the federal government

to provide disaster and emergency assistance to states, local governments, tribal nations, individuals, and qualified private nonprofit organizations. MAs are the vehicle used by FEMA to support federal operations in a *Stafford Act* major disaster or emergency declaration. Funds come from a Disaster Relief Fund established by Congress.

A Presidential Disaster Declaration does not change the FOSC/OSC's responsibilities and authorities under the National Contingency Plan for oil and hazardous materials spills. The Responsible Party is still responsible for paying the cost of cleanup.

A Mission Assignment from FEMA enables a wholesale cleanup of spilled oil or chemicals, such as after a hurricane, whereas use of RP funds or the OSLTF requires a separate investigation and financial accounting for each spill.

An MA is a work order issued to a federal agency by FEMA directing the completion of a specific task, and citing funding, management controls, and guidance. It orders immediate, short-term emergency response assistance when an applicable state or local government is overwhelmed by an incident and lacks the capability to perform, or contract for, the necessary work. An MA combines in one document both operational tasking and the obligation of funds to accomplish that tasking by the assigned agency. MAs are directives issued by FEMA; they are not contracts or Interagency Agreements (IAAs). In most cases, MAs are issued only for assistance under the Stafford Act, not for assistance provided that would normally fall under an agency's independent authorities or responsibilities. FEMA will not reimburse for work done under an agency's regulatory authority.

MAs can be issued from three FEMA-managed entities: Joint Field Offices (JFOs), Regional Response Coordination Centers (RRCCs), and the National Response Coordination Center (NRCC). The FEMA Region IX RRCC in Oakland is the regional interagency coordination center and has primary responsibility for operations until a JFO(s) is established and operational. The RRCC is directly involved in the coordination and issuing of MAs until the JFO becomes operational.

6531 Emergency Support Function 10, Oil & Hazardous Materials

Following a Presidential declaration of disaster or emergency, the Coast Guard may operate under the *Stafford Act* and its implementing framework, the National Response Framework (NRF). The NRF groups the types of federal assistance most likely to be needed under fifteen Emergency Support Functions (ESFs). The Environmental Protection Agency (EPA) and the Coast Guard are both assigned as primary agencies for ESF-10, Oil and Hazardous Materials Response. While FEMA may assign an ESF-10 MA directly to the Coast Guard if both agencies are involved, the normal practice is for FEMA to assign the ESF-10 MA to EPA,

which then sub-task the MA with the Coast Guard or with contractors who can assist with disaster response involving hazardous materials in the marine environment.

EPA will only collect household hazardous waste when it receives a Mission Assignment funded by FEMA to do so.

To effectively support coordinated responses under the NRF, the Eleventh Coast Guard District assigns an Emergency Preparedness Liaison Officer (EPLO) to FEMA Region IX to staff the ESF-10 desk at the FEMA Region IX RRCC. The D11 EPLO maintains a close relationship with FEMA Region IX, serving as an essential contact between FEMA and Coast Guard personnel. In the absence of the EPLO, the D11 District Response Advisory Team (DRAT) staffs the ESF-10 desk at the RRCC for incidents in California. If the incident is in Region IX Oceania, the 14th Coast Guard District in Hawaii provides staff.

6600 Pollution Removal Funding Authorizations

Pollution Removal Funding Authorizations (PRFA) are available to FOSC/OSCs to quickly obtain needed services and assistance from other government agencies (federal, state, local, or tribal) during oil spill and hazardous materials responses. The PRFA commits the OSLTF to payment, by reimbursement, of costs incurred in pollution response activities consistent with the NCP undertaken by another government agency working for the FOSC/OSC. The PRFA may not be used by the FOSC/OSC to obtain goods or services directly from private individuals, groups, or companies. It should also not be used to obligate funds for the initiation of Natural Resources Damage Assessments (NRDA), further assessment actions, or payment of damages.

There are two types of PRFA forms, one for federal agencies and one for non-federal agencies. The FOSC/OSC and the other government agency must agree on and document:

- The specific goods and services to be provided; and
- A good faith estimate of the total anticipated costs, with a line item breakdown of the principal expense categories. This need not be more than a single page, and can be made an attachment to the PRFA.

The PRFA may be amended, at the FOSC/OSC's discretion, to increase the authorized maximum reimbursement ceiling, if additional assistance and support is desired, or if costs incurred for services provided exceed the original estimate.

The NOAA Scientific Support Coordinators (SSC) and their associated services are the government agency resources the Coast Guard calls most frequently. Unless NOAA specifically declines the need for a PRFA, the FOSC/OSC must prepare a PRFA each time the

SSC is called for incident specific response support.

6610 Funding ESA-7 Consultations with PRFAs

The Coast Guard, EPA, DOI Office of Environmental Policy and Compliance and USFWS, and NOAA's NMFS and National Ocean Service entered into an *Interagency Memorandum of Agreement Regarding Oil Spill Planning and Response Activities Under the Federal Water Pollution Control Act's National Oil and Hazardous Substances Pollution Contingency Plan and the Endangered Species Act*. Appendix D of the MOA is a *Sample Pollution Removal Fund Authorization*. See <https://www.fws.gov/southeast/pdf/memo/oil-spill-contingency.pdf>.

6620 Emergency Funding Authorizations (EFA)

If there is an incident and EPA requires assistance from another agency or contractor, EPA can issue an Emergency Funding Authorization (EFA) for the assistance.

6700 Documentation and Cost Recovery

For OSLTF-funded responses, information about Cost Recovery and Documentation and the forms to use are in 33 CFR §133 and 33 CFR §136 Subpart B with additional guidance in the *National Pollution Funds User Reference Guide* at <http://www.uscg.mil/npfc/urg/>. For additional information regarding these procedures or related subjects, state representatives, FOSC/OSCs, and other interested parties may contact the NPFC.

All entities and agencies should document the full range of costs in responding to an incident. Since it may never be clear at the onset of an incident how costs might be recovered, it is important that records meet a very strict standard of accuracy and completeness.

Upon completion of all site activities and/or completion of each phase of an incident, the FOSC/OSC may be responsible for submitting letters and/or reports to other agencies. The NCP requires that an FOSC/OSC Report be submitted if requested by the National Response Team or the Regional Response Team. Also, those responders and agencies that accessed fund sources, or wish to access fund sources for reimbursement, must provide written documentation and information to support the costs incurred. Costs must be fully and accurately documented throughout a response. Cost documentation should provide the source and circumstances of the release, the identity of responsible parties, the response action taken, accurate accounting of federal, state, or private party costs incurred for response actions, and impacts and potential impacts to the public health and welfare and the environment.

6710 Types of Funds

Section 300.335 of the National Contingency Plan (NCP) outlines the types of funds which may be available to address certain oil and hazardous substances discharges. For releases of oil or a hazardous substance, pollutant, or contaminant, the following provisions apply:

- During all phases of response, the lead agency shall complete and maintain documentation to support all actions taken under the ACP and to form the basis for cost recovery. In general, documentation shall be sufficient to provide the source and circumstances of the release; the identity of responsible parties; the response action taken; accurate accounting of federal, state, or private party costs incurred for response actions; and impacts and potential impacts to the public health and welfare and the environment. Where applicable, documentation shall state when the NRC received notification of a release of a reportable quantity.
- The information and reports obtained by the lead agency for OSLTF-financed response actions shall, as appropriate, be transmitted to the NPFC. Copies can then be forwarded to the NRT, members of the RRT, and others as appropriate.

6720 Notices to Responsible Party Required

OSCs should make every reasonable effort to have the RP, when identified, perform prompt and voluntary removal operations. OSCs use a variety of tools to convey requirements for those actions as well as penalties for insufficient action or no action at all. The following tools afford OSCs the platform to convey federal interest, federal direction, and federal control over response actions.

6721 Notice of Federal Interest

The OSC should present a Notice of Federal Interest (CG-5549) for an Oil Pollution Incident, used in order to inform every suspected discharger of a potential FWPCA violation for which the discharger possibly is liable up to \$40,000 per day or up to three times the costs the OSLTF incurs. The OSC also should present a Notice if a potential discharger takes insufficient action to correct a threatened spill and the OSC contemplates federal action. (However, an OSC's failure to present the Notice does not affect liability for damages.) The OSC (or OSC representative) should bring witness(es) when serving the Notice and retain the OSC's Notice copy after the suspected discharger (or discharger representative) has signed and dated it. If the discharger refuses to sign, the OSC:

- Should note the circumstances on the copy;
- Sign and date it;
- Have the witness(es) sign and date it;
- Consider the Notice as having been served.

If an owner/operator or representative is not available, the OSC should send the notice by certified mail, return receipt requested.

6722 Notice of Federal Assumption

If an OSC believes a response effort can be expedited and/or made more efficient, the OSC is legally empowered and bound to ensure the necessary actions are taken and/or additional resources used. The OSC may assume total or partial control of removal activities under any of three conditions:

- The polluter's identity is not known or the polluter is not acting responsibly.
- The polluter's removal effort is inadequate.
- Assuming control would prevent the discharge or alleviate the substantial threat of a discharge.

If the OSC intends to assume response activities, the polluter (if known) must be presented with a NOFA even if the polluter has taken no action. In some cases the OSC may determine the polluter's efforts should continue, but that some federal assistance is needed to augment them because the polluter cannot or will not provide certain cleanup resources. When the federal government must spend funds on cleanup operations (other than monitoring) the OSC should:

- Declare what part or parts of the response activities that he or she is taking control over (if it is not a total federal assumption of response activities).
- Activate the Oil Spill Liability Trust Fund (OSLTF) to cover expenses, and
- Take whatever actions are needed to ensure a proper cleanup.

In these cases the NOFA should state specifically what activities or resources the OSLTF will pay for.

The OSC is required to notify the RP if their action to abate the threat and to remove a hazardous substance is unsatisfactory. When the RP does not take appropriate measures to contain and remove pollutants or their actions are deemed inadequate by the FOSC/OSC, the OSC then assumes the response activity and the RP is liable for cost incurred by the federal

government. The OSC may determine if the assumption of the federal government will be partial or full.

6723 Notice of Designation of Source

The source of an actual or threatened discharge is the actual entity from which it comes (e.g., ship, motorboat, railcar, fuel storage tank, etc.). The OSC normally notifies the NPFC expeditiously of the source's identity. Where the source is unknown and there is not enough information to identify it, further investigation, possibly including sample analysis, may be necessary.

When an incident will likely result in damages or removal costs that may be claimed, the Director, National Pollution Funds Center, or the OSC can designate the source or sources of an actual or threatened oil discharge and provide notice of such designation to the Responsible Party(ies). OPA-90 serves as the statutory authority to name the source(s) and, if the source is a vessel or facility, requires notice be given to the Responsible Party and guarantor (when known).

The actual Notice formally identifies the Responsible Party(ies) informing them of liabilities for removal costs and damages as specified in 33 USC §2702, in addition to stating a requirement to advertise the procedures by which persons who have claims for removal costs and damages may submit their claims, as specified in 33 USC §2714. For more information on designation of source, please reference NPFC Instruction M5890.3A, *Technical Operating Procedures Relating to Designation of Source and Advertisement under OPA-90*.

If a source is not known for an incident which may result in claims, the OSC immediately notifies the NPFC.

6724 Administrative Orders

Administrative Orders direct compliance of the RP to grant access to properties in question for the purpose of determining the need for response, choosing a response action, taking a response action, or otherwise enforcing the provisions CERCLA or FWPCA. The FOSC/OSCR will be involved with two forms of Administrative Orders, one for CERCLA threats and one FWPCA threats.

OPA-90 provides OSCs or their representative the authority to issue administrative orders to RPs to ensure effective and immediate removal of a discharge or the mitigation or prevention of substantial threat of a discharge of oil or a FWPCA hazardous substance. CERCLA provided OSCs or their representatives the authority to issue administrative orders for CERCLA “hazardous substance” releases which may create an imminent and substantial endangerment

to the environment or to the public health and welfare. OSCs or their representatives needing to issue an administrative order under CERCLA should contact the D11 DRAT for guidance. See *U.S. Coast Guard, District Response Advisory Team (DRAT)* in Enclosure 0000, RCP Contacts in one list.xlsx at https://www.nrt.org/site/doc_list.aspx?site_id=114.

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7000 Hazardous Materials

7001 Routine HAZMAT Response

In accordance with the California Hazardous Materials Incident Contingency Plan (HMICP), and similar plans in Arizona and Nevada, response and management of a HAZMAT incident is primarily the responsibility of local government acting as the lead for public health and safety within their jurisdiction. This is especially true when an incident occurs in an inland location. Local fire and police departments and other emergency personnel who have been trained in response procedures for HAZMAT incidents will respond and be the first officials to begin handling the emergency. If other local assistance is required, or, due to the size of an incident, State, or Federal resources are needed, a larger response network is built through the National Incident Management System (NIMS) Incident Command System (ICS) and a Unified Command (UC) representing joint decision making authority will be developed. The vast majority of relatively routine HAZMAT incidents are handled in this manner.

7010 Statutory Authority for Hazardous Materials Response

Executive Order 12777, Implementation of §311 of the Federal Water Pollution Control Act of 1972, of 22 October 1991, delegates to the Commandant of the U.S. Coast Guard (through the Department of Homeland Security) for the coastal zone, and to the Administrator of the Environmental Protection Agency (EPA) for the inland zone the responsibility to designate areas, appoint area committee members, determine information to be included in, and review area contingency plans. The coastal zone and inland zone are defined in the NCP (40 CFR §300.5). The EPA has NCP response authority for incidents in all areas inland of the coastal zone. The Coast Guard has designated as Areas, those portions of the Captain of the Port (COTP) zones that are within the coastal zone and for which area committees will prepare area contingency plans. COTP zones are described in Coast Guard regulations (33 CFR Part 3).

CERCLA §104 gives the federal government the authority to respond to any hazardous substance (not oil) released or causing a substantial threat of a release into the environment, or respond to any pollutant or contaminant that may present an imminent and substantial danger to the public health or welfare, in a manner that is consistent with the NCP.

CWA §311, Title 33 USC §1321, gives the federal government the authority to respond to a discharge or substantial threat of discharge of oil or a hazardous substance into or upon the navigable waters of the United States, adjoining shorelines, or the waters of the contiguous zone. CWA §311(c)(1) gives the President the authority to:

- Remove or arrange for removal of a discharge and mitigate or prevent a substantial threat of a discharge at any time;
- Direct or monitor all private, local, state, and federal actions to remove a discharge; and
- If necessary, destroy a vessel discharging or threatening to discharge by whatever means are available.

This authority was delegated to the Administrator of the U.S. EPA or the Secretary of the Department of Homeland Security in which USCG is operating, as appropriate. Subsequently, this authority has been delegated to USCG On-Scene Coordinators (OSCs) (i.e., Captain of the Ports) and U.S. EPA OSCs. Under CWA §311(c)(2), if the discharge or a substantial threat of discharge poses a substantial threat to the public health or welfare of the United States, the OSC will direct all private, local, state, and federal actions to remove the discharge or to mitigate or prevent the threat of such a discharge.

Within the U.S. EPA, CWA §311(e) allows the Division Director of the Superfund Division, to whom this authority is delegated, where he or she has determined that there may be an imminent and substantial threat to the public health and welfare of the United States because of an actual or threatened discharge of oil or hazardous substances from a vessel or facility that violates CWA §311(b), to issue an administrative order or seek a judicial order (with the assistance of the United States Attorney General) to secure any relief from any person as may be necessary to abate such endangerment. When issuing an administrative order, EPA must first provide notice of the intended action to the affected state.

7020 Federal Bureau of Investigation Jurisdiction

The Department of Justice through the Federal Bureau of Investigation has the lead responsibility for criminal investigations of terrorist acts or terrorist threats and for coordinating activities of other members of the law enforcement community to detect, prevent, preempt, investigate, and disrupt a terrorist attack.

The FBI will determine: Presence of secondary devices, and extent of the crime scene.

If needed, the FBI has its own *Hazardous Evidence Response Team* (HERT) which is trained

in explosives neutralization strategies, HAZMAT response and evidence collection. In addition there are Special Agents Bomb Technicians (SABT) who are FBI explosive ordinance disposal personnel, as responders for all explosive and WMD devices. SABTs would also search for and respond to secondary devices.

7100 State Hazardous Materials Agencies

Each state has a different structure of state agencies that deal with hazardous materials spills.

7110 Arizona Hazardous Materials Agencies

Arizona Department of Environmental Quality (AZDEQ) https://azdeq.gov/	Under the Environmental Quality Act of 1986, the Arizona State Legislature created ADEQ in 1987 as the state's cabinet-level environmental agency. AZDDEQ protects and enhances public health and the environment by administering the state's environmental laws and delegated federal programs to prevent air, water and land pollution and ensure cleanup.
Arizona Department of Environmental Quality, Environmental Emergency Response Unit https://azdeq.gov/ReportEnvironmentalEmergency .	The Environmental Emergency Response Unit is on call 24x7 to ensure that all environmental emergencies are promptly addressed. The unit minimizes injuries, deaths, property damage and threats to the environment from chemical spills, fires, explosions and other pollutant releases.

7120 California Hazardous Materials Agencies



California Environmental Protection Agency (Cal EPA) https://calepa.ca.gov/	In 1991, California's environmental authority was unified in a single Cabinet level agency—CalEPA. CalEPA restores, protects and enhances the environment, to ensure public health, environmental quality and economic vitality. CalEPA develops, implements and enforces environmental laws that regulate air, water and soil quality, pesticide use and waste recycling and reduction.
Department of Toxic Substances Control (DTSC) https://www.dtsc.ca.gov/	DTSC protects California's people and environment from harmful effects of toxic substances by restoring contaminated resources, enforcing hazardous waste laws, reducing hazardous waste generation, and encouraging the manufacture of chemically safer products.
California Air Resources Board https://ww2.arb.ca.gov/	Supports the state's climate goals with investments in low-carbon transit and development that puts housing closer to work and transportation hubs.

<p>California Department of Resources Recycling and Recovery (CalRecycle) https://www.calrecycle.ca.gov/</p>	<p>The California Department of Resources Recycling and Recovery, known as CalRecycle, is a department within the California Environmental Protection Agency. CalRecycle administers and provides oversight for all of California's state-managed waste handling and recycling programs. Known mostly for overseeing beverage container and electronic-waste recycling, CalRecycle is also responsible for organics management, used tires, used motor oil, carpet, paint, mattresses, rigid plastic containers, newsprint, construction and demolition debris, medical sharps waste, household hazardous waste, and food-scrap composting.</p>
<p>Office of Environmental Health Hazard Assessment (OEHHA) https://oehha.ca.gov/</p>	<p>OEHHA protects and enhances the health of Californians and our state's environment through scientific evaluations that inform, support and guide regulatory and other actions.</p>
<p>Governor's Office of Emergency Services (Cal OES) http://www.caloes.ca.gov/</p>	<p>The California Hazardous Materials Business Plan (HMBP) program was established in 1986. See https://www.caloes.ca.gov/individuals-families/hazardous-materials/hazmat-business-plan. Its purpose is to prevent or minimize the damage to public health and safety and the environment, from a release or threatened release of hazardous materials. It also satisfies Community Right-to-Know laws. Businesses that handle hazardous materials in quantities equal to or greater than 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of compressed gas, or extremely hazardous substances above the threshold planning quantity (40 CFR Part 355, Appendix A) are required to: Inventory their hazardous materials, Develop a site map, Develop an emergency plan, Implement a training program for employees. Businesses must submit this information electronically to the statewide information management system (California Environmental Reporting System, or CERS).</p>

7130 Nevada Hazardous Materials Agencies

The Nevada Division of Environmental Protection (NDEP) has a *Hazardous Materials Emergency Response Plan, 2005* which is at https://ndep.nv.gov/uploads/documents/hazmat_master.pdf.

Nevada under the Department of Public Safety also has a Division of Emergency Management

– Homeland Security (NDEM). NDEM’s mission is to coordinate preparedness, response, recovery, and mitigation resources through partnerships to sustain safe and livable communities for Nevada’s residents and visitors. See <https://dem.nv.gov/about/>.

Nevada, as prescribed in NRS 459.400, has a hazardous waste program that is mandated to protect human health, public safety and the environment from the effects of improper, inadequate or unsound management of hazardous waste. This is accomplished by establishing programs that regulate the storage, generation, transportation, treatment and disposal of hazardous waste. The hazardous waste program is responsible for permitting and inspecting hazardous waste generators and disposal, transfer, storage and recycling facilities. It is also responsible for enforcing state hazardous waste statutes and regulations; program staff are authorized to enforce federal hazardous waste regulations in lieu of the U.S. EPA. More information is at <https://ndep.nv.gov/land/waste/hazardous-waste-management>. The Nevada Hazardous Materials Response Plan is at <https://ndep.nv.gov/environmental-cleanup/environmental-assistance-program/hazardous-materials-response-plan>.

7200 Federal Response Plans

Federal response plans include:

Other Contingencies

National Response Framework (NRF)

Federal Radiological Emergency Response Plan (FRERP)

<https://fas.org/nuke/guide/usa/doctrine/national/frerp.htm>

Interagency Domestic Terrorism Concept of Operations Plan (CONPLAN)

<https://fas.org/irp/threat/conplan.pdf>

Oil & Hazardous Materials Spill Response

National Contingency Plan (NCP)

Regional Contingency Plans (RCP)

Area Contingency Plans (ACP)

Oil/Chemical Annex to the Federal Interagency Operational Plans

7210 Federal Radiological Emergency Response Plan

The EPA FRERP is a framework for the regional removal and radiation programs to develop their respective RCPs, and to integrate their radiological response resources within the operational structure(s) of the NRF, FRERP and CONPLAN. The relationship between these plans and the EPA-RERP, may be summarized as follows. The EPA-RERP provides the EPA OSCs and response teams with guidance for the integration of the federal response plans into a response directed and coordinated pursuant to the NCP. Current interagency agreements, Memoranda of Understanding or Agreement, Executive Orders, Presidential Decision Directives or statutory authorities are not superseded by the EPA-RERP.

Under the NCP, EPA is the lead response agency for releases of hazardous substances, including radionuclides, in the Inland Zone of the U.S., pursuant to the *Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA)* also known as *Superfund*), and excluding certain releases of radiological materials from Nuclear Regulatory Commission licensed nuclear reactors and from uranium mill tailing sites. Sections 300.130 (f), (g), (h), and (i) of the NCP incorporate by reference the FRERP and NRF provisions. The NCP specifically adopts the applicable FRERP notification and assistance procedures for radiological emergency response. Most radiological releases do not result in FRERP activation, and are handled in accordance with the NCP.

The FRERP describes how federal agencies including EPA, should coordinate their actions when responding to a peacetime radiological emergency that has actual, potential, or perceived radiological consequences within the US, its territories, possessions, or territorial waters that could require a response by several federal agencies. The FRERP is a federal agreement/plan that describes how, when and where the EPA radiological resources will be utilized. It however does not supersede NCP regulatory authorities.

The EPA-RERP recognizes that EPA must act consistently with the NCP when conducting

FRERP response activities where CERCLA is applicable including all situations when EPA is the Lead Federal Agency (LFA) for FRERP response. In these situations, the pre-designated EPA OSC has the authority to take response action accordingly, to ensure effective and adequate federal response. The Plan also recognizes that the EPA OSC is responsible for determining when a radiological incident or emergency warrants activation of a multi-agency response within his/her area of jurisdiction. The U.S. EPA Office of Radiation and Indoor Air (ORIA) dispatches the RERT as a “Special Force” under the NCP to assist federal OSCs during NCP emergency responses. Although the FRERP was originally developed to address large scale accidents at commercial nuclear power plants, it has been implemented in response to small radiological incidents.

7211 Roles of State, Tribal and Local Governments

The primary role of the state, Tribal and local governments is to provide for the health and safety of the public and protection of the environment. EPA provides recommendations to these governmental entities on actions to protect the health and safety of their communities. Using incident-specific information and EPA’s protective actions recommendations, the state/local governments are responsible for determining which action(s) to implement. Protective actions may include evacuation, sheltering, relocation, distribution of potassium iodide, or restrictions on the consumption of water or certain foods, removal or control of the source, or decontamination, or taking whatever response actions are necessary to protect public health and the environment.

Although it may not be practical for state, Tribal and local government responders to maintain extensive radiological emergency response capabilities, they are always expected to respond during the initial hours of a radiological accident. However, they may need federal assistance for situations with potentially significant consequences requiring multi- jurisdictional response, or for those that extend beyond several hours, days, or weeks.

7212 Notification and Activation

Typically, notifications of incident, spills and emergencies are made to EPA through the National Response Center (NRC) and Regional Response Centers (RRC). Notifications to the NRC , are relayed directly to the appropriate RRC. If notifications are made directly to the EPA Office of Radiation and Indoor Air (ORIA) or Regional Radiation Programs, they should immediately be relayed to the appropriate RRC. When notified of an EPA LFA incident, the lead EPA official (usually the OSC) will assess the situation (“site”) in order to determine if it is an emergency or otherwise requires EPA response action. When a situation is beyond the sole resources of the local and state jurisdiction and licensee (or responsible party), the EPA lead official will request appropriate EPA resources from the Regional Radiation Program,

ORIA and/or CERCLA/Superfund Program, as appropriate.

7213 Domestic Terrorism CONPLAN

To read the *United States Government, Interagency Domestic Terrorism, Concept of Operations Plan*, see <https://fas.org/irp/threat/conplan.pdf>.

The CONPLAN establishes overall guidance concerning how the federal government responds to a potential or actual terrorist threat or incident that occurs in the US, particularly one involving weapons of mass destruction (WMD). The CONPLAN implements Presidential Decision Directives 39 and 62: United States Policy on Counter-terrorism, and Combating Terrorism (PDD-39, PDD-62), respectively. It also establishes conceptual guidance for assessing and monitoring a developing threat, notifying appropriate federal, state, and local agencies of the nature of the threat, and deploying the requisite advisory and technical resources to assist the LFA in executing a crisis and consequence management response to a threatened or actual terrorist incident. Lastly, it defines the structure under which the federal government will marshal resources to augment and support state and local governments in responding to a threatened or actual terrorist incident.

7214 OSC May Approve Up to \$200K

In most EPA Regions, the OSC may approve the use of CERCLA/Superfund in the amount of \$200K in an emergency, or \$50K for non-emergency removal response and a CERCLA/Superfund account number will be established for travel and other response costs requested by the OSC. Or in the case of an incident that requires further assessment, the EPA OSC may conduct CERCLA/Superfund assessment activities for which a CERCLA/Superfund account will be established. The OSC or the EPA Office of Radiation and Indoor Air (ORIA) lead official will request needed radiological resources based upon incident requirements, availability of resources, regional and national priorities and commitments, in consultation with regional and Headquarters radiation program managers. If EPA radiological resources are not available, the lead official may request radiological support from other agencies or from EPA contractors which support the National Response System and FRERP.

7215 EPA Resources and Commitments

When notified of an emergency, EPA will assess the need for federal response pursuant to the NCP, and will respond according to this Plan. EPA resources are available for technical assistance and radiological response operations subject to prior commitments to fulfill other essential statutory and operational needs. The EPA regional emergency response program managers allocate available resources based on identified threats, jurisdictional/national

priorities and in coordination with the corresponding Headquarters counterparts.

If radiological resources are unavailable in the affected state or from a region, EPA Headquarters will seek to provide an appropriate EPA alternative. ORIA serves as a central point for information/coordination of nationally available radiological resources. The ORIA Laboratories, the National Air and Radiation Environmental Laboratory (NAREL) and the Radiation and Indoor Environments National Laboratory (R&IENL), provide environmental monitoring, sampling and analysis support. The OSC may also consult with the Regional Response Team or National Response Team to obtain support from other member agencies. See also, *Scientific Support* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114.

7216 EPA Radiological Capabilities

EPA has significant emergency response management and coordination capabilities, managed by each of the Regional Removal Managers, and overseen by the Headquarters OERR. In support of the National Response System (NRS) and EPA's emergency response program and to fulfill its unique responsibilities under the NCP and FRERP, EPA's radiological capabilities include trained responders, team commanders and specialists, and equipment and laboratory capabilities to:

- Direct and conduct environmental monitoring activities and assess the environmental consequences of radioactivity releases.
- Access response contractors, the Emergency Response Team, strike forces, RERT, and other special forces of the National Response System.
- Analyze risk and recommend protective actions and other radiation protection measures.
- Recommend acceptable emergency radiation levels in the environment.
- Determine routes of exposure and estimate effects of radioactive releases on public health and environment.
- Prepare health and safety advice and information for the public.
- Provide nationwide environmental monitoring data from Environmental Radiation Ambient Monitoring Systems (ERAMS) for assessing the national impact of a release.
- Assist in the preparation of long-term monitoring and area restoration plans; and recommend cleanup criteria.

7217 Requests for EPA Assistance and Response Assets

EPA may decide to mobilize on-scene during an emergency or incident to determine if assistance is needed. Requests for EPA’s assistance may come from a variety of sources including state, Tribal, and local governments, the owners and operators of radiological facilities, other federal agencies, or even the general public. Requests may be made directly to EPA Headquarters, regional offices, or laboratories, or through the NRC. Upon notification, the NRC first notifies the Federal OSC through the RRC, and then relays communications of incidents or emergencies to pre-designated EPA personnel, including the EPA OSC, and the RERT, On-Scene Commander. It is important to note that pursuant to the NCP, EPA does not need a request from state or local officials to be a responder.

EPA responders work directly with their state and local counterparts to provide the required assistance. When necessary, EPA emergency response action may go beyond “assistance” to state and local jurisdiction, and may include *Oil Pollution Act* and/or CERCLA federal-lead response actions consistent with the NCP. For all radiological incidents and emergencies, the affected EPA Region may provide regional OSC(s) and regional radiation program specialist(s) to coordinate EPA response activities. If the incident is of major consequences or national/global significance, the EPA Headquarters organizations may provide response support such as mobilization of the RERT and coordination, in addition to programmatic and response guidance.

In all instances under the FRERP, the Department of Energy (DOE) has the lead responsibility for coordinating the Federal Radiological Monitoring and Assessment Center (FRMAC), for assistance during the early phase of the emergency. The FRMAC provides expertise and equipment to handle requests for specialized response assets. EPA also may be called upon to provide resources including personnel, equipment and laboratory support for sampling and analysis, to assist DOE. DOE FRMAC assets can be requested through the EPA RERT. During the intermediate and late phases of an emergency, EPA assumes control of the FRMAC.

In instances where the Department of Justice/Federal Bureau of Investigation (FBI) has the lead responsibility for coordinating a federal response to a radiological (terrorist) emergency, EPA may provide crisis management technical support and advice to the FBI, as requested, and to other federal agencies as well as to state and local responders. EPA also provides consequence management as the lead agency for ESF-10, Hazardous Materials Annex, and in support of other ESFs of the NRF.

7218 EPA Coordination with other Federal Agencies

Under the *Atomic Energy Act of 1954* (AEA), the Nuclear Regulatory Commission (NRC) is

the lead federal agency (LFA) for materials licensed by the Nuclear Regulatory Commission. However, the Nuclear Regulatory Commission does not have response funding or enabling legislative authority to fund or mount significant response actions should the Licensee be bankrupt, missing, unable or unwilling to respond in a timely manner. EPA may, at the OSC's discretion, undertake CERCLA response actions to control releases of hazardous substances, pollutants, or contaminants which pose a significant threat from Nuclear Regulatory Commission licensed facilities. Excluded by definition are radiological releases from Nuclear Regulatory Commission licensed nuclear reactors. Based on the exigency of the situation, and after Nuclear Regulatory Commission has taken reasonable steps to enforce a Licensee cleanup under the AEA, CERCLA enforcement authorities should also be evaluated and utilized *before* expending Superfund Trust Fund monies, as required by the NCP. Request for Superfund assistance by Nuclear Regulatory Commission should be made directly to the EPA Region or Federal OSC.

Under the NCP and CERCLA *Executive Order 12580, Superfund Implementation*, DOD and DOE provide the OSC for releases from their facilities, and for technical support as may be requested by others. Consistent with section 300.135 of the NCP, the OSC's efforts are coordinated with other appropriate federal, state, local and private response agencies, including the Department of Health and Human Services and Occupational Safety and Health Administration in cases involving public health emergencies and worker health and safety issues.

Because of the relationship between Nuclear Regulatory Commission's regulatory authority and its responsibility as LFA, and EPA's CERCLA response authority, funding and resources, an NCP response will not be required if the radiological incident does not involve a listed radionuclide or the actual or potential release of a listed radionuclide exceeding the reportable quantity requirements. Hence, both organizations must coordinate closely to keep one another informed of all releases of radiological materials. Early coordination ensures timely and effective response, and transition of responsibilities from to one agency to another, when necessary.

7219 Reimbursements for Mission Assignments

EPA is responsible for all of its own costs incurred when responding to a radiological incident or emergency, regardless of whether activities are initiated by statutory responsibilities or at the request of another federal or state agency. This does not, however, preclude EPA from later seeking special appropriations to cover the response costs, or seek funds through enforcement actions against the responsible parties, where appropriate.

In the event of a NRF disaster declaration and issuance of a mission assignment, EPA will be

reimbursed by FEMA in accordance with policies and procedures outlined in the Financial Management Annex of the NRF. Though each federal department and agency is responsible for providing its own financial services and support to its response operations in the field, FEMA may reimburse funds to cover eligible costs for response activities and, in special cases, may advance such funds.

EPA may expend CERCLA/Superfund funds to respond to releases of radiological materials pursuant to the NCP and FRERP. CERCLA authorizes EPA to recover from potentially responsible parties costs incurred for response actions, and trustee agencies may seek penalties and compensation for damages to natural resources.

7220 Federal Interagency Operational Plans

The Federal Interagency Operational Plans (FIOPs) describe how the federal government aligns resources and delivers core capabilities. The FIOPs build upon the National Planning Frameworks, which set the strategy and doctrine for how the whole community builds, sustains, and delivers the core capabilities identified in the National Preparedness Goal. The Goal is: “A secure and resilient nation with the capabilities required across the whole community to prevent, protect against, mitigate, respond to, and recover from the threats and hazards that pose the greatest risk.” The Goal is the cornerstone for the implementation of *Presidential Policy Directive / PPD-8: National Preparedness*.

The FIOPs are part of the National Preparedness System. There is one FIOP for each of the five preparedness mission areas: Prevention, Protection, Mitigation, Response, and Recovery Federal Interagency Operational Plan.

The FIOPs describe the concept of operations for integrating and synchronizing existing national-level federal capabilities to support local, state, tribal, territorial, insular area, and federal plans, and are supported by federal department-level operational plans, where appropriate.

For more information, see *Federal Interagency Operational Plans* at <http://www.fema.gov/federal-interagency-operational-plans>.

7221 Oil and Chemical Incident Annex

FEMA’s *Oil and Chemical Incident Annex* at https://www.fema.gov/sites/default/files/documents/fema_incident-annex-oil-chemical.pdf supports the Response and Recovery *Federal Interagency Operational Plans* (FIOPs) under PPD-8. The Annex:

- Describes the major federal approaches used to respond to oil/chemical incidents, the NCP and Stafford Act;
- Includes a new federal approach called “NCP Response with ESF Support”;
- Describes how the FBI leads criminal investigations for suspected or actual deliberate oil/chemical incidents.

7300 Weapons of Mass Destruction

In accordance with the National Response Framework (NRF), in responding to a potential or actual terrorist incident the Coast Guard for the marine environment and U.S. EPA for the inland area will respond with the Federal Bureau of Investigation and other appropriate federal, state and local agencies to establish a Unified Command.

The Unified Command will simultaneously manage incident operations involving law enforcement response and response operations aimed at protecting public health, safety and the environment.

7310 Unified Command for WMD

The Unified Command should facilitate the effective integration of law enforcement and public health and safety response activities involving potential or actual terrorist incidents that occur in the maritime environment.

7311 Membership of the Unified Command

The make-up of the Unified Command organization for a terrorist incident will be tailored to the type of incident. For example, in a terrorist initiated radiological incident, the Department of Energy (DOE) would be a member of the Unified Command since they are the designated Coordinating Agency for the incident. In addition to the DOE, the Coast Guard, Federal Bureau of Investigation and the state(s) would also have representation in the Unified Command. The following types of incidents would have representation from other entities. The list of agencies is not exclusive.

Type of Incident	Agency
Radiological Incident	Department of Energy (Coordinating Agency)

Biological Incident	Public Health Department
Hazardous Material Incident	Local fire department, “Responsible Party”
Oil Incident	“Responsible Party”
Explosions	Local fire department

7312 Determinations to Be Made

Determinations to be made by:	
Unified Commanders	<ul style="list-style-type: none"> Initiate Critical Incident Communications procedures: Determine ‘Safe to Respond’ Determine the control zones (hot, warm, cold) Communicate location of zones to responders Document Safe to Respond determination
Unified Commanders	<ul style="list-style-type: none"> Need to implement responder identification protocols Need for law enforcement personnel on commercial clean-up vessels Appropriate level of law enforcement protection for responders
Federal Bureau of Investigation	<ul style="list-style-type: none"> Presence of secondary devices Extent of the crime scene

7313 Unified Command Priorities and Objectives

Priorities	<ul style="list-style-type: none"> Preserving life and minimizing risk to public health Preventing a terrorist act or expansion of an existing terrorist act
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	<ul style="list-style-type: none"> • Locating, controlling and disposing of a WMD • Apprehending and prosecuting terrorists • Protecting the marine environment • Minimizing impacts to maritime commerce
Objectives	<ul style="list-style-type: none"> • Conduct site assessment to determine presence of a secondary device • Institute actions to protect the crime scene • Communicate with port stakeholders • Ensure the preservation of evidence • Secure/Protect port infrastructure to prevent further/expanded attack • Minimize and/or contain the damage caused by the attack

7314 USCG References Related to WMD

The USCG Office of Specialized Capabilities (CG-721) manages guidance related to weapons of mass destruction. Relevant USCG guidance includes:

COMDTINST 3400.3B	Weapons of Mass Destruction and Catastrophic Hazardous Material Releases
COMDTINST 3400.4A	Chemical, Biological, Radiological and Nuclear (CBRN) Policy for Coast Guard Expeditionary Forces
COMDTINST M16601.12	Special Missions Chemical, Biological, Radiological, Nuclear, High-Yield Explosive (CBRNE) Operations Manual
COMDTINST 16600.2B	Maritime Radiation Detection Policy
COMDTINST 16247.3E	U.S. Coast Guard Law Enforcement Competency Qualification Instruction

7320 Hazardous Materials Operations

For incidents that involve both law enforcement-investigation and incident management the Operations Section Chief's primary role shifts to one of coordination, ensuring that all tactical activities planned among the Deputy Operations Chiefs result in well-coordinated joint

operations. In this capacity the Operations Section Chief:

- Ensures that the Unified Command objectives are accomplished
- Minimizes duplication of effort among the Deputies
- Looks for opportunities to share limited resources
- Ensures that Unified Commanders receive comprehensive briefings
- Ensures that Operations fully supports the ICS Planning Process
- Ensures that tactical planning is coordinated among the Deputies

Working closely together, the Deputy Operations Section Chiefs develop tactical plans and manage their respective fields of expertise.

Deputy Operations Chief for Maritime Security: A Coast Guard officer responsible for the management of all the maritime law enforcement response activities. Responsibilities include but are not limited to:

- Supporting the development of tactical plans
- Coordinating closely with the FBI and other law enforcement agencies
- Coordinating search and rescue operations as necessary
- Establishing and enforcing safety and security zones

Deputy Operations Section Chief for Law Enforcement and Investigation: This FBI Special Agent's responsibilities include but are not limited to:

- Managing the deployment and coordination of federal law enforcement and investigative assets in support of the Incident Action Plan
- Collection and dissemination of intelligence

Deputy Operations Section Chief for Response and Recovery: Is someone from an agency or entity with the legal responsibility for removing the public health and environmental threat. Responsibilities include but are not limited to:

- Support the development of tactical plans that address public health and environmental threats
- Coordinate closely with the FBI and other law enforcement agencies
- Depending on the incident, implement actions outlined in the appropriate consequence management Annex (oil, hazardous materials, radiological, biological)

The Unified Command and the type of incident to which it is responding, will dictate the

agency that will fill the role of Deputy Operations Chief for Response and Recovery.

7330 Terrorism

It may be unclear at the beginning of a response whether the cause was accidental or criminal. Local responders will be the first to arrive on scene to assess the situation and possibly take initial response measures to contain or stop the release.

In instances where criminal activity is suspected, coordination is required between law enforcement, who view the incident as a crime scene, and other first responders who view the incident as a hazardous substances problem or a disaster site. Although protection of life remains paramount, the protection and processing of the crime scene is imperative so perpetrators can be identified and apprehended.

Since 9/11/2001, a lot of attention has been given to terrorist incidents. A nuclear, biological, or chemical Weapon of Mass Destruction (WMD) type terrorist incident is inherently a hazardous substance incident with a criminal investigation component. As such, it should be responded to under the National Response System (NRS) and potentially the National Response Framework (NRF). The Terrorism Incident Law Enforcement and Investigation Annex to the NRF also provide guidance on response to criminal incidents with significant impacts. A terrorist incident will always be treated as a federal crime scene, thus giving the Federal Bureau of Investigation and local/state law enforcement agencies the initial lead in each response. Be aware that the FBI can activate federal resources to assist in the response activities.

The UC responding to an incident where terrorism is involved must be acutely aware of the unique nature of the federal government's response mechanism for these types of incidents. HSPD-5 gave the Department of Homeland Security (DHS) the lead federal role for coordinating federal support to a state and local response, however, nothing in the NRF changes legal authorities or responsibilities outlined in other federal, state, or local laws and regulations. The UCs may find themselves working with or for DHS, the Federal Bureau of Investigation (FBI), FEMA, or a number of other federal agencies under the National Response Framework (NRF).

7331 Credible Threat Determination

If a responder suspects terrorism, the FBI and local/state law enforcement must be notified as soon as possible. Given available evidence, statements, scenario, and intelligence, the FBI/LE agencies will make the determination on whether the incident is credible. The Federal On-

Scene Coordinator (FOSC/OSC) may be approached by the law enforcement agencies (FBI or local/state LE agencies) to assist in obtaining initial investigative samples to confirm their “credible threat” determination if local sampling resources are not identified or available.

The FOSC/OSC should share all available and applicable information, with the LE agencies to assist them in making these determinations.

7332 Terrorism

The complexity and jurisdictional characteristics of the incident will determine the level of involvement of federal, state, local, tribal, responsible party, and other responders. It is expected that the unified command participants will be determined based on each incident. The table below outlines the state and federal lead agency for specific incident types. Please note this chart only shows the agency with primary authority, it does not reflect the fact that multiple agencies typically coordinate on each incident.

Jurisdiction	Oil	Hazardous Materials	Biological	Radiological	Disaster
California	DFW Office of Spill Prevention & Response	Office of State Fire Marshal	Dept. of Health	Dept. of Health	Governor’s Office of Emergency Services
Federal	EPA/USCG	EPA/USCG	EPA	EPA/USCG/ DOE/DOD/ NRC/NASA	FEMA

7333 Unified Command for Terror Incidents

The make-up of the Unified Command organization for a terrorist incident in the maritime environment will be tailored to the type of incident. For example, in a terrorist initiated radiological incident, the Department of Energy (DOE) would be a member of the Unified Command since they are the designated Coordinating Agency for the incident. In addition to the DOE, the Coast Guard, Federal Bureau of Investigation and the state(s) would also have representation in the Unified Command. The following types of incidents would have representation from other entities:

Type of Incident	Representation
Radiological Incident	Department of Energy (Coordinating Agency)
Biological Incident	Public Health Department
Hazardous Material Incident	Local fire department, Tri-State Maritime Safety Association, “Responsible party”
Oil Incident	“Responsible party”
Explosions	Local fire department, Tri-State Maritime Safety Association

The following agencies may be involved in the section or position shown:

Operations	Intelligence Officer
USCG Sector	USCG FIST
Local Fire	FBI FIG
FBI	ICE Analysis
State Agencies	State Police Intel
Responsible Party	CBP Intel
Other Federal Agencies	
Planning	Logistics

USCG Sector	USCG Sector
USCG Strike Team	USCG IMAT
USCG IMAT	Responsible Party
Deputy Planning	Finance/Admin
FBI	USCG Sector
	USCG Strike Team
	USCG IMAT
	Responsible Party

7340 Special Teams & Other HAZMAT Assistance

Various federal agencies can provide special forces that a FOSC/OSC may call upon for assistance during an oil spill or hazardous substance release. These special forces are described below. They may be requested through the agency's RRT member.

7341 California National Guard, Civil Support Team

The 9th Civil Support Team (CST), when ordered, deploys to a suspected or known WMD incident to support civil authorities at a domestic chemical, biological, radiological, nuclear, and high yield explosives (CBRNE) incident. The CST can identify CBRNE agents and substances, assess current and projected consequences, advise on response measures and assist with appropriate requests for federal and state support, in order to help save lives, prevent human suffering and mitigate property damage.

The Civil Support Team supports Unified Commanders and local emergency responders. It does not replace functions carried out under the Incident Command System or the emergency first responder community. The Unified Commanders may request CST support via the state's main command center. See the index.

The CST's medical personnel are well-versed in the effects of chemical, biological and

radioactive agents to provide timely treatment information. A mobile Analytical Laboratory System and the team's Medical Science Officer provide on-scene ability to process and analyze samples for rapid identification of chemical and biological agents.

The Unified Command Suite, a state-of-the-art communications system, provides secure and non-secure communications. The system uses Internet, e-mail, voice and fax in all terrains and weather to allow immediate access to technical resources, organizations and personnel. The newly integrated ACU 1000 provides interoperability to allow emergency first responders to communicate regardless of frequency or radio type.

Self-sustained technical decontamination can be established in less than 30 minutes to effectively decontaminate entry team members and samples.

7342 National Strike Force and Strike Teams

The USCG National Strike Force consists of the three USCG Strike Teams and the National Strike Force Coordination Center (NSFCC). The National Strike Force is available to assist FOSC/OSCs in both preparedness and response. See the index. Each Strike Team provides trained personnel and specialized equipment to assist the FOSC/OSC in training, spill stabilization and containment, and monitoring or directing response actions. The NSFCC can provide coordination support to the FOSC/OSC and assist in locating spill response resources. The Pacific Strike Team (PST) is a pollution control team equipped and trained to assist in the response to oil or chemical incidents. The PST has personnel on standby to respond to incidents occurring worldwide and can provide: technical expertise, supervisory assistance, cost documentation, deployment of salvage and pollution control equipment, and training in pollution response techniques.

The Pacific Strike Team operates under the following response timeframes and always deploys via the fastest means possible.

BRAVO-2 within 2 hours 4 responders deploy.

BRAVO-6 within 6 hours 8 - 12 responders (and equipment) deploy.

BRAVO-24 within 24 hours Remaining team deploys

7343 EPA Environmental Response Team

The U.S. EPA Environmental Response Team (ERT) provides special response equipment,

including decontamination, sampling, and air monitoring equipment. The ERT can provide advice to the FOSC/OSC in hazard evaluation, safety, cleanup techniques and priorities, dispersant application, and training.

The ERT has expertise in treatment technology, biology, chemistry, hydrology, geology, and engineering and can provide access to decontamination equipment for chemical releases. It can also advise the FOSC/OSC in the following areas:

- Hazard evaluation and risk assessment,
- Multimedia sampling and analysis,
- Water supply decontamination and protection, and
- Degree of cleanup required.

7344 EPA Radiological Emergency Response Team

RERTs have been established by the EPA Office of Radiation and Indoor Air (ORIA) to provide response and support for incidents or sites containing radiological hazards. Expertise is available in radiation monitoring, radionuclide analysis, radiation health physics, and risk assessment. RERTs can provide on-site support, including mobile monitoring laboratories for radiochemical sampling and analysis. Requests for support may be made 24 hours a day via the National Response Center or directly to the regional U.S. EPA Radiation Program Manager in the Air and Radiation Division. Assistance is also available from the Nuclear Regulatory Commission, DOE, and other federal agencies.

7345 EPA National Decontamination Team

The National Decontamination Team (NDT) is a federal scientific and technical resource for decontamination science that supports actions to protect public health, the environment, and national security. NDT provides coordination, communication, and delivery of decontamination expertise to local, national, and international agencies supporting hazardous material response and remedial operations. The team consists of highly specialized and experienced emergency responders, engineers and scientists dedicated to providing immediate technical decontamination expertise at the scene of a chemical, biological, or radiological attack. NDT is a resource for expertise and support to FOSC/OSC on decontamination of buildings or other structures in the event of an incident involving releases of radiological, biological or chemical contaminants.

7346 Agency for Toxic Substances & Disease Registry & Centers for

Disease Control

The Agency for Toxic Substances and Disease Registry (ATSDR) is the lead federal agency for hazardous materials incidents and in partnership with the Centers for Disease Control (CDC) can provide the following experts for consultation and advice: See the index for contact information for ‘Public Health Experts’.

Expert	Response Target
Emergency Response Coordinators	10 minutes
Preliminary Assessment Teams consisting of a toxicologist, chemist, environmental health scientists, physicians, and other health personnel	20 minutes
On-Site Response Teams, if the incident warrants	8 hours

7347 General Services Administration Funding

U.S. EPA Region IX has an agreement with GSA Region IX to provide initial funding of \$50,000 to deploy these teams and fund their operations until additional funding becomes available.

Real Estate (Leasing) Team – Expedited, emergency leasing can be performed by one or a team of real estate specialists as necessary. Using “Unusual and Compelling Urgency” space, including office, warehouse, and logistics facilities can be leased in as little as 1 day. The property becomes “Federal Property” with attendant rights and responsibilities.

Contracting Team – Expedited, emergency contracting using “Unusual and Compelling Urgency” can be performed by one or a team of experienced contracting officers, including those with unlimited Warrants as necessary.

Telecommunications Team, The telecommunications representative will coordinate the communications assets and the fulfillment of communications and network requirements of all responding agencies in accordance with priorities established by the FOSC/OSC. In severe emergency circumstances, coordination with National Communications System and the lead federal agency can be done to declare a telecommunications emergency.

7350 Expert Consultation

7351 Regional Emergency Transportation Representative (RETREP)

The Regional Emergency Transportation Representative (RETREP) serves as a liaison and conduit between the Department of Transportation as a whole and the Federal Emergency Management Agency (FEMA). The RETREP for DOT Region IX plans, coordinates, and implements region-wide transportation emergency preparedness plans and programs and serves as the primary contact point for emergency notification, response, and recovery operations within the region.

When activated under the National Response Framework (NRF), the Regional Emergency Transportation Representative assists federal agencies, state, and local government entities, and voluntary organizations requiring transportation capacity to perform response missions following a major disaster or emergency.

7352 NOAA Scientific Support Coordinator (SSC)

The NOAA SSC provides scientific support in environmental chemistry, oil spill trajectories, natural resources at risk, environmental tradeoffs of countermeasures and cleanup, and information management. FOSC/OSC requests for SSC support can be made directly to the SSC assigned to the area, to the NOAA HAZMAT program office in Seattle, Washington, or to the DOC ORRT representative.

The SSC serves on the FOSC/OSC's staff and, at the request of the FOSC/OSC, leads the scientific team and is responsible for providing scientific support for operational decisions and for coordinating on-scene scientific activity. The SSC may also facilitate the FOSC/OSC's work with the lead administrative trustee for natural resources to ensure coordination between damage assessment data collection efforts and data collected in support of response operations. The SSC can also support the RRTs and area committees in preparing RCPs and ACPs and in conducting spill training.

The NOAA SSC can provide the following information:

- Weather forecasts, water levels, and currents;
- Spill trajectory forecasts;
- Oil observations and over flight maps;
- Information management;
- Natural resources at risk;
- Consensus from the natural resource trustee agencies;

- Environmental tradeoffs of countermeasures and cleanup;
- Environmental chemistry, including oil fingerprinting;
- Provide health and safety recommendations; and
- Support to RRTs and area committees in preparing RCPs and ACPs and in conducting spill training and exercises.

7354 Occupational Safety & Health Administration (OSHA)

The Occupational Safety & Health Administration (OSHA) provides expert consultation regarding threats from toxic substances and worker health and safety procedures. To search the website, go to <https://www.osha.gov/a-z>.

An MOU among EPA, NIOSH, OSHA, and USCG regarding *Guidance for Worker Protection during Hazardous Waste Site Investigations and Clean-up and Hazardous Substance Emergencies*, dated 12/18/1980, is at https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_id=226&p_table=MOU.

7355 California OSHA

The State of California is authorized by OSHA to run its own occupational safety and health program. The Division of Occupational Safety and Health (DOSH), better known as Cal OSHA, protects workers from health and safety hazards on the job in almost every workplace in California. Cal OSHA can assist the Safety Officer and the Operations Section Chief to identify specific site hazards and to determine the appropriate safety and health control procedures needed to protect employees from the identified hazards. See <https://www.dir.ca.gov/dosh/>.

7400 Radiological Incidents

A radiological incident involves the release or potential release of radioactive material that poses an actual or perceived hazard to public safety, national security and or the environment.

7410 Coast Guard as the Coordinating Agency

The Coast Guard's jurisdiction as the Coordinating Agency for a radiological incident is limited in both geographic area and authority and is specified in the National Response Plan.

7412 Key Factors: Jurisdiction and Terrorism

Two factors determine the Coast Guard's role as either a Coordinating Agency or as a

cooperating agency during a radiological incident are jurisdiction and terrorism.

In radiological incidents where the Coast Guard has jurisdiction and there is no involvement of terrorism the Coast Guard Federal On-Scene Coordinator responds under the NCP. For any radiological incidents where terrorism is involved, the Department of Energy is the Coordinating Agency responding under the NRP and the Coast Guard is a cooperating agency.

The National Response Plan limits the Coast Guard's Coordinating Agency role for radiological incidents to "*certain areas of the coastal zone*" which is defined as radiological incidents that occur on:

- Any type of vessel, except Department of Defense vessels
- Waters seaward of the shoreline to the outer edge of the Exclusive Economic Zone, except DOE is the Coordinating Agency for radiological material shipped by or for them, and,
- Specified waterfront facilities (see 33 CFR §105, §126-8, §140, §154-6.)

The scope of incidents the Coast Guard Federal On-Scene Coordinator will respond to are:

- Transportation of radioactive materials
 - Shipment of materials that are not licensed or owned by a federal agency or "Agreement State". (For non-agreement states such as NJ the USCG is the Federal Coordinating Agency and assists the state if necessary.)
 - Foreign, unknown or unlicensed materials (Such as a reactor, imported radioactively contaminated material, or a shipment of foreign-owned radioactive material.)
- Incidents involving foreign or unknown sources of radioactive material or radioactive material which does not have appropriate licenses
- Space vehicles containing radioactive materials
 - Not managed by DOD or NASA (i.e. commercial satellite)

In addition to geographic limitations, the scope of the Coast Guard's jurisdiction as the Coordinating Agency is limited to those radiological incidents that *do not* involve a terrorist act.

For any terrorist event involving non-Department of Defense or non-Nuclear Regulatory Committee (NRC) radioactive material, the Department of Energy (DOE) will assume the role of Coordinating Agency to address the radiological aspects of the response.

7420 Methods of Notification

Notification of a possible or actual radiological incident can occur in several ways.

- Passive detection from radiation pagers (Level I, RADLVL1)
- Intelligence source(s)
- Notification of a radiological release -- NCP response
- Actual terrorist incident involving radiation

7421 Passive Radiation Detection

A radiological incident may be discovered while conducting routine operations in the port (discovery may be made by Customs and Border Protection) or through intelligence gathering. The guidance in the Unit's Radiological Response Standard Operating Procedure will be used when Level I detection indicates the presence of a radiological source. For more information, see *Scientific Support* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114 and ask about "Passive Radiation Detection".

Depending on the method of discovery and whether the incident is on a vessel or facility, the CGIC should make some initial determinations as to which Course of Action to take:

On a Vessel: While on board a vessel (underway or moored), if a Level I Team detects either neutron or gamma radiation and has determined that the source is illegitimate or unknown, the Coast Guard Federal On-Scene Coordinator, in consultation with the states, should determine the safest location for the vessel to be located. Safe location options are to:

- If at sea, keep the vessel at sea
- If vessel is transiting in the port or is moored, direct the vessel to a safe location. Options include: if moored remain at moorings, anchorage, or send out to sea. Take into account the following:
 - Proximity to population centers
 - Critical infrastructure
 - Vessel traffic in the vicinity of suspect vessel
 - Ability to get teams on and off the vessel
 - Source is emitting neutrons (may indicate the presence of spent nuclear material)
 - Consult a Port of Safe Refuge Document

On a Facility: If a Level I Team detects either neutron or gamma radiation and has determined that the source is illegitimate or unknown while at a facility:

- Determine whether to limit facility operations adjacent to the isolation perimeter established by the Level I Team.
- If source is emitting neutrons may indicate the presence of spent nuclear material (Note: Neutron sources rarely occur naturally and are usually produced in a reactor. Although they are generally associated with special nuclear material (SNM), there are some legitimate sources of neutron radiation).
- In conjunction with the Facility Security Officer evaluate the need to limit access into the facility or evacuate the facility.

For both vessels and facilities: If radiation source is illegitimate, unknown or exceeds the safe exposure limits for a Level I Team, the Level I Team is to notify the chain of command requesting Level II support. Upon receiving the request, the appropriate Coast Guard Sector Commander should consider briefing the following agencies. See the index for contact information.

- Deploy Level II Team to localize and characterize the radiation source.
Level II resources include:
 - Pacific Strike Team
 - Coast Guard Sector
 - Customs and Border Protection
- Notify local Field Intelligence Support Team (FIST).
- Contact the Coast Guard Investigative Service (CGIS) Liaison Agent to the Joint Terrorism Task Force (JTTF) to notify the local FBI Office when a Level II Team is deployed.
- If necessary, Level II Team should coordinate with the Customs and Border Protection Laboratory, Scientific Support (LSS).
- Notify the California Governor's Office of Emergency Services
 - Determine need to shift to secure communications
 - Consider establishing Safety/Security Zones
 - Determine Safe to Respond
 - If Level II Team cannot identify the source as legitimate, request assistance from the DOE Radiological Assistance Program (RAP) Team at

the Oakland Area Office.

- Notify the National Response Center if RAP support requested.
- Determine need to initiate Critical Incident Communications procedures.

7422 Intelligence Sources

When the Coast Guard receives notification of possible intelligence regarding a potential radiological incident it is critical to determine if the intelligence is credible.

Work with the FIST and CGIS to determine if a threat is credible or not credible.

- If credible, support the Department of Energy, which is the Coordinating Agency and the Federal Bureau of Investigation.
- If not credible,
 - Does the Coast Guard have jurisdiction?
 - If yes, conduct follow-up to determine if there is a public health threat.

7423 Actual Terrorist Incident

In the event of an actual terrorist incident involving radiation the Coast Guard's role is as a cooperating agency using primarily the authorities of the Captain of the Port. Initial actions to be taken

- Initiate Critical Incident Communications procedures.
- Account for all field deployed teams, individuals and assets.
- If first federal on scene, implement the Terrorism Incident Annex until relieved by the Department of Energy

7430 Response to a Radiological Incident

Radiological incidents or emergencies may occur at hazardous waste sites, fixed nuclear facilities (domestic and foreign), and may involve satellites, nuclear weapons and devices, transportation accidents, sabotage or nuclear terrorism. Incidents may also occur at smaller nuclear facilities such as hospitals, and from contaminated imports, or improper waste management and disposal anywhere in the United States. These situations may result in radionuclide releases with actual, potential, or perceived harm or consequences to public health and the environment within the U.S. and its territories, possessions, or territorial waters.

State and local government officials have the primary responsibility for protecting the public

during a radiological emergency. They must be prepared to respond during the first hours of a radiological emergency. Consistent with the NCP, state and local jurisdictions, as well as owners/operators of major nuclear facilities, should have compatible radiological emergency response plans that have been coordinated and tested for timely, effective emergency response. Federal assistance may be needed for emergencies that have the potential for significant offsite consequences such those involving multiple jurisdictions, or those that extend beyond several hours, and beyond the capabilities of the state/local community. Federal response to radiological incidents and emergencies is carried out under the auspices of the Statutes, Agreements, Memoranda of Understanding, Executive Orders, and Presidential Decision Directives.

Within the EPA, the regional OSCs are responsible for *coordinating and managing* the emergency response under the NCP. For radiological response activities, however, a number of programs, teams and groups in EPA Headquarters and Regions are responsible for preparedness planning and response support involving potential or actual radiological releases at the national or international level. The NCP is EPA's blueprint for emergency response guiding the funding authority and response mechanisms necessary for the Agency to meet its response obligations for releases of hazardous substances including radionuclide releases. The *Federal Radiological Emergency Response Plan* (FRERP) prescribes the federal lead and support roles and obligations within the federal government including EPA. The EPA-RERP integrates EPA's commitments pursuant to the CONPLAN, FRERP, NRF, and the NCP. To this end, the Plan identifies EPA's internal response structure, coordination of capabilities for regional and Headquarters response activities including the laboratories, in the event of peacetime radiological hazardous substance and technological emergencies, and nuclear terrorist incidents.

7431 EPA Radiological Emergency Response Mission

The EPA mission in responding to radiological emergencies is subsumed in the Agency response to other hazardous substances, pollutants, or contaminants under the Superfund program has both enforcement and response responsibilities. In the event of technological emergencies, or incidents of terrorist attacks involving a potential or actual release of radionuclides, EPA may lead the response to ensure the protection of public health, welfare and the environment from the adverse impacts associated with exposure to radiation. Working with a broad spectrum of stakeholders, EPA may provide technical advice and response support to the state, tribal, and local governments (referred to as state and local), site or facility owner/operator, and other federal agencies. EPA has also the authority to order private party cleanup, and oversee and monitor emergency response by others. EPA achieves its mission by:

- Evaluating the need for emergency, time-critical or non-time critical removal response to protect health and the environment pursuant to the NCP;
- Evaluating the need for coordinating multi federal response pursuant to the FRERP;
- Establishing and maintaining a high-level of readiness through planning, training, and drills/exercises;
- Providing upon request effective and efficient emergency response management support to federal, state, Tribal, and local governments;
- Conducting emergency, time-critical and non-time critical removal response action pursuant to the NCP;
- Providing “Special Forces” emergency response radiological expertise and support to the On-Scene Coordinator for NCP removal responses through the Radiological Emergency Response Team (RERT) of the EPA Office of Radiation and Indoor Air (ORIA) and their labs;
- Leading the FRERP response to radiological emergencies when assigned the Lead Federal Agency (LFA) role;
- Developing Protective Action Guidance (PAGs) and providing incident-specific protective action recommendations;
- Performing timely, and accurate environmental measurements and assessments of radiological conditions;
- Providing threat assessment, technical support, and operational support to the LFA in potential or actual terrorist incidents; and
- Assisting in preparing long-term environmental monitoring and area restoration plans, and recommended cleanup criteria.

7432 EPA Radiological Emergency Response Plan

The Environmental Protection Agency’s *Radiological Emergency Response Plan*, January 2017 discussed below can be found online at <http://www.epa.gov/sites/production/files/2015-05/documents/rerp-1-00.pdf>.

The EPA-RERP establishes organizational focus for management of potential or actual radiological incidents and emergencies and coordination among the EPA On-Scene Coordinators, (OSCs) community, regional radiation programs, Office Emergency and Remedial Response (OERR), Chemical Emergency Prevention and Preparedness Office (CEPPO) and Office of Radiation and Indoor Air (ORIA), including the two radiation support laboratories. Recognizing that cross-agency consistency is critical for effective emergency

response, this Plan does not preclude or supplant regional planning and preparedness.

This Plan includes:

- Domestic radiological incidents and emergencies occurring at, or involving hazardous waste sites, fixed nuclear facilities, domestic or foreign satellites, nuclear weapons and devices, accidents in transportation of radioactive materials, or incidents of sabotage and nuclear terrorism that have actual, potential, or perceived consequences to U.S. and its territories; and
- International radiological emergencies such as the Chernobyl accident in the Ukraine, subject to the International Atomic Energy Agency (IAEA) “Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency.”

The EPA-RERP applies to EPA radiological emergency response actions pursuant to the NCP, FRERP, CONPLAN, and/or NRF.

7440 Radiological Incidents on Federal Lands

A response to a radiological incident or emergency on or affecting federal lands not occupied by a government agency should be coordinated with the agency responsible for managing that land. This ensures that response activities are consistent with federal statutes governing the use and occupancy of these lands to the extent required pursuant to CERCLA/ NCP. Coordination is particularly necessary in the case of Indian tribal lands, because federally recognized Indian tribes have a special relationship with the U.S. Government, and the state and local governments may have limited or no authority on Indian reservations. Pursuant to CERCLA, Indian tribes are in general treated as states.

For radiological emergencies occurring on or with possible consequences to Indian tribal lands, the Department of Interior (DOI) will provide liaison between federally recognized Indian tribal governments and the FRERP designated LFA, state, and local agencies for coordinating the response and protective action(s) efforts. Additionally, DOI will advise and assist the FRERP designated LFA on economic, social, and political matters in the Virgin Islands and the Territories of Guam, American Samoa, and the Trust Territories of the Pacific Islands should a radiological emergency occur in these areas.

In the event of a radiological accident involving a nuclear weapon or special nuclear material (SNM), the owner of the weapon or material shall declare the area a National Defense Area

(for Department of Defense “DOD”) or National Security Area (for DOE or National Aeronautics and Space Administration “NASA”), depending on the circumstances of the emergency. These areas are established only during the emergency to safeguard classified information and/or restricted data or equipment and material. Establishment of these areas may place non-federal lands under federal control. For emergencies involving DOD, or DOE, these agencies shall provide the OSCs, and be responsible for taking all response actions. In the case of NASA and other federal agencies, their OSCs will be responsible *only* for all response actions that are *not emergencies*. Otherwise, the EPA provides the OSC to manage and coordinate radiological emergency response for those agencies including NASA. It is possible that radioactive contamination and emergency response actions would extend beyond the boundaries of these areas.

Information about nuclear weapons, terrorist threats, special nuclear materials at reactors, and certain fuel cycle facilities producing military fuel may be classified in accordance with appropriate national security classification directives.

7441 Enforcement Actions

EPA under certain circumstances will exercise its discretionary authority to undertake a radiological emergency response action pursuant to the appropriate enforcement provisions. EPA, state, or local legal actions will be taken to obtain compliance with environmental laws, rules, regulations, or agreements and/or obtain penalties or criminal sanctions for violations. Under CERCLA, EPA will seek to require potentially responsible parties to undertake full response, and/or pay for the cleanup. In other situations, if investigations by EPA and state agencies uncover willful violations, criminal prosecution may be sought through the Department of Justice. EPA's removal program (emergency response) prevents, limits, or mitigates threatening situations as quickly as possible at any emergency or incident involving uncontrolled CERCLA hazardous substances, pollutants or contaminants including radioactive materials. Enforcement actions are taken as time allows based on the incident specific threats.

7442 International Coordination

In the event of a radiological incident or emergency originating on foreign soil or, conversely, a domestic incident with an actual or potential foreign or trans-boundary impact, the EPA will immediately notify the Department of State (DOS) which has responsibility for official notification of foreign governments. The DOS coordinates release notification and information gathering/exchange activities with foreign governments, except when existing bilateral agreements may permit direct communication. When EPA as the LFA has existing bilateral agreements permitting direct exchange of information, the Agency will keep DOS informed of communications with their foreign counterparts. Agency officials should take care that

consultations do not exceed the scope of the relevant agreements(s). The EPA will ensure any offers of assistance to or requests from foreign governments are coordinated with DOS.

7443 Radiological Special Teams

The FOSC/OSC will direct with the EPA Office of Radiation and Indoor Air (ORIA) the coordination and mobilization of the RERT, and may coordinate mobilization of the Department of Energy's Radiological Assistance Program (RAP), and FRMAC. It is important to note that the Radiological Assistance Teams (RATs) mentioned in §300.145 of earlier versions of the NCP are now called Radiological Emergency Response Teams (RERTs), and are organized in ORIA. OERR will coordinate mobilization of the Environmental Response Team (ERT) among other organizational response elements as appropriate. Requests for mobilization of these response elements can be made directly through the OSC, and/or the National Response Center, which would put the requester directly in communication with the requested Special Teams' representatives.

7500 Response Assets

See section 7400 in the local Area Contingency Plan (San Francisco, Los Angeles or San Diego) for lists, maps and descriptions of the capabilities of Hazardous Materials Response Teams in those areas of responsibility.

7600 HAZMAT Planning

7610 Planning Section Chief

In a terrorist incident response, the FBI will place a special agent in the Planning Section as a Deputy Planning Section Chief. In this capacity the FBI is responsible for:

- Remaining up-to-date on the most current incident situation
- Acting as a conduit for requests for additional crisis assets, and
- Assisting with the development of the Incident Action Plan

7620 Scientific Support

Find the *EPA* and *NOAA Scientific Support Coordinator* in the index.

7621 Air Plume Modeling

Find “Air Monitoring” in the Index.

7622 Sampling Assistance and Resources

For information about on-site sampling followed by laboratory analysis of hazardous substances, see *Scientific Support* in Enclosure 0000, RCP Contacts in one list.xlsx at https://www.nrt.org/site/doc_list.aspx?site_id=114.

7623 Laboratory Assistance Contacts

For information about laboratory resources and networks that can be used to identify appropriate sampling techniques, analytical methods, and available laboratories for the analysis of samples from various matrixes, see *Scientific Support* in Enclosure 0000, RCP Contacts in one list.xlsx at https://www.nrt.org/site/doc_list.aspx?site_id=114.

7630 Government Policy and Response

The response system for the governmental agencies differs widely depending on which level of government is involved. Each level has its own unique capabilities, responsibilities, response strengths, jurisdictions, and authorities. The following sections describe the response actions and systems for the federal, state, and local agencies as viewed by the agencies themselves.

7631 Federal Policy and Response

The role of FOSC/OSC is radically different depending on the material(s) involved in a spill or threatening to impact federal waters. In incidents involving oil, the CG FOSC/OSC takes a very active role in the response. The FOSC/OSC serves as the senior member of the UC and directs the response activities. For hazardous materials releases or threatened releases, the FOSC/OSC looks after federal interests and provides support to the local, county, or state responding agency. The FOSC/OSC would assume an active role only under specific circumstances, such as when an incident exceeds response capabilities of local agencies. The FOSC/OSC would assist the state and local agencies with any technical advice, obtaining specialized assistance, and monitoring of the response.

7631.1 Patient Decontamination in a Mass Chemical Exposure Incident

The Chemical Defense Program (CDP), under the Department of Homeland Security Office of Health Affairs (OHA), and the Office of the Assistant Secretary for Preparedness and

Response (ASPR), under the Department of Health and Human Services (HHS), have published the document titled “*Patient Decontamination in a Mass Chemical Exposure Incident: National Planning Guidance for Communities.*” See

<https://www.federalregister.gov/documents/2014/12/19/2014-29779/notice-of-availability-for-the-patient-decontamination-in-a-mass-chemical-exposure-incident-national>.

7632 Hazardous Materials Response in California

In California, the state’s main role in any Hazardous Materials incident is to assist local government, and take part in the UC as appropriate. Certain resources exist at the state level, and if requested can be made available to assist federal and local responders in a marine hazardous materials incident.

California Governor’s Office of Emergency Services (Cal OES) notifies other federal and state agencies and appropriate local government contacts as specified in law. Additionally, the Responsible Party (RP), reporting party, or responders may request that Cal OES contact specialized state agencies for additional assistance.

Pursuant to the California Health and Safety Code Chapter 6.95, local governments have developed local area plans (which differ from the federal ACPs) documenting policies and procedures for responding to hazardous materials incidents. These policies and procedures include sections on notification and coordination, communications, utilization of the incident-command system, pre-emergency planning, public safety and information, supplies and equipment, and responsibilities of responding organizations. In all cases where hazardous materials incidents may impact local jurisdictions, local agencies must be notified. Even if local agencies cannot take mitigation actions at the vessel, they will still need to respond. Local governments will be responsible for the public safety of its citizens and property.

7640 Required Planning

The *Federal Water Pollution Control Act* (FWPCA) requires hazardous-substance-release contingency planning. *Public Law 101380*, which created the *Oil Pollution Act of 1990* (OPA-90), also amended the FWPCA (33, USC §1321(j)(1)). Among other things, that amendment requires contingency planning for releases of hazardous substances in local Area Contingency Plans, and requires response plans for waterfront facilities and vessels that handle hazardous substances. The substances designated by the FWPCA as hazardous, and therefore requiring contingency planning, are listed in 40 CFR §116.4.

7641 Emergency Planning and Community Right-to-Know Act

The *Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986* (42 USC Chapter 116) was passed by Congress in response to concerns regarding the environmental and safety hazards posed by the storage and handling of toxic chemicals.

Congress imposed requirements for federal, state and local governments, tribes, and industry. These requirements covered emergency planning and "Community Right-to-Know" reporting on hazardous and toxic chemicals. The Community Right-to-Know provisions help increase the public's knowledge and access to information on chemicals at individual facilities, their uses, and releases into the environment. States and communities, working with facilities, can use the information to improve chemical safety and protect public health and the environment.

EPA's *EPCRA Fact Sheet* provides an overview of EPCRA and its reporting requirements. See <https://www.epa.gov/epcra/epcra-fact-sheets>.

The NRT issued the *Hazardous Materials Emergency Planning Guide* (NRT-1) in 1987, as required by Emergency Planning and Community Right-to-Know Act.

Planning guidance for state and local governments in the development of local emergency response plans can be found in the *Hazardous Materials Emergency Planning Guide* (NRT-1) updated in 2001.

7650 Coordinated Planning

Under Title III of the *Superfund Amendments and Reauthorization Act (SARA)*, State Emergency Response Commissions (SERCs), Local Emergency Planning Committees (LEPCs), and Tribal Emergency Response Commissions (TERCs) have been formed. The purpose of these groups is to develop local emergency response plans, participate in exercises to ensure preparedness at the local level, and arrange for training for local responders. In addition, local departments of emergency management (or similar groups) may assist with these functions as well as notifications of hazardous substance incidents.

7660 Transition to Long-Term Cleanup

At some point after the peak of the initial response phase, the nature of site activities may evolve into a long-term cleanup phase. The responders involved in the initial response phase may or may not be actively involved with this phase. Depending upon the scope of activities and the ability of the local responders, post-initial response and mitigation phase efforts may

necessitate mobilization of additional resources. Also, it is possible that additional federal and/or state agency representatives may need to be involved with the long-term phase to ensure that regulatory mandates are followed. It is critical that the initial responders debrief the incoming clean up staff prior to demobilizing. Standard long-term cleanup actions are:

- Evaluate cleanup/decontamination options;
- Implement cleanup alternatives; and
- Long-term monitoring or remediation of impacted area, if necessary.

7700 HAZMAT Logistics

7710 Classified Spaces Needed

The unique nature of a terrorist incident requires the collection and sharing of sensitive or classified information. The establishment of the Incident Command Post must take into consideration the following:

- Facilities Unit
- Include dedicated private space for law enforcement
- Communications Unit
- Determine need to request communications support from CAMSPAC.
- Determine need to provide Cellular STU-III support to the Coast Guard Federal On-Scene Coordinator.

7720 Hazardous Waste Disposal

A number of different hazardous wastes may be generated as a result of the incident. The responsible party or lead agency must address proper disposal of the wastes in accordance with the *Resource Conservation and Recovery Act (RCRA)*, the NCP, state, and local regulations. Options for disposal of materials connected to the emergency response action will be addressed by the state with support by the federal agencies for those agents, substances, or radioactive materials that need special care.

7721 Biological Waste and Biological WMD

The need to dispose of material contaminated with biological agents is rare, and therefore standard protocols do not exist. Often it is possible to neutralize the biological agent, after which the material may be treated as non-hazardous garbage. The appropriate disposal method

for biological waste will be dependent on the specific situation, and will be influenced by politics. It will require consultations between local, state, and federal partners as well as agreement from the disposal site operator.

7730 Special Hazardous Materials Response Teams

There are a number of specially trained hazardous materials teams (both public and private) throughout the nation. See the *Hazardous Materials Response Special Teams Capabilities and Contact Handbook, 2005* at

https://tools.niehs.nih.gov/wetp/public/hasl_get_blob.cfm?ID=4332.

7800 Superfund Responses and Reimbursement

Two mechanisms exist to fund the response and response-related activities of a federal agency other than U.S. EPA when responding to a spill of hazardous materials or a mixture of hazardous materials and oil:

- An agency's CERCLA/Superfund budget, and
- An interagency agreement (IAG) authorizing access to the CERCLA/Superfund account. Removal actions will not continue after \$2 million has been obligated or after 12 months have elapsed from the date of the initial response.

EPA grants an exemption in accordance with CERCLA §104(c)(1), as amended. Additionally, CERCLA funded action may not be taken in response to a release or threat of a release:

- If a naturally occurring substance in its unaltered form or altered solely through naturally occurring processes or phenomena, from a location where it is naturally found.
- From products that are part of the structure of, and result in exposure within, residential buildings or business or community structures.
- Into public or private drinking water supplies as a result of system deterioration through ordinary use.

U.S. EPA may, however, respond to any release or threat of release if it is determined that it constitutes a public health or environmental emergency and no other person with the authority and capability to respond to the emergency will do so in a timely manner.

USCG FOSC/OSCs have direct access to CERCLA funds via the NPFC, and the U.S. EPA,

Region IX, Superfund.

Division Director has been delegated the authority to approve actions costing up to \$2 million. State and local governments are not authorized to take actions that involve expenditures of CERCLA funds, unless an appropriate contract or cooperative agreement has been established.

The FOSC/OSC is responsible for identifying whether technical assistance from another agency is necessary and for making arrangements for that assistance. In addition, FOSC/OSCs are responsible for initiating and processing any site-specific IAGs necessary for reimbursing federal agency participation.

U.S. EPA FOSC/OSCs may develop, negotiate terms, and award IAGs for site-specific, U.S. EPA-led actions. For these IAGs, the FOSC/OSC:

- Defines the scope of work to be performed; outlines the responsibilities of each agency; determines the performance period; identifies primary contacts in each agency; names contractors and the dollar amounts of any contracts, if applicable; and determines the overall reporting, invoicing, and amendment requirements.
- Prepares four copies of the IAG and amendment (U.S. EPA Form 1610-1) and prepares the commitment notice and the transmittal and decision memorandum.

The FOSC/OSC then monitors accomplishment of work in accordance with the IAG scope of work. The following procedures apply to FOSC/OSCs (either USCG or U.S. EPA) who are performing hazardous substance response operations under the NCP and require funding support from the CERCLA fund. The FOSC/OSC contacts the NPFC case officer and requests issuance of a CERCLA Project Number and a corresponding ceiling amount.

- The following additional information is needed:
- Sector and OSC point of contact;
- Name of incident and location (city, county, and state);
- Latitude and longitude;
- Date incident occurred and was discovered and date FOSC/OSC action commenced;
- Description of threat;
- Ceiling amount requested; and
- Contractor(s) hired and amount obligated for each.

The NPFC responds promptly to all requests, with confirmation by priority message no later than the next business day. Initial CERCLA ceiling requests are limited to \$250,000.

All messages, POLREPS, or others messages related to an incident where the CERCLA fund has been accessed will include the FOSC/OSC, NPFC, District Response Division CG FINCEN, and the SILC Chief of Contracting as INFO addressees, in addition to current reporting requirements. There are also special FOSC/OSC reporting requirements for CERCLA incidents that are explained in the *NPFC User Guide* at <http://www.uscg.mil/NPFC/URG/>.

7810 Reimbursement to Local Governments

CERCLA §123 and OPA-90 §1002(b)(2)(F) authorize U.S. EPA to reimburse local governments for some and (in rare cases) possibly all of the expenses incurred in carrying out temporary emergency measures in response to hazardous substance threats or releases. These measures or operations are necessary to prevent or minimize injury to public health or the environment.

The intent of this provision is to reduce any significant financial burden that may have been incurred by a local government (city, county, municipality, parish, township, town, federally recognized Native American Tribe, or other official political subdivisions designated by a particular state) that takes the above measures in response to hazardous substance threats. Traditional local responsibilities, such as routine firefighting, are not eligible for reimbursement. States are not eligible for this program and may not request reimbursement on their own behalf or on the behalf of a political subdivision within a given state (40 CFR §310.20 and §310.30).

The following criteria must be met before a request for reimbursement is to be considered:

- Local government must have had a Title III plan by October 1, 1988.
- Response occurred after the effective date of this rule (October 17, 1986).
- Local government informed U.S. EPA or the NRC as soon as possible, but not more than 24 hours after initiating response.
- Response actions were consistent with CERCLA, the NCP, and EPCRA.
- The request contains assurances that the response reimbursement does not supplant local funds normally provided for such activities.

The applicant must have first attempted to recover the costs from all known PRPs and any other possible sources of reimbursement (state funds, insurance companies, etc.). Sixty days

must be allowed for the above responsible party to respond by making payment, expressing their intent to pay, or demonstrating willingness to negotiate payment.

CERCLA limits the amount of reimbursement to \$25,000 per single response. If several agencies or departments are involved in a response, they must determine among themselves which agency will submit the request for reimbursement. U.S. EPA must receive any request within 6 months of the related response action.

Some of the allowable costs may include, but are not limited to, the following:

- Disposable materials and supplies acquired and used specifically for the related response.
- Employee compensation for response work that is not provided in the applicant's operating budget.
- Rental or leasing of equipment.
- Replacement costs of equipment contaminated to the extent that it is beyond reuse or repair.
- Decontamination of equipment.
- Special technical services needed for the response, such as those provided by experts or specialists.
- Other special services, such as utilities.
- Laboratory analysis costs related to the response.
- Costs associated with supplies, services, and equipment procured for a specific evaluation.

A review panel will evaluate each request and will rank the requests on the basis of financial burden.

Financial burden is based on the ratio of eligible response costs to the locality's per capita income adjusted for population. If a request is not reimbursed during the review period for which it is submitted, the U.S. EPA reimbursement official has the discretion to hold the request open for one year for reconsideration.

To obtain an application package, contact the RCRA and Superfund Hotline. See *Superfund + RCRA* in [Enclosure 0000, RCP Contacts in one list.xlsx](#) at https://www.nrt.org/site/doc_list.aspx?site_id=114. The application package contains line-by-line instructions for completing the application.

States can access the OSLTF in three ways:

- **Direct Access.** States must request direct access through the FOSC/OSC. State access must be approved by the FOSC/OSC. The request must come only from the official designated by the
- **Governor.** A proposal must be submitted to the FOSC/OSC and include anticipated funding and scope of work to be taken at the site. Ceiling increases and changes in the scope of work must be approved by the FOSC/OSC.
- **Pollution Removal Funding Authorization (PRFA).** The state acts as a contractor to the FOSC/OSC on site and can oversee site activities. The state can oversee federal contractors under a PRFA. The FOSC/OSC will prepare cost documentation and submit to the NPFC. State and other agency rates can be developed in conjunction with the NPFC. Each agency involved in the spill must have a separate PRFA.
- **Claims.** Costs for spill cleanup can be submitted to the NPFC after the incident if direct access or a PRFA was not used. An FOSC/OSC is not involved in the claims process. The NPFC will determine whether all actions taken at the site were consistent with the NCP.

7900 HAZMAT Reference Material

7910 Code of Federal Regulations

Hazardous substances under CERCLA and their reportable quantities are listed in 40 CFR Part 302, Table 302.4.	http://www.ecfr.gov/ Search for the Title first and then select the Part.
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7920 Chemical Properties of Hazardous Materials

Chemical Hazards Response Information System (CHRIS)	https://www.hsd1.org/?abstract&did=24079
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ATSDR guidance re Chemical Emergencies	https://emergency.cdc.gov/chemical/index.asp
ATSDR ToxFAQs™: summaries about hazardous substances	https://wwwn.cdc.gov/TSP/ToxFAQs/ToxFAQsLanding.aspx
NIOSH Pocket Guide to Chemical Hazards	http://www.cdc.gov/niosh/npg/
Merck Index	http://www.rsc.org/merck-index

7930 References for Responders

EPA OSC Blue Book – A collection of field related resources	http://www.epaosc.org/_bluebook/bluebook.asp
Railroad Incidents, Emergency Responder Training and Education	https://www.csx.com/index.cfm/about-us/safety/community/emergency-responder-training-and-education/

DOT Emergency Response Guidebook and ERG Mobile app	https://www.phmsa.dot.gov/hazmat/erg/emergency-response-guidebook-erg
ASTDR: Hazardous Materials Emergency Preparedness Training and Tools for Responders	http://www.atsdr.cdc.gov/HazMat-emergency-preparedness.html

#

8000 Salvage and Places of Refuge

8010 Vessel Salvage and Marine Firefighting Plans

Chapter 8000 of each coastal Area Contingency Plans explains how to coordinate vessel salvage and marine firefighting to prevent or limit environmental damage. Hyperlinks to all the ACPs are at <https://www.wildlife.ca.gov/OSPR/Contingency>. Each USCG Sector also maintains a *Salvage Response Plan*. Some of these plans are not published on the Internet. Call the USCG Sector to request a copy.

8100-8600 Blank

8700 Places of Refuge

A “place of refuge” is a location where a vessel needing assistance can be moved temporarily, and where actions can then be taken to stabilize the vessel, protect human life, reduce a hazard to navigation, and/or protect sensitive natural resources and/or other uses of the area (e.g., subsistence collection of mussels, commercial fishing, and recreational boating). A place of refuge may include constructed harbors, ports, natural embayments, temporary grounding sites, or offshore waters. A vessel moved to a temporary grounding site must be removed after emergency actions are completed. There are no pre-approved places of refuge in California.

For complete information, see Chapter 8000 of the relevant Area Contingency Plan. Hyperlinks to all the ACPs are at <https://www.wildlife.ca.gov/OSPR/Contingency>.

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9000 Guidance

9100-9800 Blank

9900 Response Guidance

This section lists sources of agency guidance that is relevant to oil spill preparedness and response. Searching the Internet is also a good way to find information on any topic.

U.S. Coast Guard Commandant Instructions that are not manuals	https://www.dcms.uscg.mil/Our-Organization/Assistant-Commandant-for-C4IT-CG-6/The-Office-of-Information-Management-CG-61/About-CG-Directives-System/Commandant-Instructions/
U.S. Coast Guard Commandant Instructions that are manuals	https://www.dcms.uscg.mil/Our-Organization/Assistant-Commandant-for-C4IT-CG-6/The-Office-of-Information-Management-CG-61/About-CG-Directives-System/Commandant-Instruction-Manuals/
U.S. EPA Web Archive, search by keyword	http://archive.epa.gov/
National Response Team web site	https://www.nrt.org/
U.S. Code	https://uscode.house.gov/search/criteria.shtml
U.S. Code of Federal Regulations,	https://www.ecfr.gov/

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Glossary

Absorb	The process in which a fluid is dissolved by a liquid or a solid (absorbent).
Adsorb	The process in which atoms, ions or molecules from a substance (it could be gas, liquid or dissolved solid) adhere to a surface of the adsorbent. Adsorption is a surface-based process where a film of adsorbate is created on the surface while absorption involves the entire volume of the absorbing substance.
Applied Response Technologies (ART)	Oil spill cleanup agents (such as dispersants, surface washing agents, oil gelling or solidifying agents, oil herding agents, de-emulsifiers, bioremediants, and sorbents, or; <i>In-situ</i> burning of oil, either on water or on land.
Bioremediant	Naturally occurring or deliberately introduced microorganisms or other forms of life which consume and break down environmental pollutants, in order to clean up a polluted site.
Biota	The animal and plant life of a particular region, habitat, or geological period.
Cetacean	Finned, carnivorous aquatic mammals including whales, dolphins, and porpoises. Most species live in the sea, some in rivers.
CFR	U.S. Code of Federal Regulations
Commercial Entity	A legal entity, for example a corporation, that owns or operates a vessels or facility that is engaged in a commercial activity and from which oil was discharged. This includes entities engaged in any maintenance, transit, or provisioning to support a commercial activity.
Cooperating Agency	ICS: An agency supplying assistance other than direct tactical support functions or resources to the incident response effort (e.g. Red Cross, law enforcement, telephone company).
Coordinating Agency	ICS: An agency that supports the incident response with direct tactical support, leadership, expertise and authorities.
De-emulsifier	A chemical that separates an emulsion, such as oil and water, into its constituent parts.
Deputy	ICS: A fully qualified individual who, in the absence of a superior, could be delegated the authority to manage a functional operation or perform a specific task. A Deputy could act as relief for a superior. Deputies can be assigned to the On-Scene Coordinators, General Staff, and Branch Directors.
Essential Fish Habitat	In 1996, Congress improved the nation's primary fisheries law to recognize the importance of healthy habitat for commercial and recreational fisheries. Protecting and restoring Essential Fish Habitat (EFH) helps to maintain productive fisheries and rebuild depleted fish stocks in the United States.

Ethanol	Ethanol is naturally produced by the fermentation of sugars by yeasts or via petrochemical processes. This is why it is not considered a biofuel unless bioethanol is specified.
Flotsam	Debris in the water that was not deliberately thrown overboard, often as a result from a shipwreck or accident.
Geographic Response Strategy (GRS)	Each GRS is written for a specific area (for example a river, a lake, or section of coastline), and includes tactical response strategies tailored to a particular shore or waterway at risk of injury from oil. GRS used to be known as Geographic Response Plans. The term was changed because under the Endangered Species Act, Section 7, responders can consult on strategies but not on plans.
Hazardous Materials	Any item or agent (biological, chemical, radiological, and/or physical), which has the potential to cause harm to humans, animals, or the environment, either by itself or through interaction with other factors. Hazardous materials are defined and regulated in the U.S. primarily by laws and regulations administered by the Occupational Safety and Health Administration (OSHA), the Environmental Protection Agency (EPA), the Department of Transportation (DOT), and the Nuclear Regulatory Commission (NRC). Each has its own definition of a “hazardous material.”
Hazardous Substances	In the HAZWOPER standard adopted by OSHA in 1990, under subparagraph (B), the definition for "hazardous substance" reads: “Any biological agent and other disease-causing agent which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any person...will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions...or physiological deformations in such persons or their offspring.”
Incident of National Significance	The term Incident of National Significance has been eliminated in order to focus on a more agile coordinated response by the entire incident management community. The designation of an Incident of National Significance became an arbitrary and confusing trigger point for various levels of response activities. See page 2 of the NRF factsheet at https://www.fema.gov/pdf/emergency/nrf/whatsnew.pdf
Lead Federal Agency (LFA)	The federal agency that leads and coordinates the overall federal response to an emergency.
Jetsam	Debris that was deliberately thrown overboard by a crew of a ship in distress, most often to lighten the ship's load. Jetsam is a shortened form of jettison.
Marine Mammal	Aquatic mammals that rely on the ocean and other marine ecosystems for their existence. They include animals such as seals, whales, manatees, sea otters and polar bears.

Microplastics	<p>Microplastics are very small pieces of plastic that pollute the environment. Microplastics are not a specific kind of plastic, but rather any type of plastic fragment that is less than five millimeters in length according to the NOAA. They enter natural ecosystems from a variety of sources, including cosmetics, clothing, and industrial processes.</p> <p>Primary microplastics are any plastic fragments or particles that are already 5 mm in size or less before entering the environment. These include microfibers from clothing, microbeads, and plastic pellets (also known as pre-production plastics or nurdles).</p> <p>Secondary microplastics are created from the degradation of larger plastic products through natural weathering processes. Sources of secondary microplastics include water and soda bottles, fishing nets, and plastic bags. Both types are recognized to persist in the environment at high levels, particularly in aquatic and marine ecosystems.</p>
Mousse	When wind and wave action mixes spilled oil with air and water it forms a sludge similar in appearance to chocolate mousse pudding. Mousse can increase the volume of a spill by four times.
National Incident Commander (NIC)	Designated by the USCG Commandant or by the U.S. EPA Administrator for a Spill of National Significance (SONS).
Natural Resource Trustee	Natural resources in the U.S. are held in trust for the American people by the federal, state, tribal and local governments. A Natural Resource Trustee is a government official who ensures that natural resources are protected.
Oil Spill Removal Organization (OSRO)	Any person or persons who own or otherwise control(s) oil spill removal resources that are designed for, or are capable of, removing oil from the water or shoreline. OSROs provide response equipment and services directly to a vessel owner or operator of a vessel or a facility required to have a response plan under 33 U.S.C. 1321(j)(5). OSROs are able to mobilize and deploy equipment or trained personnel and remove, store, and transfer recovered oil. Persons such as sales and marketing organizations (e.g., distributorships and manufacturer's representatives) that warehouse or store equipment for sale are not OSROs.
Pinniped	A carnivorous aquatic mammal of the order <i>Pinnipedia</i> , such as a seal or walrus.
Remedial Project Manager (RMP)	The EPA or state official responsible for overseeing on-site remedial action.
Responsible Party (RP)	Under the Oil Pollution Act of 1990, the owner or operator of a facility from which oil is discharged (the RP) is liable for the costs associated with the containment, cleanup, and damages resulting from the spill.
Sensitive Site	In California's marine environment, sensitive sites are those that contain biological resources including native: fish, birds, marine mammals, other wildlife, and/or habitat used for breeding, nesting and feeding (i.e. wetlands, estuaries, and lagoons).

Spill of National Significance (SONS)	A SONS is “a spill that due to its severity, size, location, actual or potential impact on the public health and welfare or the environment, or the necessary response effort, is so complex that it requires extraordinary coordination of federal, state, local, and responsible party resources to contain and clean up the discharge.
Staging Areas	Locations set up at an incident where resources can be placed while awaiting a tactical assignment on a 3 minute available basis. Staging areas are managed by a Staging Area Manager who reports to the Operations Section Chief.
Stakeholder	A person, agency or non-governmental organization with an interest or concern with regard to oil or hazardous materials spill response or things impacted by or related to spill response.
Threatened & Endangered Species	Endangered species are those plants and animals that have become so rare they are in danger of becoming extinct. Threatened species are plants and animals that are likely to become endangered within the foreseeable future throughout all or a significant portion of its range.
USC	U.S. Code. The laws of the United States which are implemented by the Code of Federal Regulations (CFR).
Wrack	"Wrack" or "beach wrack" as "organic material such as kelp and sea grass that is cast up onto the beach by surf, tides, and wind." A more inclusive definition is "items washed onto the beach from the open sea" which includes plastic, glass and metal marine debris.

Index of Terms

Abandoned vessels.....	176
Abandoned barges.....	178
Abandoned vs. Derelict.....	176
Destruction policy, USCG	177
Grave and imminent danger.....	182
Historic vessels	179
<i>Intervention on the High Seas Act</i>	182
National Pollution Fund Center, role of.....	176
Natural disaster events	180
NRT guidance	181
Ocean dumping	179
U.S. Army Corps of Engineers	182
Wrecks	176
Acts	See Legislation
Administrative Orders.....	205, 266
Aerial Video Platforms (AVP).....	See Unmanned Aircraft Systems
After-Action Reports	204
Agency for Toxic Substances and Disease Registry (ATSDR)	
Hazardous materials incidents, lead agency for.....	290
Agency Representatives (AREP).....	111, 113
Air Monitoring.....	225
Air Operations Branch	165
Aircraft, Piloted.....	165
Temporary Flight Restrictions (TFR)	165
Current	165
Applied Response Technologies (ART)	157
Bioremediation	
Agents	161
Plan	164
Dispersants.....	161
Animal exposure	164
Approval Process	47
Biological Assessment	164
Dispersant Use Plan, link.....	163
Endangered Species Act, Section 7 compliance	164

Human exposure	164
Special Monitoring of Applied Response Technologies (SMART)	223
Subpart J.....	160, 162
Subsea Dispersant Guidelines	163
Herding Agents	162
<i>In-Situ</i> Burning.....	164
Lead Technical Specialist	119, 210
Oil Spill Cleanup Agents (OSCA)	157
Shoreline-Cleanup Agents	158
Sinking Agents (prohibited).....	161
Soil Washing	161
Solidifiers	161
Sorbents.....	161
Surface-Collecting Agents	162
Surface-Washing Agents (SWA).....	142, 162
Area Command	98
Area Committees	42
Area Contingency Plans (ACP)	42, 54
Update Schedule	29
Volume II, Geographic Response Strategies	106
Arizona	
Abandoned Vessels	180
Authorities.....	34
Report an environmental emergency	56
Response System	56
Seafood Safety	213
State On-Scene Coordinator	99
Wildlife Response Plan.....	168
Assistance, International Requests for, or Offers of	39
ATSDR	See Agency for Toxic Substances and Disease Registry
AutoFilter feature, how to use it	31
Baseline	
Official U.S.	40
Basic Ordering Agreement (BOA)	237
Contracts, Preferred to Non-BOA.....	237
Beach closure	
Hard.....	212
Public health order	212

Soft.....	212
Best Achievable Protection, California.....	62
Best Achievable Technology, California.....	63
Best Response Concept.....	62
Bioaugmentation	160
Biodiesel	See Biofuels
Biofuels	
Biodiesel	188
Response Challenges	189
Toxicity	189
Ethanol and Ethyl Alcohol.....	187
Planning Considerations	189
Bioremediation.....	See Applied Response Technologies (ART)
Biostimulation.....	161
Border 2025	See Mexico, Joint Plan...
California	
Abandoned Vessels	180
Air Resources Board	270
Authorities.....	34
California Highway Patrol (CHP).....	101
California Islands Wildlife Sanctuary.....	71
Civil Support Team, National Guard	287
Coastal Access Guide	120
Coastal Commission	60
Coastal Conservancy.....	61
Coastal Management Program.....	60
Coastal National Monument	70
Community Right-to-Know	271
Department of Resources Recycling and Recovery (Cal Recycle)	271
Department of Toxic Substances Control (DTSC)	191, 270
Department of Transportation (CALTRANS)	60
Division of Oil, Gas and Geothermal Resources (DOGGR)	101
Emergency Notifications	122
Environmental Protection Agency (Cal EPA)	270
Governor's Office of Emergency Services (Cal OES)	101, 271
Hazardous Materials Business Plan (HMBP)	271
Hazardous Materials Incident Prevention and Immediate Deployment Plan	101
Highway Patrol (CHP).....	59

How Clean Is Clean?	63
Legislation.....	See Legislation, California
Marine Debris Response Plan.....	80
Natural Diversity Database	229
Occupational Safety and Health Division (Cal OSHA).....	292
Office of Environmental Health Hazard Assessment (OEHHA)	213, 271
Office of Spill Prevention and Response (OSPR)	42, 57
Oil Spill Cleanup Agents (OSCA), licensing	159
Oil Spill Contingency Plan	60
Oil Spill Response Agencies.....	57
Oil Spill Response Trust Fund (OSRTF).....	253
Personnel for Response	234
Regional Emergency Coordination Plans	104
Regional Water Quality Control Board	101
Response System	56
San Francisco Bay Conservation and Development Commission.....	60
Seafood Safety	213
State Fire Marshal (CSFM).....	59
State Oil Spill Contingency Plan (CSOSCP).....	60, 127
State On-Scene Coordinator	100
U.S. FWS, share responsibilities with	61
Wildlife	
Permits	170
Response Plan	169
CAMEO Direct Air Plume Modeling	226
Software download	227
Canadian Oil Sands	See Diluted Bitumen
CDC	See Centers for Disease Control
Ceiling And Numbering Assignment Processing System (CANAPS).....	247
Centers for Disease Control (CDC)	290
CERCLA.....	See Finance: CERCLA a.k.a. Superfund
Clean Air Act	See Legislation, federal
Clean Water Act.....	See Legislation, federal
Coastal Response Research Center (CRRC), U. of New Hampshire	134
Coastal Zone Management Act.....	See Legislation, federal
Code of Federal Regulations (CFR), online	31
Command Staff	105
Liaison Officer (LOFR)	94, 111

Liaison Plan	105
Organizing the staff.....	112
RRT9 Staffing Policies	118
Selecting.....	112
USCG Liaison Manual.....	114
USCG Liaison Officer Personal Qualification System.....	114
Public Information Officer (PIO).....	109
Joint Information Center (JIC).....	110
Joint Information Center Model from the NRT	110
Public Information Plan	105
Segregating the media.....	111
Safety Officer (SOFR)	90, 107, 292
Site Safety Plan (ICS-208).....	107
Public Health, Issues	108
Wildlife Portion	169
Worker Health and Safety.....	108
Scientific Support Coordinator	221
Commercial Entity	317
Common Assessment & Reporting Tool (CART).....	206
Common Operating Picture	200
Software	200
Communications Support from the USCG	232
Community Emergency Response Plans	56
Community Right-to-Know	See Legislation, federal: Emergency Planning...
Comprehensive Environ. Response, Compensation and Liability Act..	See Finance: CERCLA
a.k.a. Superfund	
Contacts, in a single file.....	31
Contiguous Zone	41
Contracting Officers	
Approval for Costs Exceeding Initial Limits	237
GSA, Initial Funding.....	290
Shore Infrastructure Logistics Center (SILC), USCG	238, 246
County Boundaries, Coastal.....	40
Credible threat, determining	285
Crude by Rail	See Trains
Currents	
California Ocean Observing System.....	225
Real-time information.....	37, 225
Waves & Surface Currents Off California.....	225
Data-sharing agreement	See Information-Management Plan

Decanting	See Waste Management
Decontamination	
EPA Environmental Response Team.....	289
Equipment for Chemical Releases	221
Maritime Transportation Recovery Unit, role of	206
National Decontamination Team (NDT)	289
Patient Decontamination	303
Self-Sustained	288
Demobilization	
Demobilization Unit.....	206
Plan, sample	206
Department of Toxic Substances Control (DTSC)	101
Derelict vessels	See Abandoned vessels
Diluted Bitumen (Dilbit).....	130
Disaster Relief Fund	See Legislation, federal, Robert T. Stafford Act
Discharges that Affect More than One Area.....	98
Dispersants	See Applied Response Technologies (ART)
Disposal.....	See Waste Management
Documentation	
After-Action Reports	204
CERCLA Requirements.....	203
Documentation Unit.....	203
Information Management Technical Specialists.....	203
Information-Management Plan	203
Oil Spill Liability Trust Fund, requirements.....	203
SITREPs and POLREPs	204
Unified Command, Reports from	204
Domestic Terrorism	See Interagency Domestic Terrorism Concept of Operations Plan (CONPLAN)
Dredging	137
Drones	See Unmanned Aircraft Systems
Duckbills	132
Ecological Risk Assessments (ERA), contact	64
Economically Sensitive Sites.....	106
Emergency Function #10 (EF-10), California Guidance	259
Emergency Funding Authorizations (EFA)	262
Emergency Medical Services (EMS).....	108
Emergency Planning and Community Right-to-Know Act	See Legislation, federal

Emergency Support Function #10 (ESF-10).....	256
EPA is Primary Agency	257
Mission Assignments	259
Pre-Scripted Mission Assignments (PSMAs).....	259
Suiter-Makris Memo	259
Response Annex to the National Response Framework	43
Enclosures (complete list)	
0000: RCP Contacts in one list.xlsx	27, 39
1220: MEXUS Plan	37
1221: Pacific Annex to the MEXUS Plan.....	38
1223: U.S. DOS, Int'l Requests for, or Offers of Assistance	39
1442: USFS - USCG MOA re ICS OJT during Wildfires.....	51
1932: Cultural Resource Policy Handout	85
1933: EPA Region IX Historic Properties Guidelines.....	86
2460: <i>Research Request Form</i>	114
3021: EPA memo re Downstream Notification	121
3611: U.S. FWS Rules for Unmanned Aircraft Systems.....	168
3900: EPA's Waste Management Lessons from Deepwater Horizon	191
3912: CA OSPR-DTSC MOU re Handling and Transporting Waste from Oil Spills....	192
3931: MOA re Incidental Discharge of Wastewater During Response	196
3932: Sample Decanting Approval Form	197
3950: Sample Waste Management Plan	198
4042: MOU re Managing Unaffiliated Volunteers	202
4051: Information-Management Plan from Refugio Oil Spill.....	203
4060: Sample Demobilization Plan	206
4100: Seafood Safety in California Waters	213
4744: MOA re Atmospheric Hazards Predictions	225
4745: MOA re Managing Marine Weather Information.....	225
Enclosures, explained	31
Environmental Protection Agency	See U.S. Environmental Protection Agency
Environmental Response Management Application (ERMA®)	36, 201
Environmental Sensitivity Index Maps.....	228
Environmental Unit.....	208
Applied Response Technology Lead Technical Specialist.....	210
Environmental Unit Leader.....	208
Resources at Risk Technical Specialist.....	209
Environmentally Sensitive Sites	106, 221
EPA	See U.S. Environmental Protection Agency

ESF-10	See Emergency Support Function #10
Essential Fish Habitat	83
Consulting NOAA about.....	170
Magnuson-Stevens Fishery Conservation and Management Act	170
Ethanol or Ethyl Alcohol	See Biofuels, See Biofuels
Exclusive Economic Zone (EEZ)	41
Executive Orders	
12580: Superfund Implementation	278
12777: Implementation of §311 of the Federal Water Pollution Control Act of 1972...	267
13186: Responsibilities of Federal Agencies to Protect Migratory Birds	173
Expected Levels of Recovery, California	63
FAA.....	See Federal Aviation Administration
Facility Response Plans (FRP).....	124
Federal Aviation Administration (FAA)	
National security sensitive facilities	166
Unmanned Aircraft Systems	166
Federal Bureau of Investigation (FBI)	268
Federal Coordinating Officer (FCO)	44
Federal Emergency Management Agency (FEMA)	
Oil and Chemical Incident Annex.....	257
Federal Interagency Operational Plans (FIOP).....	279
Federal On-Scene Coordinator (FOSC/OSC)	
Coastal Zone, USCG.....	94
EPA OSC	95
First Federal Official On-Scene	99
How to Identify	78, 97
Inland Zone, U.S. EPA	95
Responsibilities	95
Role	94
Transfer of Command	93
Federal Radiological Emergency Response Plan (FRERP).....	44, 272, 297
Federal Radiological Monitoring and Assessment Center (FRMAC)	277
Federal Railroad Administration (FRA)	See U.S. Department of Transportation
Federal Response Plans.....	272
Federal Interagency Operational Plans (FIOP)	279
Federal Radiological Emergency Response Plan (FRERP).....	273
National Response Framework (NRF).....	44
Federal Water Pollution Control Act	See Legislation, federal

Federalizing a Spill	93
FEMA	See Federal Emergency Management Agency
Finance	
CERCLA a.k.a. Superfund.....	249, 306
Finance Section	243
Finance Section Chief (FSC)	243
NPFC Claims Manager	247
Organization.....	243
Oil Spill Liability Trust Fund (OSLTF).....	244
Pollution Removal Funding Authorization (PRFA)	237, 248, 261
Historic Properties Specialists	116
National Weather Service personnel, funding	224
Procurement Request	
Ceiling And Numbering Assignment Processing System (CANAPS)	238
U.S. Coast Guard	238
Recovering Response Costs from Responsible Parties.....	244
Reimbursements to Local Governments	251
Trust Funds for Incident Response	244
Finance Section	See Finance: Finance Section
Finance/Administration Section.....	See Finance: Finance Section
Firefighting, marine	313
Commercial Vessels.....	231
Coordination with FOSC	92
List of resources	232
Flotsam.....	80
Foreign response vessels, use of	39
FRERP	See Federal Radiological Emergency Response Plan
FRMAC.....	See Federal Radiological Monitoring and Assessment Center
Fuels, Alternative	See Biofuels
General Services Administration (GSA)	
Emergency Lodging Services	241
Exchange/Sale Authority	240
Funding for HAZMAT Teams.....	290
GSA Schedules	240
Proceeds of Sale Returned to Agency.....	240
Short Term Rentals	241
Support provided by.....	241
Geographic Boundaries.....	35
Geographic Information Systems (GIS)	201

ERMA® by NOAA	201
GeoViewer by U.S. EPA	201
Geographic Response Plans (GRP)	
Different definitions of	220
Versus Geographic Response Strategies	220
Government Policy and Response	302
GSA.....	See General Services Administration (GSA)
Guidance	
National Response Team (NRT).....	315
U.S. Coast Guard	315
U.S. Code.....	315
U.S. Code of Federal Regulations.....	315
U.S. Environmental Protection Agency.....	315
Hazardous Materials	267
California, response in	303
Chemical Emergencies, ATSDR guidance	311
Chemical Hazards Response Information System (CHRIS)	311
Classified Spaces Needed	305
Code of Federal Regulations.....	310
Definition	318
Emergency Preparedness Training and Tools for Responders	312
Equipment	
California	303
Environmental Response Team, EPA.....	221
Federal Disposal of	197, 198
Laboratory analysis of.....	302
Merck Index	311
NIOSH Pocket Guide to Chemical Hazards	311
Operations	283
Planning	301
Reference Material.....	310
Reimbursement to Local Governments	308
Routine Response.....	267
Scientific Support.....	302
State Agencies.....	269
Statutory Authority	267
ToxFAQs™ by ATSDR	311
Hazardous Materials Response Special Teams Capabilities and Contact Handbook.....	306

Hazardous Substance Superfund Trust Fund.....	See Finance: CERCLA a.k.a. Superfund
Hazardous Substances.....	See Hazardous Materials
Definition	318
Federal reporting standards for spills.....	121
Hazardous Waste Operations and Emergency Response Standard	See HAZWOPER
HAZWOPER, Hazardous Waste Operations and Emergency Response standard.....	108
Training.....	108
Training free to federal employees	109
Hidden text.....	32
Historic Preservation Officer (HPO)	See Legislation, federal: National Historic...
Historic Properties	See Legislation, federal: National Historic...
Homeland Security Presidential Directive	
HSPD-5 Incident Command System	49
HSPD-8 All-Hazards Preparedness Goal.....	256
HSPD-9 Defends agriculture and food systems.....	256
How Clean Is Clean?	63
Hyperlinks.....	30
Incident Command System	49
Form 202-CG “Incident Objectives”	104
Forms, USCG-specific.....	50
Incident Action Plan (IAP)	105
Incident Action Plan (IAP), sample	50
Incident Management Handbooks (IMH).....	51
Multi-Agency Coordination System (MACS).....	50
California Statewide Multi-Agency Coordination System Guide	51
Objectives	104
On-the-Job Training for USCG Personnel.....	51
Operational Period	105
Priorities.....	104
Training.....	51
Incident Management Handbooks (IMH).....	See Incident Command System, Incident Management Handbooks
Incident Management Software System (IMSS)	200
Incident of National Significance	318
Incident Specific Preparedness Review (ISPR).....	205
Information-Management Plans.....	203
Information-sharing agreement.....	See Information-Management Plan
In-Situ Burning	See Applied Response Technologies (ART)

Intelligence Officer	115, 286
Interagency Domestic Terrorism Concept of Operations Plan (CONPLAN)	272, 275
International Maritime Organization (IMO)	163
Interstate (Transboundary) Spills.....	40
Intertidal/Tidal Seal Boom.....	128
<i>Intervention on the High Seas Act of 1974</i>	See Legislation, federal
Investigations	72
Investigations Officer (IO).....	73
Marine Casualties.....	73
Oil Spills	74
Jetsam.....	80
Job Aids	
Characteristic Coastal Habitats	126
Choosing Spill Response Strategies.....	126
Shoreline Countermeasures Manuals.....	127
USCG Liaison Manual and Liaison Officer Job Aid.....	114
Joint Field Office (JFO)	256
Joint Information Center (JIC).....	See Public Information Officer
Jones Act.....	40
Jurisdictional Boundary, EPA-USCG.....	35
Laboratory Assistance and Resources	302
Law Enforcement	
As a Cooperating Agency	317
Dedicated Private Space for.....	305
Deputy OSC for Law Enforcement and Investigation	283
FBI Jurisdiction.....	268
Investigations	283
Protection for Responders.....	281
Site Security	232
Terrorism Incident and Investigation Annex to the NRF	284
Laws.....	See Legislation
Legal Officer	114
Legislation, California	
Coastal Act of 1976	41
Fish and Game Code.....	34
Government Code	34
Harbors and Navigation Code.....	34
Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (OSPR) .	34, 169, 208

Porter-Cologne Water Quality Control Act	34
Public Resources Code	34
Water Code	34
Legislation, federal	
Abandoned Barge Act of 1992, 45 USC 4701	178
Civil penalties	178
Clean Water Act or CERCLA Removal Preferred	178
Commandant Approval Required for Removal	179
Criteria for Abandoned Barge Act Removal	178
Potential Case for Reimbursement.....	179
Removal	178
Atomic Energy Act of 1954.....	277
Bald and Golden Eagle Protection Act (BGEPA)	84, 174
Clean Air Act of 1963 (CAA).....	75
Clean Water Act of 1966 (CWA)	78
Cleanup Orders under	78
Coastal Zone Management Act of 1972 (CZMA)	81
Comprehensive Environ. Response, Compensation & Liability Act (CERCLA)	78, 273
Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA)	89, 304
Endangered Species Act of 1973 (ESA).....	82, 171, 172
Consultation	217
Emergency Consultation	218
MOA re Oil Spill Planning	218
Pre-Planning Process	217
Federal Water Pollution Control Act (FWPCA).....	75
Hazardous and Solid Waste Amendments of 1984.....	192
<i>Intervention on the High Seas Act of 1974</i>	81
Jones Act.....	40
Magnuson-Stevens Fishery Conservation Act of 1976 (MSA)	83, 170
Marine Debris Act of 2012	79, 182
Marine Mammal Protection Act (MMPA)	84, 171
Marine Protection, Research, and Sanctuaries Act (MPRSA).....	179
Migratory Bird Treaty Act of 1918 (MBTA)	84, 172
National Historic Preservation Act (NHPA).....	85
Documenting Actions that Resulted in Injury to Historic Properties	86
FOSC/OSC Checklist for California.....	86
Historic Preservation Officer (HPO)	115
Historic Properties Specialist Checklist.....	86
Historic Properties Technical Advisory Group (HPTAG).....	116
Implementation Guidelines, EPA Region IX.....	86
Programmatic Agreement	

National.....	85
Region IX.....	86
State Historic Preservation Officer (SHPO)	116
Training.....	88
Tribal Historic and Cultural Resources.....	87
National Marine Sanctuaries Act (NMSA).....	84
Occupational Safety and Health Act of 1970	90
Oil Pollution Act of 1990 (OPA-90).....	76, 244
Claims Against the Responsible Party	244
Damages Described	244
Full Text.....	76
Limits to RP Liability	245
Oil Spill Liability Trust Fund (OSLTF).....	76
Claims Against.....	249
Cost Recovery	262
Documentation, requirements	262
Federal access to	247
Limits of Liability	77
State access to	248
Trustee access to	249
Polluter-Pays System	244
Reimbursements to local Government.....	251
Outer Continental Shelf Lands Act (OCSLA) of 1958.....	41
Outer Continental Shelf Lands Act of 1953	88
Ports and Waterways Safety Act of 1972	88
Refuse Act.....	80
Resource Conservation and Recovery Act (RCRA).....	192, 194, 305
RCRA and Superfund Hotline	81
Rivers and Harbors Act.....	79
Bridges and Causeways	79
Excavation Permits	79
Robert T. Stafford Disaster Relief and Emergency Assistance Act	256
Security and Accountability for Every Port Act of 2006 (SAFE)	88
Solid Waste Disposal Act	192
Submerged Lands Act (SLA) of 1957	41
Superfund.....	See Legislation, federal:Comprehensive...
Superfund Amendments and Reauthorization Act (SARA)	304
Sustainable Fisheries Act.....	170
Used Oil Recycling Act of 1980.....	192
Letter of Designation	205
Liaison Officer (LOFR)	See Command Staff
Liquefied Natural Gas and Liquefied Petroleum Gas.....	184

Differences between LNG & LPG.....	184
Liquefied Gas Carrier National Centers of Expertise (LGCNCOE)	186
LNG	See Liquefied Natural Gas and Liquefied Petroleum Gas
Local Emergency Planning Committees (LEPC)	42
Local Government On-Scene Coordinator (LGOSC).....	102
Local Government Reimbursement	See Finance
Logistics Section	231
Logistics Section Chief (LSC)	231
Service Branch	232
Support Branch	232
Long-Term Cleanup, transition to.....	304
LPG	See Liquefied Natural Gas and Liquefied Petroleum Gas
Maps, Topographic	201
Marine Casualty, Investigations.....	73
Marine Debris	See Legislation, federal, See Legislation, federal
Definition	182
Japan Tsunami Marine Debris Concept of Operations	80
Pollution threat from	80
Marine Environ. Response and Preparedness Manual (MERMAN)	75, 177, 178, 204, 205
Marine firefighting.....	See Firefighting, marine
Marine Mammals and Whales	
Marine Mammal Protection Act	84
Oil Spill Guidelines.....	175
Stranding Contacts	175
Strandings Occur Seasonally	175
Unusual Mortality Event (UME)	175
Marine Pollution Surveillance Reports	222
Marine Safety Lab.....	See U.S. Coast Guard
Maritime Transportation System Recovery Unit (MTSRU)	206
Mechanical Recovery.....	137
Ambient Water, Low-Pressure Flushing.....	150
Flooding (Simulated Tidal Washing).....	149
Flushing Tactics	148
Hot Water, Moderate-Pressure Washing	152
Removing and Replacing Sediment.....	146
Removing Oiled Debris	142
Removing Oiled Sediment.....	144
Reworking Oiled Sediment.....	145

Shoreline Cleanup Assessment Technique (SCAT)	142
Subsurface Oils	147
Surface-Washing Agents (SWA).....	142
Vegetation Cutting	140
Warm Water Washing, Moderate-Pressure	151
Mexico	
Funds for Assistance to/from	245
Joint Plan for Response to... Spills in the Inland Border Area	38
Oil Spills on the Inland Border	38
Oil Spills on the Maritime Border, MEXUS Plan and MEXUSPAC Annex	37, 38
Response vessels, use of	39
MEXUS Plan	See Mexico, Oil Spills
MEXUSPAC Annex	See Mexico, Oil Spills
Microplastics.....	319
Migratory Bird Treaty Act	See Legislation, federal
Mission Assignments from FEMA	260
Reimbursements for	278
MOU/MOA/IAA	
California Marine Mammal Stranding Network & Oiled Wildlife Care Network	175
Collaboration on Compliance Assistance, Compliance Monitoring, and Enforcement of Vessel General Permit Requirements on Vessels	196
Designating California Department of Fish and Wildlife as Primary Contact for Fish and Wildlife Issues in the Event of Oil or Toxic Substances Spills	61, 172
Handling and Transporting Waste from Oil Spills	192
Incidental Discharge of Wastewater During Response	196
Management of the California Coastal National Monument.....	70
Management of the California Islands Wildlife Sanctuary.....	71
Managing Unaffiliated Volunteers	202
Mitigation of Damage to the Public Health or Welfare Caused by a Discharge of a Hazardous Substance	211
Oil Spill Planning and Response under the NCP and the Endangered Species Act.....	218, 262
Oil Spill Planning under the NCP and the Endangered Species Act	217
Outer Continental Shelf	75
USCG to Access SUPERFUND to Support USCG Implementation of CERCLA	249
Use of the Oil Spill Liability Trust Fund	247
Worker Protection during Hazardous Waste Site Investigations and Clean-up and Hazardous Substance Emergencies.....	292
National Contingency Plan (NCP).....	53, 263

Subpart J, Product Schedule	160, 162
National Incident Management System (NIMS)	49
National Maintenance Contract (NMC).....	235
National Oceanic and Atmospheric Administration (NOAA)	
Marine Mammal Strandings	175
National Pipeline Mapping System (NPMS).....	183
National Planning System.....	53
National Pollutant Discharge Elimination System (NPDES) permits	190
National Pollution Funds Center (NPFC)	203
Case Managers, contact	246
Claims Manager, contact	247
Role of.....	246
User Reference Guide (eURG)	250
National Preparedness for Response Exercise Program (PREP).....	53
Guidelines booklet	53
National Preparedness Goal.....	53
National Preparedness System.....	52
National Response Center, Subscribing to spill reports.....	121
National Response Framework (NRF).....	43, 44
National Response System.....	43
National Response Team (NRT).....	45
Activating.....	46
Member Agencies	45
Outreach materials	45
National Strike Force	288
National Strike Force Coordination Center (NSFCC)	235
National Transportation Safety Board (NTSB)	73
Native American Heritage Commission (NAHC), California.....	87
Native Americans.....	See Tribes
Natural Resource Damage Assessment (NRDA)	64
Natural Resource Trustees	See Trustees
Nautical Charts, online viewer.....	201
Nautical miles vs. Statute miles	200
Net Environmental Benefit Analysis (NEBA).....	62
Nevada	
Abandoned Vessels.....	180
Authorities.....	34
Department of Public Safety Emergency Management Division (NDEM).....	102

Hazardous Materials Emergency Response Plan.....	102, 271, 272
Petroleum Fund	254
Seafood Safety	215
State Comprehensive Emergency Management Plan (SCEMP)	122
State On-Scene Coordinator	102
Wildlife Response	170
Nonfloating Oils.....	134
California, refining of.....	134
California, OSRO Classification Program	134
Dredging	137
Heavy Oil Spills: Out of Sight, Out of Mind, technical paper.....	135
Manual Removal	136
Recovery Methods	135
Seabed, Oil on the	136
Submerged Oil Working Group.....	134
Submersible Pump/Vacuum Systems	137
USCG OSRO Classification Program, Complete Guidelines, June 2019	134
Notice of Designation of Source	265
Notice of Federal Assumption	205, 264
Notice of Federal Interest.....	205, 264
Notices to Responsible Party Required.....	263
Administrative Orders	266
Notice of Designation of Source	265
Notice of Federal Assumption	264
Notices of Federal Interest	264
Notifications.....	121, 274
California	122
Downstream Notifications of River Spills	121
Notices to Responsible Party Required.....	263
NPREP	See National Preparedness for Response Exercise Program
NRDA	See Natural Resource Damage Assessment
Nuclear Regulatory Commission (NRC)	277
Nurdles	See Microplastics in the Glossary
Nutrient Enhancement	See Bioremediation
Objectives	104
Objectives Meeting, Unified Command	105
Occupational Medical Surveillance and Evaluation Program	164
Occupational Safety and Health Administration	292

Oil

Federal Disposal of	192
Recovering	
Floating Oil	127
Nonfloating Oil	134
Sampling	223
Assistance and resources	302
Waste Management	191
Oil and Chemical Incident Annex	279
Oil Pollution Act of 1990 (OPA-90)	See Legislation, federal
Oil Sands	See Diluted Bitumen
Oil Spill	
Alternative Response Tool Evaluation System (ARTES)	127
Cleanup Agents (OSCA)	
Exception to Licensing Requirement	159
Licensing for use in California	159
RRT Approval Required	160
Contingency Plans	
Area Contingency Plans (ACP)	54
California State	60
National Contingency Plan (NCP)	53
Regional Contingency Plan (RCP)	53
Federal reporting standards	121
Removal Organization (OSRO)	235, 319
Classification Program	235
Response	
Countermeasures, Selection Guide	127
Equipment	
Required to be “clean”	235
Sources of	235
Tactics	125
Beaches, Sea Walls, etc.	138
Floating Oil	127
Flushing	148
Marshes	153
Nonfloating Oil	134
On-Water Recovery	130
Oil Spill Liability Trust Fund (OSLTF)	See Legislation, federal: Oil Pollution...
Oil Spill Response Trust Fund (OSRTF), California	253
OILMAP by the RPS Group	222
OIRA	See Radiological Incidents, Office of Radiation and Indoor Air
Operational Period	105

Operations Section Chief (OSC).....	120, 133, 283, 292
Deputy Operations Section Chiefs.....	120
Deputy OSC for Law Enforcement and Investigation.....	283
Deputy OSC for Maritime Security	283
Deputy OSC for Response and Recovery	283
Priorities, acting on	105
Outer Continental Shelf Lands Act.....	See Legislation, federal
Patient Decontamination in a Mass Chemical Exposure Incident	303
Permits	
Bald and Golden Eagle Protection Act	84
California Regional Water Resources Control Boards	190
Falconry, Scientific Collecting, Taxidermy	174
Federal Permits, Where to get.....	175
Marine Mammal Protection Act	84
National Pollutant Discharge Elimination System program	190
Ocean dumping	179
Oil and Hazardous Materials Spills, Activities	173
Wildlife Deterrence, Capture, and Treatment	168
Wildlife, California	170
Wildlife, Handling of	61
Personal Protective Equipment (PPE)	108
Personnel.....	See Special Teams
California	234
Federal.....	234
National Weather Service	224
Spill Responders	233
USCG, Requests for Forces	234
Petroleum Pipelines	See Pipelines, Petroleum
PHMSA.....	See U.S. Department of Transportation:Pipeline and Hazardous Materials Safety Administration (PHMSA)
Pipeline and Hazardous Materials Safety Administration (PHMSA)...	See U.S. Department of Transportation
Pipelines, Petroleum	183
Places of Refuge	313
Unit	207
Planning Section Organization	199
Plans	
California Oil Spill Contingency Plan	60

Regional Contingency Plan.....	53
Regional Emergency Coordination Plans	104
Wildlife Response Plan, California.....	169
Pollution Control Legislation.....	75
Pollution Removal Funding Authorization (PRFA)	261, See Finance
ESA-7 consultations.....	262
NOAA Scientific Support Coordinator, funding	262
State access to the OSLTF using PRFAs	310
POLREPs	See SITREPs and POLREPs
PPE.....	See Personal Protective Equipment
PREP	See National Preparedness for Response Exercise Program
Pre-production plastics.....	See Microplastics in the Glossary
Presidential Disaster Declaration	260
Priorities	104
Oil Spills	105
Protection Priorities	105
Public Affairs	See Command Staff, Public Information Officer
Public Health	
Air, water and plume monitoring.....	210
Beach closure	212
Issues for the Unified Command	211
MOU between USCG and US EPA.....	211
Public Health Assessment Unit.....	212
Rescue or provision of medical care to victims	168
Translating Health Messages	211
Public Information Officer (PIO).....	See Command Staff
Radiological Incidents	292
Coast Guard Jurisdiction as Coordinating Agency	292
Enforcement Actions	300
Federal Lands.....	299
International Coordination	300
Methods of Notification	294
Nuclear Power Plants	274
Office of Radiation and Indoor Air (ORIA), EPA.....	274, 275, 289, 298, 301
Passive Radiation Detection	294
Radiological Emergency Response Mission, EPA	297
Radiological Emergency Response Plan	
EPA RERP	298

Federal RERP.....	297
Radiological Waste	296
Special Teams	301
Railroad Accident Prevention and Immediate Deployment Force (RAPID).....	101
Railroad Incidents, Emergency Responder Training and Education	312
Record of Changes	9
Refuse Act.....	See Legislation, federal
Regional Contingency Plan (RCP)	53
Purpose.....	27
Revisions and Updates	27
Update Schedule	30
Regional Emergency Transportation Representative (RETREP)	See U.S. Department of Transportation
Regional Response Team (RRT)	47
Activating.....	47
Approval Process	47
Approval Required	
Applied Response Technologies	160
Bioremediation Agents	161
Bioremediation/Nutrient Enhancement	165
Dispersants	161
In-Situ Burning.....	164
Miscellaneous Oil Spill Control Agents	162
Soil Washing	161
Solidifiers.....	161
Surface-Collecting/Herding Agents.....	162
Surface-Washing Agents	142, 162
Executive Steering Committee	48
Member Agencies	47
Policies re Staffing the Unified Command	117
Policy re Applied Response Technologies	157
Support to the FOSC/OSC	106
Tribal Membership.....	48
Web site, https://www.nrt.org/rrtix	31
Remedial Project Manager.....	99
Remediation of Undersea Legacy Environmental Threats (RULET).....	183
Remote Sensing	227
Reports from the Unified Command.....	204
<i>Research Request Form, Enclosure 2460</i>	114
Resource Unit.....	202

Response Assets.....	See section 7400 in the ACP
Response Information Sharing.....	204
Response Resources Inventory (RRI).....	235
Response System Planning Calculators	125
Response System Planning Tools	
All the tools combined.....	126
In-situ burning.....	125
Mechanical recovery	125
Surface-applied dispersants	126
Response Tactics.....	See Oil Spill Response Tactics
Responsible Party On-Scene Coordinator (RPOSC)	102
Revision cycle, Regional Contingency Plan (RCP).....	27
Rivers and Harbors Act.....	See Legislation, federal
Robert T. Stafford Disaster Relief and Emergency Assistance Act	See Legislation, federal
SAFE Port Act	See Legislation, federal
Safety Officer (SOFR)	See Command Staff
Safety Zones.....	88
Permanent, in U.S. Coast Pilot.....	88
Salvage and Marine Firefighting, Scuttling and Ocean Dumping.....	179
Salvage Response Plan	313
Scientific Support Coordinator (SSC)	
NOAA	291
US EPA.....	221
Scrubbers used with High-Sulfur Fuel Oil.....	190
Seafood Safety	
Arizona.....	213
California	213
Enclosure 4100: Seafood Safety in California Waters	213
Fisheries Closure Coordinator (FCC)	215
Public Affairs Guidance.....	214
Reopening the Fishery & Seeking Reimbursement	215
Seafood Safety Expert, contact info.....	213
Federal Waters	215
Fisheries Closure Process	216
Notification and Determination of the Threat to Public Health.....	216
Post-Closure Risk Assessment.....	216
Re-Opening or Maintaining Federal Fisheries Closures.....	216
Seafood Monitoring Following a Federal Fisheries Closure	216
Nevada	215

Seafood Tainting	See Seafood Safety
Seals	See Marine Mammals and Whales
Search and Rescue (SAR)	283
FOSC, role of	92
Security Zones	88
Permanent, in U.S. Coast Pilot.....	88
Sensitive Site.....	319
Sewage Spills	190
Shore Infrastructure Logistics Center (SILC)	
Contracting Officers.....	238, 246
Shoreline	
Degree of oiling of a shoreline, how to determine.....	154
Shoreline Assessment Manual, NOAA.....	142
Shoreline Cleanup Assessment Technique (SCAT)	142
Shoreline Countermeasures Manuals.....	127
Shoreline-Cleanup Agents	158
Sinking agents, prohibited	161
Site Safety Plan (ICS-208).....	See Command Staff, Safety Officer
Site Security	232
Situation Unit.....	199
Situation/Pollution Reports (SITREP/POLREP).....	204
SMART.....	See Applied Response Technologies (ART): Dispersants: Special Monitoring
Soil Washing	161
Special Monitoring of Applied Response Technologies ..	See Applied Response Technologies (ART): Dispersants: Special Monitoring
Special Teams	
Civil Support Team	
California	287
Hazardous Materials Response	233
HAZMAT	287
National Strike Force	288
Radiological	301
Strike Teams, USCG.....	288
Spills of National Significance	44
NRT-RRT Coordination During	44
Spot Forecast Request.....	224
Staffing Policies, RRT9	117
Applied Response Technology Lead Technical Specialist	119

Environmental Unit Leader.....	118
Historic and Cultural Resource Professionals.....	118
Liaison Officer	118
Operations Section Chief and Deputies	118
Planning Section Chief and Deputies	118
Resources-at-Risk Technical Specialist.....	119
Shoreline Cleanup Assessment Technique Coordinator.....	119
Unified Command Positions	117
Wildlife Branch Director and Deputy.....	118
Stafford Act.....	See Legislation, federal: Robert T. Stafford
Stakeholder	320
State Historic Preservation Officer (SHPO)	See Legislation, federal: National Historic...
State Territorial Limit	41
State Water Resources Control Board (SWRCB).....	190
Statute miles vs. Nautical miles	200
Strike Teams, USCG.....	288
Submerged oil	See Nonfloating Oil
Suiter-Makris Memo	259
Sunken oil	See Nonfloating
Superfund.....	See Finance: CERCLA a.k.a. Superfund
Surface-Washing Agents	See Applied Response Technologies
Technical Specialists (THSP)	199
Central and Northern California Ocean Observing System.....	225
Chemical Experts and Professional Organizations	235
Technical Support	220
Contractors, EPA	95
Data Collection, Coordinating	158
EPA	234
Forensic oil analysis.....	223
Interagency Agreements (IAG).....	251
National Response Team (NRT).....	45
NOAA	64
State Water Resource Control Board (SWRCB)	59
Terrorist (Radiological) Incidents.....	277
Trajectory Analysis Planner (TAP)	222
Weather forecasts.....	223, 224
Weather Forecasts	224
Temporary Flight Restrictions	See Air Operations Branch

Territorial Sea	41
Terrorism.....	284, 285
Terrorism Incident Law Enforcement and Investigation Annex to the NRF.....	284
Threatened and Endangered Species, lists	228
TRAINEX web site, by U.S. EPA	109
Trains	
Crude by Rail and route maps.....	184
Trajectory Analysis Planner (TAP)	222
Transboundary (Interstate) Spills.....	40
Transboundary Oil Spills	See Mexico, Oil Spills
Trenching and Recovery Wells.....	147
Tribes	
EPA Consultation Policy	72
Federally-recognized, list of	87
Preserving Native American Cultural Resources	87
State-recognized, list of	87
Support to the FOSC/OSC	104
Tribal Experts.....	235
Tribal Trustees	72
Trustees, Natural Resource Trustees.....	65
Arizona.....	71
California	71
Federal.....	67
Foreign	72
Lead Administrative Trustee.....	65
Nevada	71
Responsibilities of.....	65
State.....	71
Tribal.....	72
U.S. Department of the Interior	69
U.S. Chemical Safety Board (CSB).....	73
U.S. Coast Guard	
Authorities.....	33
Basic Ordering Agreement (BOA)	237
Correspondence.....	205
Jurisdictional Boundary	35
Map	36
Review 2020	35

Marine Safety Lab.....	223
U.S. Department of Commerce	
National Oceanographic and Atmospheric Administration (NOAA)	
Environmental Response Management Application (ERMA®)	36
Essential Fish Habitat	83
Marine Debris Program.....	79
Marine Pollution Surveillance Reports	222
National Marine Sanctuaries Act (NMSA).....	84
Oil Spill Response Tactics	126
U.S. Department of Defense	
As On-Scene Coordinator	97
Nuclear Incidents	300
Radiological Incidents	293
U.S. Army	
Army Corps of Engineers	
Abandoned vessels.....	182
Removal of Hazards to Navigation.....	177
U.S. Navy	
Supervisor of Salvage (SUPSALV).....	235
U.S. Department of Homeland Security	
Federal Emergency Management Agency ... <i>See</i> Federal Emergency Management Agency	
Homeland Security Presidential Security Directive-5	49
Homeland Security Presidential Security Directive-8	256
Homeland Security Presidential Security Directive-9	256
U.S. Coast Guard	<i>See</i> U.S. Coast Guard
U.S. Department of the Interior	87
Agencies.....	69
Bureau of Land Management (BLM)	41
Fish and Wildlife Service.....	69, 168
National Park Service	70
Notifying Tribes.....	72
Office of Environmental Policy and Compliance	48
U.S. Department of Transportation	
Emergency Response Guidebook	312
Federal Railroad Administration (FRA)	184
Maritime Administration (MARAD).....	39, 206
Pipeline and Hazardous Materials Safety Administration (PHMSA).....	183
National Pipeline Mapping System (NPMS).....	183
Regional Emergency Transportation Representative (RETREP).....	291
U.S. Environmental Protection Agency (EPA)	

Authorities.....	34
Coordination with other Federal Agencies	277
Environmental Response Team	221, 288
Jurisdictional Boundary	35
Map	36
Review 2020	35
National Decontamination Team (NDT)	289
Notification and Activation.....	274
OSC Blue Book.....	312
OSC May Approve Up to \$200K.....	275
Radiological Capabilities	276
Radiological Emergency Response Team (RERT).....	289
Requests for Assistance & Response Assets	277
Scientific Support Coordinator	221
Ultra-Low Sulfur Fuel oil (ULSFO)	190
Underflow Dams	129
Unified Command	
Federal On-Scene Coordinator (FOSC/OSC).....	92
Local Government On-Scene Coordinator (LGOSC).....	92, 102
Membership for HAZMAT incidents	280
Objectives Meeting	105
Responsible Party On-Scene Coordinator (RPOSC)	92, 102
State On-Scene Coordinator (SOSC).....	92
Terror incidents	285
Tie Breaking.....	93
Unmanned Aerial Vehicles	See Unmanned Aircraft Systems
Unmanned Aircraft Systems	227
Activity Directed Against the USCG.....	167
Aerial Video Platforms (AVP).....	166
FAA Regulations	166
Reasonable Suspicion Required to Examine Images.....	167
Reporting Near Mid-Air Collisions	167
State and Local Regulations.....	166
U.S. FWS Policy in Wildlife Refuges	168
Vegetation Cutting, Nearshore.....	142
Vessel Response Plans (VRP)	
Non-Tank Vessels	123
Tank Vessels	123

Volunteers	
Area Contingency Plans.....	202
National MOU	202
National Response Team guidance	202
Waste Management.....	191
Biological Waste and Biological WMD	306
California	191
Characterizing Recovered Petroleum and Debris	194
Decanting	195
Disposal.....	305
EPA’s Lessons Learned from Deepwater Horizon.....	191
Federal Disposal of Oil	192
Homeland Security Incidents	191
Incidental Discharge of Wastewater	196
Incidental Discharges, EPA’s Vessel General Permits for	196
Initial Treatment.....	193
MOA with State Water Resources Control Board re Incidental Discharge.....	196
Nevada Bureau of Waste Management.....	192
Option for Homeland Security Incidents	191
Plan for Waste Management, Sample	198
Radiological Waste	296
Separating Oil from Water	195
Temporary Storage of Oiled Waste	193
Transporting Recovered Petroleum	194
Waste and Cleanup Topics.....	191
Waters of the United States (WOTUS).....	78
Waves	
Coastal Data Information Program (CDIP)	225
Weapons of Mass Destruction (WMD)	280
Biological agents, disposal of	306
Determinations to be made	281
Priorities and Objectives	282
Unified Command.....	280
USCG References	282
Weather	
Atmospheric Hazards Predictions.....	225
Forecasts	223
Marine Weather Information	225

NWS Technical Support	224
Special (Spot) Forecasts.....	224
Western Response Resource List (WRRL)..See Worldwide Response Resource List (WRRL)	
Whales.....	See Marine Mammals and Whales
Wildlife	
Birds, Avoiding and Minimizing Impacts to	174
Branch Director, Site Safety Plan	169
Deterrence, Capture, and Treatment	168
Endangered Species, Federal Protection of	172
Permits, Federal	173, 175
State Wildlife Permits, California.....	170
Wildlife Response Plan, California.....	169
Wildlife Response, Nevada.....	170
Worker Health and Safety.....	90, 108
Worldwide Response Resource List (WRRL).....	236
Worst Case Discharge (WCD).....	124
Wrack.....	80
Wrecks	See Abandoned vessels
Marking and Removal.....	182

Inside back cover.

Regional Contingency Plan

for Oil & Hazardous Materials Spills

National Response Center Report terrorism or spills of any kind	(800) 424-8802 24x7 (202) 267-2675 24x7 nrc@uscg.mil non-emergency only https://nrc.uscg.mil/
U.S. EPA, Region IX, Duty Officer	(800) 300-2193 24x7 r9_rrc@epa.gov
U.S. Coast Guard, PACAREA/ Eleventh District, Duty Officer	(510) 437-3701 24x7 RCCAlameda1@uscg.mil
Arizona	(800) 234-5677 24x7
California	(800) 852-7550 24x7
Nevada	(888) 331-6337 24x7
Regional Response Team IX Coastal Zone U.S. Coast Guard	https://www.nrt.org/rrtix susan.e.krala@uscg.mil (510) 437-2794 office
Regional Response Team IX	https://www.nrt.org/rrtix

Inland Zone

jones.bill@epa.gov

U.S. EPA

(619) 806-6737 cell