

Maryland-National Capital Region Area Contingency Plan (MNCR-ACP)



2021.3

Record of Changes

Change Number	Change Description	Section Number	Change Date	Name
1	Worst Case Discharge Matrix added.	9402	08MAR2023	LT Kristopher Wrieden
2	Incorporated ESA Section 7 consultation information.	4802	08MAR2023	LT Kristopher Wrieden
3	Updated and verify hyperlinks	3200	08MAR2023	LT Kristopher Wrieden
4	Significant Spill History table added.	9401	08MAR2023	LT Kristopher Wrieden
5	RRT3 ESA/EFH Biological Evaluation Guidance and Form included.	4802/ appendix 9	08MAR2023	LT Kristopher Wrieden
6	Incorporated list of NMFS and USFWS Threatened and Endangered Species	4603-4604	08MAR2023	LT Kristopher Wrieden
7	Updated formatting throughout document	Full document	10JUL2023	LT Kristopher Wrieden
8	Added Section 8000 Marine Firefighting	8000	10JUL2023	LT Kristopher Wrieden
10	Removed reference to terrorism annex	1001	21JUL2023	LT Kristopher Wrieden
11	Converted to ACP New Framework	All	1MAY26	MSTCS Allie Lee
12	Removed Pre-Authorization of Dispersants and add new RRT3 Chemical and Biological Countermeasures Use Protocol	Section 4210/7100	1MAY26	MSTCS Allie Lee
13	Removed Biological Incident Annex	Annex 1	1MAY26	MSTCS Allie Lee
14	Removed Catastrophic Incident Annex	Annex 2	1May26	MSTCS Allie Lee
15	Added Fish and Wildlife Annex	Annex C	1MAY26	MSTCS Allie Lee
16	Added the Risk Analysis/Profiles Annex	Annex B	1MAY26	MSTCS Allie Lee
17	Added the GRS Validation Process and List Annex	Annex CC	1MAY26	MSTCS Allie Lee

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1000 General and Administrative Items

1100 Introduction

The Maryland-National Capital Region Area Contingency Plan (MNCR-ACP) describes the strategy for a coordinated federal, state, tribal, and local response to a discharge or substantial threat of discharge of oil, or a release or substantial threat of release of hazardous substance(s), within the boundaries of the Maryland-National Capital Region.

This Area Contingency Plan (ACP) shall be used as a framework to evaluate shortfalls and weaknesses in the response structure before an incident and as a guide for reviewing Vessel Response Plans (VRPs) and Facility Response Plans (FRPs) required by the [Oil Pollution Act \(OPA\) of 1990, 33 U.S.C § 2701 et seq.](#) VRPs and FRPs should be consistent with this ACP and address, among other things, the economically and environmentally sensitive areas within the geographic area, the response equipment (quantity and type) available within the area (this includes federal, state, and local government and industry owned equipment); response personnel available; equipment and personnel needs compared to those available, and protection strategies. This ACP is written in conjunction with OPA, the National Oil and Hazardous Substances Pollution Contingency Plan ([NCP, 40 C.F.R. Part 300](#)) and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ([CERCLA, 42 U.S.C. § 9601 et seq.](#)). As such, when implemented in conjunction with other provisions of the NCP, this ACP should be adequate to remove a worst case discharge under [§ 300.324](#), and to mitigate or prevent a substantial threat of such a discharge, from a vessel, offshore facility, or onshore facility operating in or near the area.

** Note: All specific contacts applicable to this ACP have been combined into one "all inclusive" contact spreadsheet located in [Annex AA](#).*

1110 Authority

ACPs are required by OPA, 33 U.S.C.1321 (j), to address the development of a national planning and response system. Area Committees have been established for each area of the United States that has been designated by the President. The Area Committees are comprised of personnel from federal and state agencies that coordinate response actions with tribal and local governments and with the private sector. Area Committees, under the coordinated direction of the Federal On-Scene Coordinator (FOSC), are responsible for developing ACPs for their respective designated areas. Area Committees are also required to work with the response community to develop procedures to expedite decisions for the use of alternative response technologies.

1200 Purpose

The purpose of this ACP is:

- To provide effective implementation of response actions to protect people, natural resources, and property of the coastal zone covered by this plan from the impacts of an oil discharge, substantial threat of discharge of oil, a release of hazardous substance, or substantial threat of a release of a hazardous substance, including Weapons of Mass Destruction (WMD).
- To promote coordination and strategy for a unified and coordinated federal, state, tribal, local, potential responsible party, response contractor, response cooperative, and community response.
- To provide guidance to all VRP and FRP reviewers and plan holders to ensure consistency with the MNCR-ACP.
- To provide guidance for responders.

Historically, the users of the ACP have been confronted with incidents that were caused by nature (hurricanes, floods, etc.) or from the unintentional actions of individuals (grounding, collision, etc.). In today's world, where terrorism is a greater reality, the intentional discharge of oil, release of a hazardous substance, biological agent, or radiation poses unique challenges to those who respond. Federal and state laws and regulations require oil spills, hazardous substance releases, or responses to WMDs be managed with a trained and competent response management organization that accommodates a unified command structure in recognition of federal, state, tribal, and local jurisdiction.

The MNCR-ACP is designed to ensure that the initial actions taken in response to a hazardous substance release, oil spill, radiological, or biological incident, that occurs within or threatens the designated coastal zone, are effectively managed from the start, and incorporate other agency plans and operating procedures as those agencies arrive on-scene. However, incidents are never identical and once initial actions have been taken, responders will assess the incident and tailor their strategies and tactics to match the reality of the situation. *As such, notwithstanding any statutory or regulatory requirements, this ACP outlines general response protocols for a notional incident (unknown date, time, location, and variables). This ACP is not intended to be a definitive step-by-step guide on all potential items necessary to mitigate any particular incident.*

1210 Document Organization

The MNCR-ACP provides guidance for the Area Committee, defines authorities and applicability, outlines plan maintenance and exercise requirements, and describes the overarching strategy for a coordinated multi-agency response to an oil discharge or hazardous substance release. Additionally, the MNCR-ACP contains an overview of the geographic response strategies ([GRSs](#))/[geographic response plans \(GRPs\)](#), and overview of the Fish and Wildlife and Sensitive Environments Plan in [Annex C](#), which encompasses the Environmental Annex information required by the [NCP](#). Additionally, the MNCR-ACP Annexes are described in the next section.

1220 Annexes

The MNCR-ACP Annexes contain Quick Response Cards (QRCs), checklists, and other necessary job aids and documents to assist emergency management preparedness specialists and response personnel; all items are “grab and go” for ease of use. Tables 1 & 2 listed below provide centralized lists of annexes to support personnel in planning for or responding to an oil discharge or hazardous substance release within the MNCR-ACP planning area. To maximize efficiency, all annexes are hyperlinked and incorporated by reference into this ACP.

1221 Scope

In the accompanying tables, you will find annexes developed and maintained by the Maryland- NCR Area Committee (MNCR-ACP). This list can expand or contract as necessary to meet the needs of local planners and responders.

Each annex in the table is hyperlinked to the Sector Maryland-NCR RRT3 site. If you encounter trouble using the links provided, it is recommended that you right-click on the link, edit hyperlink, and copy/paste the Uniform Resource Locator (URL) into your browser to access the website.

Table 1: List of Standard Annexes	
Annex	Title
Annex A	Master Hyperlinks Annex
Annex B	Risk Analysis/Risk Profiles Annex
Annex C	Fish and Wildlife Annex
Annex D	Hazardous Substance Response (under development)
Annex E	Marine Fire Fighting Annex
Annex F	Planning and Response Tools Annex
Annex G	Volunteer Management Plan
Annex H	Emergency Support Function 10 (ESF-10) Annex (under development)
Annex I	Ice Operations & Arctic/Cold Weather Response - Not Applicable
Annex J	Space Operations Annex Not Applicable
Annex K	Air Operations and UAS Support (under development)
Annex L	Unconventional Oil Response Annex - Not Applicable
Annex M	Tribal Annex
Annex N	Swift Water Operations -Not Applicable
Annex O	International Coordination - Not Applicable

Table 2: List of Area and Regional Annexes	
Annex	Title
Annex AA	Contact Spreadsheet
Annex BB	Charters
Annex CC	GRS Validation Process & List
Annex DD	Nuclear/Radiological Incident
Annex EE	Disposal Plan

1300 Area Committee

The Maryland-NCR Coastal Zone Area Committee (MNCR-AC) is a spill preparedness and planning body made up of federal, state, tribal, and local agency members, and with industry, and non-governmental organization representation. The MNCR-AC, under the direction of the USCG Maryland-National Capital Region Captain of the Port (COTP), is responsible for developing an ACP. The MNCR-AC is also responsible for working with state and local officials to plan for joint response efforts, including appropriate procedures for mechanical recovery, dispersant use, shoreline cleanup, protection of sensitive environmental areas, and protection, rescue, and rehabilitation of fisheries and wildlife. The MNCR-AC is also required to work with state and local officials to expedite decisions for the use of dispersants and other alternative response technologies. The MNCR-AC charter can be found in [Annex BB](#).

The geographical boundaries of this plan are defined in [Part 2000](#) of this document.

1310 Organization

The MNCR-AC is comprised of representatives from federal, state, and local governments as *appointed members* and *members-at-large* from non-governmental agencies, such as the maritime industry, wildlife rehabilitation organizations, and academia as advisors.

1311 Committee Chair and Vice-Chair

The USCG Sector Maryland-NCR COTP, as the predesignated Federal On-Scene Coordinator (FOSC), shall Chair the Area Committee (AC). There are three lead agencies for oil and hazardous substance incidents in the Maryland-NCR area of responsibility. A representative from the Maryland Department of Environment (MDE) is the lead state agency representative for marine spills incidents that enter or threaten to enter the coastal waters of Maryland. A representative from the Washington Department of Energy and the Environment (DOEE) is the lead state agency responsible for responding to marine spill incidents that enter or threaten to enter the coastal waters of Washington D.C. A representative from the Virginia Department of Environmental Quality (VA DEQ) is the lead state agency responsible for responding to marine spill incidents that enter or threaten to enter the coastal waters of Virginia. A representative from MDE shall serve as the Vice Chair.

1312 Executive Steering Committee (ESC)

The Executive Steering Committee (ESC) is the strategic decision-making body of the Area Committee and consists of Federal and State On-Scene Coordinators with statutory, decision-making authority and jurisdictional obligations during pollution preparedness and response efforts in the area and their key technical advisors. The ESC will provide goals and expectations to the Sub-committees and Working Groups, wherein it will be upon them to work with their counterparts to produce results and brief their status to the ESC as necessary. The ESC does not intend to conflict with or supersede the authorities and responsibilities of each On-Scene Coordinator. The MNCR-AC ESC charter can be found in [Annex BB](#).

The list of ESC members can be found in [Table 3](#) below.

Table 3: Executive Steering Committee (ESC)		
Personnel from the following entities serve on the ESC:		
1.	Federal	USCG Sector Maryland-NCR
2.	State	Maryland Department of the Environment (MDE)
		Virginia Department of Environmental Quality (VA DEQ)
		DC Department of the Environment (DDOE)

3.	Executive Secretary	USCG Sector Maryland-NCR Emergency Management and Force Readiness (EMFR)
4	Technical Advisors	National Oceanic and Atmospheric Administration (NOAA) - Scientific Support Coordinator (SSC)
		U.S. Department of the Interior (DOI) Regional Environmental Officer
		U.S. Fish and Wildlife Service (USFWS)
		Maryland Historical Trust

1313 Executive Secretary/Coordinator

The AC Coordinator from USCG Sector Maryland-NCR will coordinate with the Executive Steering Committee to prepare meeting agendas, schedules, and meeting notifications. The USCG will record, draft, and publish meeting summaries and attendance rosters and coordinate remote participation access for meeting attendance.

1314 Members and Members-at-Large

A list of MNCR-AC members can be found on [Table 4](#), and members-at-large on [Table 5](#) below. These lists will be maintained by the AC Coordinator.

Table 4: Area Committee Members		
Below is list of <i>appointed</i> Area Committee Members:		
1.	Federal	U.S. Army Corps of Engineers (USACE)
		U.S. Department of Commerce (DOC), National Oceanic and Atmospheric Administration (NOAA) - Scientific Support Coordinator (SSC)
		U.S. Department of the Interior (DOI)
		U.S. Fish and Wildlife Service (USFWS)
		U.S. Department of Agriculture (DOA)
		U.S. Environmental Protection Agency (EPA), Region III
		U.S. Department of the Army (DA)
		U.S. Department of Energy (DOE)
		National Park Service (NPS)
		U.S. Department of Justice (DOJ)
		U.S. Department of Labor (OSHA)
		Federal Bureau of Investigation (FBI), Environmental Crimes
		Federal Emergency Management Agency (FEMA)
		Federal Highway Administration (FHA)
		National Weather Service (NWS)
		General Services Administration (GSA)
U.S. Coast Guard		
2.	State	Delaware Department of Natural Resources and Environmental Control (DNREC)
		Virginia Department of Environmental Quality (VA DEQ)
		Maryland Department of the Environment (MDE)
		DC Department of the Environment (DDOE)
		Maryland Department of Natural Response (DNR)
		Maryland Department of Planning (MDP)
Maryland Port Administration (MPA)		

Table 4: Area Committee Members		
Below is list of <i>appointed</i> Area Committee Members:		
		Arundel County Fire Department (AACFD)
3.	Local	Annapolis Harbor Master
		Baltimore City Local Emergency Planning Committee (LEPC)
		Baltimore County Fire Department (BCFD)
		Baltimore Environmental Police
		District of Columbia Fire Department (DCFD)

Table 5: Area Committee Members-at-Large		
Below is a list of Area Committee <i>Members-at-Large</i> :		
1.	Consulting	Gallagher Marine Systems
		Witt O'Brien's
2.	Maritime	Orion Marine Group/Construction
		Signet Maritime Corp
		Valls Group (Vessel Agents)
3.	Wildlife Care Organization	National Aquarium
		Tri-State Bird Rescue & Research
4.	Salvage Companies	T&T Marine
5.	OSROs	Clean Harbors
		Accurate Marine Environmental
		HEPACO
		Marine Spill Response Corporation (MSRC)
		National Response Corporation (NRC)

1315 Subcommittees

Subcommittees are established to work on functional items pertaining to the AC. They are specifically tasked to complete assigned projects, tasks, and goals that are developed by the ESC. Working groups may be assigned under a functional subcommittee to complete tasks or large projects as necessary. The ESC may also establish temporary or ad-hoc subcommittees and working groups as needed. The four permanent functional subcommittees are:

- Risk Analysis
- Geographic Response Strategies
- Salvage and Marine Firefighting
- Training and Exercises

The MNCR-AC Subcommittee charters can be found in [Annex BB](#).

Note: Specific subcommittee tasks/priorities and projects will be maintained by the AC Coordinator.

1320 Mission Statement/Charter:

The mission of the MNCR-AC is to ensure the highest state of readiness of the spill response community. The MNCR-AC will strive to accomplish this by developing a comprehensive and useful ACP, preparing the response community through training and exercises, developing coordination

mechanisms to facilitate effective responses, and educating our stakeholders and the public. The MNCR-AC will function as an efficient organization for ensuring effective response to environmental threats in our area. The MNCR-AC will collaborate, sharing information and resources to produce the best possible plans and creative solutions to problems. The MNCR-AC will employ best available research and technology in both problem solving and decision-making. The MNCR-AC will learn from responses and activities, improve processes, and develop as individuals and as an organization.

The MNCR-AC charter can be found in [Annex BB](#).

1330 Meetings

AC meetings are open meetings. The USCG FOSC Chair shall attend/lead each meeting and provide an opportunity for participation by each regulatory member, each non-regulatory participant, and any public attendees, ensuring adherence to the agenda, maintaining order, and reviewing recommendations submitted to the ESC. In the absence of the FOSC, these duties shall be performed by the Sector Maryland-NCR Deputy Sector Commander, who serves as the Alternate FOSC.

1331 Meeting Frequency

AC meetings shall be held at least semi-annually. MNCR-AC strives to hold one meeting in each of the major ports within the AOR annually: Baltimore, and Washington, D.C.

1332 Executive Steering Committee

ESC meetings are closed meetings. The ESC, comprised of members from the State of Maryland, the Commonwealth of Virginia, District of Columbia, USCG personnel, and designated technical advisors, provides strategic oversight of and direction to the MNCR-AC.

Meetings of the ESC typically occur semi-annually, usually before a regularly scheduled Area Committee meeting. Additional periodic teleconferences may be held throughout the year, as needed.

1333 Remote Access Attendance

The USCG will provide remote access availability to AC members, and participants who are unable to attend meetings in person to maximize stakeholder participation and communication. USCG Sector Maryland-NCR currently utilizes Microsoft Teams to provide remote access.

1340 FOSC Annual Report

Sector Maryland-NCR shall submit an FOSC Annual Report emphasizing activities and best practices for the previous calendar year NLT 1 May of the following year to CGD-E (drm) for review and endorsement. CGD-E will review and route AC Annual Reports through USCG Atlantic Area to USCG Headquarters Office of Marine Environmental Response Policy (CG-MER) for final approval and compilation of nation-wide lessons learned and best practices.

1400 Validation and Testing

The MNCR-ACP shall be updated annually. The MNCR-ACP shall be reviewed and approved by the MNCR-AC and CGD-E every five years.

1410 ACP Updates, Review, and Approval Process

The MNCR-AC will review the ACP and document any changes or updates in the Record of Changes page. Additionally, and at a minimum, the AC will update the ACP version number and contact information; confirm phone numbers, addresses, links, and notification procedures; and incorporate lessons learned as a result of real-world events and/or exercises. Annual updates will continue to be

managed locally between USCG Sector Maryland-NCR, Vice-Chair, and AC, and be completed by 01 May.

1411 Plan Approval and Coast Guard National Review Panel Review

In coordination with the Chair, Vice-Chair, and other members of the AC, CGD-E formally reviews and approves coastal ACPs every five years. After approval, CGD-E submits the ACP for national review by the CGNRP. The CGNRP, comprised of CG-MER, USCG Atlantic and Pacific Areas, National Strike Force Coordination Center, and District representatives, convene annually to review selected ACPs nation-wide. Nationwide, each coastal ACP is on a 5-year CGNRP review schedule.

Additional CGNRP information and requirements, including specific scheduling and expectations, will be coordinated from CGD-E to USCG field units.

1420 Geographic Response Strategies (GRS) Validation

[GRSs](#) contain a set of planned site-specific response strategies that are designed to give responders information to minimize damage to sensitive resources in the first few hours following a spill. Design and information included within GRSs are typically developed using neutral weather conditions and mean-average tidal data and assume a specific location and equipment use.

Once adopted and implemented into the MNCR-ACP, the minimum level of GRS validation has been met; however, it is recommended that the MNCR-AC determine additional validation methodologies as appropriate, to determine GRS accuracy and applicability over time.

A tiered methodology for GRS validation from the lowest level to the highest include: desktop evaluation by Subject Matter Experts (SMEs), on-site visual inspection by SMEs, computer simulations, equipment deployment, Full-Scale Exercises (FSE), and Real-World Events (RWEs).

1430 Area Exercises

Per the [National Preparedness for Response Exercise Program \(PREP\) Guidelines](#), which provides the framework for an effective oil spill and hazardous substance response exercise program, the MNCR-AC shall hold three annual Incident Management Team (IMT) Tabletop Exercises (TTXs) and one Full-Scale Exercise (FSE) per 4-year period.

1441 Exercise Schedule

CGD-E (drm) will maintain the Area Exercise schedule and ensure visibility by the MNCR-AC and PREP Compliance, Coordination and Consistency Committee (PREP 4C). Per the PREP Guidelines, which provide the framework for an effective oil spill and hazardous substance response exercise program, the MNCR-AC shall hold three Incident Management Team discussion-based exercises and one operations-based exercise per 4-year period. The MNCR-AC will validate the proposed timeframe and identify the industry plan holder who will participate in each PREP exercise. Any schedule change requests shall be routed to CGD-E (drm).

Area Contingency Plan holders (USCG/EPA) are required to follow PREP guidelines. The NSFCC is responsible for executing the National Response System Pollution Exercise Program (NRSPEP). All Coast Guard participation in exercises will be coordinated with and/or through the NSFCC.

The types of exercises are divided into two categories: internal and external.

The internal exercises are:

- Quarterly qualified individual notification exercises
- Quarterly emergency procedures exercises for vessels and barges
- Annual emergency procedures exercises for facilities (optional)
- Annual spill management team tabletop exercises
- Semi-annual equipment deployment exercises for facility-owned equipment
- Annual equipment deployment exercises for OSRO or CO-OP equipment

All internal exercises are self-evaluated and self-certified.

The external exercises are:

- Area exercises
- Government-initiated unannounced exercises.

The PREP Guidelines outline the frequency and types of exercises plan holders should conduct to meet the exercise requirements of the appropriate response plan regulations and how plan holders can take credit for internal exercises when they respond to an actual incident. At this time, PREP addresses the exercise requirements for oil pollution response only. Regulations for hazardous materials substance releases are currently under development; and once completed, the hazardous substance exercise requirements will be incorporated into PREP.

A list of nationwide PREP exercises for the current four-year cycle is published in the Federal Register.

1442 Documentation

Additional PREP-related exercise requirements, including development of Concept of Exercise (COE), After Action Report (AAR), Corrective Actions (CAs), and Real-World Event (RWE) credit requests will be coordinated from CGD-Eto USCG field units.

1500 The National Response System (NRS)

The National Response System (NRS) is a three-tiered response and preparedness mechanism that supports the predesignated FOSC in coordinating national, regional, and local government agencies, industry, and the responsible party during response operations. The NRS was developed to coordinate all government agencies with the responsibility for environmental protection, in a focused response strategy for the immediate and effective clean-up of an oil discharge or a hazardous substance release.

The NRS is designed to support the FOSC and facilitate responses to a discharge or substantial threat of discharge of oil or a release or substantial threat of release of a hazardous substance. The NRS supports the responsibilities of the FOSC, under the direction of the Clean Water Act ([CWA](#)) as amended by OPA. When appropriate, the NRS is designed to incorporate a “unified command and control support mechanism” (Unified Command) consisting of the FOSC, the State On-Scene Coordinator (SOSC), and the Responsible Party’s Incident Commander (IC). The UC structure is further described under [Sub-section 5410](#) of this ACP. Within an established UC, the FOSC plans and coordinates response strategy on scene, using the support of the National Response Team (NRT), Regional Response Team (RRT), Area Committees, and responsible parties, as necessary, to supply trained personnel, equipment, and scientific support to complete an effective response to any oil discharge or hazardous substance release.

Contingency plans serve to formalize and document activities to be undertaken to plan for incidents and in the event of an incident. The following diagram depicts the relationship of many of the response plans discussed below.

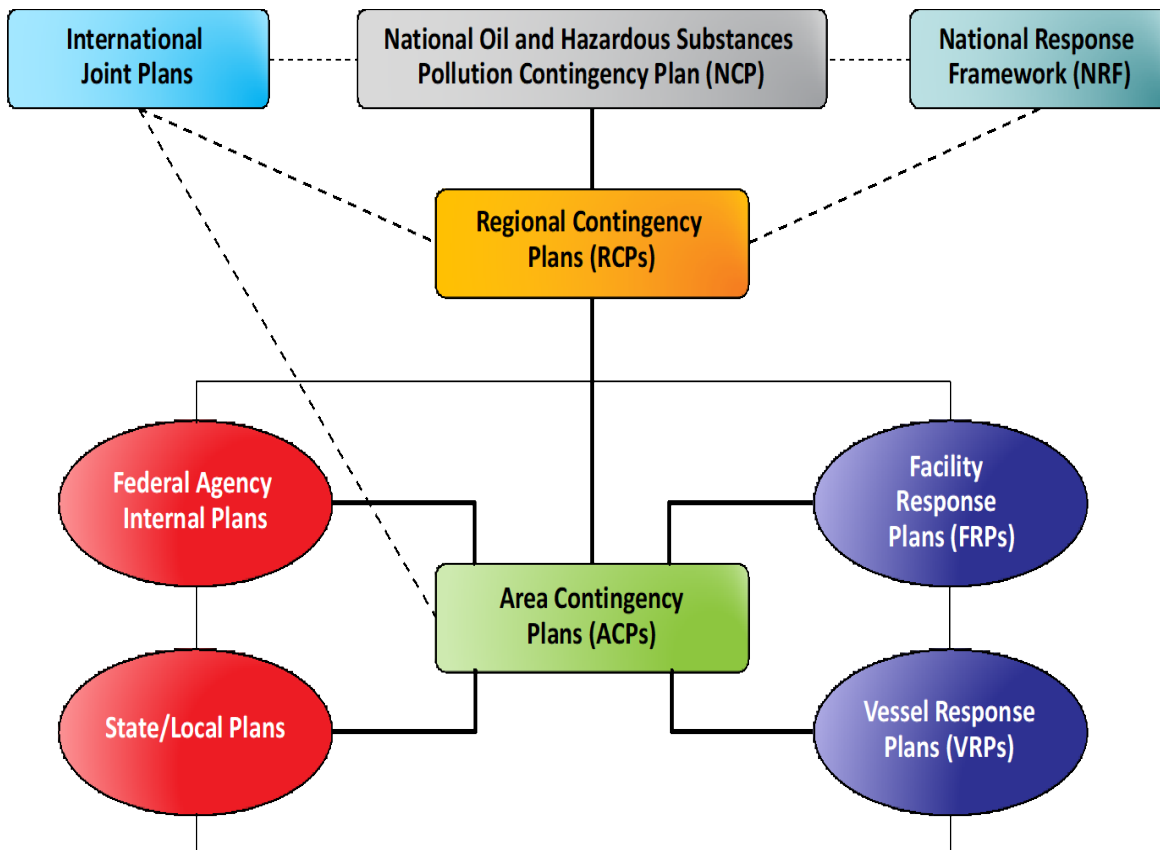


Figure 1: Relationship of Plans

1510 Vessel Response Plan

Vessel Response Plans (VRPs) are approved and managed by CG-MER-4. Each owner or operator of a tank vessel is required by OPA 90 to submit a response plan shall do so in accordance with applicable regulations. Tank vessel response plan regulations, including plan requirements, are located in 33 CFR Part 155.

As defined in OPA 90, each Responsible Party for a vessel from which oil is discharged, or which poses a substantial threat of a discharge, into or upon the navigable waters or adjoining shorelines or the Exclusive Economic Zone is liable for the removal costs and damages specified in Subsection (b) of Section 1002 of OPA 90. Any removal activity undertaken by a Responsible Party must be consistent with the provisions of the NCP, the Regional Contingency Plan (RCP), the Area Contingency Plan, and the applicable response plan required by OPA 90. If directed by the OSC at any time during removal activities, the Responsible Party must act accordingly.

1520 Facility Response Plan

Facility response regulations, including plan requirements for the Coastal Zone, are located in [33 C.F.R. 154](#), [30 C.F.R. 254](#) for off-shore facilities, [49 C.F.R. 194](#) for pipelines, and [49 C.F.R. 1304](#) for motor vehicles and rail cars transporting oil in bulk. Facility response plan regulations for the inland zone are located in [40 C.F.R. 112](#). Complex facilities are facilities that are regulated by two or more federal agencies; e.g., the USCG, the EPA, and possibly also U.S. Department of Transportation,

Pipeline and Hazardous Materials Safety Administration (DOT PHMSA). Therefore, they would have a facility response plan meeting the requirements of 33 C.F.R 154, 40 C.F.R. 112, and 49 CFR 194 or an Integrated Contingency Plan (ICP), capturing multiple federal agency requirements in one plan.

1530 Local Plans

Local Emergency Planning Committees (LEPCs) are responsible for the development and maintenance of local emergency response plans in accordance with the [Emergency Planning and Community Right-to-Know Act \(EPCRA\), Sections 301 to 303](#). LEPC membership includes various representatives from local governmental agencies, emergency responders, environmental groups, and local industry. These emergency plans include, among other things, the identity and location of hazardous materials, procedures for immediate response to a chemical accident, ways to notify members of the public of actions to take in the event of a discharge or release, names of coordinators at plants, and schedules for testing the plan. The local emergency response plan is reviewed by the State Emergency Response Commission (SERC). RRTs may review these plans and provide assistance if the SERC or LEPC makes such a request. Federal contingency plans provide for coordination with local governments.

Local Emergency Planning Committees (LEPCs) within this AOR have created contingency plans for responding to hazardous substance incidents. The fire department is often the lead agency for these incidents, and the person directing countermeasures is known as the Incident Commander. The plans detail response actions and resources for each particular area.

For responses involving SERC, Sector Maryland-NCR IMT assigns a liaison officer to the staff of MDEM.

1540 State Plans

1541 Maryland

The [Maryland State Response Operations Plan \(SROP\)](#), managed by Maryland Emergency Management Agency, describes the roles and responsibilities of entities within Maryland during incident response operations. Response operations focuses on ensuring that the State is able to effectively respond to any threat or hazard, including those with cascading effects, in order to save and sustain lives, protect property and the environment, stabilize the incident, rapidly meet basic human needs, and restore essential community services and functionality.

1542 District of Columbia

The [District Response Plan \(DRP\)](#) provides guidance on how District agencies and departments, nongovernmental organizations (NGO), voluntary organizations, and regional and federal partners respond to disasters in the District with the goal of protecting life and property and ensuring public safety. In addition, the DRP organizes the District agencies and departments that are involved in homeland security and emergency management into functional areas according to capabilities, skills, resources, and authorities. Using this functional organization, the DRP outlines how resources will be leveraged and implemented and how federal, regional, private sector, and nonprofit partners will be engaged for support as incident conditions warrant.

1543 Virginia

The [Commonwealth of Virginia's Emergency Operations Plan \(COVEOP\)](#) describes Virginia's approach to all-hazards response and the concepts of response and recovery operations. The basic plan and hazard-specific annexes are maintained by Virginia Department of Emergency Management and state agencies with emergency management duties and responsibilities.

1544 Delaware

The Delaware Emergency Management Agency (DEMA) coordinates the state's response to disasters exceeding local capabilities through the State Emergency Operations Center (SEOC), guided by the Delaware Emergency Operations Plan (DEOP). DEMA collaborates with Emergency Services Coordinators (ESCs), including law enforcement, the National Guard, and, for hazmat incidents, the State Emergency Response Team (SERT).

1550 National, Regional, and Area Contingency Plans

There are three levels of contingency plans under the NRS: The National Contingency Plan (NCP), Regional Contingency Plans (RCP), and Area Contingency Plans (ACPs). The [NCP](#) addresses the national response structure and identifies requirements for regional and area preparedness development. RCPs provide the organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants, or contaminants by the Regional Response Team (RRT). Coastal ACPs are developed under the leadership of the USCG FOSC, following guidelines within the [NCP](#) and RCP, as applicable. Composed of federal, state, and local governmental representatives, the Area Committee develops an ACP for responses to oil discharges and hazardous substance releases within their geographic area.

1600 National Response Framework (NRF)

The National Response Framework ([NRF](#)) is a guide which provides foundational emergency management doctrine for how the nation responds to many types of incidents, including pollution incidents. The NRF is often activated in anticipation of, or following, a storm event (tropical storm or hurricane) or other natural disaster (flooding event, tornados, etc.). The structures, roles, and responsibilities described in the NRF can be partially or fully implemented in the context of a threat or hazard, in anticipation of a significant event, or in response to an incident. Implementation of NRF structure and procedures allows for a scaled response, delivery of specific resources and capabilities, and a level of coordination appropriate to each incident. Pollution response, under the umbrella of the NRF is possible using plans, capabilities, and partnerships forged in accordance with the NCP, combined with the effective use of the ICS.

Other useful natural disaster response resources include the [National Response Team Abandoned Vessel Authorities and Best Practices Guidance](#) and the NRF's [Emergency Support Function \(ESF\) #10 – Oil and Hazardous Materials Response Annex](#).

1610 Nuclear/Radiological Incident Annex

The Nuclear/Radiological Incident Annex ([NRIA](#)) to the NRF describes the policies, situations, concepts of operations, and responsibilities of the federal departments and agencies governing immediate response and short-term recovery activities for releases of radioactive materials. These incidents may occur on federally-owned or -licensed facilities, privately owned property, urban centers, or other areas and may vary in severity from the small to the catastrophic. The incidents may result from inadvertent or deliberate acts. The NRIA applies to incidents where the nature and scope of the incident requires federal response to supplement the state, tribal, and/or local incident response.

1700 National Incident Management System (NIMS)

The National Incident Management System ([NIMS](#)) guides all levels of government, nongovernmental organizations and the private sector to work together to prevent, protect against, mitigate, respond to and recover from incidents.

NIMS provides stakeholders across the whole community with the shared vocabulary, systems and processes to successfully deliver the capabilities described in the [National Preparedness System](#).

NIMS defines operational systems that guide how personnel work together during incidents. More specifics on using NIMS ICS for command and coordination in an oil spill or hazardous substance release will be discussed in [Section 5400](#).

1800 Relationship to other Marine Transportation System (MTS) Focused Response Plans

Depending on the size and complexity of an oil spill discharge or hazardous substance release, the following contingency plans developed for the Maryland-NCR Captain of the Port (COTP) Zone may be activated to minimize disruption of the Marine Transportation System (MTS):

- The [MTS Recovery Plan](#) provides planning and coordination to facilitate the recovery of the MTS following any man-made or natural disaster.
- The [Salvage Response Plan](#) provides planning and coordination to facilitate salvage operations in conjunction with [Annex E](#), the Marine Fire Fighting Plan (MFF).

2000 Geographic Jurisdiction and Boundaries

2100 Description of Coast Guard Coastal Zone/EPA Inland Zone Boundary

The Maryland-NCR COTP Zone is defined in [33 C.F.R. 3.40-35](#) and depicted in [Figure 4](#) below. Within this COTP Zone, the USCG COTP/FOSC area of responsibility for the MNCR-ACP planning area is the Coastal Zone (see sub-section 2120 below). [Figure 2](#) below depicts the 13 Regional Response Teams and [Figure 3](#) depicts the U.S. Coast Guard Areas and Districts.

The U.S. Environmental Protection Agency (EPA) Region 3 provides the predesignated FOSC for pollution response in the Inland Zone. All discharges or releases, or substantial threats of such discharges or releases of oil or hazardous substances within or threatening the Inland Zone are the responsibility of the EPA. Included are discharges and releases from unknown sources or those classified as “mystery spills.”

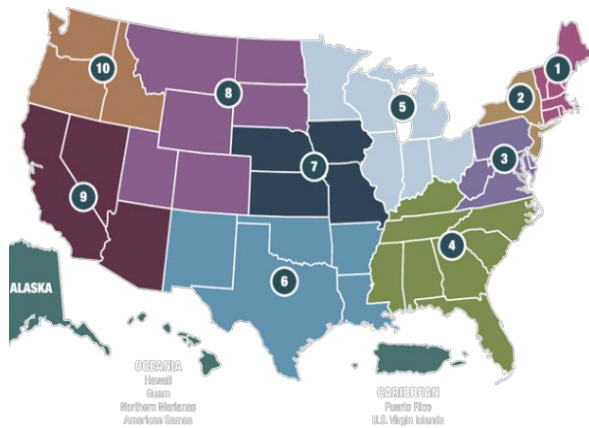


Figure 2: RRT Areas

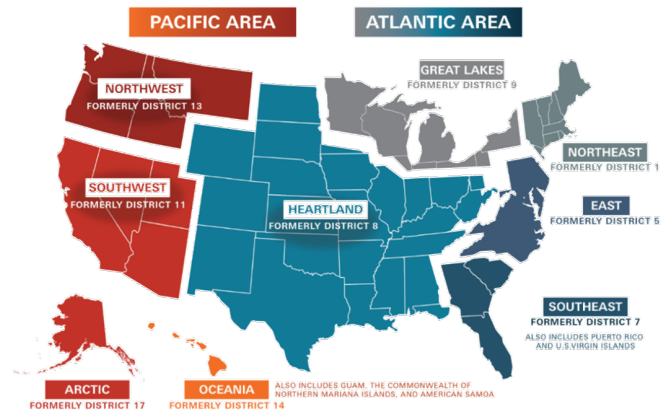


Figure 3: U.S. Coast Guard Districts

2200 USCG/EOA MOU

The precise inland zone and coastal zone response boundary is agreed upon between the U.S. Coast Guard East District and EPA Region 3 and is documented in the [Memorandum of Agreement \(MOA\) dated 25 OCT 2012](#) and [Memorandum of Agreement \(MOA\) dated 13 NOV 2006](#).

2300 Geographic Boundaries

Sector Maryland-National Capital Region's office is located in Baltimore, MD. The boundaries of Sector Maryland-National Capital Region's Marine Inspection Zone and Captain of the Port Zone start at a point 38°01'36" N latitude, 75°14'34" W longitude; thence south east to a point 37°19'14" N latitude, 72°13'13" W longitude; thence north west to a point at 38°26'25" N latitude, 74°26'46" W longitude; thence west to the intersection of the Maryland-Delaware boundary and the coast at a point 38°27'03" N latitude, 75°02' 55" W longitude; thence west to a point 38°27'15" N latitude, 75°30'00" W longitude on the Delaware-Maryland boundary; thence proceeding along the Delaware-Maryland boundary west to a point at 38°27'37" N latitude, 75°41'35" W longitude; thence proceeding north to the Maryland-Delaware-Pennsylvania boundary at a point 39°43'22" N latitude, 75°47'17" W longitude; thence west along the Pennsylvania-Maryland boundary to the Pennsylvania-Maryland-West Virginia boundary at a point 39°43'16" N latitude, 79°28'36" W longitude; thence south and east along the Maryland-West Virginia boundary to the intersection of the Maryland-Virginia-West

Virginia boundaries at a point 39°19'17" N latitude, 77°43'08" W longitude; thence southwest along the Loudoun County, VA boundary to the intersection with Fauquier County, VA at a point 39°00'50" N latitude, 77°57'43" W longitude; thence east along the Loudoun County, VA boundary to the intersection with Prince William County, VA boundary at a point 38°56'33" N latitude, 77°39'18" W longitude; thence south along the Prince William and Fauquier County VA boundaries to the intersection of Fauquier, Prince William, and Stafford County, VA at a point 38°33'24" N latitude, 77°31'54" W longitude; thence south east to a point 38°20'30" N latitude, 77°18'14" W longitude; thence south and east along the boundary between the southern bank of the Potomac River and Stafford, King George, Westmoreland, and Northumberland Counties in Virginia to a point 37°53'11" N latitude, 76°14'15" W longitude; thence east along the Maryland-Virginia boundary as it proceeds across the Chesapeake Bay and Delmarva Peninsula to the point of origin at 38°01'36" N latitude, 75°14'34" W longitude.

2400 Graphic Depicting Geographic Area Covered by ACP

The relevant coastal USCG COTP is the predesignated FOSC for pollution response in the Coastal Zone. All discharges or releases, or substantial threats of such discharges or releases of oil or hazardous substances within or threatening the Coastal Zone are the responsibility of the USCG FOSC. Included are discharges and releases from unknown sources or those classified as “mystery spills.” Specifically, a dashed line on a layer within NOAA’s Environmental Response Management Application (ERMA) depicts the [Inland Zone / Coastal Zone boundary](#) within the MNCR-ACP planning area.

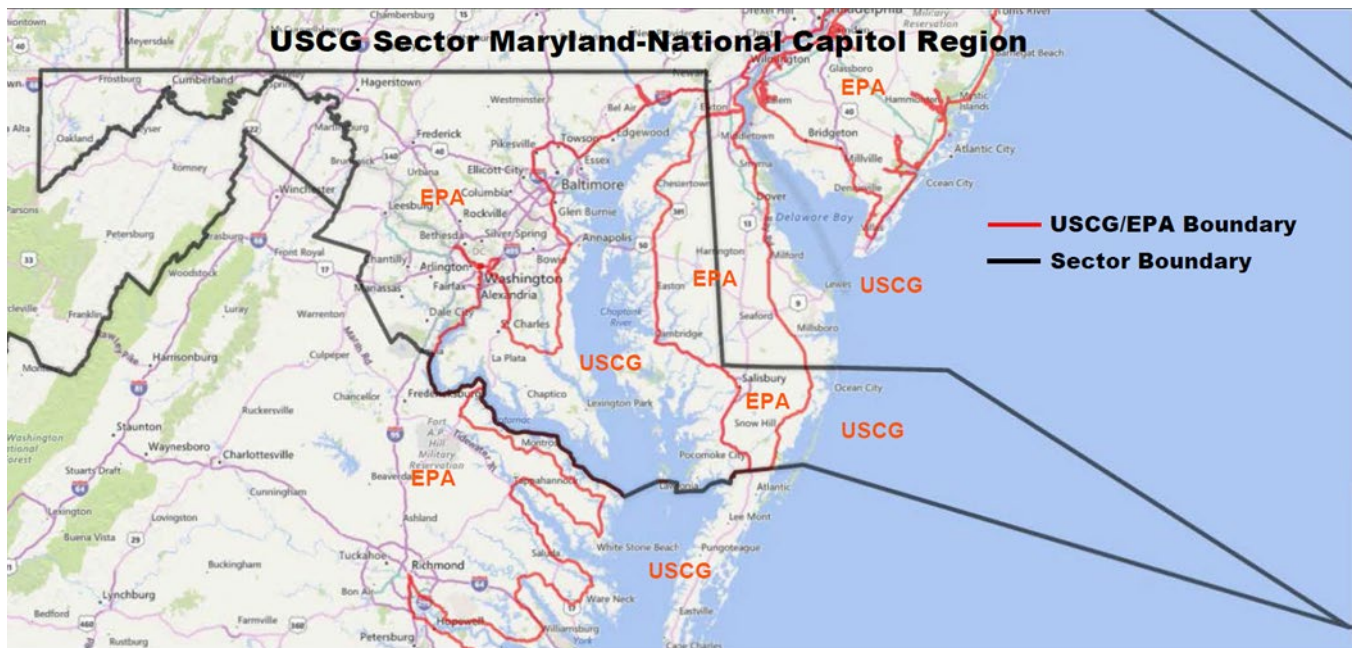


Figure 4: Map of Sector Maryland-NCR COTP Zone

2500 Sub-geographic Areas

There are no sub-geographic areas denoted in this ACP; however, differences in geography and stakeholder groups across the area should be considered in planning for and responding to discharges. For example, the Chesapeake Bay, Patapsco River, Potomac River, and Atlantic coast present unique and different environments in which to manage spills.

3000 Roles and Responsibilities

3100 General Roles and Responsibilities

Nationally, the U.S. Coast Guard (USCG) has designated its coastal Captains of the Port (COTP) as the pre-designated Federal On-Scene Coordinator (FOSC) within the coastal zone. As such, the USCG FOSC is the Chair of the respective Area Committee (AC) and oversees the development, maintenance, and implementation of the Area Contingency Plan (ACP) for their COTP zone.

3110 Responsible Party/industry Plan Holder

Under OPA 90, the Responsible Party has primary responsibility for cleanup of a discharge. The response shall be conducted in accordance with their applicable vessel or facility response plan. Section 4201(a) of OPA 90 states that an owner or operator of a tank vessel or facility participating in removal efforts shall act in accordance with the National Contingency Plan and the applicable response plan required. Section 4202 of OPA 90 states that these response plans shall:

Be consistent with the requirements of the National Contingency Plan and Area Contingency Plans. Identify the qualified individual having full authority to implement removal actions, and require immediate communications between that individual and the appropriate Federal official and the persons providing personnel and equipment. Identify, and ensure by contract or other means approved by the President, the availability of private personnel and equipment necessary to remove to the maximum extent practicable a worst case discharge (including a discharge resulting from fire or explosion), and to mitigate or prevent a substantial threat of such a discharge.

Describe the training, equipment testing, periodic unannounced drills, and response actions of persons on the vessel or at the facility, to be carried out under the plan to ensure the safety of the vessel or facility and to mitigate or prevent the discharge, or the substantial threat of a discharge.

Be updated periodically; and be resubmitted to approval of each significant change.

Each owner or operator of a tank vessel or facility required by OPA 90 to submit a response plan shall do so in accordance with applicable regulations. Facility and tank vessel response plan regulations, including plan requirements, are located in [33 CFR Parts 154](#) and [155](#), respectively.

As defined in OPA 90, each Responsible Party for a vessel or a facility from which oil is discharged, or which poses a substantial threat of a discharge, into or upon the navigable waters or adjoining shorelines or the Exclusive Economic Zone is liable for the removal costs and damages specified in Subsection (b) of Section 1002 of OPA 90. Any removal activity undertaken by a Responsible Party must be consistent with the provisions of the NCP, the Regional Contingency Plan (RCP), the Area Contingency Plan, and the applicable response plan required by OPA 90. If directed by the OSC at any time during removal activities, the Responsible Party must act accordingly.

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 the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

The Clean Water Act ("CWA"), the Oil Pollution Act of 1990 ("OPA 90"), and the Comprehensive Environmental Response, Compensation & Liability Act ("CERCLA") apply to U.S.-flag and foreign-flag vessels operating in U.S. waters. OPA 90's and CERCLA's requirements, however, vary based on the tonnage and type of vessel, while the CWA applies to all vessels. For example, under OPA 90 and CERCLA, all vessels are required to meet the reporting and spill response requirements, but only tank

vessels and other vessels over 300 gross tons must demonstrate financial responsibility for potential cleanup liability, and only tank vessels must develop response plans.

Refer to the [Incident Management Handbook](#).

Refer to [40 CFR 300.5](#).

3120 Local Agency Roles and Responsibilities

Local governments are responsible for minimizing the occurrence of releases/discharges or threats of releases/discharges by enforcement of State and local regulations and permits; and for developing the capability to respond promptly in cases of releases/discharges from facilities, vehicles, and vessels they operate, supervise, or govern.

Local governments will develop contingency plans as a hazard specific annex to their emergency operations plans for responses that are consistent with this plan.

Local governments are responsible for ensuring its normal emergency response personnel (police, fire, rescue, etc.) are aware of this plan and local plans for oil and hazardous materials response. Local governments must assure that responsible personnel have Standard Operating Procedures (SOPs) on initial evaluation or assessment of an oil or hazardous materials pollution or contaminant problem, and are knowledgeable of the requirements and procedures for reporting on initial evaluation and assessment of hazardous substances identified in the jurisdiction through the reporting requirements of the Superfund Amendments and Reauthorization Act, Title III of 1986 ([SARA Title III](#)).

Local government must identify any generator, treatment, storage, or disposal facilities in or near its jurisdiction and, if one exists, ensure it has prepared a facility contingency plan in accordance with VA DEQ/EPA requirements. Copies of such plans should be reviewed and kept on file by the local emergency response personnel.

Local governments shall ensure that local agencies which have responsibilities for emergency response to a hazardous substance incident maintain proper representation on the LEPC established under the authority of SARA Title III.

3130 State Agency Roles and Responsibilities

3131 Maryland

3131.1 Maryland Department of the Environment ([MDE](#))

MDE is responsible for determining the eligibility of facilities to use general permits for soil thermal treatment and used oil recycling. MDE also issues permits for landfilling, air pollutant emissions, hazardous waste treatment, storage and disposal, and for the registration and/or certification of used oil transporters, collection facilities and recyclers. The MDE Waste Management Division regulates the handling, storage, and testing of petroleum contaminated soil, solid waste, and hazardous waste. Oil spill wastes may be disposed of at permitted facilities (federal, state and local) authorized by the EPA and MDE. During federalized spills, it is the responsibility of the FOOSC to ensure that waste resulting from a spill is handled properly.

3131.2 Maryland Department of Emergency Management ([MDEM](#))

The Maryland Department of Emergency Management (MDEM) provides support, resources, etc. to assist MDE during oil and hazardous substance release emergencies. All oil and hazardous materials

waste enforcement and response activities are under the direction of Maryland Department of the Environment (MDE). Their position is to intermesh with emergency services wherever required during an emergency incident involving hazardous substances. MDE recognizes the senior fire line officer or his or her designee as the Incident Commander (IC) at a hazardous substance or oil discharge incident. The MDE Response Division acts as an additional resource for the IC.

3131.3 Maryland Department of Planning (MDP)

MDP is dedicated to providing the citizens and communities of Maryland with responsive, compassionate, fair, and efficient service. Through the diversity of its programs and the commitment of its employees, MDP continues to find new and innovative ways to meet its objectives: revitalizing communities, encouraging homeownership, increasing the supply of affordable housing, preserving Maryland's cultural heritage, and providing outstanding customer service. MDP's Division of Historical and Cultural Programs fall under the Maryland Historical Trust ([MHT/SHPO](#)) and is charged with identifying, studying, evaluating, preserving, protecting, and interpreting Maryland's significant prehistoric and historic sites, districts, structures, cultural landscapes, heritage areas, and cultural objects and artifacts, as well as less tangible human and community traditions. [Section 4610 Historic Properties](#) contains more information.

3131.4 Maryland Port Administration ([MPA](#))

MPA is responsible for the operational authority for Maryland's port facilities, ensuring safety, security, and environmental protection during routine operations and emergency incidents, particularly those involving hazardous materials. MPA coordinates with multiple agencies to manage incidents, secure affected areas, support emergency response, and oversee remediation and recovery efforts.

3131.5 Maryland Department of Natural Resources (DNR)

DNR works to preserve and restore natural resources during pollution incidents by monitoring water quality, assessing ecological damage, and enforcing natural resource laws. DNR collaborates with the Maryland Department of the Environment (MDE), focusing on long-term ecological impacts and recovery. Key responsibilities include environmental monitoring, habitat restoration, enforcement of regulations, data collection on pollutant effects, and investigating fish kills. While MDE leads hazardous material investigations and enforcement, DNR manages the impact on natural habitats.

3131.6 Maryland Department of Human Resources (DHR)

DHR serves families and individuals in need of temporary economic assistance and vulnerable children and adults seeking protection from abuse or neglect. Operating through 24 local Departments of Social Services, DHR is responsible for the administration of all major social service programs across the State. Today, DHR encompasses five administrations: Childcare, Social Services, Family Investment, Child Support Enforcement, and Community Services.

3131.7 Maryland Department of Health and Mental Hygiene ([MDHMH](#))

MDHMH is; to protect and promote public health by creating healthy people in healthy communities, to strengthen partnerships between state and local governments, the business community and all health care providers in Maryland and, to build a world class organization grounded in the principles of quality and learning, accountability, cultural sensitivity and efficiency. The MDHMH issues public health alerts and works with the Maryland Department of the Environment to issue alerts as necessary for fisheries closures or warnings

3132 Virginia

3132.1 Virginia Department of the Environmental Quality([VDEQ](#))

VDEQ enforces environmental laws and regulations in the Commonwealth of Virginia. VDEQ is the lead state agency for managing the Commonwealth's response to a major oil spill after immediate

threats to public safety have been abated; VDEQ is also the lead agency to determine long-term remediation actions for releases of hazardous materials. In the event of a major oil spill, VDEQ will serve as the state on-scene coordinator (SOSC). The SOSC possesses the authority to request assistance from other appropriate state agencies.

3132.1 Virginia Department of Emergency Management ([VDEM](#))

VDEM coordinates disaster response actions of state and federal agencies and provides guidance and assistance to affected local governments. If a threat to human safety exists in pollution cases, VDEM obtains and coordinates requested assistance from local governments. Direction and control of emergency response to an oil or hazardous substance incidents are delegated to the local level of government.

3133 District of Columbia Department of Energy and Environment ([DOEE](#))

The Department of Energy and Environment (DOEE) is the leading authority on energy and environmental issues affecting the District of Columbia. Using a combination of regulations, outreach, education, and incentives, our agency administers programs and services to fulfill our mission. We work collaboratively with other government agencies, residents, businesses, and institutions to promote environmentally responsible behavior that will lead to a more sustainable urban environment.

3134 Delaware Department of Natural Resources and Environmental Control ([DNREC](#))

DNREC maintains listings of commercially available resources in Delaware. The department will provide response assistance on oil and hazardous materials incidents, public health exposures, and information and advice concerning local habitat, wildlife and fisheries. The department is also responsible for enforcement of the state's pollution laws. DNREC, headquartered in Dover, Delaware carries out enforcement of the state's pollution laws.

The Delaware Pollution Control Act of 1949, Title 7, Delaware Code, Chapters 60-64 states general water quality criteria are as follows:

“The waters shall not contain substances attributable to municipal, industrial, agricultural, or other discharges in concentrations or amounts sufficient to be adverse or harmful to water uses to be protected, or to a human, animal, aquatic and wildlife. The waters shall be free from unsightly and malodorous nuisances due to floating solids or sludge deposits, debris, oil and scum.”

3140 Tribal Government

For spills which impact or may impact tribal lands or resources, the UC should consider establishing a Tribal On-Scene Coordinator (TOSC). The role of the TOSC is broad, but focused on two main areas:

- Ensuring that tribal needs, priorities, and concerns are reflected in the incident objectives and the decision-making of the UC.
- Offering tribal resources to support the response and making it more efficient and effective through tight coordination with the tribal community and government.

Federal law identifies the requirements for formal consultation and engagement. It is important for the UC to establish communications with potentially affected tribal communities early in a response. The Federal Government shall defer to tribes in determining whether a particular incident may impact tribal resources. More information on the role of TOSCs and tribal concerns is located in [Annex M](#) of this document.

3150 Regional Response Team ([RRT3](#))

RRT3 is that cognizant federal component of the National Response System for the states of West Virginia, Maryland, Delaware, the District of Columbia, and the commonwealths of Pennsylvania and Virginia. RRT3 is made up of representatives from sixteen Federal departments/agencies and each of the states/commonwealths. It is co-chaired by the Chief of the Removal Branch from the EPA's regional office in Philadelphia, PA and the Chief, Marine Safety Division, of the U.S. Coast Guard's Atlantic Area/East District Office located in Portsmouth, VA. It usually meets three times per year at various locations throughout the region. The applicable RRT for the VA and Coastal MD AC area of responsibility is RRT3.

RRT3 is a planning, policy, and coordinating body, which does not respond directly to the scene of a spill or release. It provides assistance and advice as requested by the OSC during an incident.

In addition to the Executive Committee the RRT III currently has five active work groups. They are:

- [Consultation, Historic, & Environmental Resources \(CHER\) Workgroup](#)
- [Inland Area Committee Workgroup](#)
- [Information Management Workgroup](#)
- [Regional Contingency Plan \(RCP\) Workgroup](#)
- [Spill Response Countermeasures Workgroup](#)
- [Training and Exercises Workgroup](#)

Refer to the RRT3 [Regional Contingency Plan](#) and the [NRT website](#) for a list of federal agencies and their roles and responsibilities related to ACP planning, preparedness and response.

3200 Natural Resource Trustees

CERCLA and OPA authorize the United States, individual States, and Indian Tribes to act on behalf of the public as Natural Resource Trustees for natural resources (Natural Resource Trustees or Trustees) under their respective trusteeships (CERCLA §107(f)(1); OPA §1006(c)). OPA also authorizes foreign governments to act as Trustees (OPA §1006 [b][5]). Following a hazardous substance release or oil discharge, Natural Resource Trustees have responsibilities for assessing resulting injury to the environment. Natural Resource Damage Assessment (NRDA) is the process by which trustees collect, compile, and evaluate data to determine the extent of injury to natural resources. The information gathered is used to assess damages, determine the restoration required to compensate for the injured natural resources and lost use of resources, and seek recovery of those damages from the responsible party. NRDA's are typically initiated concurrent with response activities.

Initiation of a NRDA usually involves acquiring data both during and after a spill to document: (1) oil or hazardous substances in water, sediments, soil, and organisms; (2) effects on fish, wildlife, and/or their habitat; (3) exposure pathways; and (4) measures taken to prevent or reduce immediate migration of oil or hazardous substances onto or into a trust resource. To avoid duplication of response activities specified in a NRDA with other response activities, all sampling and field work by Natural Resource Trustees should be coordinated with the lead response agency. If natural resources are injured by a discharge or release of a mixture of oil and hazardous substances, DOI regulations apply. NOAA regulations apply only in assessing damages that may result from discharges of oil.

Trustees often have information and technical expertise about the biological effects of hazardous substances, as well as locations of sensitive species and habitats, that can assist in characterizing the

nature and extent of site-related contamination and impacts. Coordination at the investigation and planning stages provides the Trustees early access to information they need to assess injury to natural resources.

The NCP further outlines Trustees for Natural Resources to include responsibilities in [40 CFR § 300.600-300.615](#).

3210 Local

The focus of local responders is usually directed toward abating immediate public safety threats. The degree of local response will depend upon the training and capabilities of local responders relative to the needs of the specific emergency.

In some cases, the need may be identifying the nature and scope of the hazard. This information is then passed on to state and federal responders who are activated to address the situation with specific expertise and/or capabilities.

Often, local agencies take mitigating actions of a defensive nature to contain the incident and protect the public. In many instances, responsible parties or local agencies are capable of an aggressive response and quick abatement of immediate hazards. In these cases, local authorities usually rely on state and federal responders to ensure that cleanup is complete, and remediation is sufficient.

A major role of local organizations during all emergency incidents is to provide security for all on-scene forces and equipment. For large incidents, help is often requested through the state emergency management agencies. Activities include establishing local liaison with hospital, emergency services, and police personnel, as well as restricting entrance to hazardous areas to all but essential personnel.

Coordination with the local governmental organizations of counties, cities, or towns is especially important for traffic control, land access, and disposal of oil or hazardous materials removed during response operations.

Landowners are also encouraged to participate in planning and response. Landowners are a valuable resource due to their local knowledge. The landowner, to the extent practical and based on the FOSC's judgment, may be included in the planning and response activities, under direction of the FOSC.

Landowners who provide access to or are affected by a discharge or release have jurisdiction over their lands and warrant special consideration by the responding agency or Unified Command. In the event an incident poses, or has the potential to pose, an imminent threat to human health or the environment, it is in the best interest of the landowner to provide access to an on-scene coordinator.

3220 State

[Appendix 1](#) of the R3RCP lists the Secretary of Natural and Historic Resources as the land trustee in the Commonwealth of Virginia. The Secretary of Natural and Historic Resources advises the Governor on natural resources issues and works to advance the Governor's top environmental priorities. The Secretary oversees five agencies that protect and restore the Commonwealth's natural and historic resources: Department of Conservation and Recreation, Department of Environmental Quality, Department of Wildlife Resources, Department of Historic Resources, and the Marine Resources Commission.

3230 Tribal

The tribal chairmen (or heads of the governing bodies) of Indian tribes, as defined in [§ 300.5](#), 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. When the tribal chairman or head of the tribal governing body designates another person as trustee, the tribal chairman or head of the tribal governing body shall notify the President of such designation. 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.

3240 Federal

Generally, the Department of the Interior, Fish and Wildlife Service, and National Oceanic and Atmospheric Administration will represent the federal government. The following individuals shall be the designated trustee(s) for general categories of natural resources, including their supporting ecosystems. They are authorized to act pursuant to [section 107\(f\) of CERCLA](#), [section 311\(f\)\(5\) of the CWA](#), or [section 1006 of the OPA](#) 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 or a discharge of oil. Notwithstanding the other designations in this section, the Secretaries of Commerce and the Interior shall act as trustees of those resources subject to their respective management or control.

3241 Secretary of Commerce

The Secretary of Commerce shall act as trustee for natural resources managed or controlled by DOC and for natural resources managed or controlled by other federal agencies and 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. However, before the Secretary takes an action with respect to an affected resource under the management or control of another federal agency, he shall, whenever practicable, seek to obtain the concurrence of that other federal agency. 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.

3242 Secretary of Interior

The Secretary of the Interior shall act as trustee for natural resources managed or controlled by the DOI. 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. The Secretary of the Interior shall also be 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.

3243 Secretary for the land managing agency

For 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, DOD, and DOE.

3244 Head of the authorized agencies

For natural resources located in the United States but not otherwise described in this section, the trustee shall be the head of the federal agency or agencies authorized to manage or control those resources.

3300 Technical Support Available to the FOSC

Various sources of technical/scientific and administrative support are available to the Federal On-Scene Coordinator (FOSC) either through telephone contact, virtual means, or actual dispatch of teams to the field. Support agencies and groups available to the FOSC include the following.

3310 Federal Agency Scientific/Technical Support

3311 U.S. Coast Guard (USCG)

3311.1 The National Strike Force Coordination Center (NSFCC)

The NSFCC manages the NSF which is authorized as the National Response Unit required under OPA, with responsibility for administering the USCG Strike Teams, and maintaining response equipment inventories and logistical networks. The NSFCC offers the technical assistance and equipment for spill response, assistance in coordinating resources during oil discharge response, Area Contingency Plan (ACP) or Regional Contingency Plan (RCP) review, coordination of spill response resources information, and inspection of Oil Spill Removal Organization (OSRO) response equipment. Strike Teams provide trained personnel and specialized equipment to assist the FOSC in training for spill response, stabilizing and containing the spill, and monitoring or directing response actions of the responsible parties (RPs) and/or contractors.

3311.1.1 The USCG National Strike Force (NSF)

The NSF's mission is to provide highly trained, experienced personnel and specialized equipment to the Coast Guard and other federal agencies to facilitate preparedness and response to oil and hazardous substance pollution incidents in order to protect public health and the environment. The NSF's area of responsibility (AOR) covers all Coast Guard Districts and Federal Regions

3311.1.2 USCG Strike Teams (Atlantic, Gulf, and Pacific)

The three USCG Strike Teams are available 24 hours a day. If the Strike Team contacted is already committed, another Strike Team will be deployed. Each Strike Team maintains trained personnel and specialized equipment to assist with training in responding to spills, stabilizing and containing spills, and monitoring and/or directing response actions of the RPs and/or contractors. The [Atlantic Strike Team](#), based in Fort Dix, New Jersey, provides response coverage to Maryland.

3311.1.3 Public Information Assist Team (PIAT)

[PIAT](#) is an element of the NSFCC staff available to assist the FOSC to meet the demands for public information during a response or exercise. PIAT provides interagency crisis communication team(s) and technical expertise to assist ICs and FOSCs meet their objectives of truth and transparency of operations for the public. PIAT provides emergency risk communication support to ICs and FOSCs during incidents such as oil spills, hazardous substance releases, hurricanes, floods, or other disasters. Its use is encouraged any time the FOSC requires outside public affairs support. Requests for PIAT assistance may be made through the NSFCC or National Response Center (NRC). See the [Spill of National Significance \(SONS\) Public Affairs Reference](#) for more information.

3311.1.4 Incident Management Assistance Team (IMAT)

The IMAT was developed by the USCG to supply a ready-made team of highly trained individuals to assist the local Incident Command (IC) in dealing with a major incident. The IMAT is located in Norfolk, VA. The team is trained for initial quick response to a regionally or nationally significant event. The team consists of Incident Command Systems (ICS) process experts that can quickly set-up and assist in transitioning from the initial emergency phase to a more sustained planning process. The IMAT deploys with a limited amount of equipment to ensure ICS functionality within an Incident Command Post (ICP).

3311.2 National Pollution Funds Center (NPFC)

NPFC is responsible for implementing those portions of OPA Title I delegated to the Secretary of the Department in which the USCG is operating. NPFC is responsible for addressing funding issues

arising from actual and potential discharges of oil. Responsibilities of the NPFC include: (1) issuing Certificates of Financial Responsibility ([COFRs](#)) to owners and operators of vessels to pay for costs and damages incurred by their vessels as a result of oil discharges, (2) providing funding to various response organizations for timely abatement and removal actions related to oil discharges, (3) providing equitable compensation to claimants who sustain costs and damages from oil discharges when the RP fails to do so, (4) recovering monies from persons liable for costs and damages resulting from oil discharges to the full extent of liability under the law, and (5) providing funds to initiate Natural Resource Damage Assessment (NRDA) activities.

3311.3 USCG District Response Group (DRG)

DRGs assist the FOSC by providing technical assistance, personnel, and equipment. Each DRG consists of the combined USCG personnel and equipment, including marine firefighting equipment, of each port in the district and a district response advisory team. Specifically, the USCG's East District Response Advisory Team (DRAT) and the Incident Management and Preparedness Advisor (IMPA) provide pollution planning, preparedness, and response policy guidance and assistance to an FOSC and staff on a regular basis.

3312 U.S. Environmental Protection Agency (EPA)

3312.1 Environmental Response Team ([ERT](#))

In the event of a continuing release or discharge, the FOSC has access to EPA's ERT, stationed in Edison, New Jersey; Cincinnati, Ohio; Erlanger, Kentucky; Las Vegas, Nevada; and Research Triangle Park, North Carolina. The ERT provides Scientific Support Coordinators (SSC) with expertise in treatment technology, biology, chemistry, hydrology, geology, and engineering. The ERT also has access to special decontamination equipment and can provide advice on a wide range of issues such as a multimedia sampling and analysis program, on-site safety (including development and implementation plans), cleanup techniques and priorities, water supply decontamination and protection, application of dispersants, environmental assessment, degree of cleanup required, and disposal of contaminated material. The FOSC may designate an SSC as principal advisor on scientific issues who also communicates with the scientific community and assists in requests to state and federal agencies.

3312.2 Chemical, Biological, Radiological, and Nuclear (CBRN) Consequence Management Advisory Division ([CMAD](#))

The CBRN CMAD, present at five geographic locations, provides 24/7 scientific and technical expertise to the FOSC or response customer for all phases of consequence management. With a focus on operational preparedness, CBRN CMAD facilitates the transition of the latest science and technology to the field response community in order to provide tactical options for screening, sampling, monitoring, decontamination, clearance, waste management, and toxicological/exposure assessment during decontamination of buildings or other structures following an incident involving releases of radiological, biological, or chemical contaminants. CBRN CMAD maintains critical partnerships with: (1) EPA's National Homeland Security Research Center and the EPA's special teams; (2) other federal partners including the U.S. Department of Homeland Security (DHS), Federal Bureau of Investigation (FBI), DoD, and Centers for Disease Control and Prevention (CDC)/Department of Health and Human Services (HHS); and (3) international partners

3312.3 Radiological Emergency Response Team ([RERT](#))

RERTs have been established by EPA's Office of Radiation Programs (ORP) to provide response and support during incidents or at 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 field analysis of samples as well as fixed

laboratories for radiochemical sampling and analyses. Request for support may be made 24 hours a day via the NRC or directly to the EPA Radiological Response Coordinator in the ORP.

3313 National Oceanic and Atmospheric Administration ([NOAA](#))

NOAA provides scientific support for responses and contingency planning in coastal and marine areas, including assessments of the hazards that may be involved, predictions of movement and dispersion of oil and hazardous substances through trajectory modeling, and information on the sensitivity of coastal environments to oil or hazardous substances. NOAA provides scientific expertise on living marine resources it manages and protects. It also provides information on actual and predicted meteorological, hydrologic, ice, and oceanographic conditions for marine, coastal, and inland waters, as well as, tide and circulation data. The Secretary of the U.S. Department of Commerce (DOC), through NOAA, also acts as trustee for natural resources managed or controlled by DOC, including their supporting ecosystems.

3313.1 Scientific Support Coordinators (SSC)

The SSC, in accordance with the National Contingency Plan (NCP), will provide the FOSC scientific advice with regard to the best course of action during a spill response. The SSC will help facilitate consensus from the Federal natural resource management agencies and provide spill trajectory analysis data, information on the resources at risk, weather information, tidal and current information, etc. The SSC will be the point of contact for the Scientific Support Team from NOAA's Hazardous Material Response and Assessment Division. The FOSC's Guide to NOAA Scientific Support outlines all of the products and services the NOAA SSC can provide for planning and response activities.

The NOAA SSC can provide training and technical expertise with Shoreline Cleanup Assessment Technique (SCAT). The [Shoreline Assessment Manual](#), updated August 2013 by NOAA/HAZMAT, outlines methods for conducting shoreline assessment after an oil spill.

3313.2 National Weather Service ([NWS](#))

NWS, a federal organization within NOAA, can provide various types of support to an Incident Command (IC)/Unified Command (UC) operating in the south Texas area through the Corpus Christi office and the Brownsville/Rio Grande Valley office. The IC/UC will be provided with a direct unlisted number to the lead forecaster's desk, through which continuous information on wind speeds, temperatures, and other atmospheric data can be obtained.

Local weather forecasts can be obtained by following web site for additional information: <https://www.weather.gov/lwx/>.

3314 U.S. Department of the Interior (DOI)

DOI has jurisdiction over the National Park System, National Wildlife Refuges, fish hatcheries, and public lands. The Regional Environmental Officer ([REO](#)) manages the department's response programs for oil and hazardous substance spills and oversees the department's responsibilities as a trustee for natural resources. The DOI may become involved in spill response once contacted through the REO who is a designated member of RRT3. The REO for RRT3 is located in Philadelphia, Pennsylvania.

3314.1 U.S. Fish and Wildlife Service ([USFWS](#))

The Secretary of the Interior acts as trustee for resources managed or protected by DOI Bureaus, including USFWS and Bureau of Reclamation ([USBR](#)). USFWS, an office within DOI, is responsible for the management of migratory birds, federally listed endangered and threatened species, and interjurisdictional fishes within MNCR-ACP planning area. National Wildlife Refuge lands established in/near the ACP planning area include:

- [Eastern Neck National Wildlife Refuge](#) (Rock Hall, MD)
- [Blackwater National Wildlife Refuge](#) (Cambridge, MD)
- [Mason Neck National Wildlife Refuge](#) (Woodbridge, VA)

When a spill occurs, the appropriate [USFWS office\(s\)](#) will provide timely advice on measures necessary to protect wildlife from exposure, as well as priority and timing of such measures. Protective measures may include preventing the oil from reaching areas where migratory birds and other wildlife are located or deterring birds or other wildlife from entering areas by using wildlife hazing devices or other methods.

If exposure of birds and other wildlife to oil or hazardous substances cannot be prevented, an immediate decision will be made regarding rescue and rehabilitation of “oiled” birds and other wildlife. Decisions to rescue and rehabilitate “oiled” wildlife must be made in conjunction with other federal and state natural resource management agencies. Wildlife rehabilitators will need federal and state permits to collect, possess, and band migratory birds and threatened/endangered species.

3214.2 U.S. Geological Survey ([USGS](#))

USGS maintains expertise in water quality characterization, oil fingerprinting, submerged oil and oil-particle formation, transport and resuspension of oil in fresh waters, riverine two-dimensional (2D) particle transport/hydrodynamic simulations, ecotoxicology, time-of-travel studies for freshwater systems, and geospatial data collection of visible spill plumes applicable to spill response events in freshwater environments. In addition, USGS can provide biological survey assistance for natural resources and contaminants and contribute distribution information about sensitive species (e.g., birds, invertebrates). USGS also provides extensive expertise and information for natural resource damage assessments (NRDAs) (e.g., aerial surveys, abundance estimation, remote sensing, etc.).

3315 U.S. Department of Health and Human Services (HHS)

HHS, through the Agency for Toxic Substances and Disease Registry ([ATSDR](#)), serves the public by using the best science, taking responsive public health actions, and providing trusted health information to prevent harmful exposures and disease related to toxic substances. The ATSDR is directed by congressional mandate to perform specific functions concerning the effects on public health of *hazardous substances* in the environment. These functions include public health assessments of waste sites, health consultations concerning specific hazardous substances, health surveillance and registries, response to emergency release of hazardous substances, applied research in support of public health assessments, information development and dissemination, and education and training concerning hazardous substances. The USDHHS will work to support the Maryland Department of Health and Mental Hygiene.

Public Health Technical Specialists from the DHHS Centers for Disease Control and Prevention ([CDC](#)) and ATSDR can assist with environmental health support.

3315.1 The National Institute for Occupational Safety and Health ([NIOSH](#))

NIOSH provides national and world leadership to prevent work-related illness, injury, disability, and death by gathering information, conducting scientific research, and translating the knowledge gained into products and services, including scientific information products, training videos, and recommendations for improving safety and health in the workplace.

In response to requests from workers (or their representatives), employers, and other government agencies, NIOSH Health Hazard Evaluation scientists conduct workplace assessments to determine if

workers are exposed to hazardous materials or harmful conditions and whether these exposures are affecting worker health. NIOSH evaluates the workplace environment and health of employees by reviewing records and conducting on-site environmental sampling, epidemiologic surveys, and medical testing.

See the [NIOSH Pocket Guide](#) for more information.

3316 U.S. Department of Agriculture ([USDA](#))

USDA has scientific and technical capability to measure, evaluate, and monitor, either on the ground or by use of aircraft, situations where natural resources including soil, water, wildlife, and vegetation have been impacted by hazardous substances and other natural or man-made emergencies. The USDA may be contacted through the U.S. Forest Service emergency staff officers who are the designated members of the RRT.

USDA maintains trusteeship of national forest, wilderness areas, and wildlife within USDA-controlled forests, archaeological sites, range and farm lands, fisheries, and lands enrolled in the [Wetlands Reserve Program](#). Additionally, the USDA plays a key role in the closing and re-opening of fisheries before, during, and after clean-up operations.

3317 U.S. Department of Energy ([DOE](#))

The Secretary of Energy has trusteeship over natural resources under its jurisdiction, custody, or control. DOE's landholdings include national research and development laboratories, facilities, and offices.

3318 U.S. Department of Transportation ([DOT](#))

DOT provides response expertise pertaining to transportation of oil or hazardous materials by all modes of transportation. Through the Pipeline and Hazardous Materials Safety Administration ([PHMSA](#)), DOT-PHMSA offers expertise in the requirements for packaging, handling, and transporting regulated hazardous materials.

3319 U.S. Department of Defense ([DoD](#))

3319.1 U.S. Army Corps of Engineers ([USACE](#))

The Secretary of the DoD has trusteeship over the natural resources on all lands owned by DoD or the Army (including lands and facilities managed by the USACE, Navy, Air Force, and Defense Logistics Agency). These lands include military bases and training facilities, research and development facilities, and munitions plants. USACE has trusteeship over natural resources under its jurisdiction, custody, or control. USACE landholdings include national research and development laboratories, facilities, and offices.

3319.2 U.S. Navy Supervisor of Salvage ([SUPSALV](#))

SUPSALV has an extensive salvage/search and recovery equipment inventory, and the requisite knowledge and expertise to support these operations including specialized salvage, firefighting, and petroleum, oil, and lubricants offloading capability even in open sea response incidents. SUPSALV can also provide equipment for training exercises in support of national and regional contingency planning objectives. The FOSC may request assistance directly from SUPSALV. Formal requests are routed through the Chief of Naval Operations. Refer to the NSFCC Spill Response Resource Inventory RRI for a listing of SUPSALV equipment. Any deep-water removal shall be coordinated in conjunction with the Navy Salvage Supervisor (SUPSALV). The nearest SUPSALV location to Sector Maryland-NCR is in Norfolk, VA.

3319.3 National Guard Civil Support Teams (CSTs)

CSTs were created in 1999 to respond to terrorist incidents involving WMD, as well as other disasters and catastrophic events, both natural and man-made. There are 57 CSTs located throughout the United States, with at least one in each state and territory. The mission of a CST is to support civil authorities at a domestic CBRNE (Chemical, Biological, Radiological, Nuclear, and high-yield Explosives) incident site with responsibilities such as identification and assessment of hazards, advising civil authorities, and facilitating the arrival of follow-on military forces during emergencies and incidents.

CSTs normally operate as a State asset, under the command and control of the State Governor, but upon deployment, the unit provides direct support to the IC. CSTs support local emergency responders (Fire, Police, and EMS), as well as State and Federal agencies such as the DOE, FBI, EPA and FEMA. The Maryland-NCR 32nd CST is located at Fort Meade, MD.

3320 Non-Governmental Organization (NGO), Academia, and Other Technical Support

3321 Science and Technology Advisors (S&T Advisors)

S&T Advisors consist primarily of academia and represent specialized capabilities to provide knowledge, based on science and other technical experience, to supplement and strengthen that of the Incident Management Team (IMT).

The advisory capability may consist of individuals or institutions and may be identified during the preparedness phase or by incident-specific needs. The relationship may be as informal as a list of names and contact information in a directory, or a more formal pre-spill relationship defined through letter of agreement.

3323 Volunteers

In times of crisis or trouble, many citizens feel compelled to help or lend their assistance and expertise to the response effort. This help can be welcome if the demands of an incident exceed the available resources or if a particular set of skills are in short supply. Volunteers can support response efforts in any number of ways such as conducting beach surveillance, providing logistical support, or assisting in the treatment of impacted wildlife. The decision to employ volunteers will take into account the benefits that might be gained weighed against safety and liability realities. The UC, in the early stages of the event, will make the decision whether volunteers will be employed and in which capacities they can serve. For more details about the use of volunteers, please refer to Voluntary Organizations Active in Disaster (VOAD), [Annex G](#) of this plan, and the National Response Team's [Use of Volunteers Guidelines for Oil Spills](#).

3324 Certified Marine Chemist (CMC)

The United States Coast Guard and the Occupational Safety and Health Administration ([OSHA](#)) require that a certificate issued by a Marine Chemist be obtained before hot work or fire producing operations can be carried out in certain spaces aboard a marine vessel.

In complying with both the U.S. Coast Guard and OSHA regulations, the CMC applies the requirements contained in National Fire Protection Association Standard 306. NFPA 306, Control of Gas Hazards on Vessels, describes conditions that must exist aboard a marine vessel. A survey by the Marine Chemist ensures that these conditions are satisfied. In addition, a CMC is able to perform similar evaluations on other than marine vessels where an unsafe environment exists for workers, or hot work is contemplated on a system that might contain residues of a flammable or combustible product or material.

3400 Federal Agency Legal and Investigative Support

3410 U.S. Department of Justice ([DOJ](#))

The U.S. Department of Justice provides the highest level of legal advice within the Federal Government. The Environment and Natural Resources Division (ENRD) is responsible for litigation ranging from: protection of endangered species, to global climate change, to cleaning up the nation's hazardous waste sites. Nearly one-half of the Division's lawyers enforce the nation's civil and criminal environmental laws and the health and environment of all Americans. The Division also defends environmental challenges to government programs and activities.

3411 Federal Bureau of Investigation ([FBI](#))

The FBI, under the DOJ, is the lead federal agency for responding to threats from weapons of mass destruction (WMD). The Bureau investigates and collects intelligence on WMD-related threats and incidents to prevent attacks and respond to them when they occur. WMD Directorate (WMDD) is part of the FBI's [National Security Branch](#). The WMDD leads the FBI's efforts to mitigate threats from chemical, biological, radiological, nuclear, or explosive weapons. The WMDD provides leadership and expertise to domestic and foreign law enforcement, academia, and industry partners on WMD issues. The FBI approaches these issues through four major areas: preparedness, countermeasures, investigations/operations, and intelligence.

3420 U.S. EPA Criminal Investigations Division ([EPA CID](#))

The EPA CID investigates allegations of criminal wrongdoing prohibited by various environmental statutes. Such investigations involve, but are not limited to, the illegal disposal of hazardous waste; the export of hazardous waste without the permission of the receiving country; the illegal discharge of pollutants to a water of the United States; the removal and disposal of regulated asbestos containing materials in a manner inconsistent with the law and regulations; the illegal importation of certain restricted or regulated chemicals into the United States; tampering with a drinking water supply; mail fraud, wire fraud, conspiracy and money laundering relating to environmental criminal activities. CID Special Agents are sworn federal law enforcement officers with statutory authority to conduct investigations, to make arrests for any federal crime, and to execute and serve any warrant.

3430 U.S. Coast Guard Legal

The East Coast Guard District has a legal staff that is available to provide support to the USCG FOSC. Additionally, and as needed, USCG Atlantic Area and headquarters can provide legal assistance to the USCG FOSC.

3431 U.S. Coast Guard Investigative Service ([CGIS](#))

Agents of the US Coast Guard (USCG) Investigative Service (CGIS) are available to conduct an investigation regarding a potential criminal violation of environmental laws enforced by the USCG. The CGIS should be notified of and consulted regarding all cases that may be referred to the Department of Justice for criminal prosecution. CGIS agents are trained criminal investigators who are familiar with the legal issues associated with the prosecution of criminal cases. Agents of the CGIS regularly work with other federal, state, and local law enforcement agencies. This collaboration frequently provide information related violations of environmental laws and ongoing criminal investigations. A request for the services of a CGIS agent must be submitted via the USCG East District Commander (CCG-ED). Oral requests should be followed by written confirmation. For more information, refer to resources provided by the USCG Office of Investigations and Casualty Analysis (CG-INV). The phone number provided relates to the CGIS Department for Sector Maryland-NCR.

Unless expressly directed by the Chief of the CGIS or a higher authority, the CGIS will not conduct an environmental crime investigation in a USCG Captain of the Port (COTP) Area of Responsibility (AOR) without first notifying and thereafter coordinating with the COTP. Likewise, the COTP should avoid committing the USCG to participation in criminal investigations, either solely or in coordination with other enforcement agencies, without first consulting the CCG-ED to ensure appropriate coordination with the CGIS. In the event exigent circumstances require the initiation of a criminal investigation before such notification or consultation can occur, the required communication must occur as soon as practical thereafter. Finally, once a case is accepted for criminal investigation by the CGIS, agents of the CGIS are required to follow the procedures outlined in the USCG Investigative Service Roles and Responsibilities (COMDTINST M5520.5F).

The Criminal Investigation Division (CID) of the US Environmental Protection Agency (EPA) investigates allegations of criminal activity prohibited by environmental statutes. Special Agents of the CID are sworn federal law enforcement officers with statutory authority to conduct investigations, make arrests, and serve or execute a warrant for any federal crime. The following list includes some examples of the activities investigated by the CID.

3440 National Transportation Safety Board ([NTSB](#))

The NTSB is an independent Federal agency dedicated to promotion of aviation, railroad, highway, marine, pipeline, and Hazardous Materials (HAZMAT) safety. This agency is mandated, under the Independent Safety Board Act (ISBA), to investigate and determine the probable causes of transportation incidents. The NTSB also issues safety recommendations, studies transportation safety issues, and evaluates the safety of government agencies involved in transportation. Additionally, the NTSB makes its actions and decisions public through accident reports, safety studies, special investigation reports, safety recommendations, and statistical reviews. For more information, refer to NTSB resources.

In accordance with federal regulations [46 C.F.R. 4.40-15\(b\)](#) as well as the Memorandum of Understanding (MOU) between the NTSB and the US Coast Guard (USCG), the NTSB shall conduct the investigation of certain marine vessel casualties. With the exception of preliminary assessments, a separate casualty investigation will not be conducted, nor will parties in interest be designated, by the USCG. Although such investigations are conducted by the NTSB, the USCG will participate fully as a cooperating party. The Officer in Charge of Marine Inspections (OCMI) of the NTSB should maintain daily contact with and the NTSB should maintain daily contact with the USCG Office of Investigations and Casualty Analysis (CG-INV) during the investigation.

4000 Pre-spill Risk Analyses, Consultations, and Response Strategies

This Part of the ACP outlines emergency preparedness efforts within the SMDNCR planning area including identification of worst case planning scenarios for all transportation modes, pre-spill consultations, the establishment of priority protection areas, and the development of response strategies for consideration in the initial stages of an incident.

4100 Worst Case Planning Scenarios

As per the Clean Water Act, a Worst Case Discharge (WCD) is defined as, in the case of a vessel, a discharge in adverse weather conditions of its entire cargo, and in the case of an offshore facility or onshore facility, the largest foreseeable discharge in adverse weather conditions. The following tables identify WCDs for oil products and hazardous substances in the SMDNCR planning area.

4110 WCD Tables for Oil Products in SMDNCR Planning Area

Table 6: Worst Case Discharges for Oil Products in the MNCR-ACP Planning Area (all transportation modes)				
FOSC-Sector Maryland-NCR				
Type	Owner/Operator or Vessel/Facility Name	Location	Amount	Product
MTR Facility	Petroleum Fuel & Terminal Company	Baltimore, MD	7,289 bbls	Gasoline, Distillate, Biodiesel, Marine Diesel, Asphalt, Heating Oil, Therminol
Pipeline	Colonial Pipeline	Dorchester & Carroll County, MD	28,260 bbls	Gasoline, Diesel fuel, Fuel oil no. 2
Vessel	Various, Panamax class	Tank Vessels transiting to / from Liquid Transfer Terminal, Baltimore, MD	350,000 bbls	Oil products
Vessel	Barge	District of Columbia	20, 000 bbls	JP-8 fuel

4120 WCD Table for Hazardous Substances in SMDNCR Planning Area

Table 7: Worst Case Discharges for Hazardous Substances in the MNCR-ACP Planning Area (all transportation modes)				
FOSC-Sector Maryland-NCR				
Type	Owner/Operator or Vessel/Facility Name	Location	Amount	Product
Facility	TBD	TBD	TBD	TBD
Vessel	Various, Panamax class	Tank Vessels transiting to / from Liquid Transfer Terminal, Baltimore, MD	350,000 bbls	Sodium Hydroxide, Industrial Chemicals
Rail	TBD	TBD	TBD	TBD

4130 Area Planning and Risk Analysis

Additional risk analysis and area specific worst case scenario planning information for MNCR-ACP is located in [Annex B](#).

4200 Pre-Spill Endangered Species Act (ESA) Consultations

In the event of an oil spill or hazardous substance release, the ESA must be considered in the development of Federal response activities and actions during an oil spill response. Within the coastal zone, the USCG is the Action Agency, and as such, it is the USCG FOSC's responsibility to address any ESA Section 7 Consultation requirements by engaging the Services (USFWS and NMFS) on the potential affects for all potential response actions that may be implemented during the emergency response.

- [Endangered Species Act \(ESA\) and Essential Fish Habitat \(EFH\) Form](#) (for emergency consultations, pre-spill consultations and post-response procedures)

4210 Preauthorization and Best Management Practices (BMPs)

As of December 12, 2025, there is no approved preauthorization for use of chemical and biological countermeasures within RRT3, to include the MDNCR area. The [RRT3 Chemical and Biological Countermeasures Use Protocol](#) outlines the procedures for authorizing the use of chemical and biological countermeasures (dispersants, surface washing agents, bioremediation agents, solidifiers, and herding agents) and burning agents, during oil discharge response operations within RRT3. Frequently used BMPs can be found on the ESA/EFH Form, [RRT3 Tools](#).

- [Chemical Counter Measures MOU 1997](#)
- [IN-SITU Burning from 1997](#)
- [IN SITU Burning MOU 1997](#)
- [Environmental BMPs for Oil Spill Response](#)

4220 Threatened and Endangered Species within SMDNCR Planning Area

A list of all threatened and endangered species and designated critical habitat for the SMDNCR planning area is available from the all-inclusive Listed Species Spreadsheet, [4510](#) Characteristics of Environmentally Sensitive Sites and [Annex C](#) of this plan.

4300 National Historic Preservation Act, Section 106

The National Historic Preservation Act, Section 106, among other requirements, requires that “Federal agencies take into account the effects of their undertakings on historic properties and to provide the Advisory Council on Historic Preservation (ACHP) with a reasonable opportunity to comment.” Additionally, it requires that the Federal agency involved “consult on the Section 106 process with State Historic Preservation Offices (SHPO)” ([36 CFR 800](#)). [Programmatic Agreement on Protection of Historic Properties During Emergency Response under the NCP](#) outlines NHPA Section 106 consultation requirements.

Within the coastal zone, the USCG is the Action Agency, and as such, it is the USCG FOSC's responsibility to address any NHPA Section 106 Consultation requirements by engaging the SHPO. See [Annex AA](#) for contact information for State Historic Preservation Office (SHPO) points of contact and [Annex M](#) for tribal contacts.

4310 Preauthorization and Best Management Practices (BMPs)

Early engagement with SHPOs and Tribal Historic Preservation Officers (THPOs) regarding response activities is extremely important to ensure that NHPA consultation requirements are met.

RRT3 developed the [Environmental Best Management Practices \(BMPs\) for Oil Spill Response in the Coastal Zone](#) to include consideration of historic and cultural resources, these can also be found in [Annex F](#).

4400 Environmentally Sensitive Areas

The Port of Baltimore area of jurisdiction is divided into eight sectors to facilitate identification and prioritization of sensitive environmental and economic resources targeted for protection following a spill event. Identification of resources and strategies for protecting sensitive resources are described by each sector in Figures 4-9 to 4-23. The OSC must also take historic properties into account when responding to spills. Historic properties include any prehistoric district, site, building, structure, or object included in, or eligible for inclusion on the National Register. Section 4610 Historic Properties contains more information. Section 4630 Local Contacts provide contacts, resources, and references related to the protection of sensitive environmental and economic resources and historic properties. The cultural resource information in this section is dynamic and may not be current and so should not be substituted for contacting the Maryland Historical Trust (SHPO) for the most recent data.

The primary reference used to identify sensitive environmental and economic resources is the Geographic Response Strategies (GRS) which contains [Environmental Sensitivity Index \(ESI\) maps](#) which were produced as an atlas for the National Oceanic and Atmospheric Administration (NOAA) to aid in sensitive resource identification during oil spills. The GRS also includes booming strategies for selected, high-risk, cells which are identified on the overall index map in the plan. For additional information on how to use the GRS refer to the GRS User Guide. The categories of resources listed in the atlas are divided into high, medium, and low priorities for protection based on their sensitivity to oiling, ability to be cleaned, length of time, and cost of recovery. Short descriptions of resource characteristics (e.g., shoreline types, wildlife habitats, area characteristics) are included. A general discussion of prioritization is provided for each sector. During an actual spill this information can, and often should, be supplemented with information in the desktop resources and through the local and regional contacts.

The eight sectors delineated for this portion of the plan are:

- Baltimore Harbor/Patapsco River
- Upper Bay/Susquehanna River/Elk River/Sassafras River
- Craighill Angle/Chester River
- Middle Bay/Eastern Bay/Choptank River/Severn River
- Lower Bay/Tangier Sound
- Patuxent River
- Potomac / Anacostia River
- Atlantic Coastal Zone.

4510 Characteristics of Environmentally Sensitive Sites

The following is a comprehensive list of Endangered Species present in the mid-Atlantic area

4511 Fish

Table 8: Endangered Fish Species		
Common Name	Scientific Name	Distinct Population Segment (DPS) Status
Atlantic Salmon	<i>Salmo salar</i>	Chesapeake Bay - Endangered

Table 8: Endangered Fish Species

Common Name	Scientific Name	Distinct Population Segment (DPS) Status
Atlantic Sturgeon	<i>Acipenser oxyrinchus oxyrinchus</i>	Chesapeake Bay - Endangered
Shortnose Sturgeon	<i>Acipenser brevirostrum</i>	Endangered
Giant Manta Ray	(<i>Manta birostris</i>)	Threatened
Oceanic Whitetip Shark	(<i>Carcharhinus longimanus</i>)	Threatened

4512 Whales

Table 9: Endangered Whale Species

Common Name	Scientific Name	Status
Blue Whale	<i>Balaenoptera musculus</i>	Endangered
Fin Whale	<i>Balaenoptera physalus</i>	Endangered
North Atlantic Right Whale	<i>Eubalaena glacialis</i>	Endangered
Sei Whale	<i>Balaenoptera borealis</i>	Endangered
Sperm Whale	<i>Physeter macrocephalus</i>	Endangered

4513 Sea Turtles

Table 10: Endangered Sea Turtle Species

Common Name	Scientific Name	Distinct Population Segment (DPS) Status
Green Sea Turtle	<i>Chelonia mydas</i>	North Atlantic - Threatened
Hawksbill Sea Turtle	<i>Eretmochelys imbricata</i>	Endangered
Kemp's Ridley Sea Turtle	<i>Lepidochelys kempii</i>	Endangered
Leatherback Sea Turtle	<i>Dermochelys coriacea</i>	Endangered
Loggerhead Sea Turtle	<i>Caretta caretta</i>	Northwest Atlantic Ocean - Threatened

Refer to the Geographic Response Strategies (GRS) which contains [Environmental Sensitivity Index \(ESI\) maps](#) . **[These ESI maps include characteristics of all relevant sensitive sites.](#)**

4514 Sensitive/Endangered Species Locations

ESA Listed Species Maps

<https://www.greateratlantic.fisheries.noaa.gov/protected/section7/listing/index.html>

For Marine Mammal Related Issues (Dead or alive strandings, entanglement issues, not ESA coordination)

4515 Historical Site Information

4515.1 MEDUSA website

The official repository for the Maryland Inventory of Historic Properties (MIHP), which includes both architectural resources and archeological sites. The database includes records for the National Register of Historic Places (NRHP) properties in Maryland, determinations of eligibility (DOE) records, and records for properties in the Maryland Historic Preservation Easement program.

<https://mht.maryland.gov/secure/medusa/>

4515.2 Historic Properties

The National Historic Preservation Act requires Federal agencies to take into account the effects of response actions on historic properties when responding to spills. As the Federal official designated to coordinate and direct response actions, the Federal OSC is responsible for ensuring historic properties are appropriately considered while planning and during a spill response. Historic properties include any prehistoric or historic district, site, building, structure, or object listed in, or eligible for inclusion in, the National Register of Historic Places ([36 CFR Part 60](#)), and/or included in the Maryland Inventory of Historic Properties. The listing of these sites is not included in this plan. Some sites for which the locations are public information, are identified on maps available from Maryland Department of Natural Resources, Geographic Information Systems Division. See Section 4630.2.6 Maryland Mapping Services. While the State Historic Preservation Office (SHPO) shares data with the Maryland Department of Natural Resources Merlin website, this material only includes National Register of Historic Places sites, Easements, and Maryland Inventory of Historic Properties sites. No archaeological sites, either terrestrial or maritime/submerged, are included. The SHPO must be contacted for these data. There are presently 1565 sites in Maryland on the National Register of Historic Places and 55,812 on the Maryland Inventory of Historic Properties. National Register site locations are public information, however, the location of archaeological and some historic sites remain confidential and access to this information is through the Maryland Historical Trust contact staff only. The Maryland Historical Trust is the State Historic Preservation Office for the State of Maryland and must be contacted to determine if any historic sites are located in the area impacted by the spill or by response actions.

Most historic sites are located on land and are not likely to be impacted by spills of oil or hazardous substances. However, numerous historic and prehistoric sites are located near the water in littoral, foreshore, wetland or submerged contexts and can be adversely impacted by containment and recovery operations. Heavy equipment is particularly harmful to archeological sites and the OSC should use other methods of containment and recovery in these areas. Some historic sites are located underwater and may be damaged by an oil or hazardous substance spill. However, even underwater, the sites are more likely to be adversely impacted by containment and recovery operations than the spill itself.

Before conducting containment or recovery operations on a historic site, the OSC should contact the Maryland Historical Trust to determine the sensitivity of the site. The Maryland Historical Trust may also be able to assist in identifying which containment and recovery techniques are least likely to impact the historic site. See [Section 4730.1 Cultural and Historic Properties](#) for more information.

4500 Economically Sensitive Areas

Note: The following text was obtained from DHS' Maritime Infrastructure Recovery Plan issued in April of 2006.

The Maritime Infrastructure Recovery Plan (MIRP) is based on the following planning assumptions and considerations:

Implementation of the MIRP is based on the occurrence of a TSI, which has impaired or threatens to impair the loading/offloading or movement of vessels and disrupts the flow of commerce;

This plan assumes that a TSI has been declared and that elements of the National Response System have been convened and are available to make recommendations regarding the restoration of cargo flow and maritime infrastructure recovery;

Recovery operations are based on risk management principles—100% security of the MTS cannot be guaranteed before or following an incident;

The goals of decision makers utilizing the MIRP are to:

- Facilitate achieving the optimum balance between ports and waterways security and the recovery of maritime transportation capabilities,
- Maximize the Maritime Transportation System's (MTS) continued operational equilibrium,
- Minimize disruption to the U. S. economy from unnecessarily constrained cargo flow;

Infrastructure refers to the Maritime Transportation System (MTS) and those facilities, structures, and assets vital to the Nation's ports ([33 CFR 101.105](#));

Use of the phrase "recovery or restoration of cargo flow" refers to recovery of goods, wares, and merchandise ([33CFR 101.105](#)) and restoration of maritime transportation capabilities in the MTS. Additionally, when referring to either recovery or restoration of cargo flow, the phrase includes recovery management associated with passenger vessel activity;

The MIRP will be implemented with awareness of the initial measured and targeted response and recovery actions exercised by senior U.S. Coast Guard and Customs and Border Protection officials;

A basic assumption of the plan is that the MTS should not be shut down as an automatic response to a maritime security incident;

The plan includes next steps/recommendations to assess reserve or excess port handling capacity at ports in North America (including both Canada and Mexico) and at other ports outside of North America. The capacity of a port is the level at which the port can move cargo and passengers through the Maritime Transportation System, including the ability to safely and securely load and unload cargo and passengers and accommodate inter-modal operations;

"Minimizing damage (i.e., physical infrastructure damage) from attacks within the Maritime Domain" is covered under separate preparedness and incident response plans and, therefore, is not addressed in the MIRP;

Key public and private maritime sector stakeholder inputs were considered in the development of the MIRP;

Planners will consult with the private sector to ensure meaningful, up-to-date decision-making information for federal officials; and

Periodically, this section will be updated as required to incorporate new Presidential Directives, legislative changes, and procedural changes based on lessons learned from exercises and actual events..

4510 Economically Sensitive Areas

4511 Maryland Water Intakes/Supply

In addition to water intakes listed on the [ESI maps](#), MDE controls the permits for private water intakes as well. Water intake information can be found in the Water Intakes folder. This information is currently in shape file format and needs to be viewed through an ArcMap compatible viewer.

4512 Recreational Areas/Marinas

Sector Maryland – NCR Incident Management Division maintains a list of recreational areas / marinas within the Sector AOR. This list is visible as a data layer within ERMA, and contains the contact information and spill response equipment located at each marina.

4513 Identification of Fisheries/Hatcheries/Aquaculture Facilities

Contact for Waterfowl Concentration Areas, Marine/Estuarine Fisheries Information, Freshwater Fisheries Information, and Site Summary Map: Maryland Mapping Services can be found in [Annex AA](#).

Maryland Mapping Services can be generated on-line depicting environmental, historic, and political resources - at MERLIN Online - www.mdmerlin.net. An Internet connection capable of at least 56K download speeds is recommended.

4600 Geographic Response Strategies (GRSs)/Plans (GRPs)

Once priority protection areas are identified and adopted, ACs have the flexibility to provide information that may be useful to ensure appropriate strategies are implemented during any oil removal operation. One methodology is often referred to as Geographic Response Strategies (GRSs) or Geographic Response Plans (GRPs). Maryland-NCR's existing GRSs/GRPs can be viewed on [ERMA ESI / GRS Maps](#).

Although GRSs/GRPs are developed and available for use during the planning and response phases, the IC/UC and OSROs must remain flexible and utilize on-scene initiative and their experience and competence in determining actual pollution mitigation “tactics” for a particular incident. GRSs/GRPs are developed using neutral weather conditions and mean-average tidal data and assume an incident response location. The scenarios for pollution incidents are nearly limitless; every spill is different and there are no absolutes. As a result, GRS/GRP locations should be reviewed and considered, but with the understanding that incident-specific mitigation tactics will likely be developed and executed on-scene. Factors such as current and projected winds, water currents/flows, tidal cycles, equipment limitations, bottom conditions, seasonal implications, exact incident location, potential hazards, and the type of oil can have a significant effect on any proposed strategy and should be carefully considered. **If applicable, modifications to any preplanned strategies should be expected.**

5000 Response

This Part of the ACP provides information outlined in the NCP, [40 CFR 300.300 Subpart D](#). Response protocols are guidelines for the response community to ensure success in meeting all legal and statutory requirements before, during, and upon completion of an oil discharge or hazardous substance release incident. The NCP ([40 CFR 300.317](#)) lists four broad national response priorities:

- Safety of human life
- Stabilization of the situation
- Use of all necessary containment and removal tactics in a coordinated manner
- Take Actions to minimize adverse impact to the environment that begins as soon as a discharge occurs.

Note: These national priorities do not preclude the consideration of other priorities that may arise on an incident-specific basis. Although removal actions will primarily consist of mechanical means, e.g., boom, skimmers, etc., [Subpart J](#) of the NCP (Use of dispersants and other chemicals) provides additional techniques for consideration to mitigate oil discharges. Please see [Part 7000](#) of this ACP for more information on response techniques within this ACP planning area.

5100 Initial Reporting, Notifications, and Preliminary Assessment

When oil is discharged or hazardous substance is released in the MNCR-ACP planning area, the responsible party is required to notify the following:

- [National Response Center \(NRC\)](#): (800) 424-8802
- SEC MD NCR Command Center: (410) 576-2525

5110 Preliminary Assessment

Following the report of a marine casualty certain critical information is necessary for decision making by the UC. Critical information may include, but is not limited to:

- Safety of ship's personnel
- Pollution impact
- Discharged
- Type
- Quantity
- Potential for discharge
- Vessel Location
- Latitude and longitude
- Proximity to hazard
- Vessel
- Description of damage and the situation
- Pre-casualty drafts and trim
- Post-casualty drafts and trim
- Operability of propulsion and steering systems
- Ability to maintain communications
- Status of ground tackle
- Liquid level of all tanks (e.g. fuel, ballast, cargo, etc.)

- Operability of firefighting and electrical generation systems
- Risk of further damage to the vessel
- Environmental
- On-scene weather and sea conditions
- Forecasted weather and sea conditions
- Tides and current
- Nature of the seafloor and/or shoreline (soft, rocky, etc.)
- Water depth

Whenever an FOSC makes a determination that federal response actions *may affect* ESA-listed (threatened or endangered) species and/or designated Critical Habitat or *may adversely affect* EFH, the action agency (USCG within the coastal zone) shall initiate emergency consultation protocols as appropriate. The FOSC initiates this emergency consultation as soon as practicable, via email to the Services, after the response is initiated.

- State Historic Preservation Office (SHPO) Notification, Coordination and Consultation (Federal/State of Maryland Guidance).
- [Endangered Species Act \(ESA\) and Essential Fish Habitat \(EFH\) Form](#) (for emergency consultations, pre-spill consultations and post-response procedures)/

5120 Cleanup Assessment Protocol

When discharged oil contaminates shoreline habitats, responders survey the affected areas to determine the appropriate response. Although general approvals or decision tools for using shoreline cleanup methods can be developed during planning stages, responders' specific cleanup recommendations utilize field data on shoreline habitats, type and degree of shoreline contamination, and spill-specific physical processes. Cleanup endpoints should be established early so that appropriate cleanup methods can be selected to meet the cleanup objectives.

Tools to assist responders in establishing cleanup methodologies include:

- [Characteristics of Coastal Habitats: Choosing Spill Response Alternatives.](#)
- [Characteristics of Response Strategies: A Guide for Spill Response Planning in Marine Environments.](#)
- [American Petroleum Institute \(API\) report on Tidal Inlet Protection Strategies \(TIPS\) \(Note: File is too large to load on USCG network\)](#)

Note: These can also be found in [Annex F](#), Planning and Response Tools.

When conducted, shoreline surveys should be done systematically because they are crucial components of effective decision-making. Also, repeated surveys may be needed to monitor the effectiveness and effects of ongoing treatment methods (changes in shoreline oiling conditions, as well as natural recovery), so that the need for changes in methodology, additional treatment, or constraints can be evaluated.

[NOAA's Shoreline Assessment Manual](#) outlines methods that can be used to plan and conduct shoreline assessments after an oil spill. It also provides considerations that should be incorporated into assessing the effectiveness of the UC's shoreline cleanup decisions. The [Shoreline Assessment Job Aid](#) is a supplement to the manual. It contains visual examples of many of the terms you would

use during shoreline assessments. In addition to these tools, the NOAA SSC also remains a valuable resource to help coordinate shoreline cleanup assessments and establish shoreline cleanup protocols.

5200 Emergency Consultations

5210 Endangered Species Act (ESA), Section 7

Under ESA Section 7(a)(2), Federal agencies are required to consult on actions that may affect listed species and/or habitat. Similarly, the National Contingency Plan requires the Department of the Interior and Department of Commerce participate in the spill planning process, provide technical expertise to the FOSC during a spill response, and facilitate compliance with ESA in both instances. In 2001, a Memorandum of Agreement was signed by the USFWS, USCG, EPA, and NOAA 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.

- Endangered Species Act (ESA) and Essential Fish Habitat (EFH) Form (for emergency consultations, pre-spill consultations and post-response procedures), [RRT3 Tools](#).

5220 National Historic Preservation Act (NHPA), Section 106

On October 15th, 1966, Congress instituted a policy to preserve the Nation's cultural and historic heritage by enacting the National Historic Preservation Act (NHPA). Under this ACP, whenever pollution response actions may affect culturally or historically important sites or areas, the FOSC shall initiate emergency consultation protocols as soon as practicable after response actions are initiated.

The NCP does not provide specific guidance for taking historic properties into account during emergency response to an actual or threatened release of a hazardous substance, pollutant, or contaminant, or the discharge of oil or other pollutants (hereafter, a release or spill). Also, emergency provisions contained in the regulations implementing Section 106 of the NHPA do not directly address requirements for such emergency responses.

In carrying out duties under the NCP, including the priorities of protecting public health and safety, the FOSC may have to make emergency response decisions that adversely affect historic properties. By following this reference guide, however, the FOSC will be making an informed decision that takes historic property information into account prior to authorizing actions that might affect such property.

An "emergency" shall be deemed to exist whenever circumstances dictate that a response action to a release or spill must be taken so expeditiously that normal consideration of the Section 106 process is not reasonably practicable. This guide does not address the consultation procedures under Section 106 of the NHPA once that phase of the response action has ended.

"Historic Property" is defined in the NHPA as: "any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register"; such term includes artifacts, records, and remains which are related to such district, site, building, structure, or object ([16 U.S.C. §470\(w\)\(5\)](#)).

Criteria for listing a property in the National Register of Historic Places are found at [36 CFR Part 60](#). The statutory definition of historic properties and the established criteria determine whether a historic property needs to be considered during emergency response. A historic property need not be formally listed on the National Register to receive NHPA protection, it need only meet the National Register criteria (i.e., be eligible for listing in the National Register).

NHPA Section 106 consultation requirements are outlined in the [Programmatic Agreement on Protection of Historic Properties During Emergency Response under the NCP](#).

See [Annex AA](#) for contact information for State Historic Preservation Office (SHPO) points of contact and [Annex M](#) for tribal contacts.

5300 General Hierarchy of Response Priorities

General strategies for response to all hazards in the Sector Maryland-NCR AOR will follow the below response priorities.

- Protect People (human life and health);
- Protect Environment (minimize ecological impacts);
- Protect Property (minimize public impacts);
- Protect Economy (minimize economic impacts)

Response protocols are also set in place to ensure the established priorities are met during an incident.

5310 Safety

Refer to the Incident Management Handbook (IMH) and the Incident Command System Coast Guard ICS Position Job Aids on the [Coast Guard Emergency Management](#) website.

In addition to the description in the IMH, the Safety Officer should collaborate with public health experts to establish protocols and engage “public health champions” to encourage prioritization of public health in spill response at the national level. The protection of community health and well-being in response priorities and integrating relevant community health and well-being values in preparedness and mitigation efforts are a must. An ICS objective on community health and well-being should be included in response efforts. Operational guidance should be developed for accessing other response frameworks’ Emergency Support Functions (ESFs) relevant to community health. Net benefit analysis should be utilized to evaluate all available response options to streamline decision making related to community health and well-being. Frameworks and models for incorporating community health and well-being into response exist for other hazards (e.g., infectious disease outbreaks, severe weather, and nuclear emergencies). These could serve as useful starting models for spill response. ASPR’s Technical Assistance Center could help facilitate reciprocal communication during smaller events and improve oil spill response science. Adapting the U.S. Department of Homeland Security’s use of science and technology advisory groups (which include public health) could help institutionalize resources and link them to incident command during a response.

5320 Priority Identification and Protection Strategies

During each triennial plan review, the Area Committee will review the established Geographic Response Strategies (GRS). The Process will begin by establishing a GRS working group for each geographic region within the Area (Baltimore / Eastern Shore / Tangier Sound / South Bay / Potomac River / Washington DC). Each working group will be composed of a Coast Guard Representative, representative from State and local environmental agencies, and interested trustees. The Working Groups will begin by reviewing the most current Environmentally Sensitivity Index promulgated by NOAA and previous GRS for that region. Utilizing the Average Most Probable and Worst Case Discharge Scenarios relevant for each region, working group members will identify the environmental, cultural, economic, human use, and other areas of concern warranting protection.

Working Groups will evaluate the real-world threats utilizing those geographic areas to determine protection strategies. Each working group will provide a written charter identifying the response priorities and risks within their geographic region.

Environmental resources at risk are identified in Part 4000 of this document, Environmentally and Economically Sensitive Areas, and in [Annex C](#), and Endangered Species Act (ESA) and Essential Fish Habitat (EFH) Form (for emergency consultations, pre-spill consultations and post-response procedures), [RRT3 Tools](#).

5330 Risk Assessment for Sensitive Area Prioritization

During a Response, the Incident Commander/Unified Command shall utilize all available information about the impacted area to determine protection priorities during a response. The IC/UC shall evaluate the Working Group charters to evaluate the pre-identified risks and protection strategies and evaluate their efficacy during the current evolution. At a minimum, the IC/UC shall incorporate examinations of the ESI, trustee feedback, Endangered Species evaluations, Historic Preservation concerns, and technical specialist feedback about the spilled product. The command shall evaluate all pre-identified GRS and implement the strategies to the greatest extent consist with real world conditions.

5340 Environmentally Sensitive Areas

Shoreline Protection Strategies have been established for all Sensitive Sites identified within the area within the Geographic Response Strategies. These strategies encompass cleanup tactics, proposed equipment and personnel resources, logistics coordination, special considerations, proposed containment and protection options, and proposed clean-up options; which are validated through operational tests and updated periodically. The plans also address (if applicable) Pre-Beach clean-up and temporary storage of recovered debris. GRSs for each area identify Shoreline Sensitive Sites.

Specific guidelines and requirements for environmentally and economically sensitive resources, to include wildlife rescue and recovery, can be found in [Annex C](#) and Endangered Species Act (ESA) and Essential Fish Habitat (EFH) Form (for emergency consultations, pre-spill consultations and post-response procedures), [RRT3 Tools](#).

5350 Wildlife Rescue & Recovery

The protection, rescue, and recovery of impacted wildlife during a response requires close coordination with those individuals and entities which have the expertise, authority, and equipment to safely and successfully execute it. This complex and high visibility operation is conducted by the Wildlife Branch within a Unified Command structure. The Wildlife Response Plan was developed to outline the policy and procedures for Wildlife Branch operations. Additionally, it lays out the activation criteria and factors to consider when developing wildlife response and recovery actions as well as the organizational infrastructure needed for these operations. For more details about wildlife rescue and recovery operations, please refer to the Wildlife Response Plan, within [Annex C](#) of this plan.

5360 Aligning Natural Resource Damage Assessment (NRDA) with Response

Oil spill incidents of significance initially lead to two primary actions: a response to contain and clean up the spilled petroleum product(s), and an assessment of the injuries to natural resources caused by the pollutant. The Oil Pollution Act of 1990 (OPA 90) authorizes Federal Resource Trustees (Department of Agriculture, Department of Commerce, Department of Defense, Department of Energy, Department of the Interior), State Resource Trustees (designated by the governor of each state), federally recognized Indian tribes, and foreign trustees to seek compensation for injuries to natural resources caused by a discharge of oil.

The National Oceanic and Atmospheric Administration (NOAA) has updated DOI's regulations for Natural Resource Damage Assessment (NRDA) resulting from discharge of oil. These regulations supersede the DOI NRDA regulations for oil spills. It is also important to understand the procedures set forth in the DOI Rules because CERCLA shall still apply to oil spills in which the oil is mixed with hazardous substance activities. Any assessment of damages prepared in accordance with the regulations being promulgated by NOAA shall have the force and effect of a refutable presumption on behalf of the trustees. RP's then have the initial burden of disproving the assessment.

Under OPA 90, the RP is liable for damages, including natural resource damages, resulting from a discharge of oil into marine waters of a State. Natural resource damages, therefore, can be sought through federal or state law or both, but may be claimed only once. Double recovery is not permitted, and hence it is imperative in spills of significance that Federal and State trustees coordinate claims for natural resources damages. The monetary damages are compensatory rather than punitive in nature.

5400 National Incident Management System (NIMS)

On March 01, 2004, the Department of Homeland Security Secretary, Tom Ridge established the National Incident Management System (NIMS). This system is the first standardized approach for federal, state, and local emergency responders. It mandates that agencies at all levels of government implement this standard to ensure a coordinated, effective, and efficient response.

NIMS establishes standardized incident management processes, protocols, and procedures that all responders -Federal, state, tribal, and local - will use to coordinate and conduct response actions. With responders using the same standardized procedures, they will all share a common focus, and will be able to place full emphasis on incident management when a homeland security incident occurs -- whether terrorism or natural disaster. In addition, national preparedness and readiness in responding to and recovering from an incident is enhanced since all of the Nation's emergency teams and authorities are using a common language and set of procedures.

5410 Unified Command (UC)

The Unified Command (UC) structure aggregates the Incident Command (IC) of all engaged organizations to enable the cooperative coordination of an effective integrated response. Within a UC, each representative must possess a statutory authority or legal obligation to conduct response actions. Additionally, each government representative must also possess jurisdictional authority within the affected area. Each UC participant contributes to decisions and planning while also performing the duties associated with their role or jurisdiction. The UC is responsible for overall management of an incident. The UC directs incident activities including the development and implementation of incident priorities and objectives. The UC also approves the order and release of resources, and members of a UC may also include representatives from other public or private organizations that are able to provide substantial support.

5420 FOSC Decision Authority

The FOSC has the authority and responsibility in accordance with the [NCP](#) to contain, control, and carry out response activities for the removal of a discharge where a substantial threat to public health or welfare, or where natural resources are endangered. At the direction and discretion of the FOSC and the Unified Command, when the responsible party executes a suitable response, any government equipment deployed should be withdrawn as commercial equipment becomes available and is placed into service.

5430 Responsible Party

Each responsible party for a vessel or a facility from which oil is discharged, or which poses a substantial threat of a discharge, into or upon the navigable waters, adjoining shorelines, or the Exclusive Economic Zone of the United States, is liable for the removal costs and damages specified in OPA. Any removal activity undertaken by a responsible party must be consistent with the provisions of the [NCP](#), the Regional Contingency Plan ([RCP](#)), this ACP, and the applicable vessel or facility response plan required by OPA. If directed by the UC at any time during removal activities, the responsible party must act accordingly. Specific responsibilities and requirements for the responsible party during a pollution incident can be found in the [NCP](#), [33 C.F.R. 154 Subpart F](#), and [33 C.F.R. 155 Subpart D](#).

5440 Common Operating Picture (COP)

The COP provides visual up-to-date response information so the UC can make informed decisions on the effectiveness of response strategies and future operations. The Coast Guard has adopted NOAA's Environmental Response Management Application ([ERMA](#)) as the platform to display a COP during a response. ERMA is a viewer that pulls real-time and static data to display a single interactive map. Generally speaking, RPs will provide their own COP, but ERMA can be used in conjunction with other platforms to make it easy for users to visualize an active environmental situation or long-term incident assessment. **Note:** Internet Explorer is not compatible with ERMA; please use Google Chrome or Microsoft Edge.

5450 Incident Command Post

A command post should be established as soon as practicable at a location determined by the Incident Commander/Unified Command. An incident command post command post may be as simple as the tailgate of a fire service vehicle on a pier or berth or formally established at an Emergency Operations Center, Coast Guard base, station/office of the lead responding agency, conference room at a hotel, or other commercial venue. The location of the command post should be communicated to all responding entities when it has been established.

A list of potential pre-identified ICPs can be found in the Contact Spreadsheet, [Annex AA](#).

5460 Public Information

The Public Information Officer (PIO) is responsible for the development and release of information to the media and public. A single PIO is assigned for each incident, including those operating under a Unified Command (UC) and multi-jurisdiction incidents. However, the PIO may request assistants is necessary. In certain cases, UC may also establish a Joint Information Center (JIC) for the coordination of communications with the public. During an incident all media inquiries should be referred to the PIO or the JIC as appropriate. For information related to the Public Information Assist Team (PIAT), refer to the Appendix (APP-PIAT). Additional information please refer to the [National Response Team's \(NRT\) Joint Information Center Model](#).

5500 Oil Spill Containment, Recovery and Cleanup

Oil spill incidents of significance initially lead to two primary actions: a response to contain and clean up the spilled petroleum product(s), and an assessment of the injuries to natural resources caused by the pollutant. The Oil Pollution Act of 1990 (OPA 90) authorizes Federal Resource Trustees (Department of Agriculture, Department of Commerce, Department of Defense, Department of Energy, Department of the Interior), State Resource Trustees (designated by the governor of each state), federally recognized Indian tribes, and foreign trustees to seek compensation for injuries to natural resources caused by a discharge of oil.

Regional Response Teams III and IV have developed a [Selection Guide for Oil Spill Response Countermeasures](#). This selection tool will be useful to both the Unified Command and the Planning Section during a response. The guide is a step-by-step process to determine which categories of technologies and specific products and strategies that might be employed during a response.

5510 Containment

The response must use all necessary containment and removal tactics in a coordinated manner to ensure a timely, effective response that minimizes adverse impact to the environment. Sector Maryland-NCR detailed response strategies can be found utilizing the Coast Guard's mandated Common Operating Picture (COP) - Environmental Response Management Application (ERMA) – Atlantic. Consolidated access to the Area's Geographic Response Plans can also be found at ERMA as well.

The Containment and Cleanup Checkoff List assists in determining the best strategy for containing the spill and conducting a timely, effective cleanup. See [Section 9140 Checkoff List for Containment and Cleanup](#).

Methods of containment, countermeasures and cleanup.

- Mobilize personnel, vacuum trucks, skimmers, boom, boats, absorbent, temporary storage, light towers, aircraft/surface surveillance, and debris disposal.
- Boom barge/pipeline area.
- Boom projected impact of critical areas (south end of Solomon's Island, Drum Point, Fishing Point).
- Deploy recovery equipment as per surveillance input (according to the weather info given in the scenario, the logical recovery points would be Solomon's Island and Drum Point).
- Establish unified incident command center (concurrently) at the Naval Air Test Center.
- Collect/contain free oil at collection and recovery points.
- Clean shorelines as necessary/appropriate.
- Coordinate disposal.
- Monitor.

5520 Shoreline Protection Options

Shoreline Protection Strategies have been established for all Sensitive Sites identified within the area within the Geographic Response Strategies. These strategies encompass cleanup tactics, proposed equipment and personnel resources, logistics coordination, special considerations, proposed containment and protection options, and proposed clean-up options; which are validated through operational tests and updated periodically. The plans also address (if applicable) Pre-Beach clean-up and temporary storage of recovered debris. GRSs for each area identify Shoreline Sensitive Sites.

During a Response, the Incident Commander/Unified Command shall utilize all available information about the impacted area to determine protection priorities during a response. The IC/UC shall evaluate the Working Group charters to evaluate the pre-identified risks and protection strategies and evaluate their efficacy during the current evolution. At a minimum, the IC/UC shall incorporate examinations of the ESI, trustee feedback, Endangered Species evaluations, Historic Preservation concerns, and technical specialist feedback about the spilled product. The command shall evaluate all pre-identified GRS and implement the strategies to the greatest extent consistent with real world conditions.

5530 On-Water Recovery

5531 Open Water

On-Water Recovery strategies have been evaluated for bodies of water within the area, and documented on the appropriate Geographic Response Strategies. These strategies encompass deployment tactics (e.g., boom, skimmer deployment, and interoperability), proposed equipment and personnel resources, logistics coordination, special considerations, proposed containment and protection options, and proposed clean-up options; which are validated through operational tests and updated periodically. The plans also address storage of the recovered oil (e.g., onboard skimming vessels, storage tanks, storage at staging areas, etc.).

5532 Near-shore/Shallow Water

In near shore and estuarine situations, the use of dispersants will be reserved for those situations of extreme risk such as; where physical containment could not be effected and dispersants would reduce an imminent threat to an important species or distinct population of fish, wildlife or other biota, or to reduce catastrophic economic impacts.

Where any of the above conditions exist, the OSC will consult the concurrence network as described in Section 4 of the RCP. In all cases of dispersant use, a consistent, logical program of monitoring dispersant effectiveness and effects is required. Where hazards to human life exist, the regulations in sub-part J of the NCP apply and the OSC may authorize dispersant use without regional concurrence network approval.

Currently, there are no pre-approved areas for dispersant use anywhere within Maryland or Virginia State waters. State waters are defined as the Chesapeake Bay and its tributaries and waters within 3 miles seaward of the baseline from which the territorial sea is measured.

The Region 3 RCP requires that the states with jurisdiction over the affected waters must concur with proposals to use dispersants. The summaries of the dispersant use policies for the states in the COTP Maryland-NCR zone will be included in the ACP when they are made available by the states. Region III Response Team policy governs the use of dispersants in Sector Maryland-NCR's FOSC zone. This policy can be found at: https://www.nrt.org/site/site_profile.aspx?site_id=35.

5540 Non-floating Oil Recovery and Protection

Non-floating 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 depend on the location of the oil.

The recovery of sunken oil has proven to be very difficult and expensive because the oil is usually widely dispersed. Several of the most widely used recovery methods are manual removal, pump and vacuum systems, nets and trawls, dredging, and onshore recovery.

5550 Shore-side Recovery and Natural Collection Points

There are predictable locales where recovery efforts can be optimized at shorelines. There are two situations where oil collection should be vigorously attempted at the shoreline:

- Places where oil naturally collects at the shoreline because of winds and currents
- Diversion and capture of oil as it flows past or along the shoreline to locations with low environmental sensitivity

Oil is a substance that spreads primarily in two dimensions on the water's surface while water moves in three dimensions; oil will spread thin, but it will also accumulate at predictable locales; it will accumulate wherever water has downward currents: such as tide rips along mud flats, and at windward coves. Responders are encouraged to also consider barge staging areas in the vicinity of a response for collection/pocketing of oil.

5560 Shoreline Cleanup

Shoreline Cleanup and Assessment Technique (SCAT) is a systematic method for surveying an affected shoreline after an oil spill. The SCAT method originated during the response to the 1989 [*Exxon Valdez*](#) oil spill, when responders needed a systematic way to document the spill's impacts on many miles of affected shoreline. The SCAT approach uses standardized terminology to document shoreline oiling conditions. SCAT is designed to support decision-making for shoreline cleanup. It is flexible in its scale of surveys and in the detail of datasets collected. SCAT is a regular part of the oil spill response. SCAT surveys begin early in the response to assess initial shoreline conditions, and ideally continue to work in advance of operational cleanup. Surveys continue during the response to verify shoreline oiling, cleanup effectiveness, and eventually, to conduct final evaluations of shorelines to ensure they meet cleanup endpoints.

NOAA has a Shoreline Assessment Job Aid, which can aid the response organization in determining the extent of damage along various types of shoreline.

Web Site: <https://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/resources/shoreline-cleanup-and-assessment-technique-scat.html>

Technical Specialists frequently assigned to the Environmental Unit may include sampling, response technologies, trajectory analysis, weather forecasts, shoreline cleanup assessment, historical/cultural resources, and waste disposal

5570 Decontamination

Decontamination is the systematic removal of hazardous materials from exposure victims, emergency responders, equipment, and the environment. Persons responding to hazardous substance releases may become contaminated in a number of ways including:

- Contacting vapors, gases, mists, or particulates in the air.
- Being splashed by materials while sampling or opening containers.
- Walking through puddles of liquids or sitting or kneeling on contaminated soil.
- Using contaminated instruments or equipment.

Thorough and efficient decontamination is essential for successfully managing an oil spill, hazardous substance release, or nuclear/radiological releases. The scope and methods of the necessary decontamination effort will be determined for each situation by the products involved, the size and nature of the releases, and the number of people affected.

The type of decontamination required and responsibility for performing decontamination depend on the amount and type of chemical or material involved. Decontamination will be handled in accordance with the incident-specific decontamination plan developed by the Safety Officer.

Decontamination is not an automatic or inevitable response to an incident. Whether or not to initiate decontamination procedures will depend on the assessment of the nature of the incident by first

responders. A first responder, who does not properly decontaminate him/herself, may potentially contaminate his/her co-workers and family.

Once the decision to decontaminate has been made, the general principle is that all casualties, whether injured or not, who are suspected of being contaminated will receive decontamination at the scene. Although this will reduce the number of people self-referring to medical centers, people will still self-present for decontamination off-site. Medical centers and hospitals should prepare for this.

If decontamination procedures are initiated, the first objective is to remove the contaminated person from the area of greatest contamination. Usually this will be to the open air and upwind of the incident. It should be remembered that potential witnesses or suspects might be among those being decontaminated.

The careful removal of contaminated clothing will reduce the level of contamination and should, therefore, be a priority. Wherever possible the removal of clothing should be from head to foot, to limit the risk of inhalation of any contaminant. Special care should be taken to ensure there is no spread of contamination from any clothing to exposed skin.

Equipment decontamination may be necessary to prevent the spread of oil from contaminated areas to uncontaminated areas, such as the movement of a vessel from a work site to a marina to moor up. Decontamination will also be necessary as vessels and other equipment are demobilized. The OSC shall ensure that decontamination is addressed and a plan is developed and implemented if necessary. In the event that contaminated vessels call upon the COTP zone, refer to the SECMDNCR Decon Priority Decision Matrix –Draft (Created 05JUL07 and updated 25AUG16)

5580 Disposal

It is the responsibility of the OSC to ensure that any spilled oil or hazardous substance is disposed of properly once cleanup has occurred. The Resource, Conservation and Recovery Act (RCRA) and its implementing regulations contained in [Title 40, Code of Federal Regulations](#) are quite specific in defining what is hazardous waste and how it should be handled and disposed. [40 CFR 261, Subpart C](#) lists the characteristics a substance must exhibit to be considered hazardous.

The Storage and Disposal Checkoff List identifies several storage and disposal issues, which need to be addressed. [Annex EE](#) of this plan details the various laws pertaining to storage and disposal of waste materials.

In dealing with oil spills, one of the main problems encountered is what to do with the waste materials once the cleanup has begun. When dealing with the method of disposal, there are three main areas of concern; ecology, logistics, and finance.

Some considerations for disposal are:

- What further effects or risks are going to occur due to relocation of the waste material? Ideally, the goal is to dispose of the material without any further hazard generated or further impacts to the environment, including air, surface water, ground water, and soils.
- How can waste be safely moved from the site to the disposal and /or treatment area? What is the availability of the machinery needed for removal?
- What is the capacity of the disposal and/or treatment facility?
- How much is it going to cost to dispose of the waste?

- What are the possibilities of recycling the wastes into a useful product to help offset the disposal cost?
- State and Local disposal approvals and permits.
- Procedures for obtaining waivers, exemptions, and authorizations associated with handling or transporting waste material.

Waste material generally fall into one of the following categories:

- Recovered liquids (oil/water mixtures)
- Contaminated absorbents and debris
- Contaminated soil/sand

Liquid waste is probably the easiest form of waste to deal with because it is easily handled, moved, or sometimes can be processed into a useful product. Absorbents are the most widely used products for oil spill cleanup. Organic absorbents, mainly made of straw, are biodegradable. Many new absorbents are synthetic and their biodegradability is greatly reduced. The best absorbent would be one that could be reused, much like a sponge, leaving only liquid waste, which is easily disposed of, thereby reducing cleanup costs and the amount of solid waste generated.

In order to ensure the proper disposal of materials contaminated by hydrocarbons in accordance with all regulations (local, state, federal), please refer to the Disposal Plan, [Annex EE](#). See also [RRT3 Guidance for Disposal of Contact Water](#), and [RRT3 Guidance for the Decanting of Contact Water](#) for further guidance.

5590 Terminating Cleanup Operations

When to terminate specific oil spill cleanup actions can be a difficult decision; when is clean, clean enough? The increasing cost of the cleanup and the damage to the environment caused by cleanup activities must be weighed against the ecological and economic effects of leaving the remaining oil in place. The decision to terminate cleanup operations is site-specific. Cleanup usually cannot be terminated while one of the following conditions exist:

- Recoverable quantities of oil remain on water or shores
- Contamination of shore by fresh oil continues
- Oil remaining on shore is mobile and may be refloated to contaminate adjacent areas and near shore waters

Cleanup may normally be terminated when the following conditions exist:

- The environmental damage caused by the cleanup effort is greater than the damage caused by leaving the remaining oil or residue in place
- The cost of cleanup operations significantly outweighs the environmental or economic benefits of continued cleanup
- The FOSC, after consultation with the members of the Unified Command, determines that the cleanup should be terminated

Consultation between agencies involved and affected in the specific area will be required prior to cleanup termination. Advice should be obtained from the NOAA Scientific Support Coordinator (SSC) and state environmental agency overseeing the operation. One specific device to measure water

cleanliness is the sheen test. However, this is not an all-encompassing tool for measuring the cleanup. Another tool for determining termination is the Shoreline Assessment Manual.

After all involved parties have met and thoroughly assessed the area and determined the cleanup to be satisfactory, and then the cleanup operation can be terminated.

Note: Per [40 C.F.R. 300.320\(a\)\(5\)\(b\)](#), removal shall be considered complete when so determined by the FOSC in consultation with the Governor(s) of the affected state(s).

5600 Oil Spill Response Funding and Cost Recovery

The Oil Spill Liability Trust Fund (OSLTF) is available to the FOSC for the payment of removal costs determined by the FOSC to be consistent with the National Contingency Plan as a result of, and damages resulting from, a discharge, or substantial threat of a discharge of oil impacting the navigable waters of the United States. The OSLTF was established by Section 311(k) of the Federal Water Pollution Control Act ([FWPCA](#)) and is administered by the U.S. Coast Guard's National Pollution Funds Center (NPFC). In the event of an oil spill, an FOSC, state, claimant, or trustee can obtain access to these federal funds through the processes outlined in the following sections.

The NPFC User Reference Guide (eURG) is designed to be a reference tool during an oil or hazardous materials spill incident for Coast Guard and EPA Federal On-Scene Coordinators (FOSCs). It includes all relevant Federal regulations, technical operating procedures (TOPs), forms and sample letters, and other documentation designed to make funding of recovery operations and recovery of Federal expenditures as efficient and easy as possible.

<https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/URG/>

5610 FOSC Access to Federal Funds

When federal actions are authorized by the Clean Water Act or CERCLA, the OSLTF or the Superfund, respectively, may be accessed to fund them. A USCG FOSC uses the NPFC's Ceiling and Number Assignment Processing System (CANAPS) to establish and manage a Federal Project Number (FPN) for an oil spill or a CERCLA Project Number (CPN) for a Hazardous Substance incident. CANAPS interfaces with the Coast Guard's Financial Management and Procurement Services (FSMS) to create an accounting line to provide funding support to the FOSC. For specific guidance regarding the administration of a FPN or a CPN, refer to the "Procedures for Accessing the Funds" as well as the "CANAPS User Guide" in the [NPFC User Reference Guide](#).

The FOSC should obtain a Federal Project Number (FPN) and corresponding ceiling and begin documenting all Federal removal costs when:

The OSC expects to incur "out-of-pocket" costs (funds paid to contractors or others outside the U.S. Coast Guard) to conduct the assessment phase or any part of the response; or

The OSC determines that a continued presence is required to ensure proper removal actions (ignition of response actions under Phase II) and no "out of pocket" costs are expected, but internal costs (costs of OSC personnel and equipment) are expected to exceed \$500.

If, after the initial assessment, the OSC determines that no further actions are necessary or that indirect costs total less than \$500, the OSC may close the FPN.

If the Responsible Party does not have adequate funding available or does not take adequate or

appropriate actions and there is a release or a potential release of oil or hazardous materials, the COTP, acting in his role as the FOSC may access federal funding. The Oil Spill Liability Trust Fund (OSLTF) or the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, a.k.a. Superfund), may be accessed to fund all appropriate measures of response, including firefighting activities, to prevent, mitigate, or cleanup a release of oil or hazardous materials into the environment. However, firefighting activities solely related to the safety of life or property generally not qualify.

As necessary, the FOSC can make funding available to USFWS and/or NMFS for costs incurred in providing any agreed upon assistance such as preparing the Biological Assessment for formal consultation. However, the USFWS and/or NMFS are not reimbursed for completing a Biological Opinion.

5620 Funding Authorizations for Other Agencies (MIPRs, PRFAs, WAFs)

Federal, state, local, and tribal governments assisting the FOSC during a response may receive reimbursable funding through a Pollution Removal Funding Authorization (PRFA). The NPFC can be consulted regarding PRFAs, but authorization to establish and use this funding source is provided by the FOSC. The decision to use another agency to help in the response must be documented in writing (to include what is required and why it is needed) and must be signed by the FOSC. After the PRFA has been approved by the FOSC, the other agency is required to follow the same cost documentation procedures used by the FOSC. If additional or an increase in funding is required, the request must be made to the FOSC. For more information about PRFAs please refer to [NPFC User Reference Guide](#).

When an FOSC makes the determination that a DoD asset or DoD resources are necessary to conduct a response (i.e., US Navy SUPSALV), a Military Interdepartmental Purchase Request (MIPR), vice a PRFA, must be established. For more information about establishing a MIPR please refer to [NPFC Technical Operating Procedures - Chap 5 \(MIPR\)](#).

5630 Funding Authorizations for Other Agencies

State access to OSLTF and CERCLA funds provides an avenue for states to receive Federal funds for immediate removal costs resulting from their response to actual or threatened discharges of oil. State access does not supersede or preclude the use of other existing Federal payment regimes. The State should not seek and will not receive payments for the same costs from more than one payment regime.

States may access funds via one of three methods:

- File a claim with the NPFC within 6 years of the cleanup.
- Ask the FOSC to obtain a FPN/CPN and a ceiling amount for the State. The State will work directly with the NPFC to document costs.
- Have the FOSC obtain a FPN/CPN and then issue a Pollution Removal Funding Authorization (PFRA) to the State with a ceiling and time limit. The FOSC will then review all documentation prior to submission to the NPFC.

The State of Maryland has designated a state representative from the Maryland Department of the Environment (MDE) for State Access to the OSLTF. To obtain a copy of the State designation letter signed by the Governor, contact the MDE Emergency Response Division.

A copy of the “Technical Operating Procedures for State Access to the Fund” can be obtained on the World Wide Web at: <https://www.uscg.mil/npfc/Publications/tops.asp>.

For all intents and purposes using a PRFA is the preferred method for a state to have access to Fund money. If the state themselves intend to access the fund directly put them in contact with the NPFC Case Officer handling the FPN being used.

For all intents and purposes using a PRFA is the preferred method for a state to have access to Fund money. If the state themselves intend to access the fund directly put them in contact with the NPFC Case Officer handling the FPN being used. An FOSC may utilize a Pollution Removal Funding Authorization (PRFA) for funding the activation of a Historic Property Specialist during an emergency response.

If additional or an increase in funding is required, the request must be made to the FOSC. For more information about PRFAs please refer to [NPFC User Reference Guide](#).

5640 Trustee Access to the OSLTF

OPA provides access to the OSLTF by Trustees for the purpose of conducting a Natural Resource Damage Assessment (NRDA). Executive Order 12777 introduced the concept of a Federal Lead Administrative Trustee (FLAT) in an effort to provide a focal point for addressing natural resource issues associated with a specific incident. The NPFC will only accept requests for initiation of a NRDA from, and normally work directly with, the designated FLAT. For purposes of requests for initial funding for a NRDA, State and Tribal Trustees must work through a FLAT. When a request for a NRDA has been made, the NPFC Natural Resource Damage Claims Division will then assign a claims manager to coordinate the approval process. Together, the NPFC Natural Resource Damage Claims Manager and the FLAT will execute a request and authorization for obligation of funds through an Interagency Agreement (IAA). For more information about the process of initiating a Natural Resource Damage Assessment (NRDA) and for the regulations and procedures for making a Natural Resource Damage (NRD) claim please refer to [NPFC Natural Resource Damage Claims](#).

5650 Local and Tribal Government Access to the Superfund

Local and federally recognized tribal governments may request reimbursement of cost to carry out temporary measures to protect human health and the environment without a contract or cooperative agreement. All costs for which local governments are seeking reimbursement must be consistent with the NCP and Federal cost principles outlined by the Office of Management and Budget. Reimbursements are limited to \$25,000 per hazardous substance response. In addition, reimbursement must not supplement local government funds normally provided for emergency response. States are not eligible for reimbursement from the Superfund and no state may request reimbursement on behalf of political subdivisions within the state.

The EPA will make all decisions regarding recovery of expenditures from the Superfund. All agencies expending Superfund money must submit an itemized account of all funds expended in accordance with provisions of contracts, Interagency Agreements (IAA), or Cooperative Agreements with EPA. These agreements must be in place prior to the expenditure of funds. For more information on the Local Government Reimbursement (LGR) program please refer to [EPA Local Government Reimbursement Program](#). 5670 Military Interdepartmental Purchase Request (MIPR). When an FOSC makes the determination that a DoD asset or DoD resources are necessary to conduct a response (i.e., US Navy SUPSALV), a Military Interdepartmental Purchase Request (MIPR), vice a PRFA, must be established. For more information about establishing a MIPR please refer to [NPFC Technical Operating Procedures - Chap 5 \(MIPR\)](#).

5660 Documentation and Cost Recovery

Maintaining a thorough and complete record of response actions and expenditures is a critical element to any successful response. Keeping a thorough record aids in the recovery of costs and can be used to generate best management practices and lessons learned as well as support the restoration of natural resource injuries.

The Cost Unit is responsible for collecting all cost data, performing cost effectiveness analyses, and providing cost estimates and potential cost avoidance recommendations throughout the incident.

For information concerning documentation, forms, and FOSC completion reports, reference the [NPFC User Reference Guide](#).

5661 National Contingency Plan (NCP) Documentation Requirements

The NCP outlines broad documentation and cost recovery requirements and can be found in [40 C.F.R. 300.315](#). During significant and protracted pollution responses, the FOSC is encouraged to mobilize one of the USCG's Type 1 Documentation Unit Leaders to oversee all facets of incident-related documentation. Type 1 Documentation Unit Leaders contact information is provided in [Annex A](#).

5662 Cost Documentation Procedures

Costs generated against the fund during a response will be paid by the NPFC through the line of accounting established by the FPN or CPN. Upon completion of the response, the NPFC will seek to recover those costs from the RP. Only through careful documentation of those costs and expenditures is cost recovery possible; this makes maintaining a detailed cost documentation process a critical part of any response. For specific information on cost documentation requirements and cost recovery procedures, please refer to the [NPFC Technical Operating Procedures for Incident and Cost Documentation](#).

5663 NPFC User Reference Guide

The NPFC User Reference Guide is designed to serve as a reference tool during an oil discharge or hazardous substance release when the Federal On-Scene Coordinator (FOSC) is providing oversight or conducting response operations under the NCP. This guide includes all relevant Federal regulations, technical operating procedures (TOPs), forms and sample letters, and other documentation designed to make funding of recovery operations and the recovery of Federal expenditures as efficient and easy as possible. This guide is available to all interested parties and can be found at: [NPFC User Reference Guide](#).

5670 Oil Spill Claims

5671 Claims to the OSLTF

Claimants (individuals, corporations, and government entities) can submit claims for uncompensated removal costs or certain damages caused by an oil spill (as listed below) to the OSLTF, administrated by the NPFC, if the Responsible Party for the discharge does not satisfy their claim. The NPFC adjudicates claims and pays those with merit.

The Responsible Party can submit claims to the NPFC provided that:

- The total of all response costs and damage claims exceeds the Responsible Party's statutory limit of liability; or
- The spill was solely caused by a third party, an Act of God, or an Act of War.

The categories of uncompensated losses covered by the OSLTF are:

- Removal costs,
- Real or personal property damages,
- Loss of profits or earning capacity,
- Loss of subsistence,
- Loss of government revenues,
- Cost of increases to public services, and
- Damages to natural resources.

Generally, claims for all costs and damages resulting from an oil pollution incident must be presented first to the Responsible Party or its guarantor. For more information about the claims process, please refer to the [NPFC Claimant Guide](#).

5672 NOAA Damage Assessment Procedures

NOAA published a final rule to guide Trustees in assessing damages to natural resources from discharges of oil. The rule provides a blueprint that enables Natural Resource Trustees to focus on significant environmental injuries, to plan and implement efficient and effective restoration of the injured natural resources and services, and to encourage public and responsible party involvement in the restoration process.

Under the rule, the NRDA process is divided into three phases:

- Pre-assessment: The trustees evaluate injury and determine whether they have the authority to pursue restoration and if it is appropriate to do so;
- Restoration Planning: The trustees evaluate and quantify potential injuries and use that information to determine the appropriate type and scale of restoration actions; and
- Restoration Implementation: The trustees and/or responsible parties implement restoration, including monitoring and corrective actions.

This process is designed to rapidly restore injured natural resources and services to the condition that would have existed had the spill not occurred and to compensate the public for the losses experienced from the date of the spill until the affected natural resources and services have been recovered. For more information about this process please refer to [NOAA NRDA Process](#).

5700 Hazardous Substance Spill Response

5710 Introduction

Response actions for hazardous materials spills are more diverse than those for oil spills. Hazardous materials incidents rely more heavily on the use of augmenting forces from state and local governments, and place much greater emphasis on monitoring and data gathering prior to any commitment of resources. Hazardous substance response is outlined within Subpart E of the NCP. [40 C.F.R. Part 300 Subpart E](#) establishes methods and criteria for determining the appropriate extent of response authorized by CERCLA and CWA Section 311(c). These include:

- When there is a release of a hazardous substance into the environment; or
- When there is a release into the environment of any pollutant or contaminate that may present an imminent and substantial danger to the public of the United States.

The definition of a Hazardous Substance is: Any substance designated as such by the administrator of the EPA pursuant to the CERCLA ([42 U.S.C. Sec. 9601](#) et seq.), regulated pursuant to Section 311(c) of the federal CWA ([33 U.S.C. Sec. 1321](#) et seq.), or designated by the Maryland Department of Environment (MDE).

The definition of harmful quantity is: A quantity of a hazardous substance the release of which is determined to be harmful to the environment or public health or welfare or may reasonably be anticipated to present an imminent and substantial danger to the public health or welfare by the Administrator of the EPA pursuant to federal law, or designated by MDE.

USCG Sector Maryland-NCR responders are trained as HAZWOPER First Responder Awareness/Operations (FRA/FRO) Level responders which means they are trained to recognize and perform some defensive measures in hazardous release situations but are not trained to directly participate in response clean-up activities. The [2005 Hazardous Materials Response Special Teams Capabilities and Contact Handbook](#) contains a list of resources that may be utilized to support and respond to hazardous material releases.

USCG National Strike Force (NSF) personnel respond to releases or potential releases for the purposes of stopping the release. They assume a more aggressive role than a first responder at the operations level and may approach the point of release in order to plug, patch, or otherwise stop the release of a hazardous substance. Therefore, in addition to the FRA and FRO training requirements, NSF Team members shall be trained to the Hazardous Material Technician level up to level A.

MDE and many local fire departments are much more aggressive towards hazardous material incidents and train for such scenarios. These entities are trained as HAZWOPER Hazardous Material Technicians and are able to stop and/or control releases and have basic knowledge in all areas of emergency response.

More information on area specific Hazardous Substance response can be found in [Annex D](#).

5720 Environmental Support to the FOSC

Within the Maryland-NCR AOR, state and some local governments maintain HAZMAT response teams that have entry capability and can carry out a response to a hazardous materials release. When the state and local government teams can adequately respond to a release, the FOSC will not interfere.

No matter who carries out the actual response, the FOSC must monitor for adequacy. If the response is not adequate, the FOSC shall provide advice to the responders and/or assume control of the response.

The HAZMAT teams that are maintained by state and local governments normally function only on land. If the maritime aspects of the situation become dominant and prevent land-based HAZMAT teams from adequately responding (and the ship cannot be moved to a safe haven), assistance may be sought from the Coast Guard's National Strike Force/Atlantic Strike Team. This team is trained to respond to shipboard hazardous materials incidents and can enter the "hot zone" if necessary.

The Atlantic Strike Team can also help land-based HAZMAT teams to adjust their tactics to the maritime environment.

A hazardous materials incident has a zone of contamination, generally termed a “hot zone”, where chemical vapors, dermal contact hazards, fires, explosion hazards, or nuclear radiation pose a threat to unprotected workers. Leading from the “hot zone” to the “cold” (non-contaminated) zone is a “warm zone” in which workers are decontaminated. Traffic controls may or may not be in place at the site, depending on the maturity of the incident and the available personnel.

Some chemicals can be sensed by odor long before they become harmful, others cannot. Published information on odor thresholds is hard to find. Refer to guide books on the relationship between the odor threshold, the breathing limits for workers, and the IDLH (Immediately Dangerous to Life and Health) concentration. Ten percent of the IDLH value is often used as a “hot zone” boundary.

5730 State Policy

5731 Maryland

All oil and hazardous materials waste enforcement and response activities are under the direction of MDE. Their position is to intermesh with emergency services wherever required during an emergency incident involving hazardous substances. MDE recognizes the senior fire line officer or his or her designee as the Incident Commander (IC) at a hazardous substance or oil discharge incident. The MDE Response Division acts as an additional resource for the IC.

Maryland Toxic Substances Pollution and Oil Pollution, Title 26, Subtitles 8 and 10 states that:

“A person may not cause oil, toxic substances, or any other pollution to enter the water.”

Pollution is defined as:

“Every contamination or alteration of the physical, chemical, or biological properties of any waters of the State, including: change in temperature, taste, color, turbidity, odor, or the discharge or deposit of any organic matter, harmful organism, liquid, gas, solid, radioactive, or other substance into the waters as will render the waters harmful, detrimental, or injurious to public health, safety or welfare, domestic, commercial, industrial, agricultural, recreational, other legitimate beneficial uses, or livestock, wild animals, birds, fish, or other aquatic life.”

MDE is headquartered in Baltimore, Maryland and carries out enforcement of the state’s pollution laws.

The MDEM provides support, resources, etc. to assist MDE during oil and hazardous substance release emergencies.

5732 District of Columbia

DOEE enforces pollution, air and water quality, hazardous waste, toxic substances, and spill-prevention regulations. Statutorily empowered under [DC Code Title 8](#), it regulates hazardous waste management, toxics, underground storage tanks, asbestos, and more effectively absorbing former ERA functions. The Department of Licensing and Consumer Protection (DLCP) and the Department of Buildings (DOB), carries out the enforcement of the District’s pollution laws. DOEE serves as the primary environmental regulator in DC. The Washington, D.C. Fire Department is fully equipped to handle a hazardous substance release within the District of Columbia. The fire department also has minimal resources for handling discharges of oil onto the water.

[The District of Columbia Law 5-188](#), the Water Pollution Control Act of 1984 prohibits the discharge of any substance, which may alter or interfere with the restoration or maintenance of the chemical, physical, radiological, and biological integrity of the waters or the district, or any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemicals, chemical wastes, hazardous wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, oil, gasoline, and related petroleum products, and industrial, municipal, and agricultural wastes.

5733 Virginia

VDEQ enforces environmental laws and regulations in the Commonwealth of Virginia. VDEQ is the lead state agency for managing the Commonwealth's response to a major oil spill after immediate threats to public safety have been abated; VDEQ is also the lead agency to determine long-term remediation actions for releases of hazardous materials. In the event of a major oil spill, VDEQ will serve as the state on-scene coordinator (SOSC). The SOSC possesses the authority to request assistance from other appropriate state agencies.

The VDEM coordinates disaster response actions of state and federal agencies and provides guidance and assistance to affected local governments. If a threat to human safety exists in pollution cases, VDEM obtains and coordinates requested assistance from local governments. Direction and control of emergency response to an oil or hazardous substance incident is delegated to the local level of government.

According to §62.1-44.5.A of State Water Control Law ([Va. Code §62.1-44.2 et seq.](#)), except in compliance with a certificate issued by the Board (VDEQ), it shall be unlawful for any person to: (1) discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or (2) otherwise alter the physical, chemical or biological properties of state waters and make them detrimental to the public health, or to animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses.

5734 Delaware

The Department of Natural Resources and Environmental Control, Division of Environmental Control, maintains listings of commercially available resources in Delaware. The department will provide response assistance on oil and hazardous materials incidents, public health exposures, and information and advice concerning local habitat, wildlife and fisheries. The department is also responsible for enforcement of the state's pollution laws. The Delaware Department of Natural Resources & Environmental Control, headquartered in Dover, Delaware carries out enforcement of the state's pollution laws.

[The Delaware Pollution Control Act of 1949, Title 7](#), Delaware Code, Chapters 60-64 states general water quality criteria are as follows:

“The waters shall not contain substances attributable to municipal, industrial, agricultural, or other discharges in concentrations or amounts sufficient to be adverse or harmful to water uses to be protected, or to a human, animal, aquatic and wildlife. The waters shall be free from unsightly and malodorous nuisances due to floating solids or sludge deposits, debris, oil and scum.”

5800 Hazardous Substance Spill Response Funding and Cost Recovery

5810 FOSC Access to CERCLA Funding

An MOU between the USCG and Environmental Protection Agency (EPA) authorizes the USCG to access the Hazardous Substance Trust Fund (Superfund) when it undertakes response activities pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). A USCG FOSC has the authority to approve the expenditure of these funds to prevent or mitigate immediate and significant harm to human life or health or to the environment from the release or potential release of hazardous substances. The process through which a USCG FOSC accesses these funds is through CANAPS, as discussed in section [5610](#). The NPFC is responsible for the administration of the USCG's portion of the Superfund, while the EPA retains overall responsibility for the fund's general administration.

5820 Funding Authorizations for other Agencies (MIPRs, PRFAs, WAFs)

Federal, state, local, and tribal governments assisting the FOSC during a response may receive reimbursable funding through a Pollution Removal Funding Authorization (PRFA). The NPFC can be consulted regarding PRFAs, but authorization to establish and use this funding source is provided by the FOSC. The decision to use another agency to help in the response must be documented in writing (to include what is required and why it is needed) and must be signed by the FOSC. After the PRFA has been approved by the FOSC, the other agency is required to follow the same cost documentation procedures used by the FOSC. If additional or increased in funding is required, the request must be made to the FOSC. For more information about PRFAs please refer to NPFC User Reference Guide.

When an FOSC makes the determination that a DoD asset or DoD resources are necessary to conduct a response (i.e., SUPSALV), a Military Interdepartmental Purchase Request (MIPR), vice a PRFA, must be established. A MIPR is an order issued by one military service to another to procure services, supplies, or equipment for the requiring service. The MIPR (DD Form 448) may be accepted on a direct citation or reimbursable basis.

5830 Trustee Agency Access to CERCLA

Local and federally recognized tribal governments may request reimbursement of cost to carry out temporary measures to protect human health and the environment without a contract or cooperative agreement. All costs for which local governments are seeking reimbursement must be consistent with the NCP and Federal cost principles outlined by the Office of Management and Budget. Reimbursements are limited to \$25,000 per hazardous substance response. In addition, reimbursement must not supplement local government funds normally provided for emergency response. States are not eligible for reimbursement from the Superfund and no state may request reimbursement on behalf of political subdivisions within the state.

The EPA will make all decisions regarding recovery of expenditures from the Superfund. All agencies expending Superfund money must submit an itemized account of all funds expended in accordance with provisions of contracts, Interagency Agreements (IAA), or Cooperative Agreements with EPA. These agreements must be in place prior to the expenditure of funds. For more information on the Local Government Reimbursement (LGR) program please refer to EPA [Local Government Reimbursement Program](#).

5900 Response Documentation Requirements

The NPFC User Reference Guide (eURG) is designed to be a reference tool during an oil or hazardous materials spill incident for Coast Guard and EPA Federal On-Scene Coordinators (FOSCs). It includes all relevant Federal regulations, technical operating procedures (TOPs), forms and sample letters, and other documentation designed to make funding of recovery operations and recovery of Federal expenditures as efficient and easy as possible.

<https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/URG/>

The NCP outlines broad documentation and cost recovery requirements and can be found in [40 CFR 300.315](#). During significant and protracted pollution responses, the FOSC is encouraged to mobilize one of the USCG's Type 1 Documentation Unit Leaders to oversee all facets of incident-related documentation.

5910 Incident Action Plans (IAPs)

The Documentation Unit Leader is responsible to save digital and/or hard copies of IAPs.

5920 Consultation Documentation and other Decision Memos

Consultation and decision memos need to be saved. The Documentation Unit Leader should consider having scribes in meetings to ensure key decisions and documents are appropriately documented.

5930 Cost Recovery Documentation and Claims

Costs generated against the fund during a response will be paid by the NPFC through the line of accounting established by the FPN or CPN. Upon completion of the response, the NPFC will seek to recover those costs from the RP. Only through careful documentation of those costs and expenditures is cost recovery possible; this makes maintaining a detailed cost documentation process a critical part of any response. For specific information on cost documentation requirements and cost recovery procedures, please refer to the [NPFC Technical Operating Procedures for Incident and Cost Documentation](#).

The NPFC User Reference Guide is designed to serve as a reference tool during an oil discharge or hazardous substance release when the Federal On-Scene Coordinator (FOSC) is providing oversight or conducting response operations under the NCP. This guide includes all relevant Federal regulations, technical operating procedures (TOPs), forms and sample letters, and other documentation designed to make funding of recovery operations and the recovery of Federal expenditures as efficient and easy as possible. This guide is available to all interested parties and can be found at: [NPFC User Reference Guide](#).

Maintaining a thorough and complete record of response actions and expenditures is a critical element to any successful response. Keeping thorough records aids in the recovery of costs and can be used to generate best management practices and lessons learned as well as support the restoration of natural resource injuries.

Persons and government agencies that incur damages due to discharges or substantial threats of discharges of oil are entitled to compensation, and OPA90 provides for a mechanism to expedite this process. The RP is primarily liable for satisfying legitimate claims expeditiously. If the RP is either unknown, or is unable or unwilling to meet this obligation, or the claim is denied or remains unpaid for 90 days, the NPFC is authorized to evaluate and pay the claim from the OSLTF. This applies to both uncompensated removal costs and uncompensated damages resulting from the discharge. Section 1002 of OPA90 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 FOSC, is required to advertise, in a manner directed by the NPFC, the name, address, telephone number, office hours, and workdays of the person or persons to whom claims are to be presented and from whom claim information can be obtained. 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. As such, the NPFC will advertise as described above, listing either their offices at Coast Guard Headquarters/DHS St. Elizabeth's Compound Arlington, VA, or a locally established claims office, as deemed appropriate by the FOOSC and NPFC for the case.

If parties have been adversely affected by an oil spill, they may be able to receive compensation. OPA90 defines the conditions under which they may recover costs and damages. To submit a claim, they must:

Show that the spill meets all OPA requirements. ***Their claims manager cannot process the rest of their claims package until they have proven that the spill meets these requirements.*** (The OPA Claims Requirements checklist provides a step-by-step guide to help you decide if a spill qualifies.)

Document their costs and damages from the spill. (See the Types of Claims table below and NPFC website for a list of the kind of claims they can submit.) Forward their claims package to the National Pollution Funds Center, the Coast Guard office responsible for evaluating and approving OPA claims.

Types of Claims

Claim Type	Description	Who Can Submit
Natural Resource Damages (NRD)	Costs for: Assessing an area's natural resource damages, Restoring the natural resources, and Compensating the public for the lost use of the affected resources.	Only specially designated natural resource trustees
Removal Costs	Costs to prevent, minimize, mitigate, or clean up an oil spill. (The costs of cleaning up your own property fall under the category of property damage, not removal costs.)	Clean-up contractors, called Oil Spill Recovery Organizations (OSROs), Federal, State, and local government entities. The responsible party. Anyone who helped clean up the spill.
Property Damage	Injury to or economic loss resulting from destruction of real property (land or buildings) or other personal property. Does not include personal injury.	People or entities who own or lease the damaged property.
Boat Damage	Injury to or economic loss resulting from damage to a boat (a subset of property damage).	People or entities who own or lease the damaged boat

Loss of Subsistence Use of Natural Resources	Loss of subsistence use claim if natural resources you depend on for subsistence use purposes have been injured, destroyed, or lost by an oil spill incident.	Anyone who, for subsistence use, depends on natural resources that have been injured, destroyed, or lost (You do not have to own or manage the natural resource to submit a claim under this category.)
Loss of Government Revenue	Net loss of taxes, royalties, rents, fees, or net profit shares due to the injury, destruction, or loss of real property, personal property, or natural resources	Federal agencies. States. Local governments.
Increased Public Services	Net costs of providing increased or additional public services during or after removal activities, including protection from fire, safety, or health hazards, caused by a discharge of oil or directly attributable to response to the oil spill incident	States. Local governments.

For general claims inquiries, please contact 800-280-7118 or hqs-smb-npfc-claimsinfo@uscg.mil.

5931 Claims to the OSLTF

Claimants (individuals, corporations, and government entities) can submit claims for uncompensated removal costs or certain damages caused by an oil spill (as listed below) to the OSLTF, administrated by the NPFC, if the Responsible Party for the discharge does not satisfy their claim. The NPFC adjudicates claims and pays those with merit.

The Responsible Party can submit claims to the NPFC provided that:

The total of all response costs and damage claims exceeds the Responsible Party's statutory limit of liability; or the spill was solely caused by a third party, an Act of God, or an Act of War.

The categories of uncompensated losses covered by the OSLTF are:

- Removal costs,
- Real or personal property damages,
- Loss of profits or earning capacity,
- Loss of subsistence,
- Loss of government revenues,
- Cost of increases to public services, and
- Damages to natural resources.

Generally, claims for all costs and damages resulting from an oil pollution incident must be presented first to the Responsible Party or its guarantor. For more information about the claims process, please refer to the [NPFC Claimant Guide](#).

5932 NOAA Damage Assessment Procedures

NOAA published a final rule to guide Trustees in assessing damages to natural resources from discharges of oil. The rule provides a blueprint that enables Natural Resource Trustees to focus on significant environmental injuries, to plan and implement efficient and effective restoration of the

injured natural resources and services, and to encourage public and responsible party involvement in the restoration process.

Under the rule, the NRDA process is divided into three phases:

- Pre-assessment: The trustees evaluate injury and determine whether they have the authority to pursue restoration and if it is appropriate to do so;
- Restoration Planning: The trustees evaluate and quantify potential injuries and use that information to determine the appropriate type and scale of restoration actions; and
- Restoration Implementation: The trustees and/or responsible parties implement restoration, including monitoring and corrective actions.

This process is designed to rapidly restore injured natural resources and services to the condition that would have existed had the spill not occurred and to compensate the public for the losses experienced from the date of the spill until the affected natural resources and services have been recovered. For more information about this process please refer to [NOAA NRDA Process](#).

5950 Post-spill Consultations

For actions not covered by a pre-spill consultation that are used, or are considered for use during an emergency response, the FOSC must follow ESA and/or EFH emergency response procedures and complete ESA and/or EFH consultations in collaboration with the Services once the emergency phase of the response has ended. To the extent applicable, post-spill NHPA Section 106 consultations with the SHPO (and possibly others) would also need to be completed if not initiated or completed during the emergency phase.

Additionally, the following annexes are also applicable to Endangered Species Act (ESA), Essential Fish Habitat (EFH), and National Historic Preservation Act (NHPA) mandates:

- Fish and Wildlife Annex, [Annex C](#) in this plan.
- [Endangered Species Act \(ESA\) and Essential Fish Habitat \(EFH\) Form](#) (for emergency consultations, pre-spill consultations and post-response procedures).

6000 Response Resources

The Oil Pollution Act of 1990 (OPA) amended the Federal Water Pollution Control Act (FWPCA) to require the preparation and submission of response plans by the owners or operators of certain oil-handling facilities and for certain oil-carrying tank and non-tank vessels (referred to here as plan holders). These plan holders are required to submit response plans which identify and ensure either by contract or other approved means (i.e., Letter of Intent), the availability of response resources (i.e., personnel and equipment) necessary to remove a worst case discharge (WCD), including a discharge resulting from fire or explosion, and to mitigate or prevent a substantial threat of such a discharge. Additional response resources for marine firefighting and salvage are identified in [Annex E](#).

6100 Oil Spill Removal Organizations (OSROs) and Equipment

6110 OSRO Classification Program

The U.S. Coast Guard created the voluntary OSRO classification program so that plan holders could simply list OSROs in their response plans rather than providing an extensive, detailed list of response resources. If an OSRO is *classified* by the U.S. Coast Guard, it means their capacity has been determined to be equal to, or greater than, the response capability necessary to ensure plan holder compliance with the statutory requirements.

The National Strike Force Coordination Center in Elizabeth City, NC maintains and updates annually a listing of current OSROs and their equipment.

<https://cgri.uscg.mil/UserReports/WebClassificationReport.aspx>

6120 Response Resource Inventory (RRI) database

As part of maintaining their classification, OSROs must provide detailed lists of their response resources to the Response Resource Inventory (RRI) database. The National Strike Force Coordination Center (NSFCC) administers this database, along with the OSRO classification program. The RRI database is the backbone of the classification program and its capabilities are two-fold: a classification element and an inventory function. The classification element of the RRI database complements the Facility Response Plan and Vessel Response Plan development and review processes by systematically classifying OSROs' response capabilities to meet the plan holders' response capability requirements. An OSRO's classification levels (Maximum Most Probable Discharge and Worst Case Discharge Tiers 1, 2 & 3) are based on its ability to meet time delivery requirements for containment boom, temporary storage capacity and skimmer capacity. Once entered into the system by the OSRO, the RRI database translates the information into an estimated daily recovery capacity (EDRC) that determines an OSRO's level of classification for each of the six various operating areas (Rivers/Canals, Great Lakes, Inland, Nearshore, Offshore, and Open Ocean) in a particular COTP zone.

The inventory function of the RRI database makes a great deal of information available to response and contingency planning personnel; it not only outlines the locations and amount of "core equipment" (boom, skimmers, temporary storage), but includes other important support equipment including vessels, dispersant application platforms, aerial oil tracking capabilities and personnel. In order to access the inventory functions of the RRI database, administrator login privileges are required. These privileges are issued by the NSFCC and are limited to members of the U.S. Coast Guard and those OSRO members designated by their company to maintain the equipment

inventory. To make a request for administrative login privileges, contact the NSFCC at: [Contact NSFCC for RRI Administrative Access](#).

6130 Classified OSRO listings for the Sector Maryland-NCR COTP Zone

The NSFCC maintains a portion of the RRI database that allows all interested parties (no administrative access required) open access to reports about a company's Mechanical, Dispersant, Marine Fighting and Salvage and Non-Floating Oil classifications. This site also provides a point of contact report (listed by name/company number) for all the OSROs in the United States. The mechanical classification reports can be viewed by company name, by USCG District, or by COTP zone and outline which operating environments the classification has been granted (Rivers/Canals, Nearshore, Open Ocean, Inland, etc.) and for which volume of discharge. To see which OSROs are classified within the Sector Maryland-NCR COTP zone, please refer to: [RRI Classification and POC Reports site](#).

6140 Basic Ordering Agreements (BOAs)

The U.S. Coast Guard's Commander, Operational Logistics Command (LOG), Contracting Office (LOG-9) Contingency and Emergency Support Branch (LOG-92) maintains a list of pre-established emergency response contracts known as BOAs. These contracts are established with OSROs around the country and are available for use at any time by a USCG Federal On-Scene Coordinator (FOSC). LOG-92 negotiates the terms and rates of these contracts ahead of time, enabling an OSRO to be quickly hired to provide pollution response services when the FOSC needs to conduct oil removal or hazardous substance response operations under the National Contingency Plan. While an FOSC always has the option to exercise a BOA contract, this does not preclude the hiring or contracting of a non-BOA pollution response service provider should the FOSC deem it necessary. LOG-92 contracting officers are available 24/7 to support the FOSC. An up-to-date listing of our BOA contractors may be found at the following web address: [LOG-9 Office of Procurement and Contracting - BOA Library - All Documents](#)

6150 Oil Spill Response Cooperatives and Consortiums

There are numerous industry-funded major oil spill response cooperatives and consortiums in the United States today. Unlike a classified OSRO which is hired by a single plan holder to ensure compliance with statutory requirements, these organizations are formed to provide pollution response services to companies from the oil and gas industry which elect to become members and pay for the coverage or service. Each consortium or cooperative makes the decision about the type and quantity of equipment they offer to their member clients. This equipment is often highly specialized and tailored to serve a specific sector of the oil and gas industry (exploration and production, or transportation, for example) and allow them to meet worst case discharge planning standards. Some examples of cooperatives and consortiums that operate in the Maryland-NCR Area include the following:

- [Delaware Bay and River Cooperative](#)

6200 Hazardous Substance Response

The Incident Command System/Unified Command (ICS/UC) structure remains unchanged for hazardous substance releases, including weapons of mass destruction (WMD) incidents. However, hazardous substance responses differ from oil spill responses in several key ways, including the need for specialized personnel, equipment, and monitoring prior to resource commitment. This

section provides definitions, a framework for evaluating hazardous substance responses, and contact information for trained response teams.

6210 Resources

Hazardous materials (HAZMAT) incidents require a diverse array of response actions and resources. Unlike oil spills, HAZMAT responses rely heavily on state and local government augmentation, with an emphasis on monitoring and data gathering.

USCG Sector Maryland-NCR responders are trained as HAZWOPER First Responder Awareness/Operations (FRA/FRO) Level responders which means they are trained to recognize and perform some defensive measures in hazardous release situations but are not trained to directly participate in response clean-up activities. Appendix A to this Section ([2005 Hazardous Materials Response Special Teams Capabilities and Contact Handbook](#)) contains a list of resources that may be utilized to support and respond to hazardous material releases.

USCG National Strike Force ([NSF](#)) personnel respond to releases or potential releases for the purposes of stopping the release. They assume a more aggressive role than a first responder at the operations level and may approach the point of release in order to plug, patch, or otherwise stop the release of a hazardous substance. Therefore, in addition to the FRA and FRO training requirements, NSF Team members shall be trained to the Hazardous Material Technician level up to level A.

The [MDE](#) and many local fire departments are much more aggressive towards hazardous material incidents and train for such scenarios. These entities are trained as HAZWOPER Hazardous Material Technicians and are able to stop and/or control releases and have basic knowledge in all areas of emergency response. The FOSC will provide technical assistance and perform control functions during a hazardous material release, but cannot enter the zone of contamination or “hot zone”. This is defined as the zone in which workers must wear any of the special equipment in accordance with the OSHA regulations in [29 CFR 1910.120](#) Appendix B, to protect against inhalation or dermal contact hazards. Such workers must be trained and medically certified in accordance with the OSHA regulations in [29 CFR 1910.120](#).

Within the Maryland-NCR AOR, state and some local governments maintain HAZMAT response teams that have entry capability and can carry out a response to a hazardous materials release. When the state and local government teams can adequately respond to a release, the FOSC will not interfere.

No matter who carries out the actual response, the FOSC must monitor for adequacy. If the response is not adequate, the FOSC shall provide advice to the responders and/or assume control of the response.

The HAZMAT teams that are maintained by state and local governments normally function only on land. If the maritime aspects of the situation become dominant and prevent land-based HAZMAT teams from adequately responding (and the ship cannot be moved to a safe haven), assistance may be sought from the Coast Guard’s National Strike Force/Atlantic Strike Team. This team is trained to respond to shipboard hazardous materials incidents and can enter the “hot zone” if necessary.

The [Atlantic Strike Team](#) can also help land-based HAZMAT teams to adjust their tactics to the maritime environment.

The EPA has [Special Response Teams](#) for Environmental, Radiological, Biological, Radiological, and Nuclear.

See [Annex D](#) Hazardous Substance Response and [Annex DD](#) Nuclear/Radiological Incident.

6300 Salvage and Marine Firefighting Resources

Marine firefighting within the MD-NCR relies on coordinated response from federal, state, local, industry, and commercial entities. Key resources include Coast Guard assets, local fireboats, specialized contractors, and advanced firefighting technologies. Communications are primarily via VHF-FM Marine Band radio, and unified command structures ensure effective incident management. Nationwide, contracted salvage and marine firefighting companies, NFPA standards, and federal response teams provide additional support and expertise.

The [Salvage Response Plan](#) provides planning and coordination to facilitate salvage operations in conjunction with [Annex E](#), the Marine Fire Fighting Plan (MFF).

7000 Response Technologies

7100 Response Technologies for Oil Spill Response

While mechanical recovery (e.g., booms, skimmers, etc.) will typically be the most widely used response option, there are several other tools available to mitigate oil spills. The NCP directs that Regional Response Teams (RRTs) and Area Committees address, as part of their planning activities, the desirability of using certain alternative response technologies when removing or controlling oil discharges. Regional Response Team III (RRT3) has developed several policy documents to address the approval and use of these chemical countermeasures. Links to these policy documents, which are all located on the RRT3 [homepage](#), can be found in this section.

7110 Dispersants

Dispersants are chemical agents (similar to soaps and detergents) that help break up an oil slick into very small droplets, sending them from the surface down into the water column. These agents are typically sprayed onto discharged oil by specially outfitted boats or aircraft. While dispersants don't remove the spilled material, they do allow the smaller dispersed particles of oil to be more easily biodegraded by the water's naturally occurring microbes. The application of this chemical countermeasure can be a critical element in preventing significant oiling of sensitive habitats during an oil spill response. Before a dispersant can be used, it must first be listed on the NCP Product Schedule (see [Sub-section 7120](#) of this document). Consult with the NOAA Scientific Support Coordinator and the RRT3 before recommending use of dispersants and cleaning agents as a response strategy.

In some instances, oil discharges do not originate from sources on the surface, but rather from oil exploration, production, and/or transmission facilities located hundreds, and often thousands, of feet below them. These discharges can result from any number of casualties including loss of well control or loss of a pipeline's integrity. In cases such as these, dispersants can be injected directly into the flow at the oil discharge's source using the technique known as Subsea Dispersant Injection (SSDI). By reducing oil droplet size at the source, SSDI reduces the amount of oil reaching the sea surface. This in turn, lowers the potential for oil to impact wildlife on the surface or to impact environmentally sensitive areas on the shore.

As of December 12, 2025, there is no approved preauthorization for use of chemical and biological countermeasures within RRT3. The [RRT3 Chemical and Biological Countermeasures Use Protocol](#) outlines the procedures for authorizing the use of chemical and biological countermeasures (dispersants, surface washing agents, bioremediation agents, solidifiers, and herding agents) and burning agents, during oil discharge response operations within RRT3. Chemical countermeasures listed in the NCP Product Schedule may be authorized for use in spill response on a case-by-case basis provided all the general conditions listed in the RRT3 protocols are satisfied. Before the FOSC can authorize the use of chemical or biological countermeasures, unless falling under the temporary exception in 40 CFR § 300.910(d), the FOSC must establish deliberative communication with the following representatives for concurrence: EPA RRT3 representative and RRT3 representatives from the state(s) with jurisdiction over the waters and adjoining shorelines threatened by the release or discharge. Annex I of the RRT3 Chemical & Biological Countermeasures Use Protocols contains the [RRT3 Chemical Countermeasures Use Request Critical Decision-Making Data Form](#). This form must be completed in RRT3 by FOSC Staff and RP for submission to an Incident Specific RRT to gain concurrence for authorizing the

use of chemical and biological countermeasures. The Incident Specific RRT shall be comprised, at a minimum, of the Incident Specific Chair, EPA RRT3 Representative, RRT representatives from the applicable state(s), and natural resource trustee agencies. Within RRT3, the FOSC may establish a time frame, not less than four hours, in which non-concurrence must be communicated to mitigate adverse impacts caused by prolonged decision-making timeframes on operational windows of opportunity for response action effectiveness. This time frame will commence once deliberative communications have been established with the designated RRT representatives in accordance with the Region 3 Regional Contingency Plan (R3RCP).

For the most up-to-date policy, procedures, and checklists when conducting a surface dispersant application operation in the offshore environment of the RRT3 please refer to [Appendix 5](#) of the R3RCP. Additional guidance can be found in the [Selection Guide for Oil Spill Response Countermeasures](#) and the [Selection Guide for Oil Spill Applied Technologies](#) located in [Appendix 7](#) of the R3RCP.

7120 NCP Product Schedule

Subpart J of the NCP directs the EPA to prepare a schedule of spill mitigating devices and substances that may be used to remove or control oil discharges; this is known as the NCP Product Schedule. The NCP Product Schedule lists the following types of products authorized for use on oil discharges: Dispersants, Surface Washing Agents, Bioremediation Agents, Solidifiers, and Herding Agents. **Note:** Before any chemical countermeasure may be used, the FOSC must first seek RRT3 approval through the consultation and concurrence process or have its use preauthorized. The only exception to this is when the FOSC uses the provision listed in [40 C.F.R. § 300.910\(d\)](#).

Per [40 C.F.R. § 300.965](#), the listing of a product on the NCP Product Schedule does not constitute approval or recommendation of the product. The listing means only that data have been submitted to EPA as required by Subpart J of the NCP. For the most current listing of approved substances for use, please refer to the [NCP Product Schedule](#).

7130 Special Monitoring of Applied Response Technologies (SMART)

The Special Monitoring of Applied Response Technologies (SMART) protocols are a set of cooperatively designed monitoring standards utilized when conducting Dispersant operations. SMART establishes a monitoring system for the rapid collection and reporting of real-time, scientifically-based information, in order to assist the Unified Command (UC) with decision-making during In-Situ Burn or Dispersant operations. SMART recommends monitoring methods, equipment, personnel training, and command and control procedures that strike a balance between the operational demand for rapid response and the UC's need for feedback from the field.

Documents for SMART can be found at: [Special Monitoring of Alternative Response Technologies \(SMART\)](#). It should be noted that the SMART dispersant protocols may be useful for evaluating the dilution and transport of the dispersed oil, but they do not monitor the fate, effects, or impacts of the dispersed oil.

The three tiers of monitoring are Tier I, Tier II and Tier III:

Tier I consists of visual observation by an observer to provide a general, qualitative assessment of a dispersant's effectiveness. Visual monitoring may also be enhanced by advanced sensing instruments such as infrared thermal imaging or other like devices. However,

sometimes a dispersant's effectiveness is difficult to determine by visual observations alone.

Tier II protocols employ a monitoring team to confirm the visual observations by taking water samples and running them through a fluorometric instrument while on-scene.

Tier III follows Tier II procedures, but also collects information on the transport and dispersion of the oil in the water column. This level of monitoring can help to verify that the dispersed oil is diluting toward background levels. Tier III is simply an expanded monitoring role and may include monitoring at multiple depths, the use of a portable water laboratory, and/or additional water sampling. It also can be moved to a sensitive resource (such as near a coral reef system) as either a protection strategy or to monitor for evidence of exposure.

7140 Burning Agents (In-Situ Burn)

In-situ burning means the controlled burning of oil "in place." The In-Situ Burn Memorandum of Understanding among the state and federal agencies who have decision authority as defined in the National Contingency Plan (Part 300.910) and dated January 1998, establishes RRT III policy and outlines on-water areas which have been pre-authorized for conditional in-situ burning. It also provides protocols, which apply to the use of all burning operations under the Endangered Species Act. In addition, the policy contains equipment lists, a decision tree, and an in-situ burning application checklist. RRT III developed additional guidance in 2003 to supplement the existing MOU for use of in-situ burning as a spill response countermeasure. Major aspects of the MOU and Guidance document are summarized below.

RRT3 in the RCP and specific RRT3 ISB guidance provides technical and procedural guidance for the use of in-situ burn. The Area Committee's entire zone lies in what is considered a "Zone B" status. Zone B status is given to those areas which lie within state territorial boundaries, are designated as marine reserves, National Marine Sanctuaries, National or State Wildlife Refuges, units of the National Park Service, or proposed or designated Critical Habitats, or are considered coast wetlands, including submerged algae or sea grass beds. Zone B requires case-by-case approval of ISB by the RRT3. The RRT3 will respond to the OSC's request for authorization to conduct ISB in Zone B within 4 hours from the time of notification. If the RRT has not responded within 4 hours, the OSC may conduct ISB.

RRT3 requires that in-situ burning be monitored while the operation is underway through employment of the SMART protocol.

For the most up-to-date policy, procedures and checklists when using ISB within the RRT3 coastal zone please refer to RRT3 In-Situ Burn Guidance located within the RRT3, [Appendix -6](#) of the R3RCP.

The National Oceanic and Atmospheric Administration (NOAA) has online [job aids for spill countermeasures](#):

National Oceanic and Atmospheric Administration (NOAA):

<https://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/response-tools/response-tools-oil-spills.html>

Selection Guide for Oil Spill Response Countermeasures:

<https://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/response-tools/selection-guide-oil-spill-response-countermeasures>

NOAA Office of Response and Restoration In Situ Burning Guidance

<https://response.restoration.noaa.gov/ISB>

7150 In-Situ Burn (ISB) Monitoring

Air monitoring is an important component of any ISB operation. These measurements allow the FOSC to continuously evaluate air quality data, ensuring that human health and safety are safeguarded in real-time. Typical by-products from an in-situ burn include carbon dioxide, water vapor, soot (particulate matter), and other gaseous compounds. Of these, the soot, being comprised of very fine, carbon-based materials, is responsible for a smoke plume's dark/black appearance and pose the greatest inhalation hazard.

The SMART protocols for air monitoring are used when there is a concern that the public or response personnel may be exposed to the hazardous components of the burning oil's smoke. These monitoring operations are conducted by one or more teams, depending upon the size of the operation. Each monitoring team uses a real-time particulate monitor capable of detecting the small particulates emitted by the ISB (ten microns in diameter or smaller), a global positioning system, and other equipment required for collecting and documenting the data. Each monitoring instrument provides an instantaneous particulate concentration as well as the time-weighted average over the duration of the data collection. The readings are displayed on the instrument's screen and stored in its data logger. In addition, the SMART protocols direct that particulate concentrations be logged manually every few minutes by the monitoring team in a recorder data log.

Monitoring teams are deployed at designated areas of concern to determine ambient concentrations of particulates before the burn starts. During the burn, if the team's instruments detect high particulate concentrations or if the time weighted averages approach exceed pre-established levels, the information is passed to technical specialists within the UC for further review and possible action (i.e., personnel evacuation, termination of burn, etc.). To review the complete set of SMART protocols for ISB and Dispersant operations, please refer to [Special Monitoring of Alternative Response Technologies \(SMART\)](#).

7160 Surface Washing Agents (SWAs)

Surface Washing agents are not preauthorized and RRT approval would need to be gained before use on a case by case basis. SWAs are chemicals that are used to enhance oil removal from hard surfaces. They generally contain a mixture of a non-polar solvent and a surfactant. The solvent dissolves into the highly viscous or weathered oil to create a less viscous and somewhat uniform liquid oil or oily mixture. The surfactant reduces the interfacial tension between the liquid oil and the surface the oil has adhered to. Depending on environmental conditions and the combination of solvents and surfactants, the removed oil will either float or disperse. The latter may have a negative environmental impact, making SWAs with the "*lift and float*" characteristics generally preferable. If operational use of SWA are being considered by the FOSC, they must request stand up of an Incident Specific Regional Response Team and complete the [RRT3 Chemical & Biological Countermeasures Use Protocol](#) for review by the Incident Specific RRT.

For the most up-to-date policy, procedures and checklists when using SWAs within the RRT3 coastal zone please refer to RRT3 Surface Washing Agents (SWAs) Policy located within the RRT3, [Appendix -6](#) of the R3RCP.

7170 Bioremediation

The use of bioremediation or biodegradation, as an alternative response action, is not normally authorized. Consult with the NOAA Scientific Support Coordinator and the Regional Response Team (RRT III) for further guidance. EPA maintains a schedule of dispersants and other chemical or bioremediation products that may be authorized for use on oil discharges in accordance with procedures set forth in 33 C.F.R. Part 300.910. This schedule, called the [NCP Product Schedule](#), may be obtained from the Emergency Response Division (5202-G), U.S. Environmental Protection Agency, 401 M Street, and SW., WASHINGTON, DC 20460. The telephone number is (202) 260-2342. If operational use of bioremediation or biodegradation is being considered by the FOSC, they must request stand up of an Incident Specific Regional Response Team and complete the [RRT3 Chemical & Biological Countermeasures Use Protocol](#) for review by the Incident Specific RRT.

For the most up-to-date policy, procedures and checklists when using bioremediation within the RRT3 coastal zone please refer to RRT3 Bioremediation Guidance Policy located within the RRT3, [Appendix -6](#) of the R3RCP and the [RRT3 Chemical & Biological Countermeasures Use Protocol](#).

7180 Alternative Response Tool Evaluation System (ARTES)

While actively mitigating the effects of an oil discharge or, when engaging in the preparedness effort to do so, the FOSC has any number of mechanical or chemical countermeasures' use to consider. These responses or planning efforts can often generate interest within a local community, region, or even the nation. As this interest grows, members of the general public, companies or sectors of industry can feel compelled to approach the FOSC to offer their non-conventional service or idea to help the response or preparedness effort. In these instances, the FOSC may be requested to consider using a non-conventional alternative countermeasure (a method, device, or product that hasn't been or isn't typically used for spill response). To assess whether a proposed countermeasure could be a useful response tool, it's necessary to collect and quickly evaluate information about it.

To assist an FOSC in evaluating the efficacy of a non-conventional alternative countermeasure, a process known as the Alternative Response Tool Evaluation System (ARTES) was developed. The ARTES is designed to evaluate potential response tools on their technical merits against established, consistent criteria either during an actual incident or during pre-spill planning. Using a series of forms which examine a proposed response tool and document its properties, a designated team can rapidly evaluate it and provide feedback to the FOSC with a documented recommendation regarding its use.

Under the ARTES framework, when it has been determined that it would be appropriate for a product to be evaluated, a vendor or supplier will complete and submit the [Proposal Worksheet \(PWS\)](#); this form is designed to capture data about the product and once filled in, is provided to a review team for analysis and evaluation.

Once the vendor has filled out and submitted the PWS, it will then be reviewed by either one of two review teams depending upon whether the request for evaluation was being made during an actual spill response, or during a period of pre-spill planning. The Response Tool Subcommittee (RTS) will conduct the review during a pre-spill planning effort, and the Alternative Response Tool Team (ARTT) does so during an actual incident. To document their review and evaluation of the product and the PWS, the review team will complete a [Data Evaluation Worksheet \(DEW\)](#).

Once the evaluation has been completed and documented on the DEW, the review team then will formulate their recommendation and document it on the [Summary Evaluation Worksheet \(SEW\)](#). The SEW captures the team's recommendation of whether or not the proposed response tool should be used, and is provided to the FOSC as well as to the initiator of the evaluation request (vendor).

It should be noted that that the FOSC need not wait for the ARTES recommendation when deciding whether or not to use a response tool. The ARTES is designed to help assist in the decision-making process but does not limit or prevent an FOSC from using a product they deem necessary. **Note:** Completion of the ARTES evaluation does not mean that a product is pre-approved, recommended, licensed, certified, or authorized for use during an incident.

7200 Response Technologies for Hazardous Substance Response

Under development.