




16451

JUN 18 2024

MEMORANDUM


From: Shannon N. Gilreath, RADM
CGD Five (d)

To: Kate F. Higgins-Bloom, CAPT
CG Sector Delaware Bay

Subj: APPROVAL OF 2024 DELAWARE BAY AREA CONTINGENCY PLAN (ACP)

Ref: (a) U.S. Coast Guard Marine Environmental Response Manual, COMDTINST
M16000.14A
(b) D5 FY2024 Operational Planning Direction (OPD)
(c) Coast Guard National Review Panel Results for Sector Delaware Bay Area
Contingency Plan Memo of 03 Dec 2019

1. Congratulations to you and your staff! The Delaware Bay ACP has been reviewed by my staff and is determined to be in substantial compliance with references (a) and (b).
2. Please extend my thanks to your Area Committee (AC) for their continued commitment and the exemplary efforts that went into this update to the Delaware Bay ACP. The Coast Guard National Review Panel (CGNRP) convenes annually to assess the adequacy of ACPs from around the country, identifying best practices and areas for improvement. Your revised ACP will undergo programmatic review at the upcoming CGNRP in August 2024. I look forward to your continued efforts in improving your ACP based on CGNRP recommendations and Area Committee priorities. Continuous planning improvement will ensure that we remain prepared to effectively respond to oil discharges and hazardous substance releases in the coastal zone.
3. My District points of contact for this matter are Mr. Steven Hanewich, D5 Senior Emergency Management Specialist; 757-398-6721; steven.m.hanewich@uscg.mil, and Ms. Elisha Cook, District Response Advisory Team; 757-398-7780; elisha.fs.cook@uscg.mil.

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Copy: D5 District Response Advisory Team

U.S. Department of
Homeland Security

United States
Coast Guard



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16600

JUN 20 2024

MEMORANDUM

Kate Higgins Bloom
From: Kate F. Higgins-Bloom, CAPT
CG SECTOR Delaware Bay

To: Distribution

Subj: PROMULGATION OF THE SECTOR DELAWARE BAY AREA CONTINGENCY PLAN

1. This memo promulgates the revised Sector Delaware Bay Area Contingency Plan (ACP). This plan is effective immediately and supersedes previous editions of the ACP. The most current version of the ACP is available to the public on Sector Delaware Bay's Homeport site.
2. The ACP is designed to meet the requirements and intent of the National Oil and Hazardous Substances Pollution Contingency Plan and is aligned with the National Response Framework. The plan is to be used in conjunction with national, regional, and state plans, and provides guidance for a coordinated response by local, state, and federal government agencies, and nongovernment partners.
3. This ACP is electronic, enabling users to rapidly access a wide range of supporting documents that are linked to the ACP. For the ACP to provide maximum support, responders and members of the Area Committee, along with other port partners, must continuously update and revise the ACP based on lessons learned and best practices through exercises and actual responses. Response personnel should make themselves familiar with this plan.
4. This ACP was written with the outstanding cooperation and teamwork from the Sector Delaware Bay Area Committee. The plan highlights the environmental and economic importance of the Delaware Bay region.
5. If you have any questions, please contact Mr. Gerald Conrad, the Sector Delaware Bay ACP Coordinator at (215) 271-4824 or Gerald.A.Conrad@uscg.mil.

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Change Number	ACP Section # and Page or Attachment	Date Entered	Change Entered By
1	Oil Annex 2012 Update	2/18/12	R. Clavner
2	Section 4300 Revision for Volunteers	2/19/12	R. Clavner
3	Section 4300 Revision for Volunteers	5/17/14	R. Clavner
4	9700 S Water Intakes	2/20/16	R. Clavner/G. Conrad
5	Updated Geographic Response Strategies	8/2016	G. Conrad
6	Oil Spill Annex Org Chart LANT IMAT to CG IMAT	2/24/2018	G. Conrad
7	Oil Spill Annex Pg 7 NSF to CG IMAT PIAT	2/24/2018	G. Conrad
8	Changed Sector "Baltimore" to "Maryland-NCR"	1/3/2019	J. Ursin
9	Spellchecked document	1/4/2019	J. Ursin
10	Added hyperlinks to CFR sites	1/8/2019	J. Ursin
11	Changed MSD "Roosevelt Inlet" to Lewes and updated Lewes contact info.	1/8/2019	J. Ursin
12	Revised hyperlinks	1/23/2019	J. Ursin
13	Removed excess amount of ICS description text and added link to IMH and ICS job aids	1/11/2019	J. Ursin
14	Removed links that do not exist and are not necessary.	1/23/2019	J. Ursin
15	Revised local area aviation phone numbers.	1/22/2019	J. Ursin
16	Added special teams hyperlinks.	1/22/2019	J. Ursin
17	Removed all SITL and RESL sub-sections.	1/23/2019	J. Ursin
18	Revised DOCL and DMOB section	3/12/2019	J. Ursin
19	Updated hyperlinks	3/12/2019	J. Ursin
20	Updated hyperlinks	5/1/2019	T. Plank
21	Updated Table of Contents	5/1/2019	T. Plank
22	Updated Images Sec 1620.2	5/2/2019	T. Plank

23	Updated Geographic Boundaries Sec 1200	5/23/2019	T. Plank
24	Updated Sec 1320	6/5/2019	T. Plank
25	Updated AC Charter	6/5/2019	T. Plank
26	Updated ESA Section	6/5/2019	T. Plank
27	Updated HP Section	6/5/2019	T. Plank
28	Updated WCD	6/8/2019	T. Plank
29	Entire ACP converted to the newly developed USCG National ACP Architecture model.	7/28/2022	T.O'Brien
30	Removed redundant ICS detail info located in IMH	7/28/22	T.O'Brien
31	Add Table of Annexes to table of contents	8/13/2023	Paul Rementer
32	Include Outfalls and Stormwater in 3201	8/13/2023	Paul Rementer
33	Include Turtle and Bird recovery in 6205	8/13/2023	Paul Rementer
34	Include risk assessment in 603	8/13/2023	Paul Rementer
35	Update WCD Table in 3301	8/13/2023	Paul Rementer
36	Added Section 7200 – Additional Resources	8/13/2023	Paul Rementer
37	Added Section 7201 – Aviation Consideration	8/13/2023	Paul Rementer
38	Added Section 7202 – Public Information Officer	8/13/2023	Paul Rementer
39	Add Decision Matrix for Dispersant (Section 8101)	8/13/2023	Paul Rementer
40	Change name of Response Action matrix to Endangered Species Act ESA MOA in 10301	8/17/2023	Paul Rementer
41	Clarified language in sections: 2000, 2100, 2101, 2103, 2104, 2105, 2201 2202, 2400, and 2402	03/15/2024	Jerry Conrad
42	Spelled out Agency names in Tables 1 and 2	03/15/2022	Jerry Conrad
43	Added link to RCP in Section 1601	3/24/2024	Paul Rementer
44	Added language that no federally recognized tribes “currently have lands in the SDB AOR.”	3/25/2024	Jerry Conrad
45	Added “railroads and pipelines” to section 1000	3/26/2024	Jerry Conrad
46	Added Section 3301.1 to Table of Contents	3/26/2024	Jerry Conrad
47	Added Section 3301.1 to body of ACP	3/26/2024	Jerry Conrad
48	Updated Section 1000 of the Table of Contents to match 2024 ACP Review Template	3/27/2024	Jerry Conrad

Sector Delaware Bay ACP 2024

49	Updated Sections 1000, 1200,1210, 1300, 1310, 1320, 1330,1340	3/27/2024	Jerry Conrad
50	Added Annex AA (ESC Charter) to the Table of Contents	3/27/2024	Jerry Conrad
51	Removed Section 2000 added the language from Section 2000 to new Section 1350 "Mission Statement"	3/27/2024	Jerry Conrad
52	Renumbered Section 2101 as Section 1360	3/27/2024	Jerry Conrad
52	Removed Section 2102 and added the language from that Section to Section 1330	3/27/2024	Jerry Conrad
53	Removed Section 2102 and added its language to Section 1330	3/27/2024	Jerry Conrad
54	Converted Section 2103 to Section 1370	3/27/2024	Jerry Conrad
55	Deleted Table 1 "Appointed Permanent Members"	3/27/2024	Jerry Conrad
56	Removed Section 2104 "Members at Large" and Table 2	3/27/2024	Jerry Conrad
57	New Section 1400 "ACP Validation & Testing" Included language from "old" Section 2300	3/27/2024	Jerry Conrad
58	Removed Section 2302 and included language from Section 2302 in Section 1410	3/27/2024	Jerry Conrad
59	Added Annex BB Spreadsheet of GRS site visits	3/27/2024	Jerry Conrad
60	Added Section 1420 Geographic Response Strategies	3/27/2024	Jerry Conrad
61	Added Section 1430		Jerry Conrad
62	Removed Section 2402	3/27/2024	Jerry Conrad
63	Added Section 1500 "ACP Relationship w/ Other Plans. Took language from old Sections 1600 and 1601 and deleted same Sections.	3/28/2024	Jerry Conrad
64	Added Section 1510 "Vessel Response Plans"	3/28/2024	Jerry Conrad
65	Added Section 1520 "Facility Response Plans"	3/28/2024	Jerry Conrad
66	Added Section 1530 "Local Plans". Used language from old Section 1602. Removed Section 1602	3/28/2014	Jerry Conrad
67	Added Section 1550 "Tribal Plans"	3/28/2024	Jerry Conrad
68	Added Section 1560 "Regional Contingency Plans"	3/28/2004	Jerry Conrad

69	Added Section 1570 “International Plans”	3/28/2024	Jerry Conrad
70	Added 1540.1 “NJ State Plans”	3/28/2024	Jerry Conrad
71	Took language from old Sections 6300, 6301,6301.1, 6301.2 and created Section 1700 “ACP Relationship to NIMS”	3/28/2024	Jerry Conrad
71	Added Sections 1710, 1720, 1730	3/28/2024	Jerry Conrad
73	Removed Sections 6300, 6301, 6301.1, 6301.2	3/28/2024	Jerry Conrad
74	Added 1530.1 Salem / Hope Creek Nuclear Power Plant Plan	3/28/2024	Jerry Conrad
75	Added Section “1580 Offshore Facility Plans Requirements:	3/28/2024	Jerry Conrad
76	Added Section “1590 Pipeline Plan Requirements”	3/28/2024	Jerry Conrad
77	Removed Section 2105 “Subcommittees”	3/28/2024	Jerry Conrad
78	Removed Section 2200 “AC Meetings”	3/28/2024	Jerry Conrad
79	Removed Section 2201 “Meeting Frequency”	3/28/2024	Jerry Conrad
80	Removed Section 2202 “Remote Access Attendance”	3/28/2024	Jerry Conrad
81	Removed Section 2400 “Area PREP Exercises”	3/28/2024	Jerry Conrad
82	Removed Section 2401 “Exercise Schedule”	3/28/2024	Jerry Conrad
83	Deleted Title Section 3000	3/28/2024	Jerry Conrad
84	Added Section 2100 “Description of CG/EPA Boundaries”	3/28/2024	Jerry Conrad
85	Deleted Section 3101 “Inland Zone Boundary”	3/28/2024	Jerry Conrad
86	Deleted Section 3102 “Coastal Zone Boundary”	3/28/2024	Jerry Conrad
87	Added Section 2110 “Coastal Zone Boundary DE & PA”	3/28/2024	Jerry Conrad
88	Added Section 2120 “Coastal Zone Boundary NJ”	3/28/2024	Jerry Conrad
89	Added Section 2200 “USCG/EPA Boundary MOUs”	3/28/2024	Jerry Conrad
90	Added Appendix CC “MOUs to Table of Contents”	3/28/2024	Jerry Conrad
91	Adjusted Figure Numbers Fig. 2 became Fig 3. Fig. 3 became Fig. 4. Fig 4 became Fig 2.	3/28/2024	Jerry Conrad
92	Deleted Section 3100 “ACP Area Covered”	3/28/2024	Jerry Conrad
93	Deleted Section 3102 “Coastal Area Boundary”	3/28/2024	Jerry Conrad

94	Deleted Section 3103 “SDB Fed Region II Boundary MOU”	3/28/2024	Jerry Conrad
95	Deleted Section 3104 “SDB Fed Region III Boundary MOU”	3/28/2024	Jerry Conrad
96	Deleted Section 4201.1 Added Language to new Section 3130.1.1	3/29/2024	Jerry Conrad
97	Deleted Section 4201.2 Added language to Section 3130.1.2	3/29/2024	Jerry Conrad
98	Deleted Section 4202.1 Added language to 3130.3.1	3/29/2024	Jerry Conrad
99	Deleted Section 4202.2 Added language to 3130.3.2	3/29/2024	Jerry Conrad
100	Deleted Section 4203.1 Added language to 3130.2.1	3/29/2024	Jerry Conrad
101	Deleted Section 4203.2 Added language to 3130.2.2	3/29/2024	Jerry Conrad
102	Deleted section 4301 and added the language to 3120	3/29/2024	Jerry Conrad
103	Deleted Section 5200 Added the language to Section 3200	3/29/2024	Jerry Conrad
104	Deleted Section 5000 and moved language to Section 3310	3/29/2024	Jerry Conrad
105	Deleted all Sections from 5300 to 5309.3 and put information in Annex DD	3/29/2024	Jerry Conrad
106	Added Section 3110 Responsible Party Responsibilities	3/29/2024	Jerry Conrad
107	Removed Section 5100 and placed 5100’s language in Section 3150	3/29/2024	Jerry Conrad
108	Added Section 4100 Pre spill Risk Analysis, Consultations	3/29/2024	Jerry Conrad
109	Added Section 4110 Worst Case Discharge Table Deleted Section 3301	3/29/2024	Jerry Conrad
110	Deleted Sections 10300, 10301, 10302, 10303 and moved information to new Section 4200	3/29/2024	Jerry Conrad
111	Added language to Sections 3210, 3220, 3240	3/29/2024	Jerry Conrad
112	Added Annex FF Oiled Wildlife Plan and T&# Species	4/1/2024	Jerry Conrad
113	Added language to Section 4220	4/1/2024	Jerry Conrad
114	Added Annex GG “Oil Spill Annex”	4/1/2024	Jerry Conrad
115	Added Section 4300 National Historic Preservation Act	4/1/2024	Jerry Conrad
116	Added Language to Section 4310 ... (National Historic	4/1/2024	Jerry Conrad

	Preservation Act - Preauthorizations and BMPs)		
117	Added Section 4400 “Environmentally Sensitive Areas”	4/1/2024	Jerry Conrad
118	Added Section 4500 “Economically Sensitive Areas”	4/1/2024	Jerry Conrad
119	Deleted Sections	4/1/2024	Jerry Conrad
120	Deleted Sections 9100 and 9200	4/1/2024	Jerry Conrad
121	Adde Annex HH “Port Information”	4/1/2024	Jerry Conrad
122	Added Annex II ESA Consultations	4/1/2024	Jerry Conrad
123	Added Annex JJ	4/1/2024	Jerry Conrad
124	Deleted Section 6100 Added language to Section 5100 “Initial reporting, Notification & Preliminary Assessment”	4/2/2024	Jerry Conrad
125	Deleted Section 6101 Added language to Section 5110 “Preliminary Assessments”	4/2/2024	Jerry Conrad
126	Deleted Section 6102 Added language to Section 5120 “Clean-up Assessment Protocols”	4/2/2024	Jerry Conrad
127	Added Section 5200 “Emergency Consultations” Added Section 5210 “ESA” Added Section 5220 “Section 106”	4/2/2024	Jerry Conrad
128	Added Annex KK “Clean-up Assessment Protocols”	4/2/2024	Jerry Conrad
129	Deleted Section 6200 Added language to Section 5300	4/2/2024	Jerry Conrad
130	Deleted Section 6201 Added Language to Section 5310	4/2/2024	Jerry Conrad
131	Deleted Section 6202 Added Language to 5320	4/2/2024	Jerry Conrad
132	Deleted Section 6203 Added Language to 5330	4/2/2024	Jerry Conrad
133	Deleted Section 6204 added language to Section 5240	4/2/2024	Jerry Conrad
134	Deleted Sections 6205 and 6205.1 Added language to Section 5340 “Environmentally Sensitive Areas”	4/2/2024	Jerry Conrad
135	Added Section 5350.1 “Additional Reference Material for Wildlife Care”	4/2/2024	Jerry Conrad
136	Deleted Section 6206 Added Language to Section 5360 “Aligning of NRDAR with Response”	4/2/2024	Jerry Conrad

137	Deleted Section 6206 and added language to Section 5360	4/2/2024	Jerry Conrad
138	Added Section 5400 took language from Section 1700	4/2/2024	Jerry Conrad
139	Added Section 5410 took language from Section 1710	4/2/2024	Jerry Conrad
140	Added language to Section 5410 from Section 1720	4/2/2024	Jerry Conrad
141	Added Section 5430 took language from Section 1730	4/2/2024	Jerry Conrad
142	Deleted Section 6301.3 added language to Section 5440	4/2/2024	Jerry Conrad
143	Added additional language to Sections 1720 and 5420 regarding FOOSC Authority	4/2/2024	Jerry Conrad
144	Deleted Section 6303 Added Language to 5460	4/2/2024	Jerry Conrad
145	Deleted section 6400 and added the language to Section 5500	4/2/2024	Jerry Conrad
146	Deleted section 6401 and added the language to Section 5510	4/2/2024	Jerry Conrad
147	Added language to Section 5520 Shoreline Protection Options	4/2/2024	Jerry Conrad
148	Deleted Section 6403 On Water Recovery	4/2/2024	Jerry Conrad
149	Deleted Section 6403.1 open water to section and moved language to Section 5530.1	4/2/2024	Jerry Conrad
150	Deleted Section 6403.2 and moved language to Section 5530.2	4/2/2024	Jerry Conrad
151	Deleted Section 6403.3 and moved language to Section 5530.3	4/2/2024	Jerry Conrad
152	Added language to Section 5530	4/2/2024	Jerry Conrad
153	Deleted Section 6404 Non-floating Oil Recovery & Protection and added the language to Section 5540	4/3/2024	Jerry Conrad
154	Deleted Section 6405 Shoreside Recovery & Natural Collection Points	4/3/2024	Jerry Conrad
155	Deleted Section 6406 and moved language to Section 5560 "Shoreline Clean-up"	4/3/2024	Jerry Conrad
156	Deleted Section 6407 Decontamination and Moved language to Section 5570	4/3/2024	Jerry Conrad
157	Deleted Section 6408 Disposal & moved language to Section 5580 "Waste Management"	4/3/2024	Jerry Conrad

158	Deleted Section 6408 Terminating Clean-up operations and moved language to Section 5590	4/3/2024	Jerry Conrad
159	Deleted Section 6601 "Oil Spill Response Funding" and moved language to Section 5610	4/3/2024	Jerry Conrad
160	Deleted Section 6604 "Funding for Other Agencies" and moved language to Section 5620	4/3/2024	Jerry Conrad
161	Deleted Section 6606 "Trustee Access to the OSLTF and added language to Section 5630	4/3/2024	Jerry Conrad
162	Deleted Section 6501 "Introduction" and moved language to Section 5701	4/3/2024	Jerry Conrad
163	Deleted Section 6503.1 "Delaware" and moved to Section 5730.1	4/3/2024	Jerry Conrad
164	Deleted Section 6503.2 "New Jersey" and moved language to Section 5730.2	4/3/2024	Jerry Conrad
165	Deleted Section 6503.3 "Pennsylvania" and moved language to Section 5730.3	4/3/2024	Jerry Conrad
166	Deleted section 6602 has pollution response funding and moving which to 5800	4/3/2024	Jerry Conrad
167	deleted Section 6603 "FOSC Access to Federal Funds" and moved language to Section 5810	4/3/2024	Jerry Conrad
168	Added language to Section 5820 "Funding Authorizations for Other Agencies"	4/3/2024	Jerry Conrad
169	Deleted Section 6607 "Local and Tribal Government Access to the Superfund" and added language to Section 5830	4/3/2024	Jerry Conrad
170	Added Section 5610.1 "State Access to OSLTF"	4/3/2024	Jerry Conrad
171	Deleted Section 6608 "Military Interdepartmental Purchase Request" and added info to Sections 5620 and 5820	4/3/2024	Jerry Conrad
172	Deleted Section 6701 "NCP Documentation Requirements" and put language in Section 5940	4/3/2024	Jerry Conrad
173	Deleted Sections 6702" Cost Documentation Procedures" and placed information in Section 5950	4/3/2024	Jerry Conrad

174	Deleted Section 6703 “NPC User Reference Guide” and placed language in Section 5960	4/3/2024	Jerry Conrad
175	Deleted Sections 10301 “Pre-Spill Consultation”, 10302 “Emergency Consultation”, and 10303 “Post Response Consultation	4/3/2024	Jerry Conrad
176	Added Section 59100 “Post Spill Consultation”	4/3/2024	Jerry Conrad
177	Added USFWS’s “Best Practices for Migratory Bird Care During Oil Responses” to Annex FF	4/3/2024	Jerry Conrad
178	Added Annex LL “Incident Command Post Recommendations”	4/3/2024	Jerry Conrad
179	Added Annex MM “Public Information - JIC Information”	4/3/2024	Jerry Conrad
180	Added Annex NN “Response Resources – OSROS - Response Inventory”	4/3/2024	Jerry Conrad
181	Deleted Section 7101 “OSRO Classification Program and added language to Section 6110	4/3/2024	Jerry Conrad
182	Deleted Section 7000 “Response Equipment” and moved language to Section 6000	4/3/2024	Jerry Conrad
183	Deleted Section 7102 “Response Resource Inventory Database” and added language to Section 6120	4/3/2024	Jerry Conrad
184	Deleted Section 7103 Classified OSRO Listings for SDB Zone and moved language to Section 6130	4/3/2024	Jerry Conrad
185	Deleted Section 7105 “Oil Spill Response Cooperatives and Consortiums” and moved language to Section 6140	4/3/2024	Jerry Conrad
186	Added “Hazardous Substance Incident Annex OO”	4/3/2024	Jerry Conrad
187	Added list of SDB zone OSROs and BOA companies to Annex NN	4/3/2024	Jerry Conrad
188	Placed Hazardous Substance Incident Response Document in Annex OO	4/3/2024	Jerry Conrad
189	Deleted Section 8100 and moved language to 7100	4/4/2024	Jerry Conrad
190	Deleted Section 8101 “Dispersants” (including Response Decision Matrix for Dispersant Use) and moved	4/4/2024	Jerry Conrad

	language to Section 7110		
191	Deleted Section 8102 “Burning Agents” and moved language to Section 7140	4/4/2024	Jerry Conrad
192	Deleted Section 8103 “Surface Washing Agents” and moved language to Section 7160	4/4/2024	Jerry Conrad
193	Deleted Section 8104 “NCP Product Schedule” and moved language to Section 7120	4/4/2024	Jerry Conrad
194	Deleted Section 8202 “Dispersant Monitoring” and moved language to Section 7130	4/4/2024	Jerry Conrad
195	Deleted Section 8203 “Insitu-Burning Monitoring” and moved language to 7150	4/4/2024	Jerry Conrad
196	Deleted Section 8204 “Alternative Response Tool Evaluation System” and moved language to Section 7180	4/4/2024	Jerry Conrad
197	Deleted Section 11100 “Introduction” and moved language to Section 4310	4/4/2024	Jerry Conrad
198	Deleted Section 11202 “Emergency Consultation” and moved language to 4310.1	4/4/2024	Jerry Conrad
199	Added Section 7110.1 “Big Stone Anchorage”	4/4/2024	Jerry Conrad
200	Deleted Section 3200 put language in Section 4500	4/5/2024	Jerry Conrad
201	Deleted Section 3201 and put language in Section 4500	4/5/2024	Jerry Conrad
202	Added Section 4800 Emerging sources of pollution	4/5/2024	Jerry Conrad
203	Added Section 4810 “Offshore Wind Farms”	4/5/2024	Jerry Conrad
204	Added info to Section 5000 took language from Section 6000	4/5/2024	Jerry Conrad
205	Deleted Section 5610.1 made it Section 5640	4/5/2024	Jerry Conrad
206	Deleted Section 6801 “Claims to OSLTF” and made it Section 5650	4/5/2024	Jerry Conrad
207	Deleted Section 6801.1 and moved the language to Section 5630.1	4/5/2024	Jerry Conrad
208	Reformatted entire document	4/5/2024	Jerry Conrad
209	Deleted Table in Section 7201 and moved it to annex K	4/5/2024	Jerry Conrad

210	Created Annex SS “Lessons Learned”	4/8/2024	Jerry Conrad
211	Created Annex TT Volunteer Use, Management, Responsibilities, & Training	4/8/2024	Jerry Conrad
212	Created Annex UU Contact Information (Phonebook)	4/8/2024	Jerry Conrad
213	Added Lessons Learned Document to Annex SS	4/8/2024	Jerry Conrad
214	Added ICP Layout Document to Annex LL	4/8/2024	Jerry Conrad
215	Added Significant Spills list to Annex JJ	4/8/2024	Jerry Conrad
216	Added SecDelBay Volunteer Plan to Annex TT	4/8/2024	Jerry Conrad
217	Added Section 3170 Volunteer Section to Plan	4/8/2024	Jerry Conrad
218	Added Contact Information Spreadsheet to Annex UU	4/8/2024	Jerry Conrad
219	Added Section 4120 Historically Significant Spills	4/8/2024	Jerry Conrad
220	Added Worst Case Spills Table to Annex JJ	4/8/2024	Jerry Conrad
221	Added Non Standard Annexes UU - POR WW – Plans XX - Historic Property YY – InSitu Burning ZZ – Dispersant Use ZZA – Incident Management ZZB - ARTES	4/9/2024	Jerry Conrad
222	Populated Annexes with documentation	4/9/2024	Jerry Conrad
223	Section 2120, Simplified CG/EPA Boundary. Removed boundary language above first major highway on several tributaries	4/9/2024	Jerry Conrad
224	Added documents to Annexes	4/10/2024	Jerry Conrad
225	Confirmed and added links throughout the document	4/11/2024	Jerry Conrad
226	Added Annex ZZC Regional Contingency Plans	4/12/2024	Jerry Conrad
227	Added links and documents to Annexes	4/12/2024	Jerry Conrad
228	Updated Table of Contents	4/14/2024	Paul Rementer
229	Continued Updating Table of Contents, Formatting, and Content	4/15/2024	Malia Hindle Jerry Conrad
230	Updated Section 2120 “Coastal Zone Boundary NJ” (First Major Highway)	4/15/2024	Jerry Conrad

231	Updated 24/7 Emergency Contact numbers for facilities with Water Intakes – (List kept by EMFR in: Preparedness, 01 Cont. Plans, SDB ACP, 2024 ACP Final CG-MER, Annexes, Non-Standard Annexes, 24-7 Emrgncy Contacts-Intakes)	4/15/2024	Jerry Conrad
232	Added D5 Approval Letter	6/25/2024	Jerry Conrad

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1000 GENERAL and ADMINISTRATION

1100 Introduction: The Sector Delaware Bay Area Contingency Plan (SECDELBAY_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 Sector Delaware Bay. The Sector Delaware Bay Area Contingency Plan and Response Plans for other Maritime Transportation System focused incidents, are mutually supportive and are in Section 1800 of this Plan.

1200 Purpose: This Area Contingency Plan (ACP) shall be used as a framework to respond to spills and discharges and as a way 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, FRPs, Railroad and Pipeline plans 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 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, onshore facility, offshore facility, or railroads operating in or near the coastal area, or pipelines in or near the coastal area.

Overall, this Plan:

- Provides effective implementation of response actions to protect people, natural resources, and property within the Sector Delaware Bay coastal zone from the impacts of an oil discharge, substantial threat of discharge of oil, a release of a hazardous substance, or substantial threat of a release of a hazardous substance, including Weapons of Mass Destruction (WMD), from inland and marine sources.
- Promotes coordination and strategies for a unified and coordinated federal, state, tribal, local, potential responsible party, response contractor(s), response cooperative, and community response.
- Provides guidance for all VRP and FRP (to include other emergency response plans that transit potential oil/hazardous products through SecDelBay AOR) reviewers and plan holders to ensure consistency with the SECDELBAY_ACP.
- Provides guidance for responders.
- Develops procedures to expedite decisions for the use of alternative response measures.

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 reality, the intentional release of a hazardous substance, oil, 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 or local jurisdictions.

The SECDELBAY_ACP is designed to ensure that the initial actions taken in response to hazardous substance releases, oil spills, or radiological and biological incidents that occurs in the maritime environment are effectively managed from the start and incorporate other agency plans and operating

procedures as those other 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 List of Annexes: This Plan contains “Standard” and “Non-Standard” Annexes. The Non-Standard Annexes contain documentation that has been compiled by and utilized by Area Committee members during oil spill exercises and real world responses. Annexes contain information on many topics to include but not limited to, response actions, plan examples, wildlife care and management, contact information for agencies, lessons learned from exercises and past incidents, and much more. The list of all the Annexes can be found following the Table of Contents. Language in the ACP will direct users to specific annexes, or one can review the titles of annexes for specific topics.

1300 Area Committee Management and Administration: 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. Area Committees, under the coordinated direction of the Federal On-Scene Coordinators (FOSC), are responsible for developing ACPs for their respective designated areas. As the spill preparedness and planning body for Sector Delaware Bay, the SecDelBay Area Committee is responsible for developing this ACP. The SECDELBAYAC is also responsible for working with state and local officials to plan for joint response efforts, including appropriate procedures for mechanical recovery, dispersant use, in-situ burning, shoreline cleanup, protection of sensitive environmental areas, and protection, rescue, and rehabilitation of fisheries and wildlife. The SECDELBAYAC is also required to work with state and local officials to expedite decisions for the use of dispersants and other mitigating substances and devices.

The geographical boundaries of this plan are defined in Section 2000 of this document.

1310 Area Committee (AC) Organization: The Sector Delaware Bay Area Committee is comprised of federal, state, local government agencies, industry representatives (facility owner/operators, shipping companies, response companies, etc.), non-government organizations, emergency response officials, marine pilot associations, academia, environmental groups, consultants, and concerned citizens. The Area Committee is led by an Executive Steering Committee (ESC). Members of the Executive Steering Committee are appointed by the Sector Delaware Bay, USCG, Federal On Scene Coordinator. The ESC members represent the many different agencies and organizations that make up the Area Committee. As of 2024, there is one subcommittee and that is the Marine Firefighting and Salvage Subcommittee.

1320 Charter: The Charter for the Executive Steering Committee can be found in Annex AA of this Plan.

1330 Area Committee Meetings: The Sector Delaware Bay Executive Steering Committee has agreed that: ESC meetings will be held the first Thursday of January, April, July, and October. AC meetings will be held the third Wednesday of January, April, July, and October. Meeting dates will be changed if there is a conflict with holidays or operations. AC meetings are open meetings. Participants do not have to be appointed by the FOSC. The FOSC will coordinate with the Executive Steering Committee members to prepare Executive Steering Committee and Area Committee meeting schedules, agendas, and communicate information to Area Committee members. In addition, the FOSC will ensure meeting minutes and meeting

attendance rosters are maintained by Sector Delaware Bay.

1340 Area Committee Annual Report: Sector Delaware Bay will complete an Annual Area Committee Report for Coast Guard Headquarters.

1350 Mission Statement: The mission of the SECDELBAYAC is to ensure the highest state of readiness of the spill response community. The SECDELBAYAC 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 SECDELBAYAC will function as an efficient organization for ensuring effective response to environmental threats in the Sector Delaware Bay area. The SECDELBAYAC will collaborate, sharing information and resources to produce the best possible plans and creative solutions to problems. The SECDELBAYAC will employ best available research and technology in both problem solving and decision-making. The SECDELBAYAC will learn from responses and activities, improve processes, and develop as individuals and as an organization.

1360 Committee Chair and Vice-Chair:

The Sector Delaware Bay Captain Of the Port (COTP), as predesignated Federal On-Scene Coordinator (FOSC), shall Chair the Area Committee (AC). Pennsylvania, New Jersey, and Delaware representatives shall serve as Vice-Chairs, rotating as lead Vice-Chair each year. The state and federal agency representatives serve at the pleasure of their respective agencies.

1370 Executive Steering Committee (ESC): The Executive Steering Committee (ESC) representatives are the appointed members of the Area Committee. The ESC is the strategic decision-making body of the Area Committee. The ESC is comprised of Permanent Appointed members and At-Large members. The Permanent Appointed members are either Federal or State On-Scene Coordinators with statutory decision-making authority, and jurisdictional obligations, during oil spill responses and/or hazardous material discharge cleanups. The At-Large members are subject matter experts from industry or non-government organizations. They serve three-year terms. The ESC will provide goals and expectations to the Area Committee 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's Charter can be found in Annex AA.

1400 Area Contingency Plan Validation and Testing: The SECDELBAY_ACP shall be reviewed annually. The SECDELBAY_ACP shall be reviewed/updated and approved by the SECDELBAYAC, USCG D5, and the Coast Guard National Review Panel (CGNRP) every five years.

1410 ACP Annual Update, Review, and Approval Process: The Sector's Area Committee will review the ACP and document any changes or updates in the Plan's 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.

USCG D5 formally reviews and approves ACPs every five years. After approval, USCG D5 submits the ACP for national review by the Coast Guard National Review Panel (CGNRP). The CGNRP, comprised of CG-Marine Environmental Response (CG-MER), USCG Atlantic and Pacific Area, National Strike Force Coordination Center, and District representatives, convene annually to review selected ACPs. Nationwide, each coastal ACP is on a 5-year CGNRP review schedule.

expectations will be coordinated from USCG D5 to USCG D5 field units.

1420 Geographic Response Strategies: Within Sector Delaware Bay’s coastal zone area of responsibility, there are approximately 240 sites with pre-designed protection strategies. Each year, designated Area Committee members physically conduct on water visits to a selected number of those sites. The segment visits include the comparison of information in the Geographic Response Strategies to actual field conditions. Protection strategies are updated as necessary. The Sector maintains a spreadsheet of when each site was visited. The spreadsheet is found in Annex BB.

1430 Area Exercises: Per the [National Preparedness for Response Exercise \(PREP\) Program](#) which provides the framework for an effective oil spill and hazardous substance response exercise program, the SECDEL BAYAC shall hold, a minimum of three annual Incident Management Team (IMT) Discussion Based Exercises and one Functional Exercise (FE), per each 4-year period. Sector Delaware Bay and Area Committee members may also participate in additional industry led exercises of opportunity.

After Action Reports (AARs) will be captured by SecDelBay for each exercise and will be maintained in the Coast Guard’s Contingency Preparedness System. Corrective Actions will be captured and addressed as appropriate. Agencies and organizations, participating in exercises, are encouraged to provide lessons learned in the Coast Guard’s After Action Report (AAR) or create their own agency’s report.

The Coast Guard will consult with the Area Committee and schedule exercises as long as four years in advance.

1500 ACP Relationship/Alignment with Other Plans Under 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 supports the responsibilities of the FOSC, under the direction of the Clean Water Act (CWA) as amended by OPA. 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. Contingency plans serve to formalize and document activities to be undertaken when planning for incidents and in the event of an incident. The following diagram depicts the relationship of many of the response plans discussed below.

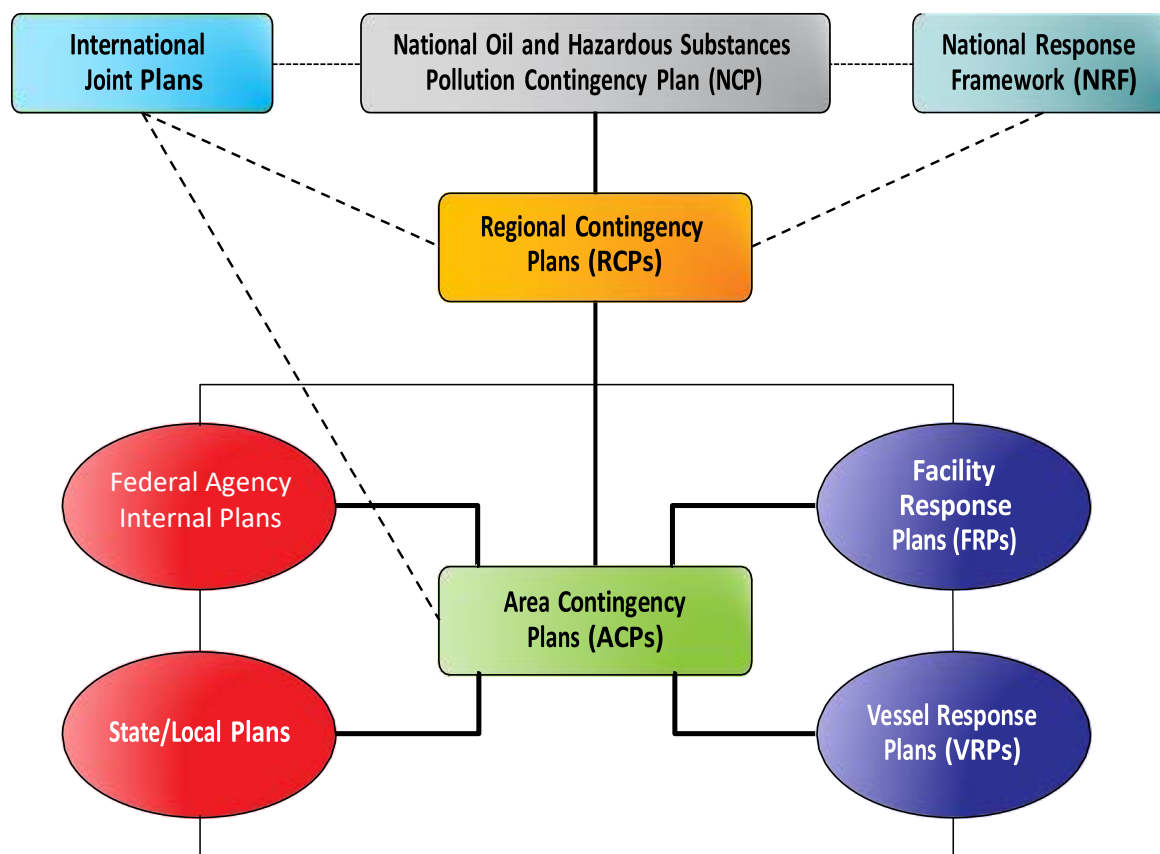


Figure 1: Relationship of Plans

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 Regional Response Team (RRT).
- 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.

1510 Vessel Response Plans: This Plan provides guidance for all Vessel Response Plan (VRP) plan writers, holders, and reviewers. Plan writers, holders, and reviewers should ensure VRPs are consistent with the Sector Delaware Bay Area Contingency Plan. Tank vessel response and non-tank vessel plan regulations, including plan requirements for the Coastal Zone, are located in 33 C.F.R. 155.

1520 Facility Response Plans: This Plan provides guidance for all Facility Response Plan (FRP) plan writers, holders, and reviewers. Plan writers, holders, and reviewers should ensure FRPs are consistent with the Sector Delaware Bay Area Contingency Plan. Facility response plan regulations for the inland zone are located in 40 C.F.R. 112. Complex facilities are facilities that are regulated by both the USCG and the EPA. Therefore, they would have a facility response plan meeting the requirements of 33 C.F.R 154 and 40 C.F.R. 112, or an Integrated Contingency Plan (ICP), capturing both federal agencies' 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.

1540 State Plans: All or portions of three states comprise the Sector Delaware Bay area of responsibility.

1540.1 New Jersey: NJ will follow their state's, All Hazard Incident Management Plan (AHIMP) when responding to spills or incidents. The plan is comprised of Planning, Response, and Recovery sections. The plan is supported by Emergency Support Functions (ESF's) which the State, Counties, and Municipalities operate through. The state, counties, and municipal OEMs are responsible for maintaining the AHIMP. Plans from the following coastal counties support the AHIMP:

- Mercer County Emergency Operations Plan
- Burlington County Emergency Operations Plan
- Camden County Emergency Operations Plan
- Gloucester County Emergency Operations Plan
- Salem County Emergency Operations Plan
- Cumberland County Emergency Operations Plan
- Cape May County Emergency Operations Plan
- Atlantic County Emergency Operations Plan
- Ocean County Emergency Operations Plan
- Monmouth County Emergency Operations Plan

State of New Jersey also has the "Radiological Emergency Plan Standard Operating Procedures" plan. This plan addresses procedures for evacuation of the port in the vicinity of Salem/Hope Creek Nuclear Generating Station on the Delaware River.

1540.2 Delaware: Delaware will respond to spills and incidents following their Delaware Emergency Operations Plan. This plan is supported by Delaware's county plans.

- New Castle County Emergency Operations Plan
- Kent County Emergency Operations Plan
- Sussex County Emergency Operations Plan

1540.3 Pennsylvania: Pennsylvania will respond to spills and incidents following their Pennsylvania Emergency Operations Plan. This plan is supported by Pennsylvania's coastal county plans.

- Bucks County Emergency Operations plan
- Philadelphia Emergency Operations plan
- Delaware County Emergency Operations plan

1550 Tribal Plans: As of December 2023, there are no federally recognized Tribes that own land in the Sector Delaware Bay area of responsibility. However, there are Tribes that have a historical presence. Tribal representatives should be contacted in the event of oil spills,

especially if there is shoreline impact and ground disturbance because of the spill and response (See Annex QQ (Phone Book)). Tribal representatives can provide knowledge, expertise, and guidance in areas that affect cultural resources and sacred places. There are several Acts which help preserve the heritage and cultural resources of the Tribes. Tribal representatives will help ensure compliance with these Acts.

- Archaeological Resources Protection Act
- National Historic Preservation Act
- National Environmental Policy Act
- Native American Graves Protection & Repatriation Act

1560 Regional Contingency Plans: Sector Delaware Bay's Area of Responsibility is located in both Region II and Region III. Regional Contingency Plans can be found on their respective websites. The following is a sample of information that can be found on the websites, Regional Contingency Plans, MOUs, MOAs, Interagency Agreements, Plans and Guides, Figures, and boundary maps.

- Regional Response Team II: [Site Profile - RRT2 Plans, Policies and Guidance - NRT](#)
- Regional Response Team III: [Site Profile - 3.1 RRT3 Regional Contingency Plan \(RCP\) - NRT](#)

1570 International Plans: Sector Delaware Bay's geographic area does not touch international boundaries, therefore, there are no International Plans involving the Sector Delaware Bay.

1580 Offshore Facility Plan Requirements: Requirements are found in 30 CFR 254. As of January 2024, there are no offshore facilities in the SecDelBay area of responsibility.

1590 Pipeline Plan Requirements: Requirements are found in 49 CFR 194. There are many pipelines in the SecDelBay Coastal Zone. Some pipelines cross the Delaware River and/or tributaries. The PHMSA website is a good tool to identify locations of the pipelines, owners of pipelines, and products being transported through the pipelines.

1600 Relationship to 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.

1700 ACP Relationship to the National Incident Management System: The SECDEL BAYAC will manage spill incidents in accordance with the NIMS version of the Incident Command System (ICS). The [Coast Guard Incident Management Handbook \(IMH\)](#) is designed to assist Coast Guard personnel in the use of the NIMS ICS during response operations and planned events. This handbook outlines specific details related to NIMS ICS, including

position job aids, forms, and other information to guide responders during an event. Brief discussions of a few NIMS ICS concepts are included below. The Incident Management Handbook is available as an APP.

1710 Unified Command: When appropriate, a UC shall be established consisting of, at a minimum, the FOSC, the SOSC (PA, NJ, and/or DE, as needed), and the RP's Incident Commander (IC). The UC can be established "virtually" as deemed necessary. The UC structure allows for a coordinated response effort, which takes into account the federal, state, local, and RP concerns and interests when implementing the response strategy. NIMS ICS provides for the UC to expand to accommodate local and/or Tribal interests during any particular response. Note: that PA, NJ, and DE, state policies require more than one state agency representing their respective state interests in the UC if:

- Citizens have been harmed,
- There is the possibility that citizens could be harmed,
- The environment has or can be harmed.

1720 FOSC Decision Authority: The FOSC has the authority and responsibility in accordance with the National Contingency Plan 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. The FOSC may consider using Coast Guard/Department of Defense (DOD) or Oil Spill Cooperative resources in such instances when the spill has been federalized and/or private sector resources cannot respond to the incident in a timely manner, or there are certain specific resources not available from the private sector. 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. The FOSC has the ultimate authority in a response operation and will only exert this authority, consistent with the NCP, if the other members of the Unified Command are not present or are unable to reach consensus quickly. The FOSC has the ultimate authority in a response operation and will only exert this authority, consistent with the NCP, if the other members of the unified command are not present or are unable to reach consensus quickly.

1730 Responsible Party: Each responsible party (RP) 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 plans as 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.

- Qualified Individual – Designated person by a Vessel Response Plan or Facility Response Plan who is available 24-hours, and speaks English, located in the US, familiar with the response plan, be trained in the plan and able to activate and engage in the contracting with oil spill removal organization(s) and other response related resources identified in the plan, act as a liaison with the Federal OSC and obligate funds to carry out response activities.
- Incident Management Team (IMT) – The RP will provide an incident management team (IMT) to assist during complex emergency incidents to provide a command-and-control infrastructure, in order to manage the

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operational, logistical, informational, planning, fiscal, community, political, and safety issues associated with complex incidents. Federal and State agencies will integrate as required/needed to monitor/assist the response.

1800 ACP Relationship to Other Marine Transportation System Plans Managed by the Coast Guard

1810 Area Maritime Security Plan: The purpose of this Plan is to ensure effective government and private sector security measures are being coordinated in a manner that allows all responding entities to implement plans and procedures designed to deter, detect, disrupt, respond to, and recover from a Transportation Security Incident (TSI) or the threat thereof.

1820 Marine Firefighting and Salvage Plans: This Plan was written to provide adequate response to fires and other port emergencies, such as vessel collision/sinking, and aircraft crashes through resources provided by federal, state, county, municipal, and commercial entities.

1830 Responding to Military Munitions Plan: This Plan was prepared to provide guidance framework for the response to a maritime incident involving military munitions that were disposed at sea. Disposing of explosive munitions and chemical munitions was a common practice off the mid-Atlantic States from approximately 1917 to 1970. Shellfish fishermen are most likely to encounter these munitions and become exposed to the chemical munition contents.

1840 Marine Disaster Response / Mass Rescue Operations Plan: This Plan provides guidance for responding to a marine disaster (mass casualty) occurring within the Sector Delaware Bay area of responsibility or adjacent high seas.

2000 GEOGRAPHIC SCOPE and JURISDICTIONAL BOUNDARIES

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

The geographic footprint of Sector Delaware Bay lies within Environmental Protection Agency II (New Jersey) and Environmental Protection Agency III's (Pennsylvania and Delaware) respective areas of responsibility. The Sector Delaware Bay Captain Of The Port (COTP) is the predesignated Federal On Scene Coordinator (FOSC) for pollution responses in the Coastal Zone. All discharges or releases, or substantial threats of such discharges or releases of oil or hazardous substances originating within the Coastal Zone are the responsibility of the USCG FOSC. Included are discharges and releases from unknown sources or those classified as "mystery spills."

2110 Coastal Zone Boundary PA and DE:

- North along State Highway 113 from the MD/DE state line to its intersection with US 9 in DE;
- Then northward along US 9 to the southern bank of the Chesapeake and Delaware Canal (C & D Canal);
- Then westward along the southern bank to the DE/MD state line;
- Then eastward along the northern bank of the C & D Canal to US 9;
- Then north along US 9 to its intersection with I-495;
- Then northward along I-495 to its intersection with I-95 at the PA border;
- Then northward along I-95 to the Schuylkill River;
- Then along the high tide mark of the Schuylkill River to the dam at Fairmont Park;
- Then northward on I-95 to its intersection with US Highway 1;
- Then northward along US Highway 1 to the US Route 1 bridge between Morrisville, PA and Trenton, NJ.

2120 Coastal Zone Boundary NJ: EPA Region II will respond to spills inland of, and on the highway boundaries described below.

- The EPA/USCG boundary begins at the US Route 1 Bridge between Morrisville, PA and Trenton, NJ;
- Then continues east to its intersection with Route 29 in Trenton;
- Then continues south along Route 29, which becomes Route 29/129, and merges into Interstate 195.
- Then the boundary continues along I-195 to its junction with Route 206 in the vicinity of White Horse;
- Then south on Route 206 to Route 130 in Bordentown;
- Then the boundary then continues south on Route 130 to Route 49 in the vicinity of Deepwater;
- Then it continues on Route 49 south and east to its junction with Route 47 in Millville;
- The boundary then continues south on Route 47 to its junction with the Garden State Parkway in the vicinity of Rio Grande;
- Then it continues north along the Garden State Parkway to its meeting point with Sector New York.

2200 USCG/EPA Coastal/Inland Zones - MOUs: The Memorandums of Understanding describing the Coastal and Inland boundaries for both EPA Regions II and III are located in Annex CC. Figures 2 and 3 below respectively show RRT areas and Coast Guard Area and District areas. The most current Memorandums are identified below.

- Region 2 Memorandum of Agreement (MOA) dated March 2016.
- Region 3 Memorandum of Agreement (MOA) dated January 2010.

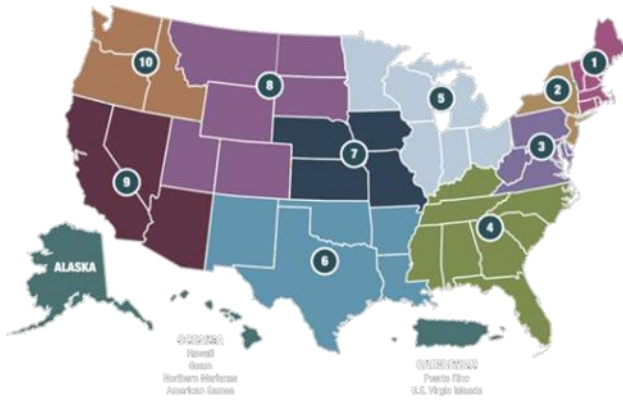


Figure 2: RRT Areas



Figure 3: U.S. Coast Guard Areas & Districts

2300 Geographic Boundaries/Coordinates of Sector Delaware Bay: The Delaware Bay COTP Zone is defined in 33 C.F.R. 3. 3.25-05 and depicted in Figure 4 below. Within this COTP Zone, the USCG COTP/FOSC area of responsibility for the SECDELBAY_ACP planning area is the Coastal Zone.



Figure 4: Map of Delaware Bay COTP Zone

2400 Graphics Depicting Geographic Area Covered by ACP: See images in Sections 2200 and 2300. Graphics are also available in a layer within NOAA’s Environmental Response Management Application (ERMA). If necessary, one can bring up the Sector Delaware Bay boundary lines between the Inland and Coastal zones.

2500 Sub-geographic Areas, and County Borders: Access NOAA's [Environmental Response Management Tool \(ERMA\)](#) to identify sub-geographic areas (Municipal Boundaries, State Legislative Districts (Lower House), State Legislative Districts (Upper House), Counties, Federal Lands, Congressional Districts), as necessary.

3000 ROLES and RESPONSIBILITIES

3100 General Roles and Responsibilities:

3110 Responsible Party/Industry Plan Holder: A responsible party, under the Oil Pollution Act, is one who is found accountable for the discharge or substantial threat of discharge of oil from a vessel or facility into navigable waters, exclusive economic zones, or the shorelines of such covered waters. It is expected that the responsible party will cover the costs for removing the oil in addition to any damages linked to the discharge, at least up to the minimum cost limits recommended in the Oil Pollution Act.

3120 Local Government: The focus of local government/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 technically 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.

3130 State Government

3130.1 Delaware

3130.1.1: Department of Natural Resources and Environmental Control (DNREC): The mission of the

Department of Natural Resources and Environmental Control is to engage all stakeholders to ensure the wise management, conservation and enhancement of the State's natural resources; protect public health and the environment; provide quality outdoor recreation; improve the quality of life; lead energy policy and climate preparedness; and educate the public on historic, cultural and natural resource use, requirements and issues.

3130.1.2: The Delaware Emergency Management Agency

(DEMA): DEMA is the lead state agency for coordination of comprehensive emergency preparedness, training, response, recovery, and mitigation services in order to save lives, protect Delaware's economic base and reduce the impact of emergencies.

3130.2 Pennsylvania

3130.2.1: Department of Environmental Protection

(DEP): The Department of Environmental Protection's mission is to protect Pennsylvania's air, land, and water from pollution and to provide for the health and safety of its citizens through a cleaner environment.

3130.2.2: Pennsylvania Emergency Management Agency

(PEMA): The Pennsylvania Emergency Management Agency (PEMA) helps communities and citizens mitigate against, prepare for, respond to, and recover from emergencies including natural disasters, acts of terrorism, or other human-made disasters. PEMA supports county emergency management agencies by coordinating and engaging the whole community including:

- Federal and state partners
- Volunteer organizations involved in disasters
- Private sector business community
- Citizens

3130.3 New Jersey

3130.3.1: Department of Environmental Protection

(NJDEP): The NJDEP has the responsibility of responding to emergencies involving a wide variety of hazards that threaten the public, environment, and infrastructure of the state. Traditionally, these were principally to oil and hazardous materials; to ensure that discharges of these materials do not threaten the health of the public and environment. Today, the department's mandate includes a much broader spectrum of threats including natural disasters, pathogenic outbreaks, and terrorism. In response to this mandate, NJDEP maintains the Bureau of Emergency Response (BER). The bureau, headquartered in Trenton, supports two field offices strategically located for rapid response on a 24-hour basis, 7 days a week.

3130.3.2: State Police – (OEM): OEM regional personnel represent the Governor and State Director of Emergency Management at all emergency and disaster situations in the State. They monitor these situations and assure proper response and recovery activities. Response to an incident provides interaction between local and state government that expedites and centralizes the State's response. These activities include State, County and Municipal EOC activations, participation in actual operations, and technical assistance during the response and recovery phase.

3140 Tribal Government: The Delaware Nation, Delaware Tribe of Indians, and the Stockbridge Munsee Community Tribes are the three federally recognized tribes that have a historic presence in the Sector Delaware Bay area of responsibility. They are active in preserving their heritage and cultural resources. Contact information for the tribes is in Annex M of this Plan. One should also consult the Housing and Urban Development's [Tribal Directory Assessment Tool \(TDAT\)](https://egis.hud.gov/TDAT/): <https://egis.hud.gov/TDAT/> to identify all the tribes that need to be contacted during a response.

3150 Regional Response Teams: Sector Delaware Bay's area of responsibility lies within RRT II and RRT III's boundaries. RRT II covers NJ while RRT III covers Pa and DE. The functional role of RRTs in each federal region has two principal components. One component is the standing team whose duties involve communications systems and procedures, planning, coordination, training, evaluation, preparedness, and related matters within each RRT's respective region. The second component of the RRT is an incident-specific team that may be assembled, as determined by the operational requirements of a response to a specific discharge or release. The RRT has responsibility for developing an RCP and for assisting the FOSC when guidance, coordination, or resources are needed to provide an adequate response to an incident. The RRT includes a representative from each state within the federal region, and representatives from 15 federal agencies available to provide assistance or resources during such a response. EPA and the USCG co-chair the RRT, which does not respond directly to the scene, but instead responds to developments and requests from the FOSC in accordance with the SECDEL BAY_ACP. RRT 2 & RRT-3 each normally hold semiannual meetings in the spring and fall of each year.

3160 Federal Government: Refer to the [National Response Team \(NRT\)](#) website for a list of federal agencies and their roles and responsibilities related to ACP planning, preparedness, and response. Nationally, the U.S. Coast Guard (USCG) has designated its coastal Captains of the Port (COTP) as the predesignated 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.

3170 Volunteers: A volunteer is any individual accepted to perform services by the lead agency which has authority to accept volunteer services. The decision to accept volunteer services, affiliated or unaffiliated, is made by the IC/UC. The Sector Delaware Bay, Federal on Scene Coordinator (FOSC) may use the services of volunteers in accordance with his/her authorities when determined to be appropriate. The IC/UC will make that decision on a case-by-case basis; weighing the interest of the local volunteer community; benefit of volunteer efforts against health and safety concerns; resources needed for volunteer supervision and training; the concerns of a Responsible Party (RP), and other relevant issues. If the incident includes a RP, the input of the RP regarding the use of volunteers should be given strong consideration, but ultimately, the FOSC (along with any state or local commanders in the IC/UC) may make the decision to accept volunteers even if the RP objects. However, the FOSC should consult USCG District Five (5) legal counsel if considering using volunteers on the RP's property in order to determine the applicability of federal liability coverage to those volunteers. See Annex TT "Volunteer Use, Management, Responsibilities and Training."

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 and Restoration (NRDAR) 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 NRDAR 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(s);
- (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 NRDAR 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/USFWS 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.

3210 Local: There are a number of local NGOs (DelawareRiverKeeper Network, Citizens United for the Maurice River, Audubon Society) to name a few, that may come forward during or after a response.

3220 State: The state environmental agencies would represent the states.

3230 Tribal: The Delaware Nation, Delaware Tribe of Indians, and the Stockbridge Munsee Community tribes are the three federally recognized tribes that have a historic presence in Sector Delaware Bay's area of responsibility. They are active in preserving their heritage and cultural resources.

3240 Federal: Generally, the Department of the Interior, Fish and Wildlife Service, and National Oceanic and Atmospheric Administration will represent the federal government.

3300 Support Available to the Federal On Scene Coordinator: Various sources of technical/scientific and administrative support are available to the Federal On-Scene Coordinator (FOSC) either through telephone contact 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: See Annex DD for Federal Agencies who can support the Federal On Scene Coordinator. Also in Annex DD is a list of Federal Agencies that can support investigations. Contact information for other state agencies and port specialists can be found in Annex QQ, ACP Contact list.

3320 Non-Governmental Organization Technical Support: The “Partnership for the Delaware Estuary” is a local organization that leads a collaborative, science-based effort to improve the Delaware River and Bay. Their directory is located in Annex EE. Their website is <https://delawareestuary.org/>.

4000 PRE-SPILL RISK ANALYSIS, CONSULTATIONS, and RESPONSE STRATEGIES

4100 Worse Case Planning Scenarios: Generally, as per the Clean Water Act, a Worst-Case Discharge (WCD) is defined as, in the case of a vessel, a discharge of the vessel's entire cargo in adverse weather conditions. In the case of an offshore facility or onshore facility, the largest foreseeable discharge in adverse weather conditions. This Plan is designed to guide users to respond to the worst-case spill or incident, regardless of its mode, cause, or amount lost. The below Table and a list of historic spills in the SecDelBay AOR can be found in Annex JJ.

4110 WCD Table for All Transportation Modes in SECDELBAY_ACP Planning Area: (Also found in Annex JJ).

MODE	POTENTIAL SPILL AMOUNT IN GALLONS	COMMENTS
Barge	14,364,000	Anchorage lightering barge.
Facility	10,866,000	258,715 bbls.
Offshore Wind Farms	0	As of December 2023, none of the windfarm turbines are in place.
Pipeline	192,000	Real World Spill in 2000. John Heinz National Wildlife Refuge. Suspected crack in 24-inch pipe that spilled for three days.
Railroad	Tank car: • Cargo: 30,000 Locomotive: • Diesel Fuel: Between 1,000 & 7,000 • Lube Oil: Up to 410 • Coolant: Up to 380 • Battery Acid: up to 50	Each car and each locomotive can carry the estimated amounts located to the left.
Tankship	27,000,000	"Typical" 800-foot vessel.
Tank Truck	10,000	"Typical" Tank Truck used to fuel fishing boats or other commercial vessels.
World War II Legacy Underwater Threats	Northern Pacific: 38.6388, -74.3848 • Nautical Miles to Shore: 29 • Probable Fuel Remaining: ≤ 315,000 Cayru: 39.08345, -73.782 • Nautical Miles to Shore: 39 • Probable Fuel Remaining: ≤ 559,230 India Arrow: 38.55846, -73.83457 • Nautical Miles to Shore: 60 • Probable Fuel Remaining: ≤ 223,776 W.L. Steed: 38.4167, -72.7167 • Nautical Miles to Shore: 90 • Probable Fuel Remaining: ≤ 504,000	More info can be found in NOAA's Remediation of Underwater Legacy Environmental Threats (RULET) system. It is recommended that these sites be added to the ACP as these RULET vessels can be the cause of mystery spills. All sites are historically significant and gravesites.

The triggers for Spills of National Significance are as follows:

- Worst case discharge in Area Contingency Plan or Oil Spill Response Plan;
- Multiple FOSC Zones, USCG Districts, or International Borders;
- Impacts to public health, natural/cultural resources, economy, and property;

- Protracted period of discharge or clean-up efforts;
- Public concerned or demand for action;
- Potential for high level national political, media, or public interest;
- Degradation of response capabilities.

4120 Historically Significant Spills: A list of incidents or spills that have occurred in the Sector Delaware Bay AOR is in Annex JJ “Worst Case Spill Table and List of Historically Significant Spills in SecDelBay AOR.

4200 Pre-Spill ESA Consultations: There are three environmental consultation categories:

Pre-spill Consultation: This is required for an Action Agency (USCG within the coastal zone) to engage the Services (USFWS and NMFS) on the potential affects for all potential response actions that may be implemented during the emergency response.

The Sector Delaware Bay Area Committee has worked with, USFWS and NMFS, to identify threatened and endangered species in the Sector’s AOR and to agree on best management practices to protect these species.

Endangered Species Act (ESA) MOA - The Response Action Matrix describes the connection between the most common activities performed during spill operations and potential impacts to Endangered Species Act (ESA)-listed (threatened and endangered) species or their habitats. It spotlights specific aspects of response activities that may fall within the scope of consultation. The Response Action Matrix is specifically designed to be used during step 2 (Action Agency modifies/reviews Response Action Matrix) of the ESA Pre-spill Planning Consultation Process.

Emergency Consultation: 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.

- [USFWS Listed Threatened & Endangered Species by State](#)
- NRT Endangered Species Consultation document ([See Annex FF of this Plan](#))
- [Information for Planning and Consultation IPaC](#) (USFWS)
- [Endangered Species Act and Essential Fish Habitat Post-Response Guidance](#)

Post-Response Consultation: 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.

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

4210 ESA Preauthorizations and Best Management Practices: Annex II contains information and forms helpful to the FOSC to initiate ESA Consultations.

- RRT3 ESA EFH Coastal Zone Consult Form – Feb 2022: This form will be utilized by the U.S. Coast Guard (USCG) Federal On-Scene Coordinator (FOSC) for pre-

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spill, emergency, and post-response Endangered Species Act (ESA) Section 7 consultations.

- RRT3 ESA EFH Section 7 Coastal Zone Guide and Form – Feb 2022: This guide and form will be utilized by the U.S. Coast Guard (USCG) Federal On-Scene Coordinator (FOSC) for pre-spill, emergency, and post-response Endangered Species Act (ESA) Section 7 consultations.
- RRT3 Environmental BMPs for Coastal Zone Oil Spill Response – Dec 2023

To complete the Consultation Form, one should also consult info found in Annex FF and Annex HH.

4220 Federally Listed Threatened and Endangered Species in the

AOR: A full list of species and habitats at risk during oil spills, within Sector Delaware Bay’s area of responsibility, can be found in Annex FF of this Plan.

4300 National Historic Preservation Act

4310 Preauthorizations and Best Management Practices: Responses must ensure that historic properties are taken into account in their planning for and conduct of the emergency response under the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). 40 CFR Section Part 300. The State Historic Preservation Officers (SHPOs) should provide guidance for treating historic properties before and during emergency response.

There is a long history of human occupation in the Delaware Valley. The area was first inhabited by Indian Tribes then European Settlers. There is evidence of their respective occupation and activity throughout the Delaware River and Bay area. As such, SHPOs should be consulted and informed of response activities, as there are no “pre-authorizations” (areas where there is no known evidence of historic people’s occupation or activity) in the coastal zone.

4310.1 Emergency Consultations: The following links or Annex will help with Section 106 Consultations.

- [State Historic Preservation Offices](#)
- [National Register of Historic Places](#)
- [Tribal Directory Link](#)
- Sector Delaware Bay Oil Spill Annex (Annex GG)

4310.2 Pre-Incident Planning: The Sector Delaware Bay Area Committee has engaged with, and will continue to engage with, SHPOs, Indian Tribes, and Federal land managing agencies. Forts, Battleships, wrecks, and culturally significant areas are some of the subject matters addressed by Area Committee members.

Protection strategies have been developed for known historic properties at risk (See Geographic Response Strategies in NOAA’s Environmental Response Management Application.

4400 Environmentally Sensitive Areas: The Sector Delaware Bay Area Committee has identified environmentally sensitive areas. Protection strategies (Geographic Response Strategies (GRSs)) have been developed for each of these sites. There are over 200 environmentally sensitive sites in the coastal zone of the Sector Delaware Bay AOR. See Annex BB and the

SecDelBay layer in NOAA’s Environmental Response Management Application (ERMA) tool to see the locations of the sites. See NOAA’s ERMA for respective protection strategies.

4500 Economically Sensitive Areas: The Sector Delaware Bay Area Committee has identified socio-economic sensitive areas, as required by 40 C.F.R. 300.210(c)(3)(i). These sites include but are not limited to high tourism sites, historic sites, power plants, railroad bridges crossing tributaries in the coastal zone, and especially important, facility water intakes. Sector Delaware Bay will maintain a “Water Intake - 24/7 Emergency Contact List” for the facilities with water intakes. Contact Sector’s Emergency Management and Force Readiness Department for the List.

4600 Geographic Response Strategies: The Sector Delaware Bay Area Committee has identified environmentally sensitive areas and socio-economic sites. Within Sector Delaware Bay’s coastal zone area of responsibility, there are approximately 240 sites with pre-designed protection strategies. Each year, designated Area Committee members physically conduct on-water visits to a selected number of those sites. The segment visits include the comparison of information in the Geographic Response Strategies to actual field conditions. Protection strategies are updated as necessary. The Sector maintains a spreadsheet of when each site was visited. The spreadsheet is found in Annex BB.

4700 Port Information: The Sector Delaware Bay Area Committee has participated in several Workshops and/or Federal Advisory Committees over the years. The reports from these Workshops and/or Advisory Committee can be used by responders to help make response decisions. The reports can be found in Annex HH “Port Information.” Reports in Annex HH include:

- Consensus Ecological Risk Assessment of Potential Transportation-Related Bakken and Dilbit Crude Oil Spills in the Delaware Bay Area: Comparative Evaluation of Response Action - 2015
- Ecological Risk Assessment: Consensus Workshop, Environmental Tradeoffs Associated With Oil Spill Response Technologies – 2006
- Delaware River and Bay Oil Spill Advisory Committee Report – 2008-2010
- Resources at Risk – August 2023 PREP Exercise – Lower Delaware Bay

4800 Emerging Sources of Pollution:

4810 Offshore Wind Farms: As of December 2023, several companies own leases for the development of offshore renewable energy (wind farms) projects. However, currently, there are no operational units. Sector Delaware Bay and the Area Committee will continue to monitor the progress of these projects and closely work with the Bureau of Ocean Energy Management (BOEM) and other state and federal agencies to provide input for response plans, identify resources at risk, and develop spill response strategies.

5000 RESPONSE

This segment of the ACP provides information outlined within Subpart D of the NCP, 40 C.F.R. 300.300. 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 C.F.R. 300.317) lists three broad national response priorities:

- Safety of human life
- Stabilizing the situation
- Use of all necessary containment and removal tactics in a coordinated manner

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 Annex YY and Annex ZZ of this ACP for information on specific techniques and processes preauthorized within this ACP planning area.

5100 Initial Reporting, Notification, and Preliminary Assessment

Protocols: When oil is discharged or a hazardous substance is released in the coastal zone of the SECDELBAY AOR, the Responsible Party is required to notify the affected state(s) and the National Response Center (NRC). The NRC is the national communications center for handling activities related to response actions. The NRC acts as the single federal point of contact for all pollution incident reporting. Notice of an oil discharge or release of a hazardous substance in an amount equal to or greater than the harmful or reportable quantity must be made immediately in accordance with the CWA and CERCLA under 33 C.F.R. part 153, Subpart B, and 40 C.F.R. part 302, respectively. All notices of discharges or releases received at the NRC will be relayed immediately to the appropriate predesignated FOSC. Notifying individual state offices does not relieve the Responsible Party from the requirements to notify the NRC. In the Sector Delaware Bay AOR, the Responsible Party is required to notify the following:

- National Response Center (NRC): (800) 424-8802

And the State(s) where the spill occurred, or the spill could affect:

- Delaware DNREC: 1-800-662-8802
- New Jersey DEP: 1-877-927-6337
- Pennsylvania DEP: 1-800-541-2050

Initial notifications and actions, by USCG SecDelBay, can be found in the Sector's Oil Pollution Quick Response Card (QRC) (See Annex F).

5110 Preliminary Assessments: The Sector Delaware Bay Federal On Scene Coordinator shall, to the extent practicable, collect pertinent facts about the discharge or release, such as:

- Its source and cause;
- The identification of potentially responsible parties;
- The nature, amount, and location of discharged or released materials;
- The probable direction and time of travel of the discharged or released materials;
- The pathways to human and environmental exposure;
- The potential impact on human health, welfare, and safety and the environment;
- The potential impact on natural resources and property that may be affected;
- Priorities for protecting human health and welfare and the environment;
- Appropriate cost documentation.

These efforts shall be coordinated with other appropriate Federal, State, local, and tribal agencies. The FOSC also shall promptly notify the appropriate trustees for natural resources

of discharges or releases that are injuring or may injure natural resources under their jurisdiction.

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.

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. Responders should log into NOAA's Environmental Response Management Application (ERMA), Response Planning, Area Contingency Plans, Sector Delaware Bay Zones, to view pre-designated work/survey zones.

Shoreline Cleanup Methods provides guidance on the applicability of various clean methods for typical shoreline habitats. Additional tools to assist responders in establishing cleanup methodologies include and can be found in Annex KK (Clean-up Assessment Protocols and Clean-up Methods):

- [Characteristics of Coastal Habitats: Choosing Spill Response Alternatives for oil spills,](#)
- [Characteristics of Response Strategies: A Guide for Spill Response Planning in Marine Environments,](#)
- [American Petroleum Institute \(API\) report on Tidal Inlet Protection Strategies \(TIPS\)](#)
- [NOAA's Shoreline Assessment Manual:](#) The manual outlines methods that can be used to plan and conduct shoreline assessment after an oil spill. It also provides considerations that should be incorporated into assessing the effectiveness of the UC's shoreline cleanup decisions. In addition to these tools, the NOAA Scientific Support Coordinator (SSC) also remains a valuable resource to help coordinate shoreline cleanup assessments and establish shoreline cleanup protocols.

5200 Emergency Consultations: See Sections 4200 and 4300 of this Plan. Emergency Consultations are required whenever the Sector Delaware Bay FOSC makes a determination that federal response actions may affect or have affected Endangered Species Act listed Threatened or Endangered Species and/or their designated Critical Habitat(s). Or response actions may adversely affect Essential Fish Habitat(s) (EFH). When this situation occurs, the "action agency" (USCG Sector Delaware Bay) shall initiate emergency consultation protocols as appropriate.

5210 Endangered Species Act, Section 7: See Section 4200 of this Plan and Annex "II", Endangered Species Act Consultations

5220 National Historic Preservation Act, Section 106: See Section 4300 of this Plan.

5300 General Hierarchy of Response Priorities: The National Contingency Plan establishes three priority levels for the dedication of emergency oil spill response resources:

- Protection of human health and safety,
- Protection of environmental resources, and
- Protection of economic resources.

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

5310 Safety: As noted in the priorities outlined in the NCP, the health and safety of the responders and the public are of primary importance. To ensure that this priority is successfully met each and every time, personnel involved in oil spill response activities must comply with all applicable worker health and safety laws and regulations. The primary federal safety regulations for responders are established by OSHA and can be found in 29 C.F.R. 1910.120; these set the safety standard for hazardous waste operations and emergency response (HAZWOPER). Incidents also may pose threats to those communities where the incident occurred, creating significant health safety threats which must be addressed as part of the response. For more details about the establishment of safety protocols for responders and how to safeguard public health during a response, please refer to an example of a Site Safety Plan, Annex WW.

5320 Priority Identification and Protection Strategies: The Sector Delaware Bay Area Committee physically surveys a segment of the Delaware River and/or Bay each year. Two objectives of these annual surveys are to: 1) verify protection strategy applicability of locations that have protection strategies and 2) identify new locations that need protection strategies. The most up to date Environmentally and Economically Sensitive Areas with booming strategies are in NOAA's ERMA tool (In ERMA, see: Response Planning, Area Contingency Plans, Sector Delaware Bay),

5330 Risk Assessment for Sensitive Area Prioritization: The initial response is focused on minimizing impacts through the strategic objectives of:

- Stopping the Source,
- Containment,
- Protection of Sensitive Areas,
- Cleanup, and
- Recovery.

In a pollution event, sensitive area protection prioritization should be determined by three considerations:

- (1) Which sites are at risk (how soon the oil product will get to each sensitive site);
- (2) The hierarchy of protection priorities; and
- (3) The time and response resources available to implement a specified protection strategy. Responders should not assume that sensitive locales equidistant from the source of a spill are at equal risk from the oil.

For the purpose of prioritization, "risk" is defined as "the probability of discharged oil reaching the vicinity of a sensitive site of concern." This means that the urgency to protect key resources is first determined by the likelihood that it will be impacted in the near future and mobilization time for requisite response staff and equipment (can the sites at risk be protected by available resources before oil arrives?). If the sites are too numerous to protect with the response resources available within projected times of impact, then triage of protection follows as the prescribed general hierarchy as identified for a specific area in the Geographic Response Strategies (GRSs).

Environmental Risk Assessments:

- Ecological Risk Assessments - See Annex HH.
- Offshore Spill: Resources at Risk - See Annex FF

5340 Environmentally Sensitive Areas: During a response, all of the appropriate environmentally sensitive areas will be referenced (Annex BB), and a determination will be made as to which areas will be directly affected, which areas could potentially be affected, and which areas have no threat of being affected. The previously referenced GRSs can be used for guidance, taking into account any special response considerations that will need to be addressed. Additionally, when threatened and endangered species, designated critical habitats, or historical/cultural properties may be affected by response actions, consultations with the appropriate agencies must be initiated (Annex II). Annex KK contains specific guidelines and requirements to protect and clean shorelines, environmentally and economically sensitive resources. Wildlife rescue and recovery guidance can be found in Annex FF.

5350 Wildlife Rescue and Recovery: The protection, rescue, and rehabilitation of impacted wildlife, during a response, requires close coordination with those individuals and entities which have the expertise, authority, and equipment to execute it safely and successfully. This complex and high visibility operation is conducted by the Wildlife Branch within a Unified Command structure. Some organizations within the Sector Delaware Bay AOR that can recover and rehabilitate wildlife include:

- Tri-State Bird Rescue and Research, DE
- Marine Mammal Stranding Center, NJ
- Marine Education, Research, & Rehabilitation Institute, DE

5350.1 Additional Reference Material for Wildlife Care

- [Best Practices for Migratory Bird Care](#) (This document can be found in Annex FF “Oiled Wildlife Plan and Threatened and Endangered Species. or <https://digitalmedia.fws.gov/digital/collection/document/id/1264/>).

5360 Aligning of Natural Resource Damage Assessment and Restoration (NRDAR) with Response: Under OPA and CERCLA and various state statutes, Responsible Parties (RPs) are liable for damages, for injury to, destruction of, loss of, or loss of use of natural resources from a hazardous substance release or oil spill; as well as damages from the response to the spill or release (or substantial threat of spill or release). The measure of damages includes:

- The cost to restore, rehabilitate, replace, or acquire the equivalent of the injured natural resource;
- The decline in value of resources pending restoration;
- And the reasonable cost of assessing the damages.

Designated federal, state, and tribal natural resource trustees (Natural Resource Trustees) are responsible for assessing damages through the Natural Resource Damage Assessment (NRDAR) process.

As described by the U.S. Coast Guard Incident Management Handbook (2014) (IMH), NRDAR activities generally do not occur within the structure, processes, and control of the Incident Command System (ICS). However, given that NRDAR activities usually overlap with those of the response, a plan for coordination and cooperation between the two efforts is necessary. A Sector Delaware Bay exercise lesson learned recommendation was for the NRDAR desk to be located in the general proximity to the Environmental Response Unit. Whenever possible, and if all parties agree, it is recommended to co-locate the Environmental Unit and the NRDAR representatives.

5400 National Incident Management System: The SECDELBAYAC will manage spill incidents in accordance with the NIMS version of the Incident Command System (ICS). The Coast Guard Incident Management Handbook (IMH) is designed to assist Coast Guard personnel in the use of the NIMS ICS during response operations and planned events. This handbook outlines specific details related to NIMS ICS, including position job aids, forms, and other information to guide responders during an event. Brief discussions of a few NIMS ICS concepts are included below. The Incident Management Handbook is available as an APP.

5410 Unified Command: When appropriate, a UC shall be established consisting of, at a minimum, the FOSC, the SOSC, and the RP's Incident Commander (IC). The UC can be established "virtually" as deemed necessary. The UC structure allows for a coordinated response effort, which takes into account the federal, state, local, and RP concerns and interests when implementing the response strategy. NIMS ICS also provides for local and/or tribal representation within the UC. As such, and at a minimum, consideration should be given to expand the UC to accommodate local and/or tribal interest during a particular response. Note that PA, NJ, and DE, state policies may require additional state agencies representing their respective state interests in the UC if:

- Citizens have been harmed,
- There is the possibility that citizens could be harmed,
- The environment has been or may be affected.

5420 FOSC Decision Authority: The FOSC has the authority and responsibility in accordance with the National Contingency Plan 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. The FOSC may consider using Coast Guard, Department of Defense (DOD), or Oil Spill Cooperative resources in such instances when the spill has been federalized and/or private sector resources cannot respond to the incident in a timely manner, or there are certain specific resources not available from the private sector. 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. The FOSC has the ultimate authority in a response operation and will only exert this authority, consistent with the NCP, if the other members of the Unified Command are not present or are unable to reach consensus quickly.

5430 Responsible Party: Each responsible party (RP) 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 plans as 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.

- Qualified Individual – Designated person by a Vessel Response Plan or Facility Response Plan who is available 24-hours, and speaks English, located in the US, familiar with the response plan, be trained in the plan and able to Activate and engage in the contracting with oil spill removal organization(s) and other response related resources identified in the plan, act as a liaison with the Federal OSC and obligate funds to carry out response activities.

- Incident Management Team (IMT) – The RP will provide an IMT to assist during complex emergency incidents to provide a command-and-control infrastructure, in order to manage the operational, logistical, informational, planning, fiscal, community, political, and safety issues associated with complex incidents. Federal and State agencies will integrate as required/needed to monitor/assist the response.

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 an electronic COP during a response. ERMA is a viewer that pulls real-time and static data to display in a single interactive map. Usually, RPs will provide their own COP (via the Spill Management Team), but ERMA can be used in conjunction with other platforms to make it easy for users to visualize a dynamic environmental situation or long-term case assessment.

An electronic COP can provide a great deal of information during a response. However, early in the incident, the SecDelBay Area Committee recommends that hard copy displays be created in the ICP for the response organization, and for the UC in their meeting space. Once more electronic display expertise arrives, the Incident Management Team can rely more on electronic displays and attempt to display the same COP in multiple locations.

5450 Incident Command Post: When a UC is established, beyond a “virtual UC,” to manage a multi-day response, an Incident Command Post (ICP) shall be established as near as practicable to the spill site. All responders (federal, state, tribal, local, and private) should be incorporated into the response organization at the appropriate level.

Annex LL “Incident Command Post Recommendations” contains information and needs for the establishment of an Incident Command Post.

5460 Public Information: Considering the high level of environmental awareness in many communities, any pollution incident is likely to generate interest from the public and the media. The public’s perception of a response’s success or failure is often determined early in the response; this makes the need to provide the public with timely, accurate information critical. For smaller responses these efforts can be managed by a Public Information Officer or appropriate Branch Chief; however, large, more complex events will require the establishment of a Joint Information Center (JIC) to manage information access and flow. For more information, please refer to the National Response Team’s (NRT) Joint Information Center guidelines.

To help manage the public information situation, the FOSC can request:

- The Coast Guard’s Public Information Assist Team (PIAT),
- EPA’s Public Information Team,
- Army Corps of Engineers Public Information Teams,

State Incident Commanders are encouraged to request State, Public Information Officers participate in the Joint Information Center.

Annex MM “Public Information – Joint Information Center Information” contains several products to assist the Public Information Officers and members of the JIC.

- Note: The AC had agreed that spill amounts will be reported to in gallons.

5500 Oil Spill Containment and Cleanup: The goal of most oil containment and recovery strategies is to collect the spilled oil from the water and prevent it from reaching sensitive resources. Unfortunately, this is not always possible and sensitive resources do get oiled despite response efforts, especially during large oil spills. In those cases, the goal will be to minimize environmental impact using a variety of booming, containment, and recovery techniques.

5510 Containment: Before discharged oil can be effectively recovered, the spreading of the oil must be controlled, and the oil contained in an area accessible to oil recovery devices. Generally, discharged oil is contained using oil containment boom. Typical boom has a floatation section that provides a barrier on and above the water surface and a skirt section that provides a barrier below the surface. The physical dimensions of the boom to be used for a particular spill will be dependent on local conditions. In the open water, it may be necessary to use a boom that is several feet tall. In a protected marsh, a boom that is only a few inches tall may be appropriate.

There are limitations on the effectiveness of any boom. Oil will be lost if the conditions are such that there is splash-over from breaking waves. Oil will also be carried under the boom skirt (entrainment) if it is deployed in such a way that currents cause the oil to impact the boom with a velocity perpendicular to the boom of greater than 0.7 knots. Once a boom has been deployed, it may be necessary to reposition it due to changing tides and currents. It is desirable to have personnel available to readjust the boom as required. In all cases of boom deployment, consideration must be given to protecting the safety of those involved in the activity.

Various booming strategies are used to prevent spreading and to concentrate the oil so it can be skimmed or vacuumed. Factors that need to be considered are type and size of boom required for weather, winds, tides, and currents in the vicinity of potential spill areas; the type of deployment vessel needed; the amount of boom needed for effective containment; and available skimming capabilities. Fixed or natural anchor points should be selected. Sorbent booming is useful when the amount of oil is minimal, when tides and currents are light, or when shorelines require protection. Heavier oil can be recovered using adsorbent snare (oil “sticks” to the boom) and lighter fuels generally are recovered using absorbents (sausage, sweep, or diapers). Sorbent booming can also be used as a backup for other types of booming to recover product that may have entrained past the primary barrier.

As oil escapes containment, it becomes increasingly difficult to recover. Additional measures must be included to deal with escaping oil. This is particularly necessary where oil booming is subjected to winds, waves, and strong currents; oil entrains or is splashed over boom. To counter oil escapement, deployments should include preplanning to anticipate where it may happen and measures to prevent it.

Environmentally Sensitive and economically sensitive sites have been identified by the Sector Delaware Bay Area Committee. Protection strategies for these sites have been developed. The strategies for each site include the type, size and amount of boom needed to protect each site.

NOAA’s Scientific Support Coordinator can assist in getting spilled oil trajectory models. In addition, USCG District Five acquired OilMap software licenses. The software can be used to model the fate of spilled oil by considering various factors including deflective and protection booming, and skimming operations. OilMap software is used by Sector Delaware Bay’s Emergency Management & Force Readiness Department and the Sector’s Marine Environmental Response Departments to verify protection strategies during the Sector’s annual survey of select segments of the Delaware River and/or Bay.

5520 Shoreline Protection Options: There are many different manmade and natural shoreline types in the Sector Delaware Bay area of responsibility. The ExxonMobil “Oil Spill Response Field Manual 2014” includes a chapter on shoreline types and suggested protection strategies. The manual is included in Annex “KK Clean-up Assessment Protocols” of this Plan.

5530 On-Water Recovery: The Sector Delaware Bay Area Committee considers “on water recovery” to take place in three distinct zones. They are open water, near shore/shallow water, and high current environments.

5530.1 Open Water: Oil removal and recovery in open water is accomplished through the use of skimming devices once the oil has been contained. Skimmers can be freestanding, in which the skimmer is a separate piece of equipment which pumps the oil-water mixture from the contained surface into tanks on a vessel. These skimmers are usually driven by hydraulic units on board a vessel. Self-propelled skimmers have a skimmer as an integral part of the vessel. The skimming vessel positions itself at the head of a concentrated or contained pool of oil and recovers the oil into tanks on board the vessel. There is also a type of skimmer in which the weir or collection zone of the skimmer is an integral part of the boom which is close to the skimmer.

Vessels of Opportunity (VOO), such as fishing vessels, may be used to deploy or tow boom and, depending on the size of the vessel, may be equipped with skimming equipment. VOOs need to have adequate deck space and lifting cranes to carry the necessary equipment.

5530.2 Near-shore/Shallow Water: Oil recovery techniques and equipment are different in near-shore/shallow water locations than in open water locations. Shallow draft vessels and smaller boom and skimmers are used in these situations. These vessels can maneuver into tight places behind and under wharfs or in sloughs and can actually skim next to shore in many near-shore locations.

Strategies for near-shore cleanup can differ depending on the depth of the water and the location. Near-shore operations, within a bay or inlet, will also require shallow draft vessels, workboats, and skimmers. However, the vessels may only be operable at high tide. At or near low tide, the operation may evolve into a shoreline cleanup operation. Any boom towing boats or skimmers must be able to withstand going aground without sustaining major damage.

5530.3 High Current Environments: In the SECDEL BAY AOR, it is not uncommon to encounter currents in excess of two knots per hour. With appropriate skimmer operations, it is possible to recover spilled oil in these high current areas. Standard skimming techniques must be modified somewhat to optimize oil recovery.

To be successful, most containment and skimming systems must encounter oil at speeds of less than one knot. Typically, skimmers are operated in conjunction with containment boom. If oil encounters the boom/skimming system with a perpendicular velocity greater than 0.7 knots, the oil will carry under the boom and be lost. Therefore, the most important consideration for skimming in high currents is to keep the speed of the skimming system below one knot relative to the water’s surface.

As a basic example: A skimmer pointed upstream in a 5-knot current would actually be proceeding downstream or backwards at four knots to keep its velocity relative to the water’s surface at one knot. Gauging a skimmer’s velocity relative to the water’s

surface can be somewhat difficult. Often the most reliable method is for the skimmer operator to closely monitor the skimming system. They should look for signs of oil entrainment as well as ensuring the integrity of the containment system. As the speed of the current changes, so must the speed of the skimmer. The skimmer monitoring can be aided by using an aerial asset (helicopter, plane, or drone) with an observer. The observer can tell if oil is being lost by the skimmer as well as direct the skimmer to the best skimming location.

Boom is often deployed in front of the skimmer forming a ‘V’ thus directing oil into the skimmer. The practice increases the area being covered by the skimmer. Ideally this ‘V’ should be as wide as possible. In high currents, as the ‘V’ width is increased, the speed of the oil encountering the boom perpendicularly is increased.

Oil will spread more quickly in the direction of the current flow; skimmers should operate in an up and down stream orientation. The oil slick will be elongated in the direction of the currents. Skimmers will encounter the most oil as they proceed up and down stream within the slick. Operating back and forth across stream and across the slick will result in sub-optimal recovery efficiency.

Sector Delaware Bay Delaware, Delaware’s Department of Natural Resources and Environmental Control (DNREC), and USCG District 5 all own swift water boom vanes. Operators can operate the vanes from a shoreline or from a boat. Depending on the responders needs, one's position relative to the oil, and the currents, the boom vane can be deployed to collect or deflect oil. The Delaware Bay and River Cooperative (DBRC) has exercised the SecDelBay owned boom vane and can assist in boom vane deployments.

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. Depending on the location and trajectory of submerged oil, responders may have to implement a number of strategies to protect submerged structures or recover submerged 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. Additional information is available for Submerged Oil. See Annex WW “Assortment of Plans” to see a real world Tarball Removal Plan.

5550 Shoreside Recovery and Natural Collection Points: There are predictable locations where spilled oil 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 locations; 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: While skimming and recovery operations are being conducted, concurrent cleanup efforts will need to be taken to address the impacts resulting from an oil spill's contact with shorelines, man-made infrastructure, areas of vegetation, vessels, etc. The appropriate cleanup technique required will vary greatly and primarily depend upon the type of oil spilled, the degree of contamination, the sensitivity of the area and its economic or ecological importance and the ability to conduct the cleanup without causing further damage or trauma.

Following an oil spill's impact to a shoreline, an FOSC will need to identify those areas requiring treatment, establish cleanup priorities, and monitor the effectiveness and impact as a cleanup progresses. While evaluating cleanup options, an FOSC may determine that the use of a burning agent chemical countermeasure in support of the In-Situ Burn (ISB) technique provides the greatest net environmental benefit.

For hard surface man-made areas impacted by a spill (sea walls, pier faces, rip rap, vessel hulls, etc.), evaluation of the options for removing the oil require the same care and consideration as naturally occurring areas of the environment. The challenges posed by the cleanup of these areas can be compounded by economic pressures as well as environmental, making the issue of a timely cleanup all the more urgent. In addition to having some of the same techniques available for the cleanup of a shoreline (manual removal, low/high pressure washing, passive use of sorbents, etc.), an FOSC may determine that use of a Surface Washing Agent (SWA) chemical countermeasure may be appropriate. For more information on the policy, procedures, and checklists for SWA use within the RRT 2 & 3 coastal zone please refer to the NRT Surface Washing Agent (SWAs) policy.

5570 Decontamination: Decontamination is the process of removing or neutralizing contaminants that have accumulated on personnel and equipment during an oil spill response. Effective decontamination procedures protect responders from having unnecessary contact with oil that contaminates and permeates the protective clothing, respiratory equipment, tools, vehicles, and other equipment used during the response. It also protects people and the environment by minimizing the transfer of oil into clean areas of the response site and prevents the uncontrolled transportation of contaminants from the site into a community.

A Decontamination Plan should be developed (as part of the Site Safety Plan) and set up before any personnel or equipment may enter areas where the oil recovery or cleanup is taking place. The decontamination plan should at a minimum:

- Determine the number and layout of decontamination stations;
- Determine the decontamination equipment needed;
- Determine appropriate decontamination methods;
- Establish procedures to prevent contamination of clean areas;
- Establish methods and procedures to minimize responder contact with oil during the removal of personal protective clothing and equipment (PPE), and;
- Establish methods for disposing of clothing and equipment that are not completely decontaminated.

For more information about recommended decontamination procedures and practices please refer to the [Occupational Safety and Health Administration \(OSHA\) Decontamination Site](#).

5580 Waste Management and Disposal: During the course of any response involving the collection and removal of oil, it becomes necessary to address the proper disposal of those materials which were contaminated by oil. The Resource Conservation

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and Recovery Act (RCRA), also known as the Solid Waste Disposal Act, addresses this issue. RCRA directs that the generation of hazardous waste is to be reduced or eliminated as expeditiously as possible and that when it is generated, it be treated, stored, or disposed of to minimize the threat to human health and to the environment. In order to ensure the proper disposal of materials contaminated by hydrocarbons in accordance with all regulations (local, state, federal), please refer to an example of a Disposal Plan found in Annex WW.

5590 Terminating Clean-up 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 for termination should include, but not limited to: Stakeholders, Environmental Trustees, Land holders, etc.

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). See NOAA's Shoreline Assessment Manual.

55100 Non-standard / Unconventional Emergency Removal Action Scenarios: To Be developed.

5600 Oil Spill Response Funding and Cost Recovery:

5610 FOSC Access to OSLTF: 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.

5620 Funding Authorization for Other Agencies: 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 [National Pollution Funds Center \(NPFC\) User Reference website](#).

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.

5630 Trustee Agency Access to the OSLTF: OPA provides access to the OSLTF by Trustees for the purpose of conducting a Natural Resource Damage Assessment and Restoration (NRDAR). 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 NRDAR from, and normally work directly with, the designated FLAT. For purposes of requests for initial funding for a NRDAR, State and Tribal Trustees must work through a FLAT. When a request for a NRDAR 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 Inter-Agency Agreement (IAA). For more information about the process of initiating a Natural Resource Damage Assessment and Restoration (NRDAR) and for the regulations and procedures for making a natural resource damage (NRD) claim, please refer to [NPFC Natural Resource Damage Claims website](#).

5630.1 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 NRDAR 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](#).

5640 State Access to the OSLTF: for Immediate Removal or Prevention Costs: OPA allows state Governors to request payment of up to \$250,000 from the OSLTF for removal costs required for the immediate removal of a discharge of oil, or prevention of a substantial threat of a discharge of oil. Requests are made directly to the FOSC who will determine eligibility. If a state anticipates the need to access the OSLTF, they must submit

a request which shall include the person's name, title, address, telephone number, and the capacity in which they are employed. FOSCs will provide initial coordination of the request and subsequent coordination and oversight. For more information about a state's access to the OSLTF please refer to Technical Operating Procedures for State Access to the OSLTF.

State-certified Hazardous Materials Response Team (HMRTs) are the only entities allowed to conduct hazardous materials incident response in the Commonwealth of Pennsylvania, New Jersey, and Delaware. State-certified HMRTs can only be officially dispatched to an incident by the county emergency management coordinator or their designated delegate.

5650 Oil Spill 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, administered 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 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.

5700 Hazardous Substance Spill Response:

5710 Introduction: This segment of the ACP provides general guidelines for initial response actions necessary to abate, contain, control, and remove the released substance and describes some of the unique issues associated with a hazardous substance release. Hazardous substance response is outlined within Subpart E of the NCP, 40 C.F.R. 300.400. 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 release of hazardous substances is unique compared to an oil spill in that hazardous substances have a greater potential to impact human health. In general, oil spills are of great concern due to their potential to cause long-term damage to the environment. However, oil spills do not routinely pose an immediate threat to human life. On the contrary, hazardous substance releases can pose an immediate danger to humans when released in even the smallest quantities.

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.)

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.

See Annex D for more information on Sector Delaware Bay's Hazardous Substance response plans.

5720 Environmental Support to the FOSC: In the event of a Spill of National Significance or pollution incident which poses a threat to public health, local, state, and national health, public officials shall be notified. For more information about environmental support available to the FOSC, see Annex DD.

5730 State Policy:

5730.1 Delaware: Delaware Pollution Control Act of 1949: Title 7, Delaware Code, Chapters 60-64.

Provisions: 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."

The Delaware Department of Natural Resources & Environmental Control, headquartered at Dover, Delaware, carries out enforcement of the state's pollution laws.

5730.2 New Jersey: In New Jersey, hazardous material includes any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health or safety or to the environment, if released. Under New Jersey law petroleum products, including crude and refined oils, are hazardous substances.

There is no minimum reportable quantity. An immediate verbal report of any release or threatened release of hazardous material must be made to the DEP Hotline by either the discharger or any local government entity that discovers a discharge. This immediate report should include:

- Location of the release or threatened release;
- The name(s) of the person(s) reporting
- Hazardous material involved
- Estimates of the quantity
- Potential hazards presented by the material

5730.3 Pennsylvania: The Commonwealth of Pennsylvania, in accordance with Act 165, requires every county to have a minimum of one National Incident Management System (NIMS) Type II state-certified Hazardous Materials Response Team (HMRT) which is responsible for hazardous materials incident response in the county.

Counties may have an unlimited number of state-certified HMRTs assigned with hazardous materials incident response in the county; but must have a minimum of one Type II.

5800 Hazardous Substance Spill Response Funding and Cost Recovery:

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 outlined below (FOSC Access to the Federal Funds). 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.

5810 FOSC Access to CERCLA Funding: 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 HAZMAT 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.

5820 Funding Authorizations for other Agencies: 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., 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, Inter-Agency 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:

5910 Incident Action Plans: 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 decision documents are saved.

5930 Cost Recovery Documentation and Claims: To be developed.

5940 National Contingency Plan (NCP) Documentation Requirements: 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 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.

5950 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 Federal Project Number (FPN) or the CERCLA Project Number (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](#).

5960 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](#).

59100 Post Spill Consultation: (Also see Section 4200) 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.

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

- Endangered Species Act and Essential Fish Habitat Post-Response Guidance Found in Annex II.

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 within the Sector Delaware Bay Coastal Zone area are required to submit response plans to the Coast Guard 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.

6100 Oil Spill Removal (OSROs) and Equipment: OSROs and their respective equipment list can change. Therefore, it is recommended to get the latest OSRO, and equipment lists from the Coast Guard.

A list of OSROs that operate in the Sector Delaware Bay AOR can be found in Annex NN. The list also identifies those companies that have Basic Ordering Agreements (BOAs).

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. A more in-depth discussion of the classification program can be found in the [USCG OSRO Guidelines](#). A hard copy of the OSRO Guidelines can be found in Annex NN.

6110.1 Classified OSRO listings for the Sector Delaware Bay

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 Delaware Bay COTP zone, please refer to: [RRI Classification and POC Reports site](#).

6120 Response Resource Inventory 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

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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 Area/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 Delaware Bay COTP zone, please refer to: [RRI Classification and POC Reports site](#).

A list of OSROs that operate in the Sector Delaware Bay AOR can be found in Annex NN. The list also identifies those companies that have Basic Ordering Agreements (BOAs).

6130.1 Basic Ordering Agreements: The U.S. Coast Guard's maintains a list of pre-established emergency response contracts, known as BOAs, with OSROs. These contracts with OSROs are available for use at any time by a USCG Federal On-Scene Coordinator (FOSC). Terms and rates are negotiated 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.

A list of OSROs that operate in the Sector Delaware Bay AOR can be found in Annex NN. The list also identifies those companies that have Basic Ordering Agreements (BOAs).

6140 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. The one cooperative that operates in the Sector Delaware Bay AOR is:

- [Delaware Bay & River Co-op](#)

6200 Hazardous Substance Response Resources: In the event of a hazardous substance incident, response resources will be cascading into the area. Follow recommendations in the Hazardous Substance Incident Annex, Annex OO.

6300 Salvage and Marine Firefighting Resources: Copies of the Sector's Salvage Response Plan and Marine Firefighting Plan in Annex PP.

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. RRT-2 & 3 have 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 RRT-2 homepage & RRT-3 homepage, can be found in this section.

7110 Dispersant Use: 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](#).

Within RRT-3, the use of dispersants within the offshore environment has been preauthorized. The offshore environment of the RRT-3's coastal zone is seaward from the ten-meter isobaths or three nautical miles offshore, whichever is farthest. See [RRT-3's Dispersant Pre-Approval Guidelines and Checklist](#) and Section 7110.1 below. (Note: working with RRT 3 representatives to get documents.)

When conducting an operation in the nearshore environment of the RRT-3 coastal zone (seaward starting at the shoreline, but shoreward of the ten-meter isobath or three nautical miles offshore, whichever is farthest from shore – i.e., shoreward from the area of preauthorization) please refer to [RRT-3 Nearshore Dispersant Guidelines and Checklists \(Expedited Approval Process\)](#). (Note: working with RRT 3 representatives to get documents.)

When conducting operations in RRT-2's coastal zones, please refer to [RRT-2's Appendix 3 Final Dispersant MOU New Jersey](#).

7110.1 Big Stone Anchorage: In accordance with the 1997 MOU for Preauthorization of Chemical Countermeasures regarding Big Stone Anchorage, the FOSC will conduct a consultation process with stakeholders prior to dispersant use in Big Stone Anchorage.

Response Decision Matrix for Dispersant Use



Figure 5: Response Decision Matrix for Dispersant Use
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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, Surface Collecting Agents, Bioremediation Agents, and Miscellaneous Oil Spill Control Agents.

Note: Before any chemical countermeasure may be used, the FOSC must first seek RRT-3 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 § 300.920(e), the listing of a product on the Product Schedule does not mean that EPA approves, recommends, licenses, certifies, or authorizes the use of the product on an oil discharge. The listing means only that data have been submitted to EPA as required by 40 C.F.R

§ 300.915. For the most current listing of approved substances for use, please refer to the [NCP Product Schedule](#).

7130 Special Monitoring for Dispersants (SMART Protocols): When making a dispersant application, the UC needs to know whether the operation is effectively dispersing the oil or not. The SMART dispersant protocols are designed to provide the UC with real-time feedback on the efficacy of the dispersant application and consist of three different levels (or tiers) of monitoring. 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 In-Situ Burning (ISB): The word "in-situ" is the Latin term for "in-place." An In-Situ Burn (ISB) refers to the initiation of a controlled burn of discharged oil as a means to mitigate the oil's harmful impacts. The fuels to feed an ISB are provided by the vapors from the spilled oil and, for those spills with impacts inshore or on land, any other organic materials with which the oil may have come into contact. Often the source of ignition is insufficient to light the oil and start the burn; in these instances, FOSCs may decide to use burning agents to help start the burn. Burning agents are defined by the NCP as "...those additives that, through chemical or physical means, improve the combustibility of the materials to which they are applied." Burning agents are not required to be included on the NCP Product Schedule. In RRT-3, burning agent use has been preauthorized within

the offshore environment; the terms and conditions of this preauthorization may be found in the Regional Response Team Region II and III Regional Oil and Hazardous Substances Pollution Contingency Plans. Burning agent use has not preauthorized within the inshore/nearshore environment.

The most up-to-date policy, procedures, and checklists, for conducting an in-situ burn operation in the Offshore Environment can be found in:

- [RRT-2 In-Situ Burn Policy](#) for New Jersey Offshore Environment.
- [RRT-3 Regional Response Plan](#) (Offshore of Delaware)

7150 Special Monitoring of ISB (SMART Protocols): 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 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.

SWAs cannot be used unless they are listed on the [NCP Product Schedule](#).

7170 Special Considerations for Non-standard Emergency Removal Action Scenarios: To Be Developed.

7180 Alternative Response Tool Evaluation System: 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 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) (See Annex ZZB); 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. RRTIII Spill Response Countermeasure Workgroup will conduct the review during a pre-spill planning effort. The Alternative Response Tool Team (ARTT) will be stood up during an event.

The team should consist of representatives from:

- USCG
- USEPA
- NOAA
- NOAA trustees
- State Rep(s)
- RRT Co-Chairs
- USFWS
- FWS trustees

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) (See Annex ZZB). 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 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 Spill Response: To Be Developed.

STANDARD ANNEXES

Annex A	Master Links Index
Annex B	Risk Analysis/Risk Profile -----To Be Developed
Annex C	Fish and Wildlife Annex
Annex D	Hazardous Substance Annex
Annex E	Salvage and Marine Fire Annex
Annex F	Response Tools: Quick Response Guides, Checklists, Forms, Job Aids
Annex G	Voluntary Organizations Assisting in a Disaster ----- To Be Developed
Annex H	ESF-10 Annex ----- To Be Developed
Annex I	Ice Operations/Cold Weather Response Annex ----- To Be Developed
Annex J	Space Operations – Not Applicable
Annex K	Air Operations& UAV Support Annex
Annex L	Unconventional Oil Response ----- To Be Developed
Annex M	Tribal Annex
Annex N	Swift Water Response Operations ----- To Be Developed
Annex O	International Coordination & Relationship to International Plans --- N/A

NON-STANDARD ANNEXES

Annex AA	Executive Steering Committee Charter
Annex BB	Spreadsheet of Geographic Response Strategy Site Visits
Annex CC	MOUs for USCG-EPA Regions II and III Boundaries
Annex DD	Federal Agencies Who Can Support FOSC
Annex EE	Non-Governmental Organizations Who Can Support the FOSC
Annex FF	Oiled Wildlife Plan & Threatened and Endangered Species
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Annex HH	Port Information
Annex II	ESA Consultations
Annex JJ	Worst Case Spill Table and List of Historic Spills in SDB AOR
Annex KK	Clean-up Assessment Protocols
Annex LL	Incident Command Post Recommendations
Annex MM	Public Information – Joint Information Center Information
Annex NN	Response Resources – OSROs – Response Resource Inventory
Annex OO	Hazardous Substance Annex
Annex PP	Biological Incident Annex
Annex QQ	Contact Info for Government Agencies and SMEs
Annex RR	Terrorism Incident Annex
Annex SS	Lessons Learned
Annex TT	Volunteer Use, Management, Responsibilities, Training
Annex UU	Radiological Incident Annex
Annex VV	Places of Refuge – Decision Making Guide
Annex WW	Assortment of Plans
Annex XX	Historic Properties – Section 106
Annex YY	InSitu Burning
Annex ZZ	Dispersant Use
Annex ZZA	Incident Management
Annex ZZB	Alternate Response Tool Evaluation System
Annex ZZC	Regional Contingency Plans