

Hazardous Substance Response

Annex D

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1000 General

1100 Purpose

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.), or designated by the NC DEQ.

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

1200 Authorities

1201 Federal

Federal authorities for response to hazardous substance, pollutant, or contaminant; including biological, chemical, and radiological warfare agent releases are outlined in CERCLA (42 U.S.C. 9604) and the NCP, 40 CFR Part 300. FOSCs are the federal officials predesignated by EPA and the USCG to coordinate response activities. The FOSC directs response efforts and coordinate all other response efforts at the scene of a release. As the state and local responder's gateway to the resources of the National Response System, it is the FOSC's responsibility to provide access to resources and technical assistance that may not be otherwise available to a community. Federal authorities for response to hazardous substance, pollutant, or contaminant; including biological, chemical, and radiological warfare agent releases are outlined in CERCLA (42 U.S.C. 9604) and the NCP, 40 CFR Part 300. FOSCs are the federal officials predesignated by EPA and the USCG to coordinate response activities. The FOSC directs response efforts and coordinate all other response efforts at the scene of a release. As the state and local responder's gateway to the resources of the National Response System, it is the FOSC's responsibility to provide access to resources and technical assistance that may not be otherwise available to a community.

1202 State of North Carolina

NCEM and NC DEQ are the lead state agencies for hazardous substance incidents. NCEM maintains the Statewide Emergency Response Plan and serves as the State On-scene Coordinator (SOSC) for incidents involving hazardous substances and radioactive materials.

The NC Hazardous Materials Regional Response program is a system of seven teams strategically located in the state to provide hazardous substance response services to the citizens of North Carolina. The Regional Response Teams are available to respond whenever an incident exceeds local capabilities with technical support, manpower, specialized equipment and/or supplies.

1203 Additional Stakeholders

The following is a list of potential stakeholders who may be involved in addition to the agencies who are typically involved in a hazardous substance release:

- Local/State health departments;
- Local/State Emergency Management Agencies;
- Bomb squads or DoD Explosive Ordinance Detachments;
- Department of Health and Human Services (HHS), Centers for Disease Control and Prevention (CDC), or Agency for Toxic Substances and Disease Registry (ATSDR);
- Local Emergency Management Services
- Nuclear Regulatory Commission (NRC) or DOE;
- Department of Agriculture (USDA);
- National Guard Civil Support Teams;
- Private Sector Clean-up Companies;
- Laboratories/Transportable Laboratories; and/or
- Other stakeholders identified in this plan or other local plans.

1300 Notifications

Releases of CERCLA hazardous substances, in quantities equal to or greater than their reportable quantity (RQ), are subject to reporting to the National Response Center under CERCLA, 40 CFR Part 300.125(c). Such releases are also subject to state and local reporting under Section 304 of SARA Title III (Emergency Planning and Community Right to Know Act (EPCRA)). CERCLA hazardous substances, and their RQs, are listed in 40 CFR Part 302.4. CERCLA and EPCRA RQs may also be found in the EPA's "List of Lists" at HEPA NEPISH. Radionuclides listed under CERCLA are provided in a separate list, with RQs in Curies.

While there are no statutory reporting requirements for releases of pollutants or contaminants for terrorist-related threats; the National Response Center will accept all reports of potential terrorist incidents and pass the report along to the appropriate agencies. All emergencies should also be immediately reported to 911 to activate local law enforcement and response resources.

It is necessary to quickly establish coordination with local emergency medical services (EMS) to ensure first responder and public safety and decontamination. The FOSC will coordinate through local emergency management to stand up EMS support to the incident.

1400 Criminal Considerations

At the onset of a response it is often unclear whether the cause of a release was accidental or criminal. Local responders will likely be the first to arrive on scene to assess the situation and possibly take initial response measures to contain or stop the release.

In instances where criminal activity is suspected, coordination is required between law enforcement, who view the incident as a crime scene, and other first responders who view the incident as a hazardous substance release or a disaster site. Although protection of life remains paramount, the protection and processing of the crime scene is imperative so perpetrators can be identified and apprehended. These dynamic objectives will be accounted for by forming a UC with the applicable law enforcement agencies.

Since 9/11/01, much attention has been given to terrorist incidents. A nuclear, biological, or chemical WMD type terrorist incident is inherently a hazardous substance release with a criminal investigation component. As such, it should be responded to under the NRF. The Terrorism Incident Law Enforcement and Investigation Annex to the NRF also provides guidance on response to criminal incidents with significant impacts. A terrorist incident will always be treated as a federal crime scene, thus giving the Federal Bureau of Investigation (FBI) and local/state law enforcement agencies the initial lead in each response. Be aware that the FBI can activate federal resources to assist in the response activities.

The UC responding to an incident where terrorism is involved must be acutely aware of the unique nature of the Federal Government's response mechanisms for these types of incidents. HSPD-5 gave DHS the lead federal role for coordinating federal support to a state and local response; however, nothing in the NRF changes legal authorities or responsibilities outlined in other federal, state, or local laws and regulations. The UC may find themselves working with DHS, FBI, FEMA, or a number of other federal agencies under the NRF.

If a responder suspects terrorism, the FBI and local/state law enforcement must be notified as soon as possible. Given available evidence, statements, scenario, and intelligence; the FBI/Law Enforcement agencies will make the determination on whether the incident is credible. The

FOSC may be approached by the law enforcement agencies to assist in obtaining initial investigative samples to confirm their "credible threat" determination if local sampling resources are not identified or available.

The FOSC should share all available and applicable information with the law enforcement agencies to assist them in making these determinations.

1500 Transition to Long-Term Cleanup

At some point after the peak of the initial response phase, the nature of site activities may evolve into a long-term clean-up/remedial phase. Depending upon the scope of activities and the ability of the local responders, post-initial response and mitigation phase efforts may necessitate mobilization of additional resources. Also, it is possible that additional federal and/or state agency representatives may need to be involved with the long-term phase to ensure that regulatory mandates are followed. It is critical that the initial responders debrief the incoming clean-up staff prior to demobilizing. Standard long-term/remedial clean-up actions are:

- Evaluate clean-up/decontamination options;
- Implement cleanup alternatives; and
- Long-term monitoring or remediation of impacted area, if necessary.

1600 Evacuation Procedures

In the event the hazardous substance release poses an immediate threat to public health, the FOSC will coordinate with the SOSC and local responding agencies to determine under what authority evacuation will be ordered and by who the order will be given. While every local jurisdiction leverages multiple public communications methods to notify residents of public safety threats, the Integrated Public Alert Warning System, radio and television broadcasts and social media play an immediate role in alerting the public of necessary actions to take.

1700 Air Plume Modeling

The NRF designated the Interagency Modeling and Atmospheric Assessment Center (IMAAC) as the single Federal source of airborne hazards predictions during incidents that involve multiple federal agencies. IMAAC is responsible for producing and disseminating predictions of the effects from hazardous chemical, biological, and radiological releases. IMAAC is not intended to replace or supplant dispersion modeling capabilities that Federal agencies currently have in place to meet agency-specific mission requirements. Rather, it provides interagency coordination to use the most appropriate model for a particular incident and for delivery of a single Federal prediction to all responders.

Emergency IMAAC assistance can be requested through IMAAC Operations, which is listed in Annex 1. The 42nd Civil Support Team may be the fastest available resource for modeling, and the contact information for the unit is in Annex A.

The CAMEO Suite of applications (CAMEO - Computer-Aided Management of Emergency Operations, ALOHA - Aerial Locations of Hazardous Atmospheres, and MARPLOT - Mapping Application for Response, Planning, and Local Operational Tasks) is designed to allow the user to plan for and respond to hazardous substance incidents.

The CAMEO Chemical Database has identification information and response recommendations for thousands of chemicals commonly transported in the United States. CAMEO also includes blank database templates that state and local organizations can enter information for facilities that store hazardous substances.

ALOHA can predict the movement of hazardous substances in the atmosphere and display this on a digital map via MARPLOT. ALOHA has almost a thousand chemicals in its database.

MARPLOT uses electronic maps created by the Bureau of Census that cover the entire country and can be downloaded for free as part of the CAMEO software suite mentioned above.

More information about these software applications is linked in Annex A.

1800 Disposal

During the course of any response involving the collection and removal of hazardous substances, it becomes necessary to address the proper disposal of those materials which were contaminated. The Resource Conservation 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.

1900 Radiological and Weapons of Mass Destruction Considerations

The first indication of a radiological incident is likely to be an alert from a first responder's Personal Radiation Detector at the scene of the incident. In the event of an alert, first responders should evacuate the area and request Level 2 qualified personnel and alert Sector North Carolina Intelligence Division.

Another first indication may come from a credible threat evaluated by Sector North Carolina Intelligence Division. In either of these circumstances, the FOSC should follow the guidelines outlined in the NIRA to the NRF, linked in Annex A.

2000 Lead State Agencies and Technical Support

2100 North Carolina Emergency Management

North Carolina Emergency Management works side-by-side with local communities to prepare for, respond to, recover from and mitigate damage from disasters across the state. The agency deploys state resources when needed and coordinates with neighboring states and the federal government to augment staffing and resources as appropriate. They are prepared to respond to any crisis with search and rescue teams, emergency response teams, and many other resources at their disposal. NCEM is the pre-designated State On-Scene Coordinator (SOSC).

2200 North Carolina Department of Environmental Quality

The N.C. Department of Environmental Quality, formally Department of Environment and Natural Resources, is the lead stewardship agency for the preservation and protection of North Carolina's natural resources. The organization, which has offices from the mountains to the coast, administers regulatory programs designed to protect air quality, water quality, and the public's health. DEQ also offers technical assistance to businesses, farmers, local governments, and the public and encourages responsible behavior with respect to the environment through education programs provided at DEQ facilities and through the state's school system. Through its natural resource divisions, DEQ works to protect fish, wildlife and wilderness areas. The agency's activities range from helping to make sure drinking water is safe to managing state parks and forests for safe and enjoyable outdoor recreation experiences. DEQ's regulatory authority for discharges to waters of the State including those portions of the Atlantic Ocean that are in the jurisdiction of the State is found in the North Carolina General Statutes 143-215.74 through 143-215.104U. This section is

also known as Chapter 143, Article 21A, the Oil Pollution and Hazardous Substances Control Act of 1978.

2300 Environmental Protection Agency

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

2301 Chemical Biological Radiological and Nuclear Consequence Management Advisory Division

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

2302 Radiological Emergency Response Team

RERTs have been established by EPA's Office of Radiation Programs (ORP) to provide response and support during incidents or at sites containing radiological hazards. Expertise is available in radiation monitoring, radionuclide analysis, radiation health physics, and risk assessment. RERTs can provide on-site support including mobile monitoring laboratories for field analysis of samples as well as fixed laboratories for radiochemical sampling and analyses. Request for support may be made 24 hours a day via the NRC or directly to the EPA Radiological Response Coordinator in the ORP.

2400 National Oceanic and Atmospheric Administration

NOAA provides scientific support for responses and contingency planning in coastal and marine areas, including assessments of the hazards that may be involved, predictions of movement and dispersion of oil and hazardous substances through trajectory modeling, and information on the sensitivity of coastal environments to oil or hazardous substances. NOAA provides scientific expertise on living marine resources it manages and protects. It also provides information on actual and predicted meteorological, hydrologic, ice, and oceanographic conditions for marine, coastal,

and inland waters, as well as, tide and circulation data. The Secretary of the U.S. Department of Commerce (DOC), through NOAA, also acts as trustee for natural resources managed or controlled by DOC, including their supporting ecosystems.

2401 Scientific Support Coordinators

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

The NOAA SSC can provide training and technical expertise regarding Shoreline Cleanup and Assessment Techniques (SCAT). The Shoreline Assessment Manual, updated August 2013 by NOAA, outlines methods for conducting SCAT after an oil spill and is linked in Annex A.

2402 National Weather Service

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

2500 Department of the Interior

DOI has jurisdiction over the National Park System, National Wildlife Refuges, fish hatcheries, and public lands. The Regional Environmental Officer (REO) manages the department's response programs for oil and hazardous substance spills and oversees the department's responsibilities as a trustee for natural resources. The DOI may become involved in spill response once contacted through the REO who is a designated member of RRT-4.

2501 U.S. Fish and Wildlife Service

The Secretary of the Interior acts as trustee for resources managed or protected by DOI Bureaus, including USFWS and Bureau of Reclamation (USBR). USFWS, an office within DOI, is responsible for the management of migratory birds, federally listed endangered and threatened species, and inter-jurisdictional fishes.

When a spill occurs, the appropriate USFWS office will provide timely advice on measures necessary to protect wildlife from exposure, as well as priority and timing of such measures. Protective measures may include preventing the oil from reaching areas where migratory birds and

other wildlife are located or deterring birds or other wildlife from entering areas by using wildlife hazing devices or other methods.

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

2502 U.S. Geological Survey

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

2503 Bureau of Safety and Environmental Enforcement

BSEE works to promote safety, protect the environment, and conserve resources offshore through vigorous regulatory oversight and enforcement. BSEE’s Offshore Regulatory Program develops standards and regulations to enhance operational safety and environmental protection for the exploration and development of offshore oil and natural gas on the U.S. Outer Continental Shelf (OCS).

2600 U.S. Department of Health and Human Services

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

Public Health Technical Specialists from the HHS Centers for Disease Control and Prevention (CDC) and ATSDR can assist with environmental health support. Contact information for the ATSDR is included in Annex 1.

2601 National Institute for Occupational Safety and Health

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

In response to requests from workers (or their representatives), employers, and other government agencies, NIOSH Health Hazard Evaluation scientists conduct workplace assessments to determine if workers are exposed to hazardous materials or harmful conditions and whether these exposures are affecting worker health. NIOSH evaluates the workplace environment and health of employees by reviewing records and conducting on-site environmental sampling, epidemiologic surveys, and medical testing.

See the NIOSH Pocket Guide for more information, which is linked in Annex 1.

2700 U.S. Department of Agriculture

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

USDA maintains trusteeship of national forest, wilderness areas, and wildlife within USDA-controlled forests, archaeological sites, range and farm lands, fisheries, and lands enrolled in the Wetlands Reserve Program, linked in Annex 1. Additionally, the USDA plays a key role in the closing and re-opening of fisheries before, during, and after clean-up operations.

2800 U.S. Department of Transportation

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

2900 Department of Defense

2901 U.S. Army Corps of Engineers

The Secretary of the DoD has trusteeship over the natural resources on all lands owned by DoD or the Army (including lands and facilities managed by the USACE, Navy, Air Force, and Defense Logistics Agency). These lands include military bases and training facilities, research and development facilities, and munitions plants. USACE has trusteeship over natural resources under its jurisdiction, custody, or control. USACE land-holdings include national research and development laboratories, facilities, and offices. Additionally, the USACE provide information on river levels within this ACP planning area.

2902 U.S. Navy Supervisor of Salvage

SUPSALV has an extensive salvage/search and recovery equipment inventory, and the requisite knowledge and expertise to support these operations including specialized salvage, firefighting, and petroleum, oil, and lubricants offloading capability even in open sea response incidents.

SUPSALV can also provide equipment for training exercises in support of national and regional contingency planning objectives. The FOOSC may request assistance directly from SUPSALV. Formal requests are routed through the Chief of Naval Operations.

2903 National Guard Civil Support Teams

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

CSTs normally operate as a State asset, under the command and control of The State Governor, but upon deployment, the unit provides direct support to the IC. CSTs support local emergency responders (Fire, Police, and EMS), as well as State and Federal agencies such as the DOE, FBI, EPA and FEMA.

2904 North Carolina Hazardous Materials Regional Response Teams

The NC Hazardous Materials Regional Response program is a system of seven teams strategically located in the state to provide hazardous materials response services to the citizens of North Carolina. The RRTs are available to respond whenever an incident exceeds local capabilities with technical support, manpower, specialized equipment and/or supplies.

The RRTs are available to supplement local resources when an incident is beyond the first responders' capabilities. Such incidents generally require more sophisticated equipment and hazardous materials technicians who have received a higher level of training.

3000 Disposal

3100 Purpose and Definitions

The purpose of this policy is to provide guidance for making a waste determination for proper disposal of materials (i.e. sorbents, solidifiers, etc.) and debris (i.e., Personal Protective Equipment (PPE), rags, soil, etc.) contaminated by hydrocarbons. This guidance describes the chronology of activities necessary for coordinating proper disposal of materials contaminated by hydrocarbons in accordance with all local, state and federal regulations.

Waste determinations are made by the generator of the waste such that the generator may: 1) manage the waste appropriately and legally and 2) provide valid proof to the disposal facility regarding the constituents of the waste generated such that the disposal facility may make a determination as to whether they will accept the waste in compliance with their operating permit(s).

3101 Discharge

The accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous waste into or on any land or water.

3102 Disposal

The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

3103 Disposal Facility

A facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water, and at which waste will remain after closure. The term disposal facility does not include a corrective action management unit into which remediation wastes are placed.

3104 Industrial Solid Waste

Solid waste generated by a manufacturing, industrial, or mining process, or that is contaminated by solid waste generated by such a process.

3105 Oil

Oil of any kind or in any form, including, but not limited to: fats, oils, or greases of animal, fish, or marine mammal origin; vegetable oils, including oils from seeds, nuts, fruits, or kernels; and, other oils and greases, including petroleum, fuel oil, sludge, synthetic oils, mineral oils, oil refuse, or oil mixed with wastes other than dredged spoil.

3106 Solidifier

Product composed of dry high molecular weight polymers that have a porous matrix and large oleophilic surface area which form a physical bond with oil.

3107 Sorbent

An insoluble material or mixture of materials used to recover liquids through the mechanisms of absorption or adsorption, or both.

3200 Waste Determination

The Generator and/or Responsible Party (RP) are responsible for the characterization and classification of the waste stream. In addition, it is up to the discretion and acceptance criteria (i.e. state issued permit & operating procedures) of the disposal facility with respect to waste disposal.

In determining a waste stream's classification, a generator may use process knowledge and/or analytical testing by approved EPA methods.

Process knowledge is applying knowledge of the hazardous characteristics of the waste in light of the materials or processes used. For example, a safety data sheet (SDS) may indicate that a material used in a process contains no hazardous constituents or exhibits no hazardous characteristic. The waste may be determined non-hazardous if the process itself contributes no hazardous constituents and does not result in the waste exhibiting a hazardous characteristic.

Analytical testing is information about a waste provided from laboratory analysis. Waste classification must be properly documented in a written and/or electronically stored format that is reasonably accessible and easily reproducible. The first step in classifying your waste is referred to as "making a hazardous waste determination."

The waste determination will determine how and where (e.g., landfill, incinerator, etc.) the waste will be properly disposed. A hazardous waste determination is made based on the following questions:

- Is the waste a "solid waste?" Does it meet the regulatory definition of a "solid waste" in accordance with 40 CFR §261?
- Is the waste a listed hazardous waste in accordance with 40 CFR §261?
- Does the waste exhibit any of four (4) characteristics: ignitability, corrosiveness, reactivity, or toxicity?
- Is the waste toxic?
- Is it a mixture?

If a hazardous waste and a non-hazardous waste are mixed, the resulting mixture may inherit the hazardous classification. Mixing in any amount of a listed waste will cause the mixture to be considered hazardous. Mixing in a characteristic waste will cause the mixture to become hazardous only if the mixture itself exhibits the characteristic.

3201 Listed Hazardous Waste Determination

The EPA lists some 400 hazardous wastes. Descriptions of listed waste are found in 40 CFR Part 261, Subpart D, Sections 261.31–33. These wastes are often referred to as follows:

- "F" listed waste (waste from nonspecific sources, Section 261.31)
- The first five F listed categories, F001-F005, cover a range of solvents used in a variety of applications.
- "K" listed waste (wastes from specific sources, Section 261.32)

- “P” listed waste (unused acutely hazardous off-specification substances as well as container residues and spill residues of these materials, Section 261.33)
- There are about 239 different “acutely toxic” substances listed under about 135 different waste codes.
- “U” listed waste (unused toxic hazardous off-specification materials as well as container residues and spill residues of these materials, Section 261.33).
- There are about 472 distinct materials listed under about 247 different waste codes.

3202 Characteristic Hazardous Waste Determination

Wastes may be hazardous if they display any of four characteristics: ignitability, corrosiveness, reactivity, or toxicity.

Ignitability. Wastes that are hazardous because they may ignite include the following:

- Liquid wastes (other than those aqueous waste containing less than 24 percent alcohol by volume) that have a flash point less than 60°C (140°F). (The test method is the Pensky-Martens closed cup tester, using the test method specified in ASTM Standard D-93-79 or D-93-80, or a Setaflash closed cup tester, using the test method specified in ASTM Standard D-3278-78.)
- Non-liquid wastes that, under standard temperature and pressure, are capable of causing fire through friction, absorption of moisture, or spontaneous chemical changes and, when ignited, burn so vigorously and persistently that they create a hazard.
- Wastes that meet the definition of an ignitable compressed gas (see 49 CFR Section 173.300).
- Wastes that meet the definition of an oxidizer (see 49 CFR Section 173.151).

Corrosiveness. Wastes that are hazardous because they are corrosive include the following:

- Aqueous wastes with a pH of 2 units or below or of 12.5 units or above;
- A liquid wastes that corrode steel at a rate greater than 6.35 mm (0.250 inches) per year.

Reactivity (D003). A waste is considered reactive if it meets any of the following conditions:

- It is capable of detonation or explosive decomposition or reaction at standard temperature and pressure,
- If subjected to a strong ignition source, or if heated under confinement.
- When mixed with water, it is potentially explosive, reacts violently, or generates toxic gases or vapors.
- If a cyanide or sulfide-bearing waste is exposed to pH conditions between 2 and 12.5, it can generate enough toxic gases, vapors, or fumes to present a danger to human health or the environment.
- If a waste generates 250 ppm or more of reactive cyanides or 500 ppm or more of reactive sulfides, it is considered a reactive waste. (It should be noted that these levels of reactive compounds are just guidance. Each waste must be evaluated for reactivity on a case-by-case basis).

- It is normally unstable and readily undergoes violent change without detonating.
- It is a forbidden explosive (as defined in 49 CFR 173.51, or a Class A explosive as defined in 49 CFR 173.53).
- It is a Class B explosive (see 49 CFR Section 173.88).

Toxicity. A waste is toxic if the toxicity characteristic leaching procedure (TCLP) shows that a representative sample from the waste contains one or more constituents at or above the levels listed in Table 1. The TCLP is described in EPA Method 1311 (SW-846).

For certain wastes, you can test for total constituent content and apply the "Rule of Twenty" (apply the 20-fold dilution factor inherent in the TCLP method) to determine whether a sample has to be tested using the TCLP method. The TCLP test method is generally more expensive than the test required determining Total constituent concentrations. A TCLP test is not required if total analysis demonstrates that contaminants are not present or are present in such low concentrations they could not possibly exceed the toxicity regulatory limits. The assumption in the "Rule of Twenty" is that all of the contaminant of concern is dissolved in the extraction fluid, which is then analyzed. Since this calculation assumes a 100% extraction efficiency of the TCLP, it represents a conservative assumption that the waste is not TC hazardous. Therefore, if the analytical total concentration of a constituent in a solid is "x," and "x" divided by 20 is still less than the regulatory TCLP concentration, then the solid can be assumed not to fail the TCLP test and not to exhibit the hazardous characteristic of toxicity. Note that this "rule" will not work for any waste that has greater than or equal to 0.5% liquids. This calculation can only be used for materials that are in a solid form since liquids themselves (i.e., wastes containing less than 0.5% dry solid material) are defined as the TCLP extract; hence, the 20-fold dilution factor calculation is not relevant. Therefore, this procedure is acceptable for soils and other wastes in a dry, solid form.

For the purpose of this guidance document, analytical testing should be utilized for disposal coordination with respect to spent materials impacted with hydrocarbons. Please note that it is up to the discretion of the disposal facility to accept the waste based on information provided regarding the waste. Once waste materials have been properly recovered, a representative sample of the waste should be obtained for analytical testing by an accredited environmental laboratory. Material Safety Data Sheets (MSDS) for the material released may be utilized for waste disposal profiling if the disposal facility allows, however, sampling provides a better representation of the waste stream.

3203 Analytical Testing

Analytical Testing is required prior to disposal. A link to sampling and testing procedures provided by NC DEQ Division of Waste Management is located in Annex A.

3300 Disposal Methods

If the material meets the criteria for RCRA regulated wastes, it can only be disposed of at an approved hazardous waste treatment/disposal facility. If the spill is not a hazardous waste listed in 40 C.F.R 261 Subpart D, but exhibits a characteristic of hazardous waste per 40 C.F.R 261 Subpart C, it is possible to treat the waste on site to render it non-hazardous prior to offsite disposal. The generator shall treat hazardous waste in tanks or containers only, provide a waste analysis plan to document treatment, and ensure compliance with 40 C.F.R 262.34 requirements while accumulating and treating the waste. This kind of treatment would include stabilization of

soils with cement, neutralization and other simple forms of non-thermal treatment. Evaporation of organics and dilution are not permissible. Disposal in accordance with 40 C.F.R. 262.20-26 for RCRA wastes is listed in the following categories.

A link to the list of approved waste storage and disposal vendors is located in Annex A.

3301 Waste Recovery and Recycling

The RP will develop a strategy to facilitate the reclamation or recycling of as much materials/oil as practical prior to sending the material for disposal. These strategies may include but not be limited to the following:

- Recovery of oil prior to disposal;
- Reuse/recycling of containment boom;
- Recycling of municipal soil waste such as paper, aluminum, plastics, etc.

The RP will also develop Best Manage Plan(s) (BMP) and/or Standard Operation Procedures (SOP) which will include waste/material management procedures for the collection, staging, transportation, and final disposal/recycling of the waste/materials.

3302 Liquid Waste

- Recycling (recovery in settling tanks, used oil recyclers)
- High temperature incineration
- Evaporation of light ends
- Oxidation
- Biodegradation
- Open burning where permitted
- Use as fuel

3303 Contaminated Sorbents and Debris

- Incineration at waste-to-energy facilities
- Soil thermal treatment facilities (special conditions apply)
- Class I permitted municipal waste landfill

3304 Contaminated Soils

add table

3305 Non-RCRA Regulated Wastes

Several options exist for disposal, treatment or recycling of wastes and recovered products that are not subject to RCRA requirements. The following is a brief summary of each option and recommended procedures.

3305.1 Oily Debris and Absorbent Material

Materials must be properly stockpiled on site in a suitable liner within a containment dike awaiting final disposition. Transporting of materials to a permitted municipal or industrial solid waste incinerator may be approved by the incinerator operator through guidelines established by the Solid Waste Management Section and the Air Quality Section. On site, a permitted mobile incinerator that has received approval from the Air Quality Section may do incineration.

3305.2 Petroleum Contaminated Soil

Soil must be properly stockpiled on a site in a 10mm plastic liner within a containment dike with provisions for covering and containing potential leachate and runoff while awaiting final disposal. Soils may be stored for up to 45 days with no permit but storage location approval must be obtained from the Division of Waste Management. Volumes less than 50 cubic yards may be land applied with a Certificate of Approval from the Division of Waste Management Regional Staff. Volumes greater than 50 cubic yards may be land farmed following receipt of a permit from the Division of

Waste Management. Contained soil may be treated within a lined containment structure following receipt of a permit from the Division of Waste Management. Incineration on site may be done by a permitted mobile incinerator that has received approval from the Air Quality Section.

3305.3 Liquid Waste

In-Situ burning may be done upon receipt of approval from the Air Quality Section and following review by all appropriate authorities concerned with human health, environmental impact, and safety. The approval and actions must be in accordance with the State and Federal In-Situ Burn Plan. Recovered petroleum products may be reused or transported for further refinement or treatment. Treated water from an oily/water separator employed as part of an emergency cleanup may be released to surface waters upstream of containment or absorbent boom placed in the stream.

3400 North Carolina Waste Management

Debris from the Oil Spill shall be managed in accordance with the NCDEQ Guidelines for Site Checks, Tank Closure, and initial Response and Abatement (STIRA Guidelines). A link to guidance documents and permit procedures can be found in Annex 1. Specifically, portions of the STIRA Guidelines, Section 4.0 Initial Response and Abatement Actions.

Additional Solid Waste Management requirements may be required by any Emergency Declaration and Administrative Orders issued by the State of North Carolina and/or the NCDEQ. Waste(s) under the jurisdiction of the NCDEQ will be managed in accordance with their rules, regulations, and/or emergency orders.

4000 First Responder Safety Forms

4100 Emergency Safety and Response Plan SSP A

The Emergency Safety and Response Plan provides the SOFR and ICS personnel a plan for safe guarding personnel during the initial emergency phase of the response. It is only used during the emergency phase of the response, which is defined as a situation involving an uncontrolled release/discharge. It is also intended to meet the requirements of the Hazardous Waste Operations and Emergency Response (HAZWOPER) regulation, 29 CFR Part 1910.120.

#	Title	Instructions
1	Incident Name	Print the name assigned to the incident.
2	Date/Time Prepared	Enter date (month, day, year) prepared.
3	Operational Period	Enter the time interval for which the assignment applies.
4	Attachments	Enter attachments. Safety Data Sheets are mandatory under 1910.120. Safe Work Practices may also be attached.
5	Organization	List the personnel responsible for these positions. IC and SOFR are mandatory.
6	Physical Hazards & Protection	Check off the physical hazards at the site. Identify the major tasks involved in the response (skimming, lightering, overpacking, etc.). Check off the controls that would be used to safeguard workers from the physical hazards for each major task.
7	Chemicals	List the chemicals involved in the response. Chemicals may be listed numerically. Check off hazards, potential health effects, pathway of dispersion, and exposure route to the chemical. Numbers corresponding to the chemical may be entered into the check blocks to differentiate. Check off PPE to be used. Identify the type of PPE selected (i.e., gloves: butyl rubber).

8	Instruments	Indicate the instruments used for monitoring. List the action levels adjacent to the instruments used. Identify the chemicals being monitored. List the physical parameters of the chemicals. Use a separate form for additional chemicals monitored.
9	Decontamination	Check off the decontamination steps to be used. Numbers may be entered to indicate the preferred sequence. Identify any intervening steps necessary on the form or in a separate attachment.
10	Site Maps	Draw a rough site map. Ensure all the information listed is included.

11	Potential Emergencies	Identify any potential emergencies that may occur. If none, so state. Check off the appropriate alarms that may be used. Identify emergency prevention and evacuation procedures in the space provided or on a separate attached sheet.
12	Communications	Indicate type of site communications. Indicate phone numbers for frequencies for the command, tactical, and entry functions.
13	Site Security	Identify the personnel assigned. Identify security procedures in the space provided or on a separate attached sheet. Identify the equipment needed to support security operations.
14	Emergency Medical	Identify the personnel assigned. Identify emergency medical procedures in the space provided or on a separate attached sheet. Identify equipment needed to support security operations.
15	Prepared by:	Enter the name and position of the person completing the worksheet.
16	Date/time briefed	Enter the date/time document was briefed to the appropriate workers.

4200 Site Safety Plan SSP B

The Site Safety Plan provides the SOFR and ICS personnel a plan for safeguarding personnel during the post-emergency phase of an incident. The post-emergency phase is when the situation is stabilized and cleanup operations have begun. SSP-B is intended to meet the requirements of the HAZWOPER regulation, 29 CFR Part 1910.120.

#	Title	Instructions
1	Incident Name	Print the name assigned to the incident.
2	Date/time Prepared	Enter date (month, day, year) prepared.
3	Operational Period	Enter the time interval for which the assignment applies.
4	Safety Officer	Enter the name of the Safety Officer and means of contact.
5	Group/Division Sup Strike Team/TF Leader	The Supervisor/Leader who receives this form will enter their name.
6	Location & size of site	Enter the geographical location and approximate square area.
7	Site Accessibility	Check the block(s) if the site is accessible by land, water, air, etc.
8	For Emergency Contact	Enter the name and way to contact the individual who handles emergencies.
9	Attachments	Enter attachments. Safety Data Sheets are mandatory under 1910.120. Safe Work Practices may also be attached.
10	Job/Task Activity	Enter Job/Task & Activities, list hazards, list potential injury and health effects, check exposure routes and identify controls. If more detail is needed for controls, provided attachments.
11	Prepared by	Enter the name and position of the person completing the worksheet.
12	Briefed on _____ by	Enter the date/time the document was briefed to the appropriate workers and by whom.

4300 Site Map for Site Safety Plan SSP C

The Site Map for the Site Safety Plan is required by 29 CFR Part 1910.120. It provides, in one place, a visual description of the site, which can help ICS personnel locate hazards, identify evacuation routes, and places of refuge.

#	Title	Instructions
1	Incident Name	Print the name assigned to the incident.
2	Date/Time prepared	Enter date (month, day, year) prepared.
3	Operational Period	Enter the time interval for which the assignments applies.
4	Safety Officer	Enter Safety Officer name and means of contact.
5	Supervisor/Leader	The Supervisor/Leader who receives this form will enter their name.
6	Location & size of site	Enter the geographical location and approximate square area.
7	Site Accessibility	Check the block(s) if the site is accessible by land, water, air, etc.
8	For Emergency Contact	Enter the name and way to contact the individual who handles emergencies.
9	Include	Ensure the map includes the listed items provided in this block.
10	Prepared by	Enter the name and position of the person completing the worksheet.
11	Briefed on _____ by	Enter the date/time the document was briefed to the appropriate workers and by whom.

4400 Emergency Response Plan

The Emergency Response Plan provides information on measures to be taken in the event of an emergency. It is used in conjunction with the Site Safety Plan (Form SSP-B). It is required by 29 CFR Part 1910.120.

#	Title	Instructions
1	Incident Name	Print the name assigned to the incident.
2	Date/Time Prepared	Enter date (month, day, year) prepared.
3	Operational Period	Enter the time interval for which the assignment applies.
4	Safety Officer	Enter the name of the Safety Officer and means of contact.
5	Supervisors/Leader	The Supervisor/Leader who receives this form will enter their name.
6	Location & size of site	Enter the geographical location and approximate square area.
7	Emergency Contact	Enter the name and way to contact the individual who handles emergencies.
8	Attachments	Enter attachments. ICS Form 206 must be included.
9	Emergency Alarm	Enter a description the emergency alarm sound and its location.
10	Backup Alarm	Enter a description the backup alarm sound and its location.
11	Emergency Hand Signals	Enter the emergency hand signals to be used.
12	Emergency Personal Protective Equipment	Enter the emergency PPE needed in the event of an emergency.

13	Emergency Notification Procedures	Enter the procedures for notifying the appropriate personnel and organizations in the event of an emergency.
14	Places of Refuge	Enter by name the place of refuge personnel can go to in the event of an emergency.
15	Emergency Decon & Evacuation Steps	Enter emergency decontamination steps and evacuation procedures.
16	Site Security Measures	Enter site security measures needed for emergencies.
17	Prepared by	Enter the name and position of the person completing the worksheet.
18	Briefed on _____ by	Enter the date/time the document was briefed to the appropriate workers and by whom.

4500 Personal Protective Equipment Form SSP F

The Emergency Response Plan provides information on measures to be taken in the event of an emergency. It is used in conjunction with the Site Safety Plan (Form SSP-B). It is required by 29 CFR Part 1910.120.

#	Title	Instructions
1	Incident Name	Print the name assigned to the incident
2	Date/Time Prepared	Enter date (month, day, year) prepared
3	Operational Period	Enter the time interval for which the assignment applies
4	Safety Officer	Enter the name of the Safety Officer and means of contact
5	Supervisor/Leader	The Supervisor/Leader who receives this form will enter their name.
6	Location & size of site	Enter the geographical location of the site & approximate square area
7	Hazard(s) Addressed	Enter the hazards that need to be safeguarded against
8	For emergencies Contact	Enter the name and way to contact the individual who handles emergencies.
9	Equipment	List the equipment needed to address the hazards. If pre-designed Safe Work Practices are used, indicate here and attach form
10	References consulted	List the references used in making the selection of PPE
11	Inspection procedures	Enter the procedures for inspecting PPE prior to donning. If pre-designed Safe Work Practices are used, indicate here and attach.
12	Donning Procedures	Enter the procedures for putting on the PPE. If pre-designed Safe Work Practices are used, indicate here and attach to form.
13	Doffing Procedures	Enter the information for removing the PPE. Of pre-designed Safe Work Practices are used, indicate here and attach to form.
14	Limitations and Precautions	List the limitations and precautions when using PPE. Include the maximum time using PPE. Heat Stress concerns, psychomotor skill detractor and other factors.
15	Prepared by	Enter the name as position of the person completing the worksheet.
16	Briefed on _____ by	Enter the date/time the document was briefed to the appropriate workers and by whom.

5000 Funding

5100 Hazardous Substance Pollution Response Funding

An MOU between the USCG and Environmental Protection Agency (EPA) authorizes the USCG to access the Hazardous Substance Trust Fund (Superfund) when it undertakes response activities pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). A USCG FOSC has the authority to approve the expenditure of these funds to prevent or mitigate immediate and significant harm to human life or health or to the environment from the release or potential release of hazardous substances. The process through which a USCG FOSC accesses these funds is 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.

5200 FOSC Access to Federal Funds

When federal actions are authorized by the Clean Water Act or CERCLA, the OSLTF or the Superfund, respectively, may be accessed to fund them. A USCG FOSC uses the NPFC's Ceiling and Number Assignment Processing System (CANAPS) to establish and manage a Funding Project Number (FPN) for an oil spill or a CERCLA Project Number (CPN) for a Hazardous Substance incident. These lines of accounting provide the funding necessary to carry out the FOSC's response actions. The NPFC works with the USCG's Finance Center (FINCEN) to create the accounting line and directly coordinates with the FOSC to ensure that the funds are utilized and accounted for appropriately. 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, which can be found in Annex 1.

5300 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 should be agreed to and signed by both the RP and 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.

5400 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.

5500 Trustee Access to the OSLTF

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

5600 Local and Tribal Government Access to the Superfund

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

The EPA will make all decisions regarding recovery of expenditures from the Superfund. All agencies expending Superfund money must submit an itemized account of all funds expended in accordance with provisions of contracts, Interagency Agreements (IAA), or Cooperative Agreements with EPA. These agreements must be in place prior to the expenditure of funds.

5700 Military Interdepartmental Purchase Request

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.