4000 PLANNING

4010 PLANNING SECTION ORGANIZATION

The Planning Section Chief is critical to the success of a response and to the protection of human life, the environment, and the economy. It is expected that responsible parties (RPs) and agencies will assign experienced and qualified Planning Section chiefs to this position. It is also expected that the Planning Section Chief will ensure a robust and inclusive "prep for tactics" work period and include the appropriate staff from the Operations Section and Environmental Unit (EU).

For an explanation of how the Planning Section functions and organizes its work, see the U.S. Coast Guard (USCG) and U.S. Environmental Protection Agency (EPA) Incident Management Handbooks (IMHs).

4020 ROLES AND RESPONSIBILITIES

TOOLS AND RESOURCES
ICS Resources: • FEMA ICS Forms • IAP Cover Sheet Template • RRT10 Permit Summary Table

The Planning Section is responsible for the collection and evaluation of incident situation information, preparing situation status reports, displaying situation information, maintaining status of resources, developing an Incident Action Plan (IAP), and preparing required incident-related documentation. This is done under the direction of the Planning Section Chief. All functions not assigned by the Section Chief remain the responsibility of the Section Chief.

Additional information concerning staffing and function of the Environmental Unit (EU) is provided in Section 4022, due to its unique application to spill response.

4021 Situation Unit

TOOLS AND RESOURCES
Federal Agency Guidance: • EPA IMH • USCG IMH

The Northwest Area Committee's (NWACs) expectation is that the Situation Unit will be able to collect, synthesize, present, and disseminate information to support the response. Staffing and technology should be scaled to the size of the incident.

For an explanation of how the Situation Unit functions and organizes its work, see the United States (U.S.) Coast Guard (USCG) and the U.S. Environmental Protection Agency's (EPA) Incident Management Handbooks (IMHs).

4022 Environmental Unit

TOOLS AND RESOURCES
Federal Agency Guidance: • EPA IMH • USCG IMH **General:** • EPA IMH • Statutory Guidance Tool **Planning:** • Environmental Unit Job Aid • Emergency Response Environmental Sampling Plan • RRT10 Permit Summary Table

Other than protecting human life and safety, reducing impacts on natural, cultural, and socioeconomic resources is the key motive in responding to oil or hazardous substance spills or releases. The EU is the central point within the Planning Section for determining how to best protect those resources.

The EU, led by the Environmental Unit Leader (EUL), works closely with the Operations Section to plan activities that achieve UC's objectives while minimizing their impacts on the environment. EU and EUL responsibilities are outlined in the EPA and USCG IMHs, with additional guidance provided in the Tools and Resources section.

Environmental Unit Staffing Policy

It is regional policy that the EU be led by a representative of a government natural resource trustee or environmental agency, if available. If no such agency representative is initially available or willing to lead the EU, a responsible party (RP) representative may fill that role. At the discretion of the UC, the RP may be asked to lead the EU as the incident evolves.

It is encouraged that the RP designate a Deputy EUL or a co-EUL, who will participate in all the meetings and briefings attended by the EUL. As the response matures, a transition to an RP-designated EUL may occur with the concurrence of the UC.

It is regional policy that the EUL be invited to all relevant meetings and briefings, including but not limited to the initial Incident Command System (ICS) 201 briefing; Command and General Staff meetings; Tactics meetings; Planning meetings; Operations meetings; UC briefings; and press conferences.

All trustee resource agency staff with environmental information or expertise should initially report to the EU. This includes technical specialists, such as the Scientific Support Coordinator (SSC), who may be identified elsewhere within the ICS organization. It is recognized, however, that the SSC serves as an independent advisor to the Federal On-Scene Coordinator (FOSC). Other technical specialists may include sampling specialists, response technology specialists, trajectory analysis specialists, weather forecast specialists, resources-at-risk specialists, and shoreline cleanup assessment specialists.

For an explanation of how the EU functions and organizes its work, see the USCG and EPA IMHs and the Statutory Guidance Tool.

4030 COMPLIANCE GUIDANCE

TOOLS AND RESOURCES
General: • Statutory Guidance Tool

Guidance and links to statutes can be found in the “Statutory Guidance Tool.”

4031 National Historic Preservation Act

TOOLS AND RESOURCES
Cultural Resources & Historic Properties: • NHPA Compliance Guide • Federal Historic Preservation laws, Regulations, and Orders
REFERENCE LIBRARY
• Programmatic Agreement on Protection of Historic Properties During Emergency Response Under the National Oil and Hazardous Substances Pollution Contingency Plan
EXTERNAL RESOURCES
• SHPO Directory

This section discusses obligations required of state and federal responders to protect cultural and historic properties during an emergency response and procedures to follow to meet those obligations. For the FOSC, this section adopts the national Programmatic Agreement on Protection of Historic Properties During Emergency Response Under the National Oil and Hazardous Substance Pollution Contingency Plan (PA). This section also fulfills the FOSC's responsibility to ensure that historic properties are appropriately considered in planning for an emergency response (Section IV. A. of the PA).

Responses Conducted Under NCP Authority

The National Historic Preservation Act (NHPA) of 1966 (Public Law 89-665) requires agencies using federal funds to identify, evaluate, and, where significant, protect historic, archaeological, and traditional cultural properties. This act also authorizes the National Register of Historic Places (NRHP), expanding federal recognition to historic properties of local and state significance. The National Park Service in the United States (U.S.) Department of the Interior (DOI) administers both programs. Regulations for these programs are contained in 36 CFR Part 60, NRHP, and 36 CFR Part 65, National Historic Landmarks Program.

It is important that responders be aware of the types of archaeological, cultural, or historic materials that they are likely to encounter while responding to an oil spill or hazardous

materials release and that they immediately notify the FOSC/Unified Command (UC) if these types of materials are discovered.

An FOSC, as an agency representative, is required to follow the NHPA. Thus, during a response, the FOSC will need to identify, evaluate, and, where significant, protect historic, archaeological, and traditional cultural properties. Under the NHPA, the FOSC is to protect property from 1) oil, hazardous substance, pollutant, or contaminant that has been spilled or released, and 2) damage due to the response itself.

Note that circumstances of a response may involve a Tribal Historic Preservation Officer (THPO). Not all Tribes have a formally designated THPO, and the FOSC may need to consult with a Tribal representative on cultural issues instead. Wherever this document refers to a THPO, this also implies a Tribal representative for Tribes with no THPO.

Before the PA can be used, an RRT needs to adopt the NHPA into its RCP or ACP (Section VII. C. of the NHPA). As such, Regional Response Team 10 (RRT10) incorporates by reference the NHPA into the Northwest Regional Contingency Plan (NWRCP). Subsequently, the adoption of the NHPA into the NWRCP will satisfy the USCG and EPA FOSC Section 106 responsibilities for all individual undertakings carried out in accordance with the NHPA and this plan as allowed under 36 CFR 800.14(b), the implementing regulations for the NHPA.

4032 Endangered Species Act

TOOLS AND RESOURCES
Planning: • RRT10 Endangered Species Act Compliance Guide • General ESA Section 7 Consultation Process • ESA Section 7 Emergency Consultation Form
REFERENCE LIBRARY
• MOA Regarding Oil Spill Planning and Response Activities under the FWPCA's National Oil and Hazardous Substances Pollution Contingency Plan and the ESA • Region 10 Biological Assessment • NMFS Biological Opinion for Region 10 • USFWS Biological Opinion for Region 10

Response activities during oil spills or hazardous substance releases may impact animals and their habitats, separate from the impacts of the pollutant itself. The Endangered Species Act (ESA) and its implementing regulations (50 CFR 402) require federal agencies to consult with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS), collectively referred to as the Services, regarding any federal actions that may affect listed species. In the Northwest Region, the Services have developed a procedure to initiate the Emergency ESA Consultation and to incorporate measures into the response to minimize or avoid impacts to threatened or endangered species and their habitats that may be caused by response activities.

For significant incidents (e.g., federal responses lasting more than 96 hours, or when the Regional Response Team (RRT) is activated to approve the use of chemical countermeasures in navigable waters under NCP Subpart J), or for incidents that may affect listed species or critical habitats outside the action area of the Service's programmatic biological opinions (see Reference Library), the FOSC is responsible for initiating an Emergency ESA Consultation with the Services. The "RRT10 Endangered Species Act Compliance Guide" has been developed to document this process. National Oceanic and Atmospheric Administration's (NOAA) SSC and DOI's Regional Environmental Officer (REO) should facilitate the consultation process and coordinate subject matter expertise on listed species as appropriate. Ultimately, the FOSC is responsible for ensuring the consultation is initiated, and that mitigation measures provided through the consultation process are incorporated into the response.

4033 Resource Conservation and Recovery Act

TOOLS AND RESOURCES
General: • Statutory Guidance Tool • Laws, Regulations and Directives, Federal

The Resource Conservation and Recovery Act (RCRA) was enacted by Congress as 42 United States Code (USC) 6901 et seq. Congress declared it to be the national policy of the United States that, whenever feasible, the generation of hazardous waste is to be reduced or

eliminated as expeditiously as possible. Waste that is nevertheless generated should be treated, stored, or disposed of to minimize the present and future threat to human health and the environment.

4034 National Responsible Party Policy

TOOLS AND RESOURCES
General: • Statutory Guidance Tool • Laws, Regulations and Directives, Federal • EPA NCP Overview

Under the Federal Water Pollution Control Act (FWPCA) as amended by the Oil Pollution Act (OPA), the RP has primary responsibility for cleanup of a discharge. Per FWPCA Section 311 and OPA Section 4201, an owner or operator of a tank vessel, non-tank vessel, or facility participating in removal efforts shall act in accordance with the National Contingency Plan (NCP) and the applicable response plan. FWPCA Section 311(j)(5)(C) as implemented by OPA Section 4202 states that these response plans shall:

- Be consistent with the requirements of the NCP and ACPs;
- Identify the qualified individual having full authority to implement removal actions and require immediate communications between that individual and the appropriate UC official and the persons providing personnel and equipment pursuant to this clause;
- Identify, and ensure by contract or other means approved by the president, the availability of private personnel and equipment necessary to remove to the maximum extent practicable a worst-case discharge (including a discharge resulting from fire or explosion), and to mitigate or prevent a substantial threat of such a discharge;
- Describe the training, equipment testing, periodic unannounced drills, and response actions to be carried out by vessel or facility personnel under the plan to ensure safety and to mitigate or prevent the discharge, or the substantial threat of a discharge;
- Be updated periodically; and
- Be resubmitted for approval of each significant change.

Each owner or operator of a tank vessel or facility required by OPA to submit a response plan shall do so in accordance with applicable regulations. Facility, non-tank vessel, and tank vessel response plan regulations for the Coastal Zone are located in 33 CFR Parts 154 and 155. Facility response plan regulations for the Inland Zone are located in 40 CFR Part 112.

The RP for a vessel or a facility from which oil is discharged, or that poses a substantial threat of discharge into or upon the navigable waters, adjoining shorelines, or the EEZ of the United States is liable for the removal costs and damages specified in Subsection (b) of Section 1002 of OPA.

Under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), RPs are expected, to the extent practicable, to perform or finance response actions necessary to address releases or threatened releases of hazardous substances, consistent with the NCP. CERCLA authorizes the FOSC to identify RPs and to require them to undertake response actions or reimburse government-incurred costs associated with removal or remedial activities (CERCLA §§104 and 107; 42 USC §§9604 and 9607). Liability under CERCLA applies to current and former owners or operators, arrangers, and transporters and is strict, joint, and several, and retroactive, subject to statutory defenses and exemptions (42 USC §9607(a)). As appropriate, the FOSC may enter into administrative or judicial settlements with RPs to implement response actions or recovery costs pursuant to CERCLA §122 (42 USC §9622).

Any removal activity undertaken by an RP must be consistent with the provisions of the NCP, the NWRCP, and the applicable ACP, and the applicable response plan required by OPA. If directed by the UC at any time during removal activities, the RP must act accordingly.

4035 Washington Compliance Guidance

Any person responsible for discharging oil or hazardous substances to state waters must immediately notify the NRC and the Washington State Emergency Management Division (WEMD).

The owner or operator of a regulated vessel must notify the state of any vessel emergency that results in the discharge or substantial threat of discharge of oil to state waters or that may affect the natural resources of the state within one hour of the onset of that emergency. The purpose of this notification is to enable the department to coordinate with the vessel operator, contingency plan holder, and USCG or EPA to protect the public health, welfare, and natural resources of the state and to ensure that all reasonable spill preparedness and response measures are in place before a spill occurs.

Waters of the state include lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, sewers, and all other surface waters and watercourses within the jurisdiction of the State of Washington. For the notification requirements for spills or releases of dangerous waste or hazardous substances to other than waters of the state, see Section 7000, "Hazardous Substances Unique Information."

Under the Revised Code of Washington (RCW) 90.56.360, 90.56.370, and 90.48.142, Washington State has no limit on the liability of the RP for cleanup of a spill or damages caused by a spill. In addition, any party owning oil or having control over oil that enters the waters of the state in violation of RCW 90.56.320 shall be strictly liable, without regard to fault, for the damages to persons or property, public or private, caused by such entry.

If the RP is unknown, fails to respond, or fails to respond in a manner deemed adequate by the State On-Scene Coordinator (SOSC) or the FOSC, the state or federal agency having jurisdiction may exercise the authority to take over the response and recover expenses from the spiller (RCW 90.56.360).

4036 Oregon Compliance Guidance

Under Oregon State law, for all oil spills to water or reportable quantities of hazardous substances, the RP is required to immediately notify the Oregon Emergency Response System and the NRC. See the "Required Notifications by Spiller" at the beginning of this plan for notification numbers. The RP is also encouraged to notify local response agencies through the 911 system.

Any person owning or having control over any oil or hazardous material spilled or released or threatening to spill or release is strictly liable without regard to fault. Any person who fails to clean up oil or hazardous materials immediately, when under obligation to do so, is responsible for the expenses incurred by the ODEQ in carrying out the cleanup project. Any person who does not make a good faith effort to carry out a cleanup project is liable to ODEQ for damages not to exceed three times the amount of expenses incurred by ODEQ.

If a spiller is unknown or fails to respond, or the response is considered inadequate, ODEQ may exercise the authority to take over the response or contract for the cleanup of the spill or release. ODEQ may recover the costs of the cleanup (Oregon Revised Statutes [ORS] 466.645).

4037 Idaho Compliance Guidance

Idaho law requires that the party responsible for a spill of oil or hazardous materials immediately contact the Idaho Office of Emergency Management and Emergency Medical Services Center. See the "Required Notifications by Spiller" at the beginning of this plan for notification numbers.

The Idaho Hazardous Substance Control Act provides that the RP is strictly liable for emergency response to hazardous materials incidents.

Additionally, Inland Port Authorities Association of America (IDAPA) 58.01.02.850 requires that, in the event of an unauthorized release of hazardous materials to state waters or to land where the release is likely to enter state waters, the RP must immediately notify the Idaho Department of Environmental Quality (IDEQ). IDAPA 58.01.24 requires the RP to report petroleum releases or suspected releases to the IDEQ within 24 hours. Reporting hazardous material releases or petroleum releases within the specified timeframe, to the Idaho State EMS Communications Center meets the reporting requirement to the IDEQ. Waters and waters of the state is defined as all accumulations of water—surface and underground, natural and artificial, public and private, or parts thereof—that are wholly or partially within the state or that flow through or border upon the state.

4040 Prevention Laws

4041 Oregon Prevention Laws

Under Oregon Administrative Regulations (OAR 340-141-0160), the owner or operator of each onshore and offshore facility must develop spill prevention strategies that will, when implemented, provide the best achievable protection from damages caused by the discharge of oil into the waters of the state.

Under OAR 340-141-170, covered vessels must have spill prevention strategies that, when implemented, will provide the best achievable protection from damages caused by the discharge of oil into the waters of the state.

See the full text of these rules for additional details on the requirements and how to fulfill them.

4050 Local Government Requirements

4051 Washington Local Government Requirements

Under RCW 38.52, local government has the responsibility to prepare for emergencies, including oil spills and hazardous materials releases. Some key responsibilities and authorities that relate to oil and hazardous substance spill planning and response are described below.

“Emergency Management” means the preparation for and carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, undertaken to mitigate, prepare for, respond to, and recover from emergencies and disasters; to aid victims suffering from injury or damage resulting from disasters caused by all hazards, whether natural, technological, or human-caused, and to provide support for search and rescue operations for persons and property in distress (RCW 38.52.010 [1]).

Each political jurisdiction (county, city, and town) is directed to establish a local organization for emergency management. Each local organization shall have a director appointed by the executive head of the political subdivision, subject to the direction and control of such

executive officer or officers (RCW 38.52.070 [1]). Each political subdivision shall have the power to enter into contacts and to incur obligations necessary to combat disaster. Each political subdivision can exercise the powers herein without regard to time-consuming procedures and formalities prescribed by law (except constitutional requirements) (RCW 38.52.070 [2]).

The director of each local organization for emergency management may, in collaboration with other public and private agencies within this state, develop or cause to be developed mutual aid arrangements for reciprocal emergency management aid and assistance in case of a disaster that is too great to be dealt with unassisted. Such arrangements must be consistent with the state emergency management plan and program. During emergencies, it is the duty of each local organization for emergency management to render assistance in accordance with the provisions of such mutual aid arrangements (RCW 38.52.091).

The governor and the executive heads of political subdivisions are directed to utilize the services of all public agencies, and the officers and personnel of all public agencies are directed to cooperate with the state's emergency management organizations upon request, notwithstanding any other provision of law.

In the event of a disaster, and after the governor proclaims the existence of the disaster, the governor, the chief executives of counties, cities, and towns; and the emergency management directors of local political subdivisions appointed in accordance with RCW 38.52.110, have the authority to command the services and equipment of as many citizens as considered necessary in the light of the proclaimed disaster (RCW 38.52.110).

4060 Use of Volunteers to Assist in Oil Spill Responses

TOOLS AND RESOURCES
General: • Volunteer Guidance Tool

The use of volunteers to assist in oil spill responses is recognized in the NCP and volunteers are subject to the provisions of the authorizing statute and the NCP. During an initial

response, before a need for volunteers has been expressed, the ICS structure may not contain positions specifically dedicated to volunteer management. The Liaison Officer will query other ICS Sections and Units concerning the need for the use of volunteers. If there is interest expressed by the public and, therefore, a need to respond to requests for volunteers exists, the Liaison Officer will assign a Volunteer Coordinator to manage the work. If there are a significant number of volunteers needed, the Planning Section Chief will establish a Volunteer Unit under Planning.

Human health and safety is the first priority in a decision regarding use of volunteers. The benefit of volunteer efforts must be weighed against concerns for volunteer safety. Based on the conditions specific to an incident, the UC will determine the suitability of integrating volunteers, whether affiliated or convergent, into an oil spill response. Volunteers will normally only be used in very low risk activities and only after receiving appropriate safety training. Volunteers with documented specialized training will be given higher priority for use.

4061 Volunteer Policy of the RRT10

The general policy accepted by the RRT10 is that volunteers will be used in low risk activities and only after receiving safety training appropriate for their designated activities. If volunteers are used for higher risk activities such as wildlife rehabilitation or pre-cleaning beaches, specialized training and in some cases licensing may be required.

- Priority will be given to volunteers associated with an Affiliated Volunteer Organization and with documented specialized training.
- Non-affiliated volunteers must participate through either local government or an Affiliated Volunteer Organization.
- Use of unpaid, convergent volunteers will supplement, not replace, the work of professional responders hired by the RP.
- For safety, liability, and management reasons, volunteers will not be used during releases of hazardous material or incidents involving WMDs.

4062 Federal Agency Volunteer Management Policy

The three primary federal regulations governing oil spill response—40 CFR §300 (NCP), 29 CFR §1910.120 (Occupational Safety and Health Standards/Hazardous Waste Operations and Emergency Response), and 40 CFR §311 (Worker Protection)—do not exclude the use of volunteer organizations. However, all spill response operations must comply with these regulations. Various health and safety requirements for different on-site activities are outlined in 29 CFR 1910.120. In addition, various federal property owners (e.g., U.S. Department of Defense [DOD] and U.S. Department of Energy [DOE]) may have specific regulations, policies, or national security concerns regarding the use of volunteers. The USCG requires each volunteer to sign a "hold harmless" clause. The legal representatives of these organizations must be consulted prior to employing volunteers.

The USCG and EPA have signed a Memorandum of Understanding with the Corporation for National and Community Services for the management of nonaffiliated volunteers.

The USCG Auxiliary is chartered to assist the USCG as authorized by the Commandant and by Congress. Their functions include all missions authorized by law except military operations and law enforcement. They are involved with marine safety, environmental protection, search and rescue, aircraft operations, seamanship training, weather training, radio and computer operations, public education instruction, aids to navigation, vessel safety checks, support during disasters, recruiting assistance, and safety patrols.

4063 Washington State Volunteer Management Policy

Washington State has an established system to pre-register volunteers and operators of "vessels of opportunity" who have expressed interest in being trained and available to assist in responding to oil spills.

Washington Volunteer Wildlife Rescue Operations

Oiled wildlife response programs throughout the world regularly incorporate volunteers as a part of their overall rescue strategy. In Washington State, volunteers are used in combination

with paid staff and consultants. The Washington Department of Fish and Wildlife is the lead organization for recruiting and training volunteers for oiled wildlife rescue, while Ecology maintains the volunteer database.

Washington Volunteer Emergency Worker Program

Washington State's Emergency Worker Program is designed for use during emergencies, disasters, and related incidents. Local governments, with the WEMD providing assistance, implement the Emergency Worker Program. See Chapter 118-04 of the Washington Administrative Code (WAC) or contact local emergency management agencies.

4064 Oregon Volunteer Management Policy

State agencies may provide training, but have limited resources to manage volunteer organizations. Use of volunteers is typically through sponsoring organizations such as the Cascades Region of the American Red Cross, the Oregon Voluntary Organizations Active in Disaster (OR VOAD), the State Emergency Registry of Volunteers in Oregon (SERV-OR), and AmeriCorps Vista Partnership Project.

4065 Idaho Volunteer Management Policy

The State of Idaho has several statutes that allow for the use of volunteers, and there are limited immunities. Idaho's rules, plans, and policies would require training consistent with 29 CFR §1910.120.

4070 GEOGRAPHIC RESPONSE PLANS

TOOLS AND RESOURCES
Operations: • Geographic Response Plans Guidance **Mapping and GIS:** • Oregon GRPs • NOAA ERMA • Washington GRPs
REFERENCE LIBRARY
• GRP Booming Strategy Points – Standardized Data Format

Geographic Response Plans (GRPs) describe geographic areas where significant oil spills could occur. They identify resources at risk in those areas, and provide detailed instructions for Geographic Response Strategies (GRSs) that have been designed and pre-vetted by resource trustees to protect those sensitive resources. GRPs and GRSs have two main functions:

Planning: GRPs document sensitive biological, cultural, and socioeconomic resources to support compliance with 40 CFR §300.210(3)(i), which requires ACPs to identify areas of special economic or environmental importance that may be affected by an oil spill. They also support compliance with the NHPA by addressing the protection of historic and prehistoric resources. GRP development is managed on the Area Committee level. GRP policy and evaluation will be addressed by the regional GRP subcommittee.

Operations: During the initial stages of a spill response—typically before UC is established—GRPs guide responders by providing prioritized lists of GRSs with detailed instructions to deploy those strategies. The safety and health of responders always takes precedence over the protection of sensitive environmental resources. Source control and containment are always a higher priority over GRP strategy deployments. Responders may deviate from GRP strategies based on field conditions and trustee input.

Additional details on the development and review of GRPs are in the Geographic Response Plans Guidance tool. Published GRPs and GRSs can be accessed on the RRT/NWAC website.

The GRSs are also available via the Pacific Northwest Environmental Response Management Application (ERMA) platform.

4080 Response Technologies for Oil Spills

TOOLS AND RESOURCES
Alternative Technologies: • NCP Subpart J Product Schedule

Though mechanical cleanup and recovery is always the initial and primary response tool, other response technologies are considered by RRT10 and NWACs to be integral components of effective spill response that should be available for use, as appropriate, in a timely and efficient manner. The use of response technologies such as in situ burning, dispersants, and other oil spill cleanup agents, should be considered when the environmental benefit of their use is expected to outweigh adverse effects.

The NCP, §300.910 (Subpart J) outlines the circumstances under which chemical agents or other additives may be used to remove or control oil discharges. Section 300.910(a) allows RRTs and Area Committees, as part of their planning process, to address procedures, including pre-authorization plans, to be followed in making decisions on the use of these agents. This gives the EPA representative to the RRT and, as appropriate, the state representative to the RRT with jurisdiction over navigable waters threatened by a release or discharge of oil, as well as United States Department of Commerce (DOC), and DOI natural resource trustees the ability to approve, disapprove, or approve with modifications any pre-authorization plans developed by RRTs and Area Committees. Section 300.910(b) authorizes the FOSC, with the concurrence of the EPA representative to the RRT and, as appropriate, the state representative to the RRT with jurisdiction over navigable waters threatened by an oil release or discharge and, when practical and in consultation with the DOC and DOI natural resource trustees, to authorize the use of dispersing, surface-washing, surface-collecting, bioremediation, or burning agents on a case-by-case basis. It is also the policy of RRT10 to consult, when practicable, with appropriate Tribal governments that hold off-reservation treaty rights in navigable waters threatened by an oil release or discharge.

Section 300.910(d) further authorizes the FOSC to make temporary provisional use any agent listed above without requesting permission if its use is necessary to prevent or substantially reduce a hazard to human life, as per the conditions and requirements of this subsection.

The Commandant of the USCG has pre-designated the USCG Captains of the Port under his/her jurisdiction as FOSC for oil spills and has delegated authority and responsibility for compliance with Section 311 of the FWPCA (Clean Water Act) to them. The Administrator of EPA has designated EPA On-Scene Coordinators (OSCs) as FOSCs for the Inland Zone and has delegated authority and responsibility for compliance with Section 311 of the FWPCA (Clean Water Act) to them. Decisions regarding the use of any dispersing, surface-collecting, bioremediation, or burning agent on the international border with Canada will include consultation with the Joint Coastal Pollution Response Team (Coastal JRT).

As required by §300.905 of the NCP, in order for an FOSC to authorize the use of a dispersing, surface-washing, surface-collecting or bioremediation agent, it must be listed on the NCP Product Schedule. Burning agents are not listed on the NCP Product Schedule. EPA maintains the NCP Product Schedule, which can be accessed through the Tools and Resources page of the RRT/NWAC website The Product Schedule does not authorize or preapprove use of any of the listed products. However, the FOSC may not authorize use of a product that is not listed on the Product Schedule unless its temporary provisional use, in the judgment of the FOSC, is necessary to prevent or substantially reduce a hazard to human life, pursuant to the requirements of 40 CFR § 300.910(d).

The Product Schedule includes the following categories of chemical agents or additives:

- *Bioremediation agents* are biological agents and/or nutrient additives deliberately introduced into a contaminated environment to increase the rate of biodegradation and mitigate any deleterious effects caused by the contaminant constituents. Bioremediation agents include microorganisms, enzymes, and nutrient additives

such as fertilizers containing bioavailable forms of nitrogen, phosphorus, and potassium.

- *Dispersants* are substances that emulsify, disperse, or solubilize oil by promoting the formation of small droplets or particles of oil in the water column.
- *Herding agents* are substances that form a film on the water surface to control the spreading of the oil to allow for oil removal.
- *Surface washing agents* are substances that separate oil from solid surfaces, such as beaches, rocks, metals, or concrete, through a detergency mechanism that lifts and floats oil. Product and oil are generally to be collected and recovered from the environment with minimal dissolution, dispersion, or transfer into the water column.
- *Solidifiers* are substances that, through a chemical reaction, cause oil to become a cohesive mass, preventing oil from dissolving or dispersing into the water column. Solidifiers are generally collected and recovered from the environment.
-

Any of these chemical response measures may warrant consideration during a response, depending on conditions. All require approval in accordance with the NCP.

4081 Dispersants Operations Guidance

TOOLS AND RESOURCES
Alternative Technologies: • FOSC Dispersant Standard Conditions Checklist • RRT10 Record of Dispersant Decision • Dispersant Authorization Process and Decision Support Tools • Special Monitoring of Applied Response Technologies (SMART) Protocols • NCP Subpart J Product Schedule • NOAA Dispersant Application Observer Job Aid • Operations Section Dispersants Guidance Tool • RRT10 Record of Dispersant Decision • EU Dispersant Recommendation Memo to UC **Mapping and GIS:** • RRT10 Dispersant Policy Map

According to the NCP, for areas that are not Pre-Authorized or No-Use Zones, (as described in §4610), the FOSC must request approval for the use of dispersants from the RRT, in particular; there must be concurrence from the affected state and EPA), with consultation with DOI and U.S. Department of Commerce (DOC).

In preparation for RRT approval, the UC initiates a process to evaluate whether dispersant use is appropriate for the incident-specific conditions by establishing that evaluation as an objective. While the EU follows its procedures (see Section 4022) for evaluating whether dispersant use is appropriate for the specific incident, the Operations Section should concurrently conduct its own preparations, including ordering of resources, as described in further detail below.

The types of oil typically produced or transported in offshore waters in the Northwest include oils imported from Alaska, such as Alaska North Slope crude oil; oils imported from foreign countries into Northwest ports; oils from Canadian sources, including Alberta crude and dilbit; and a range of fuel oil types that could be spilled during various marine industrial activities (e.g., fuel from ships' tanks or cargoes carried by small tankers).

Approved dispersants are listed in the NCP Product Schedule as per Subpart J of the NCP. In the Northwest, dispersant stockpiles are maintained by some of the Oil Spill Removal Organizations.

Dispersant applications must be monitored to confirm whether or not dispersant use is effective. The Special Monitoring of Applied Response Technologies (SMART) protocols are the accepted protocols for monitoring dispersant applications and should be utilized. However, dispersant applications should not be delayed simply because monitoring is not in place. The policy of the RRT is that visual observation (Tier 1 of SMART) is the minimum level of monitoring during a dispersant application. Once a dispersant application operation is a potential option, the Operations Section should immediately request deployment of the USCG Strike Team to the spill site, if dispersant use is likely. The Strike Team maintains monitoring capabilities for SMART monitoring and can typically deploy a team within two hours of notification. The USCG FOSC will typically deploy the Strike Team.

A decision to end dispersant application due to poor effectiveness should ideally be based on SMART monitoring results. Review all aspects of the application and monitoring for possible reasons why dispersant application may be ineffective, including:

- Dispersant formulation;
- Application ratios (increase or decrease oil: dispersant ratio);
- Application methods;
- Monitoring methods;
- Interpretation of monitoring results;
- Oil weathering; and
- Weather conditions.

Further details regarding how SMART field data should be interpreted and utilized to make decisions on adjustments to or termination of dispersant application can be found in the SMART Protocols available in the Tools and Resources.

4082 Dispersant Use Policy

It is particularly important that materials are strategically stockpiled and that decisions regarding the use of dispersants and in situ burning be made as quickly as possible to increase their effectiveness on marine oil spills. Accordingly, the RRT10 and NWACs have established Preauthorization Zones, Case-by-Case Authorization Zones, and No Use Zones for the use of dispersants. A policy has also been established to define the conditions under which in situ burning may be conducted on a pre-authorized or case-by-case basis and conditions under which burning will not be allowed. The FOSC, with the assistance of the UC, will determine if the use of these response technologies meets the preauthorization criteria established for RRT10 and NWACs area of responsibility (AOR). EPA's understanding of dispersant and in situ burning efficacy and toxicity is evolving, and the appropriateness of their application is subject to change based on field and laboratory testing. As new information becomes available, these policies will be revisited, modified, and enhanced as appropriate.

Areas within RRT10 and NWACs AOR fall into three different zones with respect to dispersant use: a Pre-Authorization Zone, Case-by-Case Authorization Zones, or No Dispersant Use Zones (see "Table 4000-1: Regional Response Team 10 Dispersant Use Zones Summary Table"; see Figure 4000-1 for a presentation of the process for making decisions regarding dispersant use in Case-by-Case Authorization Zones).

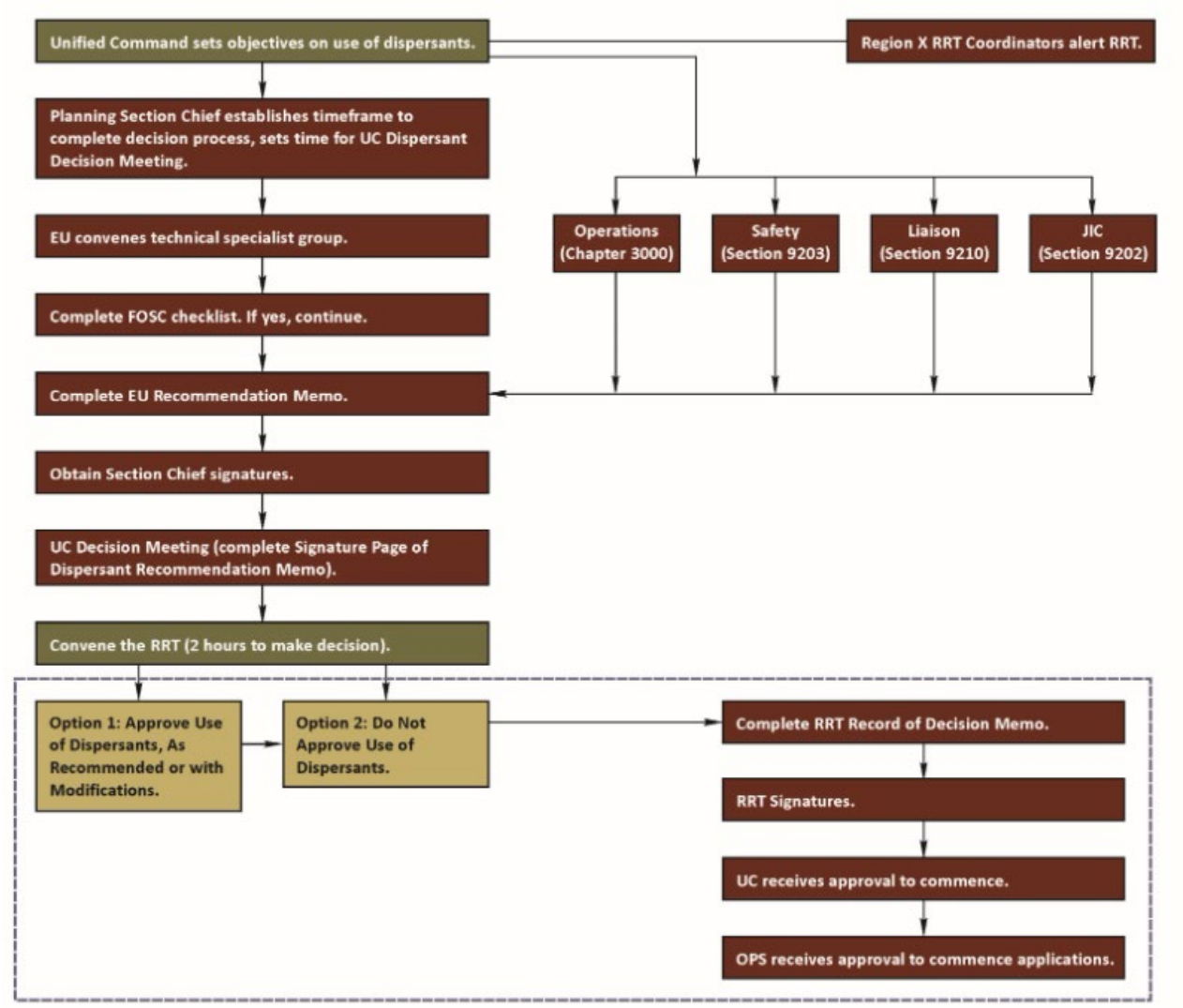


Figure 4000-1 Process for Decision-Making Regarding Use of Dispersants in Case-by-Case Approval Zones

4083 Dispersant Pre-Authorization Zone

Within a designated Pre-Authorization Zone, the FOSC may authorize the temporary provisional use of dispersants without further concurrence from or consultation with the RRT. Typically, the FOSC, working within a UC, initiates the process for evaluating dispersant use by establishing it as an objective, ideally during the initial UC Objectives meeting. It is expected that the FOSC Checklist will be completed by the Technical Specialists within the EU, with input from appropriate members of the Operations Section, Liaison, and

Information Officer, as needed. The RRT will be notified by the FOSC as soon as practicable following a dispersant use decision.

The Dispersant Preauthorization Zone is defined as follows:

- United States marine waters 3 to 200 nautical miles from the coastline outside of Puget Sound and Strait of Juan de Fuca or an island shoreline except for waters designated as a part of a National Marine Sanctuary and the Makah Tribe usual and accustomed (U&A) marine area or waters within three miles of the border of the Country of Canada or the Makah Tribe U&A marine area (see Figure 4000-2).

4084 Dispersant Case-by-Case Authorization Zones

According to §300.910(b) of the NCP, in all areas outside the Preauthorization Zone, FOSC authorization to use dispersants requires the concurrence of EPA and state representatives to the RRT with jurisdiction over the waters threatened by the release or discharge, and consultation with the DOI and DOC representatives to the RRT. It is the policy of RRT10 to also consult with appropriate Tribal governments with off-reservation treaty rights in the navigable waters threatened by a release or discharge of oil, when practicable. The FOSC and UC should forward the completed Dispersant Recommendation Memo along with the RRT Record of Decision Memo to the RRT for consideration in their concurrence and consultation process. A decision from the RRT on dispersant use is expected within two hours of activation.

The Dispersant Case-by-Case Authorization Zones are defined as follows:

- All U.S. marine waters in Puget Sound and the Strait of Juan de Fuca that are both within three nautical miles of the coastline or an island shoreline and greater than 10 fathoms (60 feet) in depth, except any area located within a designated No Dispersant Use Zone (see §4613, below).
- Waters designated as a part of a National Marine Sanctuary that are also greater than 10 fathoms (60 feet) in depth.

- Waters designated as part of the Makah Tribe U&A marine area that are also greater than 10 fathoms (60 feet) in depth.
- Waters of the Strait of Juan de Fuca and North Puget Sound from Point Wilson to Admiralty Head and north, and greater than 10 fathoms (60 feet) in depth.
- Marine waters within three miles of the borders of the Makah Tribe U&A marine area and the country of Canada. In consideration of the use of dispersants within three miles of the Makah Tribe U&A marine area, the RRT10 will consult with the Makah Tribal government. In considering the use of dispersants within three miles of the international border with Canada, RRT10 will consult with the Coastal JRT, composed of representatives of the United States and Canadian governments.

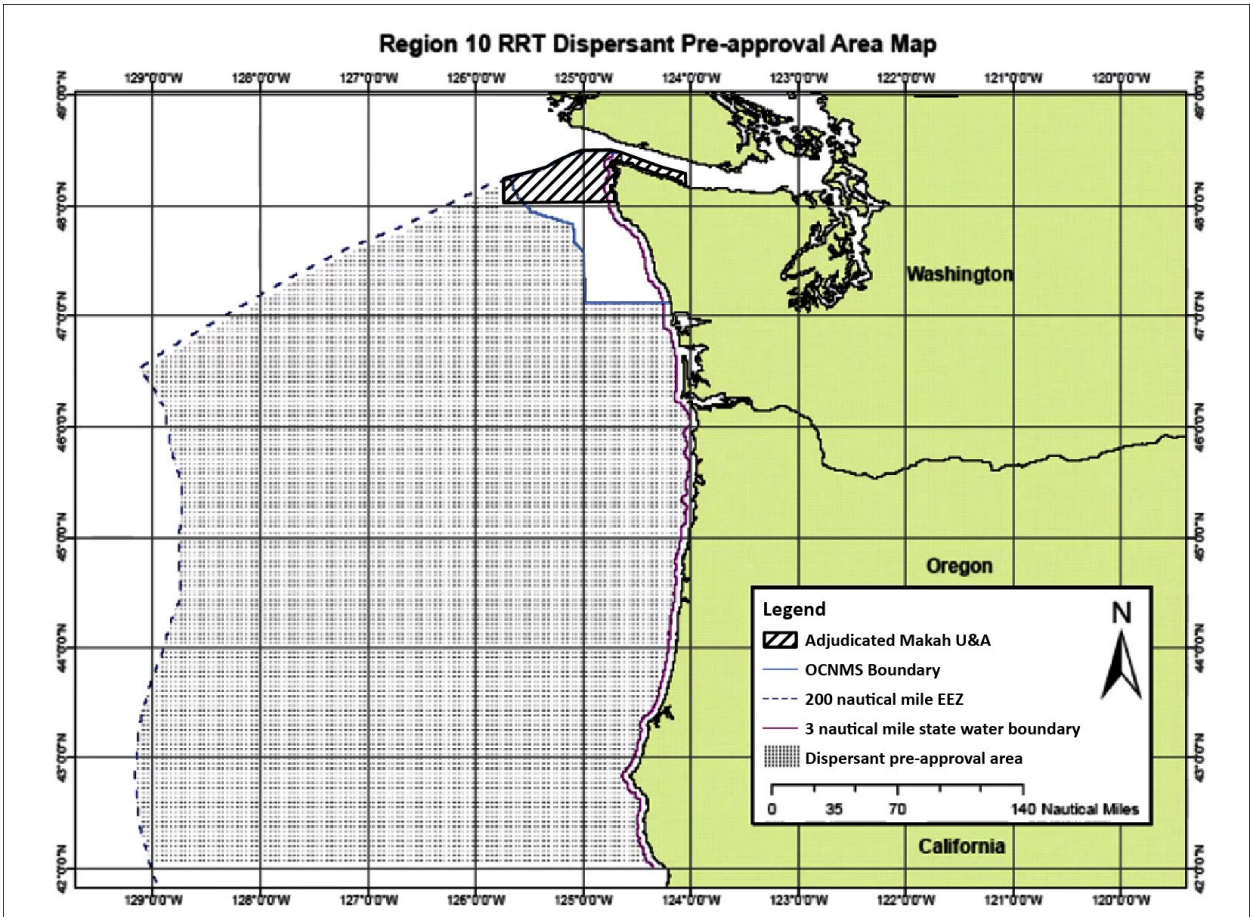


Figure 4000-2 Dispersant Preauthorization Zone

4085 No Dispersant Use Zones

There are some areas in RRT10 and NWACs AOR where the RRT and NWACs have determined it is not appropriate to use dispersants. In these areas, dispersants may be used only if, in the judgment of the FOSC, they are required to prevent or substantially reduce a hazard to human life. In this case, the FOSC should document this determination. The RRT will be notified by the FOSC as soon as practicable following a dispersant use decision. An After Action Report (AAR) will be completed.

The No Dispersant Use Zones are as follows:

- Marine waters that are both less than three nautical miles from the coastline and less than or equal to 10 fathoms (60 feet) in depth;
- Marine waters south of a line drawn between Point Wilson (48º 08' 41" N, 122º45' 19" W) and Admiralty Head (48º 09' 20" N, 122º 40' 42" W); and
- Freshwater environments.

4086 Region 10 Dispersant Use Zones Summary Table

Table 4000-1: Regional Response Team 10 Dispersant Use Zone Summary Table	
Dispersant Pre-Authorization Zone	• U.S. marine waters three to 200 nautical miles from the coastline outside Puget Sound and the Strait of Juan de Fuca • An island shoreline except for waters designated as a part of a National Marine Sanctuary and the Makah Tribe U&A marine area • Waters within three miles of the border of the Country of Canada or the Makah Tribe U&A marine area
Dispersant Case-by-Case Authorization Zone	• All U.S. marine waters in Puget Sound and the Strait of Juan de Fuca that are both within three nautical miles from the coastline or an island shoreline and greater than 10 fathoms (60 feet) in depth • Waters designated as part of a National Marine Sanctuary that are also greater than 10 fathoms (60 feet) in depth. • Waters designated as part of the Makah Tribe U&A marine area that are also greater than 10 fathoms (60 feet) in depth.

Table 4000-1: Regional Response Team 10 Dispersant Use Zone Summary Table	
Dispersant Case-by-Case Authorization Zone (continued)	• The Strait of Juan de Fuca and North Puget Sound from Point Wilson to Admiralty Head and north, and greater than 10 fathoms (60 feet) in depth. • Marine waters within 3 miles of the borders of the Makah Tribe Usual and Accustomed marine area and the country of Canada.
No Dispersant Use Zones	• Marine waters that are both less than 3 nautical miles from the coastline and less than or equal to 10 fathoms (60 feet) in depth. • Marine waters south of a line drawn between Point Wilson (48º 08' 41" N, 122º45' 19" W) and Admiralty Head (48º 09' 20" N, 122 40' 70" W). • Freshwater environments.

4087 Planning for Dispersant Use

Once UC sets objectives to consider the use of dispersants, it is critical that the Planning Section Chief establish and communicate a timeframe to complete the decision process and set a time for a UC dispersant decision meeting. The Planning Section Chief consults with the EUL when setting the timeframe.

4088 Role of the Regional Response Team

RRT10 and member agencies have various roles related to the use of dispersants within federal waters in the RRT10 AOR. See Section 1024 "Standing and Incident-Specific Regional Response Teams" for additional information on roles and authorities of the RRT. The following provides more specific guidance on the role of RRT10 in each designated zone:

a. Dispersant Pre-Authorization Zone: There is no additional guidance required from the RRT prior to the application of dispersants within a Preauthorization Zone. The FOSC Checklist will be completed prior to use of dispersants. An Incident After-Action Report will be provided by the FOSC to all interested RRT members after the emergency response is over.
b. Case-by-Case Dispersant Authorization Zone (see Figure 4000-1): For areas in a Case-by-Case Authorization Zone, in order to authorize the use of dispersants, the

FOSC will prepare a recommendation memo and request an activation of RRT10 for a decision. The purpose of the activation is for the FOSC to outline the basis for the request to authorize dispersant use, and pursuant to 300.910(b) of the NCP, seek concurrence from the EPA representative to the RRT and, as appropriate, the RRT representatives from the states with jurisdiction over the navigable waters threatened by the release or discharge. This activation will also serve as consultation with DOC and DOI natural resource trustees. It is the policy of RRT 10 to also consult with appropriate Tribal governments with off-reservation treaty rights in navigable waters threatened by a release or discharge of oil, when practicable. Oil trajectory, potential impact areas, and the respective sensitivities of the RARs in those areas should be considered. The RRT members will sign the Record of Decision memo and send it to the FOSC. An Incident AAR will be provided to all interested RRT member agencies after the emergency response is over. An outline of suggested information to include in an Incident AAR is provided in the Dispersant Authorization Process and Decision Support Tool.

c. No Authorization Zone: It has been determined that some areas within the RRT10 AOR are not appropriate for dispersant use. If, however, an FOSC determines that dispersant use is necessary to substantially reduce a hazard to human life, the FOSC will notify the RRT co-chairs as soon as practicable following a decision to use dispersants and provide an Incident AAR to all interested RRT member agencies. An outline of suggested information to include in an Incident AAR is provided in Dispersant Authorization Process and Decision Support Tool.

An Incident AAR with relevant information on the spill incident and the dispersant application will be provided to all interested RRT member agencies after the emergency response is over.

In addition to the FOSC Dispersant Standard Conditions Checklist and the RRT10 Record of Dispersant Decision, the appropriate Technical Specialists within the EU will prepare a map outlining the area proposed for dispersant application, including any pertinent information.

For case-by-case dispersant decisions, once the RRT has decided on the use of dispersants, Technical Specialists within the EU will also prepare a Dispersant Recommendation Memo to capture the specific details, conditions, constraints, and any other pertinent information from the RRT linked to the use of dispersants. This memo, addressed to the FOSC from the key RRT members (EPA co-chair, affected state representative, and representatives from DOC and DOI), will then be signed by each key member of the RRT involved in the decision and sent to the FOSC.

4089 Special Monitoring of Applied Response Technologies Protocols for Dispersants

TOOLS AND RESOURCES
Alternative Technologies: • Special Monitoring of Applied Response Technologies (SMART) Protocols

SMART is a cooperatively designed monitoring program for in situ burning and dispersants. SMART relies on small, highly mobile teams that collect real-time data using portable, rugged, and easy-to-use instruments during dispersant and in situ burning operations. Data are channeled to the UC to address critical questions about effectiveness and effects. Monitoring data can assist the UC with decision-making for dispersant and in situ burning operations.

It is the policy of the NWACs and RRT10 that the SMART protocols will be used, to the extent possible, for monitoring after the application of dispersants. Additional detail on the SMART protocols may be found in the Tools and Resources. To monitor the efficacy of dispersant application, SMART recommends three options, or tiers, described below.

Tier I

A trained observer flying over the oil slick assesses dispersant efficacy and reports back to the UC. Tier I monitoring, at a minimum, must be conducted during any dispersant application.

Tier II

Tier II provides real-time data from the treated slick. A sampling team on a boat uses a fluorometer to continuously monitor for dispersed oil 1 meter under the dispersant treated slick. The team records and conveys fluorometer data, with recommendations, to the UC. Water samples will be taken for later chemical analysis at a laboratory.

Tier III

By expanding the monitoring efforts in several ways, Tier III provides information on the dispersed oil movement and fate. (1) Two fluorometers are used on the same vessel to monitor at two water depths; (2) Monitoring is conducted in the center of the treated slick at several water depths, from one to ten meters; and (3) A portable water laboratory provides data on water temperature, pH, conductivity, dissolved oxygen, and turbidity.

4090 Region 10 In Situ Burning Policy and Plan

TOOLS AND RESOURCES
Alternative Technologies: • EU In Situ Burn Recommendation Memo • EU In Situ Burn Preauthorization Zone Worksheet • EU In Situ Burn Case by Case Zone Worksheet • In Situ Burning Operations Planning Tool • In Situ Burn Preliminary Operational Feasibility Worksheet **Mapping and GIS:** • RRT10 In-Situ Burning Policy Map

The RRT10 In Situ Burning Policy and Plan for ocean and coastal waters and the Inland Zone has been developed based on the recognition that in some instances, the physical collection and removal of oil is infeasible or inadequate, and the use of in situ burning as an oil spill response technique must be considered.

Authority for RRT10 In Situ Burning Plan

Subpart J of the NCP provides that RRTs and Area Committees shall address the use of appropriate burning agents as part of their planning activities in responding to oil spills.

Further, Subpart J encourages RRTs and Area Committees to develop Pre-Authorization Plans to be included in the ACP and identify the specific contexts in which burning agents should and should not be used [40 CFR 300.910(a)]. The entirety of Sections 4090, 4091, and 4092 and the associated Tools constitutes the RRT10 pre-authorization plan.

Pre-authorization and Case-by-Case Zones have been established to delineate locations and conditions under which burning operations may take place in RRT10.

The FOSC/UC shall follow the RRT10 In Situ Burning Decision Tree (Figure 4000-3) and the Protocols for In Situ Burning (see Section 4092, below) in this pre-authorization plan as well as guidance provided in the "In-Situ Burning Operations Planning Tool" when a decision has been made to consider the use of in situ burning operations to mitigate spilled oil.

Authorization in Case-by-Case Zones

Subpart J of the NCP provides that the FOSC, with the concurrence of the EPA representative to RRT10 and the state(s) with jurisdiction over the navigable waters threatened by the release or discharge, and in consultation with DOC and DOI trustee representatives to RRT10, may authorize the use of burning agents on oil spills, not covered in the pre-authorization plan, on a case-by-case basis [40 CFR §300.910(b)]. Tribes will be afforded substantially the same treatment as states (40 CFR §300.5 State). Thereby, Tribal representation will be required for pre-authorization concurrence or concurrence on a case-by-case application of burning agents in waters under Tribal jurisdiction.

Substantial Threat to Human Life

The FOSC may authorize the use of burning agents for any oil spill when, in the judgment of the FOSC, the use of burning agents is necessary to prevent or substantially reduce a hazard to human life [40 CFR §300.910(d)].

EPA has delegated its authority for authorization of appropriate burning agents to the EPA representative to RRT10. RRT10 representatives from DOC, DOI, and the states of Washington, Oregon, and Idaho have been delegated authority by their respective agencies

or state governments to represent natural resource trustee concerns and to serve as consultants to the FOSC on these matters.

Scope of Regional Response Team 10 In Situ Burning Plan

The RRT10 In Situ Burning Plan allows the FOSC and/or UC to use burning agents to:

- Prevent or substantially reduce a hazard to human life;
- Reduce the environmental impact of the spilled oil; or
- Reduce economic losses to critical infrastructure and public property as a result of the spill.

While the NCP does not require RRT approval for the use of in situ burning as a response technology when burning agents are not utilized, USCG, EPA, DOI, DOC, and member states of RRT10 have agreed that, regardless of the need for RRT authorization, the notification protocols and implementation guidance in this plan are appropriate for all oil spill responses in federal Region 10 where in situ burning is used as an applied response technology. In situ burning to remediate oil spills occurring in federal Region 10 will be conducted in accordance with this plan. This plan includes:

- In situ burning at offshore, near-shore, or inland oil spills;
- In situ burning where burning agents (a.k.a. “accelerants”) are not used; and
- In situ burning where burning agents (a.k.a. “accelerants”) are used.

This plan is not intended to cover burning of stockpiled debris.

Definition of “Ignition”

Subpart J of the NCP does not define or prohibit ignition as a method to initiate in situ burning of an oil spill. Further, the use of ignition is not considered the use of a burning agent in the initiation of or sustained combustion of spilled oil.

Definition of “Burning Agents”

Subpart J of the NCP specifically addresses authorization procedures for the use of "appropriate burning agents." Burning agents, are additives that, through physical or chemical means, improve the combustibility of the materials to which they are applied [40 CFR §300.5]. The process of in situ burning, through deliberate action as an applied response technology, often includes the use of burning agents to assist with ignition and, at times, with sustained combustion. The NCP does not require technical product data submissions for burning agents and does not include burning agents on the NCP Product Schedule [40 CFR §300.915(e)].

4091 Elements of Regional Response Team 10 Policy and Plan for In Situ Burning

In situ burning operations will be conducted within the jurisdiction of RRT10 in accordance with this In Situ Burning Policy and Plan. Key elements of the plan are as follows:

1. The plan establishes a geographically defined Pre-Authorization Zone. All areas not identified as in the Pre-Authorization Zone will be designated as Case-by-Case Zones.
2. In the Pre-Authorization Zone, burning agents can be utilized, without further RRT approval, to conduct in situ burning of spilled oil, provided that the guidelines in the pre-authorization plan are followed.
3. RRT10 approval is needed in order to utilize burning agents in Case-by-Case Zones, unless the burn substantially reduces a hazard to human life (40 CFR § 300.910(d)).
4. The plan reaffirms the use of ignition by the FOSC/UC to conduct in situ burning of spilled oil in the Pre-Authorization and Case-by-Case Zone without RRT approval.
5. FOSC/UC can use ignition and/or burning agents in either zone, without RRT approval, to conduct in situ burning of spilled oil to prevent or substantially reduce a hazard to human life (40 CFR § 300.910(d))..
6. FOSC is still required to conduct ESA Section 7, including Essential Fish Habitat, and NHPA Section 106, Emergency Consultations with the appropriate trustee agencies.

Pre-Authorization Zone for In Situ Burning

The In Situ Burning Pre-Authorization Zone is described as follows:

- Any area that is more than 3 miles from human population. Human population is defined as 100 people per square mile.
- EPA does not intend to utilize pre-authorization to apply burning agents without incident-specific RRT approval in the Inland Zone.

The FOSCs have the authority and responsibility for managing oil spills in the Pre-Authorized Zone as part of a UC structure. This In Situ Burning Policy and Plan authorizes the FOSC/UC to do the following without RRT approval:

1. Under proper conditions, ignite the spilled oil without using burning agents.
2. Utilize burning agents, as appropriate, if the burning conditions are suitable. EPA does not intend to utilize pre-authorization to apply burning agents without incident specific RRT approval in the Inland Zone.

This plan also reaffirms the FOSC requirement to conduct timely emergency consultations under the ESA Section 7 and the NHPA Section 106. See Sections 4031 and 4032 for additional information on complying with this requirement.

All burning operations within the Pre-Authorization Zone will be conducted in accordance with the protocols outlined in this plan. It is imperative that the FOSC and UC make every reasonable effort to continuously evaluate an in situ burn within the Pre-Authorization Zone. Additionally, the FOSC and UC will brief RRT10 on the burn operation as conditions warrant and time allows.

Within areas pre-Authorized for the use of appropriate burning agents, further consultation by the FOSC is not required as long as the appropriate RRT agencies are immediately notified and the relevant protocols outlined in this plan are followed.

Open Water and Inland Zone Case-by-Case Zones for In Situ Burning

The In Situ Burning Case-by-Case Zones are described as follows:

- Any areas within three miles of human population. Human population is defined as 100 people per square mile.

FOSCs have the authority and responsibility for responding to oil spills in the Case-by-Case Zones based upon their jurisdictional boundaries. Within UC, the FOSC is authorized to do the following in the Case-by-Case Zones without RRT approval:

1. Under proper conditions, ignite the spilled oil without burning agents.
2. Utilize burning agents to initiate/sustain in situ burn when, in the FOSC's judgment, the use of burning agents is necessary to prevent or substantially reduce a hazard to human life.

The FOSC is authorized to do the following in the Case-by-Case Zones after RRT approval:

1. Utilize burning agents to initiate and sustain in situ burning to mitigate spilled oil within any constraints provided by RRT10.

The RRT10 In Situ Burn Policy and Plan also reaffirms the FOSC requirement to conduct timely emergency consultations under the ESA Section 7 and the NHPA Section 106. See Sections 4031 and 4032 for additional information on complying with this requirement.

In addition, the FOSC/UC shall do the following in requesting RRT10 approval to initiate in situ burning operations in Case-by Case Zones:

1. When planning to conduct in situ burning within three miles of a population center, and within three miles of the international marine border with Canada, coordinate with RRT10 to consult with the Coastal Joint Response Teams, composed of representatives of the U.S. and Canadian governments, and co-chaired by the U.S. and Canadian Coast Guards.

2. When planning to conduct in situ burning within three miles of a population center and three miles of the international land border with Canada, coordinate with RRT10 to consult with the Regional Joint Response Team, composed of representatives of the U.S. and Canadian governments and co-chaired by the United States and Environment Canada.
3. Coordinate with RRT10 to consult with appropriate Tribal governments with off-reservation treaty rights in the navigable waters threatened by a release or discharge of oil, when practicable.
4. Conduct an emergency consultation with representatives of state and federal trustee agencies, considering operational timing constraints, with the goal of obtaining the best available information pertaining to the presence or absence of natural resources at the proposed burn site prior to submitting a request for authorization to RRT10.
5. Complete and submit the In Situ Burning Application Long Form (see "In-Situ Burning Operations Planning Tool") to RRT10 for an authorization decision. A decision from RRT10 on conducting an in situ burning operation is expected within two hours of receipt of the In Situ Burning Application Form.

All burning operations within the Case-By-Case Zone will be conducted in accordance with the protocols outlined in this plan. It is imperative that the FOSC and UC make every reasonable effort to continuously evaluate an in situ burn. Additionally, the FOSC and UC will brief RRT10 on the burn operation as conditions warrant and time allows.

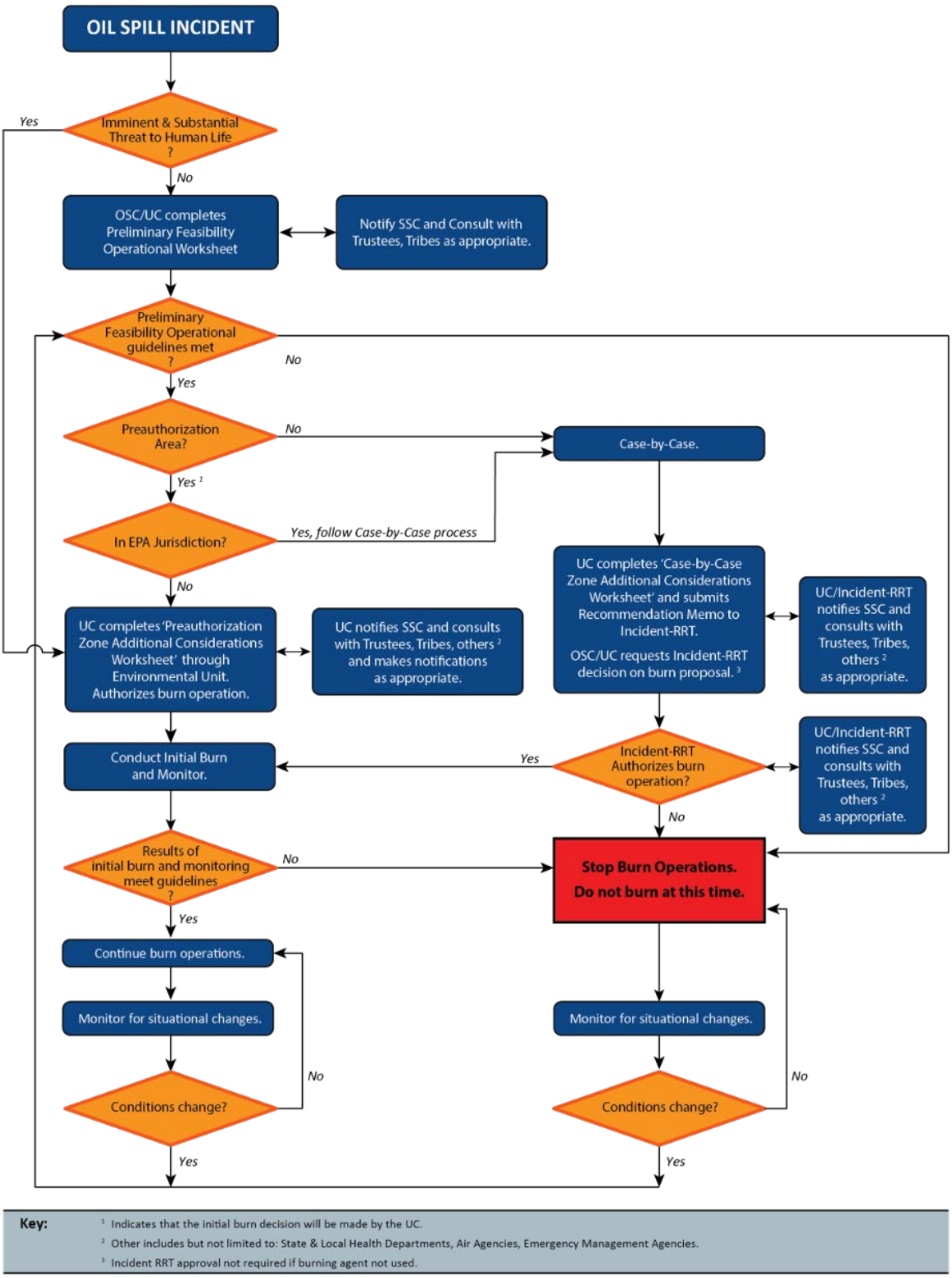


Figure 4000-3 RRT10 In Situ Burning Decision Tree

4092 Protocols for In Situ Burning Policy and Plan

The requirements below apply to all in situ burning operations under the provisions of this plan.

Mechanical Recovery

Within Region 10, mechanical recovery is anticipated to be the primary response technique for the majority of on-water oil spills. In situ burning shall be considered by the FOSC/UC as another response tool to reduce the impacts of oil spills, as appropriate, in combination with mechanical and other response techniques. Note that provisions must be made for mechanical collection of burn residue following any burn(s).

In Situ Burn Feasibility Analysis, Application Forms and Submittal for Regional Response Team 10 Authorization

Once an oil spill has occurred, and the FOSC/UC has determined that in situ burning should be considered to help mitigate the impact of the spilled oil, the FOSC/UC shall complete the In Situ Burn Preliminary Feasibility Analysis Worksheet to determine if conditions are appropriate for in-situ burning. Typically, this form will be completed by the EU and the NOAA SSC, including other technical specialists as appropriate.

If the worksheet indicates that conditions are appropriate for burning, then the FOSC/UC completes the appropriate application form depending on whether the spill occurred in the Pre-Authorization Zone (short form) or Case-by-Case Zone (long form).

a. For spills in the Pre-Authorization Zone, the In Situ Burning Application short form (see In Situ Burning Operational Planning Tool) shall be completed after or concurrent with all burning operations and provided to RRT10 members in a timely manner for documentation and informational purposes.
b. For spills in a Case-by-Case Zone, the full form shall be completed before commencing any burn (unless no burning agents will be used and only ignition will

occur), and provided to RRT10 members in a timely manner for their authorization decision.

Inland Burning Considerations in Case-by-Case Zones

In situ burning in the Inland Zone is conducted primarily in wetland areas, inland waters, adjoining shorelines, and other areas that threaten release to a navigable waterway within the Inland Zone of RRT10 geographic boundaries. These may include agricultural lands, lands void of vegetation, and grasslands. Burning will not occur in forested areas unless otherwise recommended by the land manager or owner.

In the Inland Zone, in situ burning is typically considered under the following conditions:

- To remove oil to prevent its spread to sensitive sites or over large areas.
- To reduce the generation of oily wastes, especially where transportation or disposal options are limited.
- Where access to the site is limited by shallow water, soft substrates, thick vegetation, or the remoteness of the location.
- As a removal technique, when other methods begin to lose effectiveness or become too intrusive.

In situ burning in the Inland Zone should be conducted under the direction of a knowledgeable practitioner, if available. Burning will be conducted utilizing safe fire management techniques. All practical efforts will be made to control and contain the burn and prevent accidental or unplanned ignition of adjacent areas.

The FOSC/UC will notify adjacent land managers/owners prior to any in situ burning operation conducted on land or non-navigable waters.

Favorable Conditions

In open water and Coastal zones, in-situ burning is advised only when the meteorological and sea conditions are operationally favorable for a successful burn. The FOSC/UC will

utilize readily available resources to gather information on the speed and direction of the wind, atmospheric conditions, plume modeling, and the proximity to population centers or sensitive resources onshore and will make efforts to avoid particulate impacts in these areas. A safety margin of 45 degrees of arc on either side of predicted wind vectors should be used and documented for shifts in wind direction.

Favorable conditions for the Inland Zone include:

- Remote or communities (at least three miles from communities);
- Fresh crudes or light/intermediate refined products, which burn more readily and efficiently;
- Mostly herbaceous vegetation;
- Areas void of vegetation, such as dirt roads, ditches, dry streambeds, and idle cropland; and
- In wetlands with an adequate water layer (at least one inch) covering the substrate (prevents thermal damage to soil and roots, and keeps oil from penetrating substrate).

4093 During an In Situ Burning Action

TOOLS AND RESOURCES
Alternative Technologies: • In Situ Burning Operations Planning Tool **Command:** • Health and Safety Job Aid **Operations:** Emergency Response Community Air Monitoring **Operations:** • Emergency Response Community Air Monitoring

Responder Health and Safety

Ensuring worker health and safety is the responsibility of employers and the OSC/UC, who must comply with all Occupational Safety and Health Administration (OSHA) regulations.

RRT10 has developed a Health and Safety Job Aid to provide guidance and example Health and Safety Plans to be utilized at oil/hazardous materials incidents in the Pacific Northwest. In addition, see "In Situ Burning Operations Planning Tool" for guidance on health and safety concerns specific to in situ burning of spilled oil.

Public Health/Safety and In Situ Burning Air Monitoring Program

Public health will be protected during an in situ burn by conducting air monitoring and/or sampling at appropriate locations downwind of the burn operations. In a case where smoke plumes are not predicted to cross over communities or environmentally sensitive areas, an inability to conduct air monitoring will not be automatic grounds for discontinuing or prohibiting in situ burn operations.

The SMART protocols, as modified by RRT10 (see "In Situ Burning Operations Planning Tool"), will provide the basis for the air monitoring/sampling program to ensure that sensitive populations are not exposed at levels expected to affect people's health.

It is RRT10's policy to utilize EPA's National Ambient Air Quality Standards (NAAQS) for particulate matter up to 2.5 microns in diameter (PM 2.5) and particulate matter up to 10 microns in diameter (PM 10) as Levels of Concern (LOCs) during in situ burning operations (see In Situ Burning Pollutants and Exposure Limits). The NAAQS are based on a 24-hour time weighted average (TWA) sample, and LOCs for particulates for the general public are 150 micrograms per cubic meter (PM 10) and 35 micrograms per cubic meter (PM 2.5). While conducting an in situ burn, responders will use the same LOCs from a one-hour TWA sample. This is a very conservative LOC. If at any time it is anticipated, or measurements indicate, that the public are being or will be exposed to levels of particulates exceeding the identified LOCs, as a result of in situ burning operations, then the decision to continue in situ burning operations will be reviewed with input from public health professionals. The NAAQS does not publish levels for shorter average times (e.g., one- to three-hour or eight-hour averages). As such, responders will have to determine how to assess the threats posed when particulates

have not been present nor measured for 24 hours. Additional guidance can be found in the "Emergency Response Community Air Monitoring" tool.

Representatives of the USCG, EPA, federal trustee agencies, the affected state(s), OSHA, and the RP may have the opportunity to observe in situ burning operations if logistics and safety considerations permit. This decision will be made by the UC at the time of the incident.

Local Air Agencies

The FOSC/UC will notify and coordinate with the state, local, and/ or Tribal air agencies prior to and during an in situ burning operation. Contact information for state and local air agencies may be found in the "In Situ Burn Operations Planning Tool."

In addition to the UC–led air monitoring/sampling activities outlined generally in Section 4092, above, and the "Emergency Response Community Air Monitoring" tool, the FOSC/UC will coordinate with the state, local, and/or Tribal air agencies to identify regulatory air monitors/samplers in the anticipated plume path. In the event that there are exceedances of air quality standards or measurements of regulatory significance during/or after an in situ burning operation, the FOSC/UC will work with the air agency to determine if the event qualifies as an Exceptional Event as governed by the "Treatment of Data Influenced by Exceptional Events" rule (72 Federal Regulations 13560, March 22, 2007) including any amendments thereto.

Documentation during In Situ Burning Operations

Detailed information about the burn must be recorded, including duration, residue type and volume, water depth before and after the burn, visible impacts, post-burn activities (e.g., residue removal methods), etc.

Air monitoring/sampling data will be collected by the UC-led monitoring teams using the RRT10 Modified SMART Protocol, during in situ burning operations. These data will be shared with the state, local, and/or Tribal air agencies responsible for the areas with regulatory

monitors/samplers potentially impacted by smoke plumes resulting from in situ burning operations. Incident data may be utilized by the impacted air agencies in implementing requirements for the treatment of air quality monitoring data influenced by exceptional events as governed by the "Treatment of Data Influenced by Exceptional Events" rule (72 Federal Register 13560, March 22, 2007), including any amendments thereto.

Burn Control

Burning will be conducted in a way that allows for effective control of the burn, to the maximum extent feasible, including the ability to rapidly stop the burn if necessary. Contained and controlled burning is recognized as the preferred method of burning, using fire-resistant boom.

Ignition Control

All practical efforts will be made to control and contain the burn and prevent accidental ignition of the source. Generally, it is not recommended that the source or adjacent uncontained slicks be allowed to ignite during in situ burning operations. Certain circumstances, however, may warrant consideration of carefully planned source ignition.

After Completion of an In Situ Burning Operation

Final Report

Any use of in situ burning during a spill response requires that the FOSC/UC provide a post-incident report to the RRT within 45 days of completing in situ burning operations. Recommendations for changes or modification to this policy should be presented in the report, if appropriate. This report will be presented at an RRT10 meeting, if requested by RRT10. Required criteria for the final report are outlined in the "In Situ Burning Operations Planning Tool."

Additionally, issues that arose during the emergency consultations under ESA Section 7 and NHPA Section 106 may require additional reporting to those agencies after the response has ended.

4100 Decanting during On-Water Recovery

TOOLS AND RESOURCES
Operations: • Decanting Response Tool **Planning:** • Decanting Approval Plan and Memo

When oil is spilled on the water, mechanical recovery of the oil is the principal approved method of responding. However, the mechanical recovery process and associated systems necessarily involve placing vessels and machinery in a floating oil environment. When heavy oil sinks, large volumes of water mixed with silt/sediment may be recovered and need treatment prior to disposal. Decanting tank systems is one technique that could be used to separate and treat solids and liquids before discharging liquids back into the response area. Incidental returns of oil into the response area, such as oil that falls back into the recovery area from vessels and machinery that are immersed and working in the oil, are an inevitable part of the mechanical recovery process. Similarly, separation or "decanting" of water from recovered oil and return of excess water into the response area can be vital to the efficient mechanical recovery of spilled oil because it allows maximum use of limited storage capacity, thereby increasing recovery operations. This only applies to in-water recovery conducted with vessels and not on-shore activities.

This practice is currently recognized as a necessary and routine part of response operations that is appropriately addressed in ACPs (see NCP Revisions, 59 Federal Register 47401, September 15, 1994.) In addition, some activities, such as those associated with oil recovery vessels, small boats and equipment cleaning operations may result in incidental discharges. These activities may be necessary to facilitate response operations on a continuing basis, and all of these activities are considered to be incidental discharges.

4101 Decanting Policy

This policy addresses “incidental discharges” associated with spill response activities. “Incidental discharge” means the release of oil and/or oily water within the response area in or proximate to the area in which oil recovery activities are taking place during and attendant to oil spill response activities. Incidental discharges include, but are not limited to, the decanting of oily water, oil and oily water returns associated with runoff from vessels and equipment operating in an oiled environment and the wash down of vessels, facilities and equipment used in the response. “Incidental discharges” as addressed by this policy, do not require additional permits and do not constitute a prohibited discharge. See 33 CFR §153.301, 40 CFR §300, RCW 90.56.320(1), WAC 173- 201A-110, ORS 468b.305 (2)(b).

Criteria

During spill response operations, mechanical recovery of oil is often restricted by a number of factors, including the recovery system’s oil/water recovery rate, the type of recovery system employed and the amount of tank space available on the recovery unit to hold recovered oil/water mixtures. In addition, the longer oil remains on or in the water, the more it mixes to form an emulsified mousse or highly mixed oil/water liquid, which sometimes contains as much as 70% water and 30% oil, thus consuming significantly more storage space. Decanting is the process of draining off recovered water from portable tanks, internal tanks, collections wells, or other storage containers to increase the available storage capacity of recovered oil. When decanting is conducted properly, most of the petroleum can be removed from the water.

The overriding goal of mechanical recovery is the expeditious recovery of oil from water. In many cases, the separation of oil and water and discharge of excess water is necessary for skimming operations to be effective in maximizing the amount of oil recovered and in minimizing overall environmental damages. Expeditious review and approval, as appropriate, of such requests is necessary to ensure a rapid and efficient recovery operation. In addition, such incidental discharges associated with mechanical recovery operations are

not considered prohibited discharges. Such actions should be considered and in appropriate circumstances preauthorized by the FOSC and/or SOSC because the discharged water will be much less harmful to the environment than allowing the oil to remain in the water and be subject to spreading and weathering.

RRT10 adopts the following policy to provide for an expeditious decanting approval process and provide clear guidance to the UC, response contractors and other members of the spill response community.

Oils Pre-Approved for Decanting and Associated Conditions

Pre-approval for on-water decanting is authorized when pumping recovered oil and water ashore is not practical during the first 24 hours after the initial spill discovery. Decanting authorization is granted for the oil products listed below:

- All crude oils;
- Vacuum gas oils;
- Atmospheric gas oils;
- Recycle oils not containing distillates;
- Bunker fuels;
- No. 6 fuel oils;
- Cutter stocks; and
- Coker gas oils.

Decanting of the listed oils is pre-approved if the following conditions are met:

- Pre-approval applies to the first 24 hours after spill discovery. Decanting requests for all remaining operational periods will need to be completed and submitted to UC. The

RP must fill out the NWRCP decanting request and seek UC approval prior to any additional decanting approvals from the second operational period on.

- The UC must be notified within one hour after decanting begins.
- The RP assures the UC that they are quickly obtaining adequate oil storage and skimming capacity within the first 24 hours and that the responders are expeditiously getting sufficient storage and skimming capacity on-site to alleviate the need for prolonged decanting.

The following criteria found in the current Decanting Authorization Form must be complied with:

- All decanting should be done in a designated “Response Area” within a collection area, vessel collection well, recovery belt, weir area, or directly in front of a recovery system.

- Vessels employing sweep booms with recovery pumps in the apex of the boom shall decant forward of the recovery pumps.

- Vessels not equipped with an oil/water separator should allow retention time for oil held in internal or portable tanks before decanting commences.

- Containment boom needs to be deployed around the collection area, where feasible, to prevent loss of decanted oil or entrainment.

- Visual monitoring of the decanting shall be maintained at all times so that discharge of oil in the decanted water is detected promptly.

- Where feasible, decant ahead of an operating skimmer recovery system so decanting can occur ahead of the skimming system, not only within an enclosed boomed area.

- UC can revoke the pre-approval at any time if above conditions are not met.

Shore-side container decanting (i.e., vacuum truck, portable tanks, etc.) is not authorized for pre-approval under this policy. Decanting in areas where vacuum trucks, portable tanks, or other collection systems are used for shore cleanup will be subject to filling out the decanting form in the NWRCP prior to authorization and must comply with the same rules as vessels.

Oils Requiring Approval by Unified Command Prior to Decanting

During a response, when decanting has not been pre-approved for lighter oils, which are not listed above, it will be necessary for response contractors or the RP to request from the UC written authority to decant while recovering oil so that response operations do not cease or become impaired. The UC will consider each request for decanting of lighter oils on a case-by-case basis. Prior to approving decanting, the UC should evaluate the potential effects of weather, including the wind and wave conditions, the quantity of oil spilled, and the type of oil, as well as available storage. The UC should also take into account that recovery operations as enhanced by decanting will actually reduce the overall quantity of pollutants in a more timely and effective manner to facilitate cleanup operations.

The following criteria should be considered by the UC in determining whether to approve decanting unless circumstances dictate otherwise:

- All decanting should be done in a designated “Response Area” within a collection area, vessel collection well, recovery belt, weir area, or directly in front of a recovery system.
- Vessels employing sweep booms with recovery pumps in the apex of the boom should decant forward of the recovery pump.
- All vessels, motor vehicles, and other equipment not equipped with an oil/water separator should allow retention time for oil held in internal or portable tanks before decanting commences.

- When deemed necessary by the UC or the response contractor, a containment boom will be deployed around the collection area to minimize loss of decanted oil or entrainment.
- When using decanting tank systems, tanks with baffles should be used as a best practice to speed up oil/water separation and prevent remixing.
- Visual monitoring of the decanting area shall be maintained so that discharge of oil in the decanted water is detected promptly.

Decanting is an option based on exclusions granted to the FOSC and SOSC related to the National Pollution Discharge Elimination System (NPDES) and under NPD authorized state discharge programs . 40 CFR §122 provides exclusions to NPDES permits to the OSC providing the discharge is in compliance with the instructions of the FOSC pursuant to 40 CFR §300. Furthermore, the state of Washington is provided exceptions to discharges of oil pursuant to RCW 90.56.320, the state of Oregon is provided exceptions to discharges of oil pursuant to ORS 468B.305 and the state of Idaho is provided an exemption pursuant to IDAPA 58.01.25.102.05.d.

All proposals to utilize decanting must be presented to the UC. The UC will include appropriate FOSC, SOSC, TOSC, LOSC, RP and other appropriate applicable entities. Using the Decanting Response Tool, the proposal should include a brief description of the area for which decanting approval is sought, the decanting process proposed, the prevailing conditions (wind, weather, sea state, etc.), and protective measures proposed to be implemented. The decision of each UC member should be documented. Authorization to decant is provided by the FOSC in all cases, and SOSC authorization is required in addition for decanting in state waters.

The FOSC and/or SOSC will review and provide directions and authorization as appropriate to requests to wash down vessels, facilities, and equipment to facilitate response activities.

This policy does not cover other activities related to possible oil discharges associated with an oil spill event, such as actions to save a vessel or protect human life, which may include such actions as pumping bilges on a sinking vessel.

4110 Gasoline and Other Flammable Liquids Response Policy

Spills of gasoline and other flammable liquids, including many crude oils, pose significant response challenges, as well as serious health and safety concerns for responders and communities downstream and downwind from the release. Gasoline-range products are finished gasolines and volatile hydrocarbon fractions used for blending into finished gasoline, including straight-run naphtha, alkylate, reformate, benzene, toluene, xylene, and other refined petroleum products with a flash point below 100 degrees Fahrenheit (37.8 degrees Celsius). When these types of products are spilled into the environment, it is imperative to take immediate steps to control the source of the release (where safe), to eliminate all possible ignition sources, to quickly establish isolation distances, to notify regulatory and local response agencies, and to initiate a preliminary site safety plan prior to any response activities. However, it is essential that no personnel enter a potentially unsafe environment prior to an initial safety assessment, including vapor monitoring for flammable, reduced oxygen, and toxic levels.

In many cases, highly flammable liquids should not be contained for spill response. Containing gasoline and other highly flammable liquids increases the risk of fire by delaying dispersion of vapors into the atmosphere. The risks posed by response techniques, such as booming and applying foam to spilled gasoline and other flammable liquids, are warranted only under very limited circumstances. However, in some cases, and as judged by the FOSC, IC, or UC, containment and the use of foam may be appropriate and necessary in response to an imminent threat to public health and safety and the environment. Deflection and protection booming can be used to move flammable liquids away from sensitive areas but must be conducted in a safe manner, within safe atmospheric levels. In unaffected downstream or down current areas that are at risk, boom should be deployed prior to arrival of the product. Although mechanically recovering flammable liquids on water can be

effective in some circumstances, allowing them to evaporate and dissipate is often the more prudent response.

4120 BIOREMEDIATION

TOOLS AND RESOURCES
Operations: • Oil Spill Best Management Practices

The use of bioremediation in open water is an unproven technology that currently shows little or no promise of removing significant quantities of oil from the surface of the water prior to shoreline impact or natural dispersion. Bioremediation by nutrient enhancement or seeding of biodegrading organisms is, therefore, not allowed on the surface of open water. This policy can be reviewed by the RRT if there is new and significant evidence that bioremediation can be a significant factor in oil removal on open water.

Bioremediation of Shorelines

Seeding of exotic organisms for pollution response is prohibited in the Northwest Region. This is due to the unproven efficacy of such procedures and the unknown ecological effects resulting from their implementation.

Bioremediation is an effective technique for the encouragement of oil biodegradation on some contaminated shorelines. Nonetheless, this strategy is unlikely to lead to rapid decontamination of beaches. Bioremediation of soil/shorelines should generally be used as the primary treatment only when oil concentrations are low (less than 15 grams of oil for every kilogram of sediment) and conventional forms of cleanup (heavy equipment use or manual cleaning) are likely to do more damage than good. Bioremediation should be viewed as a polishing agent for the final stages of cleanup rather than as a primary response tool, especially considering the slow rates of reaction to degrade the oil, and therefore, cleanup via this method will be allowed only on a case-by-case basis with RRT10 concurrence. Bioremediation agents with additives (for example, perfumes and nutrients) should not be used in shoreline settings or where sensitive aquifers could be impacted.

For additional bioremediation policy, see the Oil Spill Best Management Practices tool.

4130 Surface Washing Agents Background and Policy

TOOLS AND RESOURCES
Alternative Technologies: • EU Surface Washing Agent Recommendation Memo to UC • Surface Washing Agent Authorization Process and Decision Support Tools

Surface washing agents are chemicals that are used to enhance oil removal from exposed substrates and hard surfaces. Only surface washing agents that are included in the current NCP Product Schedule may be approved by the FOSC for use during an oil spill. Most chemicals that are classified for this application 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 to which the oil has adhered. Depending on environmental conditions and the selection and combination of solvents and surfactants, the removed oil will either float or disperse, giving rise to "lift and float" and "lift and disperse" descriptors of surface washing agents. The latter has a negative environmental impact for most shallow water coastal environments; therefore, products which "lift and float" are preferable. Adhering to the definition of surface washing agents in Section 4080 of this document, all discussion of surface washing agents hereafter will implicitly refer to *lift and float* type cleaning agents.

When selecting a surface washing agent for use during a particular response, special consideration should be given to:

1. its effectiveness on a particular oil and substrate;
2. the comparative toxicity among different surface washing agents; and
3. the availability of the surface washing agent to be acquired in a useful time period.

Any application of surface washing agents that would result in their release into the environment requires that the FOSC obtain RRT authorization prior to initiating any such applications. RRT authorization is not required for use of surface washing agents when all effluents are recovered and properly disposed of (e.g. cleaning of boom in containment areas on land). All applications of surface washing agents will be conducted in accordance with applicable state and federal regulations. See "Permit Summary Table" for potential state and federal permit lists.

Surface washing agents may be considered for use when traditional flushing techniques have been deemed to be inadequate, or when the use of surface washing agents is determined to have less of an environmental impact than other available alternatives.

It is important to note that the NCP Product Schedule does not specifically identify shoreline cleaners as to their mode of action and may also include *lift and disperse* type surface washing agents that would not be recommended for use in Region 10 nor approved in this policy. An evaluation of the key characteristics of a NCP listed surface washing agent is required to select the most appropriate product for the situation. Technical specialists, such as the NOAA SSC, should be consulted as to the applicability of NCP listed products for specific applications.

4131 Role of the Regional Response Team with the Use of Surface Washing Agents

No surface washing agent Preauthorization Zones exist in Region 10.

In order to receive authorization to approve the use of surface washing agents, the FOSC will prepare a recommendation memorandum (by completing the tools in "Surface Washing Agent Authorization Process") and request an activation of RRT10 for a decision on the proposed action.

The purpose of the RRT activation is for the FOSC to outline the basis for the request to authorize surface washing agent use, and pursuant to 300.910(b) of the NCP, seek concurrence from the EPA representative to the RRT and, as appropriate, the RRT

representatives from the states with jurisdiction over the navigable waters threatened by the release or discharge. This activation will also serve as consultation with DOC and DOI natural resource trustees. It is the policy of RRT10 to also consult with appropriate tribal governments with off-reservation treaty rights in navigable waters threatened by a release or discharge of oil, when practicable. Oil trajectory, potential impact areas, and the respective sensitivities of the RARs in those areas should be considered.

The RRT members will sign the recommendation memo, indicating their support or opposition to the proposal, and return it, along with any specific details, conditions, constraints, or other pertinent information, to the FOSC. If surface washing agents are subsequently used, the FOSC will provide an Incident AAR to all interested RRT member agencies after the emergency response is over.

4140 Managing Closures to Fisheries

TOOLS AND RESOURCES
Wildlife: • Managing Impacts to Fisheries

There are a variety of types of fisheries closures that may be proposed or needed following an oil spill. For example, when an oil spill occurs, shellfish may be exposed to petrochemicals. Because shellfish are filter feeders, they can readily accumulate substances from the water column and may become unsafe to eat and/or tainted, i.e., technically safe to eat but have altered flavor due to petrochemical exposure. The legal authority for closures varies depending on the outcome desired and on the owner of the resource (private, public, Tribal).

A closure decision could be made unilaterally outside of the IC by Tribes, private property owners, trustee agency directors, or by county and other local officials. The EUL may identify potential impacts on fisheries as part of the resources at risk process. The EUL should facilitate the decision-making process by contacting the appropriate decision makers, inform them of the issues, and make sure they are brought into the decision-making process. Coordination with the Operations Section is also necessary.

"Managing Impacts to Fisheries" contains additional tools and information on closures.

4150 Places of Refuge

TOOLS AND RESOURCES
Planning: • Places of Refuge

A ship in need of assistance may require a temporary place of refuge with adequate water depth for lightering or repairs in order to protect the marine environment. Ships may need to be brought into a harbor, anchored or moored in protected waters, or temporarily beached in order to safely make repairs and stop the loss of oil or other hazardous substances. Disabled ships need to be repaired in order to resume safe navigation and prevent an incident resulting in the loss of fuel or cargo. If leaking ships are not repaired, spilled oil and hazardous substances may affect health and human safety, natural resources, and shorelines.

There is no single place of refuge for all ships and all situations. Decisions relating to places of refuge encompass a wide range of security, environmental, social, economic, and operational issues that vary according to each situation, including the environmental sensitivity and protected status of the areas within or adjacent to a potential place of refuge. The initial decision to permit a ship to seek a place of refuge, as well as the decisions and actions implementing that decision, are inherently based on an assessment of the risk factors involved and the exercise of sound judgment and discretion.

Places of refuge are sites that could potentially be used for a disabled or damaged ship needing shelter for repairs. While information on potential sites may be pre-surveyed, this does not imply that any of these sites will be the location of choice in a future event. Selection of a place of refuge by the USCG Captain of the Port (COTP) in consultation with the RRT and other federal agencies, states, Tribal and local governments, and other partners will always be made on a case-by-case basis. If time allows, the COTP will activate a UC under ICS to address a request for a place of refuge.

When a place of refuge incident occurs that involves, or may involve, the international border, a response will be activated per the Joint Canada/United States Pacific Response Plan. Similarly, if a place of refuge incident is likely to involve more than one ACP, existing cross-jurisdictional protocols will be activated.

This section incorporates a decision-making process and recommended procedures for appropriate authorities and vessel masters to use when requesting a place of refuge. The guidelines incorporate the Guidelines on Places of Refuge for Ships in need of Assistance adopted by International Maritime Organization, and assume use of ICS to manage the incident.

When safety of life is involved, existing search and rescue conventions and protocols should be used.

When a ship is in need of assistance but safety of life is not involved, the guidelines in "Places of Refuge" should be followed to evaluate whether a ship should remain in the same position, continue on its voyage, be brought into a place of refuge, taken out to sea, or intentionally scuttled in deep water. See the "Places of Refuge" tool for more information.

4160 Jurisdiction for Places of Refuge Decisions

Under 33 CFR 6.04, the USCG COTP has authority to order ships into and out of ports, harbors, and embayment's to protect the public, the environment, and maritime commerce. The COTP is the designated FOSC for the United States Coastal Zone per the NCP (40 CFR 300) (a)(1). There may be some maritime homeland security situations where the COTP, acting as the Federal Maritime Security Coordinator, may have access to sensitive security information and/or classified information—not readily shareable with other stakeholders—that may impact the final disposition of a vessel requesting "Force Majeure" or permitting a vessel to seek a place of refuge or approval of a salvage plan. These circumstances are dealt with on a case-by-case basis, and information is shared with other agencies on a "need to know" basis.

The states of Oregon, Washington, and Idaho have authority to represent and protect state interests for incidents within state waters. Each state has jurisdiction over state-owned shoreline and in nearshore waters out to three miles. In Washington and Oregon, SOSCs are pre-designated by Ecology and ODEQ, respectively. In the state of Idaho, an SOSC is designated at the time of an incident by the Idaho Office of Emergency Management. Although Idaho does not have a coast, it does have a port that might potentially be used as a place of refuge.

Local governments or port authorities may have authority over nearshore waters, including ports and harbors. If so, a local government or port representative may serve as a Local On-Scene Coordinator per the NWRCP.

Resource agencies have authority to manage their lands, marine areas, wildlife, habitat, and resources as mandated in their laws and regulations. Resource agencies fill positions in the ICS and provide resource information to the UC. In addition, resource agencies are members of RRT10.

Tribal governments may own land and have fishing rights in marine areas that could be impacted by a ship seeking a place of refuge. If so, a Tribal government representative(s) may fill positions in the ICS or may serve as a TOSC per the NWRCP.

The master of the ship has control of the ship and is responsible for requesting a place of refuge from the COTP. The master provides details on the status of the ship and justification for needing a place of refuge per the International Maritime Organization Guidelines on Places of Refuge.