7000 HAZARDOUS SUBSTANCES UNIQUE INFORMATION

TOOLS AND RESOURCES
Hazardous Substances: • CAMEO • Chemtrec • Emergency Response Guidebook • EPA List of Lists • EPA Radiological Emergency Response Plan • Hazard Assessment Worksheet • Initial Hazmat Incident Objectives • Response for Chemical Spills **General:** Response Partner Roles and Contacts

While the basic Incident Command System (ICS)/Unified Command (UC) is unchanged whether the response is to an oil discharge or hazardous substance release, there are a number of factors that are unique to hazardous substance releases. The purpose of this chapter is to provide Northwest Regional Contingency Plan (NWRCP) users with information specific to a response to hazardous substance releases.

Many Region 10 Regional Response Team (RRT10) and Northwest Area Committee (NWAC) member agencies have specific responsibilities during and following a hazardous substances incident. The NWRCP is a good, general guide for interagency coordination and resources during a response to any type of oil or hazardous substances incident. When an incident is large enough in scope to trigger the National Response Framework (NRF), hazardous substance response will be conducted under Emergency Support Function (ESF) 10, and may use this plan as a guide.

This chapter focuses on hazardous substance incidents with the following characteristics:

- Multi-agency and/or multi-jurisdictional response;
- Exceedance of localized (city/county/state) response capacity;
- Response that exceeds one operational period;
- Release or threat of release of hazardous substances; and

- Response phase of the incident, through stabilization.

7010 Definitions of Hazardous Substances and Exceptions

Before the process of planning for a hazardous substances incident response can begin, there must be a clear understanding of the types of materials that are to be covered under this plan. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1986, defines hazardous substances as "hazardous wastes" under the Resource Conservation and Recovery Act, as well as hazardous substances regulated under the Clean Air Act, Clean Water Act, and the Toxic Substances Control Act. In addition, any element, compound, mixture, solution, or substance may also be specifically designated as a "hazardous substance" under CERCLA. This definition includes numerous hazardous chemicals, as well as chemical warfare agents and radionuclides. CERCLA hazardous substances are listed in 40 Code of Federal Regulations (CFR) part 302.4.

CERCLA also applies to "*pollutants or contaminants*" that may present an imminent or substantial danger to public health or welfare of the United States (U.S.). This is caused when the pollutant or contaminant will, or may reasonably be anticipated to, cause illness, death, or deformation in any organism. Most biological warfare agents have been determined to be pollutants or contaminants under CERCLA.

Petroleum products such as diesel and gasoline are typically excluded from CERCLA and are generally not considered to be "*hazardous substances*" under federal statute. State environmental statutes may, however, consider these materials hazardous substances. This chapter does not specifically deal with issues related to response to petroleum products.

7020 Authorities

7021 Federal Authorities

Federal authorities for response to a release of a hazardous substance, pollutant, or contaminant, including biological, chemical, and radiological warfare agent, are outlined in

CERCLA (42 United States Code §9604, CERCLA, commonly known as "Superfund") and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR Part 300, NCP). Federal On-Scene Coordinators (FOSCs) are the federal officials predesignated by the U.S. Environmental Protection Agency (EPA) and the U.S. Coast Guard (USCG) to coordinate response activities. The FOSC, either directly or through his or her staff, monitors, provides technical assistance, and/or directs federal and potentially responsible party (PRP) resources. As the state and local responders' gateway to the resources of the National Response System, it is the FOSC's responsibility to provide access to resources and technical assistance that may not otherwise be available to a community. Under the NCP, if federal involvement is necessary because state and local resources have been exceeded, the FOSC is obligated to coordinate the use of these resources to protect public health and the environment.

Like oil spills, federal response authority for hazardous substance spills is shared by EPA and USCG, with EPA maintaining jurisdiction in the Inland Zone and the USCG in the Coastal Zone. See Section 1180, "National Response System" for jurisdictional boundary details. EPA also has the lead for longer-term hazardous substance and pollutant or contaminant cleanups in the Coastal Zone. Responsibility for radiological responses is more complex and is dependent on the source of the release. Roles and responsibilities are outlined in the Nuclear/Radiological Incident Annex to the National Response Framework.

7022 Washington State Authorities

The Washington State Department of Ecology (Ecology) Spills Program responds to releases of oil, hazardous substances, and illegal drug manufacturing facilities under the following authorities:

Table 7000-1: Washington State Authorities for Specific Incident Types

Responsibility or Authority	Law or Act	RCW/WAC	Lead Agency
Spills of polluting matter to water	Water Pollution Control Act	RCW 90.48	Ecology
Spills of oil or hazardous substances to water	Oil and Hazardous Substances Spill	RCW 90.56	Ecology

Responsibility or Authority	Law or Act	RCW/WAC	Lead Agency
	Prevention and Response Act		
Hazardous/Dangerous Waste Management	Hazard Waste Management Act	RCW 70.105 WAC 173-303	Ecology
Hazardous Waste Cleanup	Model Toxics Control Act	RCW 70.105D WAC 173-340	Ecology
Spillers Responsibility for Cleanup	Special Rights of Action and Immunities	RCW 4.24.314	Ecology/WSP
Illegal drug chemical precursors, equipment, and waste generated	Uniform Controlled Substances Act	RCW 69.50.511	Ecology
Designation of the IC Agency	Hazardous Material Incidents	RCW 70.136.030	WSP
Responsibility for Illegal Drug Laboratory Cleanup	Uniformed Controlled Substance Act	RCW 69.50.511	Ecology
Property Contaminated by the Manufacture of Illegal Drugs	Contaminated Properties	RCW 64.44	WA DOH
Radiation Protection Standards	Nuclear Energy and Radiation	RCW 70.98 WAC 246-221	WA DOH
Radiation Protection – Workers Rights	Nuclear Energy and Radiation	RCW 70.98 WAC 246-222	WA DOH
Packaging and Transportation of Radioactive Material	Nuclear Energy and Radiation	RCW 70.98 WAC 246-231	WA DOH
Radiation Waste Disposal	Nuclear Energy and Radiation	RCW 70.98 WAC 246-250	WA DOH
Regulation of all Potential and Actual Radioactive Air Emissions	Nuclear Energy and Radiation	RCW 70.94 WAC 246-247	WA DOH

Key:
WA DOH = Washington State Department of Health
Ecology = Washington State Department of Ecology
RCW = Revised Code of Washington
WAC = Washington Administrative Code
WSP = Washington State Patrol

7023 Oregon State Authorities

The State of Oregon shares the primary responsibility for response to hazardous materials releases between the Department of Environmental Quality's (ODEQ) Emergency Response Program and the OSFM. ODEQ shares the responsibility for protection of public health with the Oregon Health Authority (OHA).

ODEQ's Emergency Response Program and partnering agencies assist in the development of the NWRCP. The NWRCP has been adopted as the State of Oregon's plan for response to hazardous materials releases, as an appendix to the State of Oregon Comprehensive Emergency Response Plan. ODEQ's Emergency Response Program also participates in the Sector Columbia River (SCR) and Northwest Inland Area Committees as vice-chair, county/regional Local Emergency Planning Committees (LEPCs) and various watershed-based response planning organizations in Oregon.

Table 7000-2: Oregon Authorities for Specific Incident Types

Responsibility or Authority	Law or Act	ORS/OAR	Lead Agency
Oil Spill Planning and Response (Oil Spill Contingency Planning & Fees)	Oil or Hazardous Materials Spillage	ORS Chapter 468B.300 to 468B.500 /340 Division 141	ODEQ
Oil Spill Planning and Response (Oil and Hazardous Materials Emergency Response Requirements)	Oil or Hazardous Materials Spillage	ORS Chapter 468B.300 to 468B.500 /340 Division 142	ODEQ
Hazardous Substance Removal or Remedial Action	Hazardous Waste and Hazardous Materials	ORS Chapter 465.200 to 465.545/ 340 Division 122	ODEQ
Isolating Contaminated Property	Public Health Measures	ORS 433.142, 433.220	OPHD
Responding to a Public Health Emergency	Public Health Emergencies	ORS 433.441 to 433.466; OAR 333, Division 3	OHA

Responsibility or Authority	Law or Act	ORS/OAR	Lead Agency
Authority to Enforce Public Health Laws (covers all applicable areas)	Public Health Measures	ORS 431.262	OHA
Drug Lab Cleanup	Cleanup of Toxic Contamination from Illegal Drug Manufacturing	ORS 453.855 to 453.395; OAR 333, Division 40	OHA
Hazardous Material Emergency Response System	Community Right to Know	ORS 453.374	OSFM
State Fire Marshal	Regional Hazardous Materials Response Team	ORS 453.380	OSFM
Public Health Director Public Health Director	Authority of the Public Health Director during a Public Health Emergency Temporary Restriction of Movement Emergency Health Care Services Emergency Health Care Centers; Emergency Operations Plan Public Health Emergency Plans	ORS 333-003-0020 ORS 333-003-0070 ORS 333-003-0100 ORS 333-003-0130 ORS 333-003-0200	OHA
Key: ODEQ = Oregon Department of Environmental Quality. OAR = Oregon Administrative Riles. OHA = Oregon Health Authority. OPHD = Oregon Public Health Division. ORS = Oregon Revised Statutes.			

7024 Idaho State Authorities

The Idaho Department of Environmental Quality (IDEQ) responds to the release of oil and hazardous substances under the following authorities:

Table 7000-3: Idaho Authorities for Specific Incident Types

Responsibility or Authority	Law or Act	IDAPA	Lead Agency
Spills of polluting matter to water	Water Quality Standards	58.01.02	IDEQ

Responsibility or Authority	Law or Act	IDAPA	Lead Agency
Spills of hazardous substances to water	Water Quality Standards	58.01.02.85	IDEQ
Spills of oil to water	Rules for Petroleum Release Corrective Action	58.01.24	IDEQ
Hazardous/dangerous waste management	Rules and Standards for Hazardous Waste	58.01.05	IDEQ
Non-Hazardous/dangerous waste management	Solid Waste Management Rules	58.01.06	IDEQ
Hazardous waste cleanup	Rules and Standards for Hazardous Waste	58.01.05	IDEQ
Non-Hazardous waste cleanup	Solid Waste Management Rules	58.01.06	IDEQ
Pesticide cleanup	Pesticide Use Rules	02.03.03.850	ISDA
Spillers' responsibility for cleanup	Land Remediation Rules	58.01.18	IDEQ
Designation of the IC Agency	Emergency Response Commission Rules Hazardous Substance Response Rules	15.06.05	IOEM
Responsibility for illegal drug laboratory cleanup	Clandestine Drug Laboratory Cleanup	16.02.24.200	IDEQ
Property contaminated by the manufacture of illegal drugs	Cleanup Process	16.02.24.300	H&W

Key:
H&W = Health and Welfare.
IDAPA = Idaho Administrative Procedure Act.
IDEQ = Idaho Department of Environmental Quality.
IOEM = Idaho Office of Emergency Management.
ISDA – Idaho State Department of Agriculture.

TOOLS AND RESOURCES
Command: • 96 Hour Plan • Initial Hazmat Incident Objectives **Federal Agency Guidance:** • EPA IMH • USCG IMH **General:** • Response Partner Roles and Contacts

The complexity and jurisdictional characteristics of an incident will determine the level of involvement of federal, state, local, Tribal, RP, and other responders. It is expected that the UC participants will be determined based on each incident. Table 7000-4, below, outlines the state and federal lead agencies for specific incident types.

Note this chart only shows the agency with primary authority; it does not reflect the fact that multiple agencies typically coordinate on each incident.

Table 7000-4: Lead State and Federal Agencies for Specific Incident Types

	Oil	HazMat	Biological	Radiological	Disaster
Washington	Ecology	WSP or other designated local Agency (RCW 70.136)	Washington State Department of Health	WA DOH	Washington State Emergency Management Division
Oregon	ODEQ	OSFM	Oregon Department of Public Health	Oregon Department of Public Health	Oregon Office of Emergency Management
Idaho	IOEM	IOEM	IOEM	IOEM	IOEM
Federal	• EPA • USCG	• EPA • USCG	EPA	• EPA • USCG • DOE • DOD • United States Nuclear	• FEMA

	Oil	HazMat	Biological	Radiological	Disaster
				Regulatory Commission • NASA	

Key:
DOD = United States Department of Defense
DOE = United States Department of Energy
DOH = Washington State Department of Health
EPA = United States Environmental Protection Agency
FEMA = Federal Emergency Management Agency
IOEM = Idaho Office of Emergency Management
NASA = National Aeronautics and Space Administration
ODEQ = Oregon Department of Environmental Quality
OSFM = Oregon Department of the State Fire Marshal
USCG = United States Coast Guard
WSP = Washington State Patrol

The USCG and EPA have developed an All-Hazards Incident Management Handbook (IMH) that provides some guidance as to organizational set-up and roles/responsibilities for hazardous substances and mass-casualty incidents.

7040 Criminal Incident Management

It may be unclear at the onset of a response whether the cause was accidental or criminal. Local responders will be the first to arrive on scene to assess the situation and possibly take initial response measures to contain or stop the release. In instances where criminal activity is suspected, coordination is required between law enforcement, who view the incident as a crime scene, and other first responders, who view the incident as a hazardous substances problem or a disaster site. Although protection of life remains paramount, the protection and processing of the crime scene is imperative so perpetrators can be identified and apprehended.

Since September 11, 2001, much attention has been given to terrorist incidents. A nuclear, biological, or chemical WMD-type terrorist incident is inherently a hazardous substances incident with a criminal investigation component. As such, it should be responded to under the National Response System and potentially the NRF. The Terrorism Incident Law Enforcement and Investigation Annex to the NRF also provides guidance on response to criminal incidents with significant impacts. A terrorist incident will always be treated as a federal crime scene, thus giving the Federal Bureau of Investigation (FBI) and local/state law enforcement agencies the initial lead in each response. It is important to be aware that the FBI and the U.S. Department of Homeland Security (DHS) can activate federal resources to assist in the response activities not only for the criminal investigation but for Incident Command (IC) support to provide information on critical infrastructure, cascading impacts, Geographic Information System products, and access to the Cybersecurity and Infrastructure Security Agency Gateway systems.

The Unified Command responding to an incident involving terrorism must be acutely aware of the unique nature of the federal government's response mechanism for these types of incidents. Homeland Security Presidential Directive 5 gave the DHS the lead federal role for coordinating federal support to a state and local response; however, nothing in the NRF changes the legal authorities or responsibilities outlined in other federal, state, or local laws and regulations. Members of the Unified Command may find themselves working with or for DHS, the FBI, Federal Emergency Management Agency (FEMA), or a number of other federal agencies under the NRF.

Terrorism Credible Threat Determination

If a responder suspects terrorism, the FBI and local/state law enforcement must be notified as soon as possible. Given available evidence, statements, scenario, and intelligence, the FBI and other law enforcement agencies will determine whether the incident is credible. The FOSC may be approached by the law enforcement agencies (FBI or local/state law enforcement agencies) to assist in obtaining initial investigative samples to confirm their

"credible threat" determination if local sampling resources are not identified or available.

The FOSC should share all available and applicable information, with the law enforcement agencies' assistance, in making these determinations.

7050 Notification Requirements

7051 Federal

For federal notification phone numbers, see the "Required Notifications by Spiller" at the beginning of this plan.

Releases of CERCLA-regulated hazardous substances in quantities equal to or greater than their reportable quantity are subject to reporting to the NRC (800-424-8802) under CERCLA (40 CFR Part 300.125(c). Such releases are also subject to state and local reporting under Section 304 of SARA, Title III (Emergency Planning and Community Right to Know Act [EPCRA]). CERCLA-regulated hazardous substances, and their reportable quantities, are listed in 40 CFR Part 302, Table 302.4. CERCLA- and EPCRA-reportable quantities may also be found in EPA's List of Lists. Radionuclides listed under CERCLA are provided in a separate list, with Reportable Quantities in Curies.

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

7052 Washington

For Washington phone numbers, see the "Required Notifications by Spiller" at the beginning of this plan. Notification requirements for spills in Washington State are as follows.

- For spills or discharges of oil or hazardous substances to surface or groundwater, any person who is responsible for a spill or non-permitted discharge must immediately

notify the Washington State Emergency Management Division (WEMD) and the NRC (RCW 90.56.280).

- Releases of dangerous waste or hazardous substances to water, ground, or air that threaten human health or the environment must be immediately reported to the Ecology regional office (WAC 173-303-145).

- Spills of oil or hazardous substances to the ground that create a human health or environmental threat must also be reported to Ecology, in writing, within 90 days of discovery (WAC 173-340-300).

- Leaking underground storage tanks must be reported to Ecology within 24 hours of discovery (WAC 173-340-450).

Additionally, for spills of oil, hazardous substances, and dangerous waste that threaten human health and the environment, immediate notification is required to all local authorities in accordance with the local emergency plan.

For spills or discharges that result in emissions to the air, notify all local authorities in accordance with the local emergency plan. Notification is also required to the local Clean Air Agency, where one exists, and the Ecology Regional Office.

Performing federal notifications does not satisfy Washington State notification requirements. Notification of federal and state agencies does not guarantee notification of local responders. Notify local authorities in accordance with the local emergency plan.

If radioactive materials are involved in any type of release, the Washington State Department of Health, Office of Radiation Protection should be notified at 206-NUCLEAR - (206) 682-5327.

7053 Oregon

See the “Required Notifications by Spiller” at the beginning of this plan for notification

numbers and Section 1013 for Oregon notification phone numbers. The Oregon Emergency Response System (OERS), ORS 66.635 requires any person owning or having control over oil or hazardous material and who has knowledge of a spill or release to immediately notify ODEM through OERS, as soon as that person knows the spill or release is a reportable quantity. ORSs 824.088 requires that railroads notify ODEM of any derailment or fire involving or affecting hazardous materials. Recently written OAR 741-510-0045 requires railroads to report to OERS any release of hazardous material during transportation, not just from a derailment or fire. OARs 345-60-030 requires similar notification for radioactive material incidents. Section 304, Title III of SARA requires facilities to notify the LEPC and the State Emergency Response Commission (SERC) if there is a release of a listed hazardous substance that exceeds the reportable quantity for that substance.

OERS provides 24-hour service through the Department of Emergency Management.

7054 Idaho

For Idaho notification phone numbers, see the "Required Notifications by Spiller" at the beginning of this plan. If hazardous materials are released in amounts that may pose a threat to persons, animals, property, or the environment—or if the release exceeds the Reportable Quantity (as defined in state or federal statute)—the RP must contact the Idaho State Communications Center. Spillers must also contact the local emergency response agency (commonly accessed through 911). While all state agency reporting requirements are met by calling the State Communications Center, a spiller is not relieved of notifying the NRC or other reporting requirements by calling the Idaho State Communications Center. Spillers, however, may seek advice on reporting requirements through the Idaho State Communications Center.

The Idaho Hazardous Materials/WMD Incident Command and Response Support Plan is initiated through notification of the State Communications Center. This center will contact cognizant local, state, and federal agencies. Unless the spill requires no further actions, a conference call among pre-identified agencies will occur within 15 minutes of the initial call

to the center. This conference call will be used to coordinate further response activities and to begin the transition from emergency to remediation.

7060 Public Information

TOOLS AND RESOURCES
Command: • Joint Information Center Manual

For development and dispersal of public information, follow the protocols laid out in the Joint Information Center Manual, Annex A.

7070 Health and Safety

TOOLS AND RESOURCES
Hazardous Substances: • CAMEO • Chemtrec • Emergency Response Guidebook • EPA List of Lists • EPA Radiological Emergency Response Plan • Hazard Assessment Worksheet • Response for Chemical Spills

To promote health and safety, follow the Occupational Safety and Health Administration's (OSHA) Hazardous waste operations and emergency response requirements of 29 CFR 1910.120. For hazardous substance specific information, see the Tools and Resources "Hazardous Substances" section for information specific to health and safety during hazardous substances incidents.

7080 Liaison

TOOLS AND RESOURCES
Command: • Liaison Manual

The following is a list of potential stakeholders who may be involved, in addition to the agencies who are typically involved in an oil spill.

- Local/state hazardous material and health departments;
- Local/state emergency management agencies;
- Bomb squads or DOD Explosive Ordinance Detachments;
- U.S. Department of Health and Human Services (DHHS), Center for Disease Control (CDC), or Agency for Toxic Substances and Disease Registry (ATSDR);
- U.S. Nuclear Regulatory Commission or DOE;
- United States Department of Agriculture (USDA);
- National Guard Civil Support Teams;
- USCG National Strike Force;
- Private sector cleanup contractors;
- Laboratories/transportable laboratories; and/or
- Other stakeholders identified in this plan or other local plans.