

NW Regional Contingency Plan Title Page Placeholder

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Promulgation Letter Placeholder

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REQUIRED NOTIFICATIONS BY SPILLER

All spills of oil or hazardous substances into navigable waters, as defined by the Clean Water Act (CWA), and all spills of a reportable quantity of hazardous substances (40 CFR Part 302) must be immediately reported by the spiller to the National Response Center (NRC). The NRC will contact appropriate local U.S. Coast Guard (USCG) or U.S. Environmental Protection Agency (EPA) offices. Notifying state offices does not relieve the spiller from federal requirements to notify the NRC nor vice versa.

**National Response Center (NRC)
1-800-424-8802**

All spills of oil or hazardous substances into Washington State waters must be immediately reported to 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 Washington State Emergency Management Division
24-hour Emergency Spill Response
1-800-258-5990
1-800-OILS-911**

Or

**Washington State Department of Ecology Region Offices
Northwest Office, Shoreline: 1-206-594-0000
Southwest Office, Olympia: 1-360-407-6300
Central Office, Union Gap: 1-509-575-2490
Eastern Office, Spokane: 1-509-329-3400**

All spills of a reportable quantity of oil or hazardous substances in Oregon must be reported by the spiller to:

**The Oregon Emergency Response System (OERS)
24-hour Emergency Spill Response
1-800-452-0311 or 1-800-OILS-911 (in Oregon)**

The party responsible for a spill of oil or hazardous substances in Idaho State is required by Idaho State law to notify the following:

**Idaho Office of Emergency Management (IOEM)/
Idaho Emergency Medical Services (EMS)
24-hour Emergency Notification
1-800-632-8000 or 911 (in Idaho)**

For spills and Marine Casualties (defined by 46 CFR 4.03) in coastal navigable waters of Puget Sound, Strait of Juan de Fuca, and the Washington Coast north of the Queets River contact:

**Sector Puget Sound
1-206-217-6001**

For spills and Marine Casualties (defined by 46 CFR 4.03) occurring in coastal navigable waters of the Columbia River, the Oregon Coast, and the Washington Coast south of the Queets River, contact:

**Sector Columbia River
1-833-769-8724**

For spills occurring in inland waters of Washington, Oregon, and Idaho, contact:

**U.S. Environmental Protection Agency, Seattle
1-206-553-1263**

Spills into waters shared by two states must be reported to both states.

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Acronyms and Abbreviations

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Glossary of Terms

Area Committee, as provided for by Clean Water Act (CWA) Sections 311(a)(18) and (j)(4), is the entity appointed by the president that consists of qualified personnel from federal, state, and local agencies with responsibilities that include preparing an Area Contingency Plan (ACP) for an area designated by the president.

Area Contingency Plan, as provided for by CWA Sections 311(a)(19) and (j)(4), is the plan prepared by an Area Committee to be implemented in conjunction with the National Contingency Plan (NCP) and Regional Contingency Plan (RCP), in part to address removal of a worst-case discharge (WCD) and to mitigate or prevent a substantial threat of such a discharge from a vessel, offshore facility, or onshore facility operating in or near an area designated by the president.

Average Most Probable Discharge is a discharge of 1 percent of the volume of the WCD.

Bioremediation agents are microbiological cultures, enzyme additives, or nutrient additives that are deliberately introduced into an oil discharge to significantly increase the rate of biodegradation to mitigate the effects of the discharge.

Captain of the Port (COTP) is the U.S. Coast Guard (USCG) Sector Commander designated to serve as the COTP and the Federal On-Scene Coordinator (FOSC) for the sector's area of responsibility under the NCP. The COTP is responsible for administering and directing all USCG activities relating to Port Safety and Security, Marine Environmental Response, and Waterway Management functions.

CERCLA is the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA).

Claim for purposes of a release under CERCLA means a demand in writing for a sum certain; for purposes of a discharge under the CWA, it means a request, made in writing for a sum certain, for compensation for damages or removal costs resulting from an incident.

Commander, USCG Sector Columbia River (SCR) is designated as the COTP and FOSC for

the sector's area of responsibility under the NCP.

Commander, USCG Sector Puget Sound (SPS) is designated as the COTP and FOSC for the sector's area of responsibility under the NCP.

Commander, USCG Northwest District is the USCG District Commander (Admiral) who exercises operational and administrative control over all USCG units assigned to the district (with few exceptions) and acts as a direct representative of the Commandant.

Consist means the list of what each rail car is carrying. The engineer has this document.

Dispersants are chemical agents that emulsify, disperse, or solubilize oil into the water column or promote the surface spreading of oil slicks to facilitate the dispersal of the oil into the water column.

Federal On-Scene Coordinator is the federal official predesignated by the United States Environmental Protection Agency (EPA) or the USCG to coordinate and direct responses under Subpart D of the NCP, or the government official designated by the lead agency to coordinate and direct removal actions under Subpart E of the NCP. This person represents the federal government in Unified Command.

Federally-recognized Tribe (Indian Tribe), heretofore referred to as *Tribe*, as defined by Section 101(36) of CERCLA, means any Tribe, band, nation, or other organized group or community including any Alaska Native village but not including any Alaska Native regional or village corporation, which is recognized as eligible for the special programs and services provided by the United States (U.S.) to Indians because of their status as Indians. "Indian tribe," as defined by Oil Pollution Act of 1990 Section 1001, means any Tribe, band, nation, or other organized group or community, but not including any Alaska Native regional or village corporation, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians and has governmental authority over lands belonging to or controlled by the Tribe.

First Federal Official is the first federal representative of a participating agency of the National Response Team (NRT) to arrive at the scene of a discharge or a release. This

official coordinates activities under the NCP and may initiate, in consultation with the On-Scene Coordinator (OSC), any necessary actions until the arrival of the predestinated OSC. A state with primary jurisdiction over a site covered by a cooperative agreement will act in the stead of the first federal official for any incident at the site.

Fund or Trust Fund means the Hazardous Substance Superfund established by Section 9507 of the Internal Revenue Code of 1986.

Incident Commander (IC) is the person who is directly responsible for coordinating and directing a comprehensive response to an emergency situation, and is designated by the responsible party (RP) or Lead Agency.

Joint Harbor Operations Center Command Duty Officer directs operational responses at the direction of the SPS Commander, holds the ultimate responsibility for all operational decisions delegated to the watch, and determines which partners must be informed regarding a particular incident or operation.

Lead Agency means the agency that provides the OSC/Remedial Project Manager (RPM) to plan and implement response actions under the NCP. EPA, the USCG, another federal agency, or a state (or political subdivision of a state) operating pursuant to a contract or cooperative agreement executed pursuant to Section 104(d)(1) of CERCLA, or designated pursuant to a Superfund Memorandum of Agreement entered into pursuant to Subpart F of the NCP or other agreements may be the lead agency for a response action. In the case of a release of a hazardous substance, pollutant, or contaminant, where the release is on, or the sole source of the release is from, any facility or vessel under the jurisdiction, custody, or control of the Department of Defense (DOD) or Department of Energy (DOE), then DOD or DOE will be the lead agency. Where the release is on, or the sole source of the release is from, any facility or vessel under the jurisdiction, custody, or control of a federal agency other than EPA, the USCG, DOD, or DOE, then that agency will be the lead agency for remedial actions and removal actions other than emergencies. The federal agency maintains its lead agency responsibilities whether the remedy is selected by the federal agency for non-National Priority List (NPL) sites or by EPA and the federal agency or by EPA

alone under CERCLA Section 120. The lead agency will consult with the support agency, if one exists, throughout the response process.

Local On Scene Coordinator (LOSC) is the designated Community Emergency Coordinator under the Local Emergency Response Plan (LERP) or by other local emergency guidance references. Where no LERP exists, the police, fire chief, or other emergency services official will generally serve as the LOSC.

Higher Volume Port Areas include the Strait of Juan de Fuca at Port Angeles, Washington (including any water area within 50 nautical miles seaward); Puget Sound to the Strait of Juan de Fuca at Cape Flattery, Washington (including any water area within 50 nautical miles seaward); and Puget Sound.

Management of Migration are actions taken to minimize and mitigate the migration of hazardous substances or pollutants or contaminants and the effects of such migration. Measures may include, but are not limited to, management of a plume of contamination, restoration of a drinking water aquifer, or restoration of surface water.

Manifest Train is a train in which each car does not carry the same commodity.

Marine Firefighting Coordinator is the officer at SPS responsible to the COTP, for overall supervision of the USCG marine firefighting support operations and execution of this plan.

Marine Inspector is the officer at the respective USCG Sector responsible for on-scene execution of COTP marine firefighting support responsibilities.

Maximum Most Probable Discharge is a discharge of the lesser of 1,200 barrels or 10 percent of the volume of a WCD.

National Pollution Funds Center is the entity established by the Secretary of Transportation whose function is the administration of the Oil Spill Liability Trust Fund (OSLTF). The center's duties include providing appropriate access to the OSLTF for federal agencies and states for removal actions and for federal trustees to initiate the assessment of natural resource damages; providing appropriate access to the OSLTF for claims; and coordinating cost recovery efforts.

National Strike Force Coordination Center is defined by CWA Sections 311(a)(23) and (j)(2), as amended by OPA, and refers to the entity established by the secretary of the department in which the USCG is operating at Elizabeth City, North Carolina. Its responsibilities include providing a variety of technical assistance and other resources to a FOSC, and administration of the USCG Strike Teams established under the NCP.

Natural Resources are land, fish, wildlife, biota, air, water, groundwater, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the exclusive economic zone (EEZ) defined by the Magnuson Fishery Conservation and Management Act of 1976), any state or local government, any foreign government, any Tribe, or, if such resources are subject to a trust restriction on alienation, any member of a Tribe.

Navigable Waters are Waters of the United States (WOTUS) subject to jurisdiction under the CWA, excluding prior converted cropland. Although other federal agencies may determine whether an area qualifies as prior converted cropland, EPA retains final authority for determining CWA jurisdiction, as defined in 40 CFR §230.3.

Non-floating oils refer to heavy oils and Group V oils that exhibit qualities that could, due to the oil characteristics, weathering, environmental factors, or how they are discharged, potentially submerge or sink. Examples of these types of oils include, but are not limited to, Diluted Bitumen (dilbit), Group V Residual Fuel Oils (GPVRFO), Low API Oil (LAPIO), Asphalt, and Asphalt Products.

Non-persistent or Group 1 Oil means a petroleum-based oil that, at the time of shipment, consists of hydrocarbon fractions.

(1) At least 50 percent of which by volume, distill at a temperature of 340 degrees Celsius (645 degrees Fahrenheit); and

(2) At least 95 percent of which by volume, distill at a temperature of 370 degrees Celsius (700 degrees Fahrenheit).

Offshore Facility as defined by Section 101(17) of CERCLA and Section 311(a)(11) of the

CWA, means any facility of any kind located in, on, or under any of the navigable waters of the United States, and any facility of any kind that is subject to the jurisdiction of the United States and is located in, on, or under any other waters, other than a vessel or a public vessel.

Oil as defined by Section 311(a)(1) of the CWA, means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil, as defined by Section 1001 of OPA means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, but does not include petroleum, including crude oil or any fraction thereof, that is specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of Section 101(14) of CERCLA and that is subject to the provisions of that act.

Oil Spill Liability Trust Fund is the fund established under Section 9509 of the Internal Revenue Code of 1986 (26 United States Code 9509).

The On-Scene Commander is a designation per the National Search and Rescue (SAR) Plan who directs the SAR mission on-scene and has operational control of all SAR response units on scene. This is not to be confused with the National Incident Management System (NIMS) definition for “Incident Commander,” who is the person responsible for all aspects of an emergency response, including quickly developing incident objectives, managing all incident operations, applying resources, and having responsibility for all persons involved.

Primary Resource Provider is listed in the vessel response plan (VRP) as the principal entity contracted for providing specific salvage and/or marine firefighting services and resources, when multiple resource providers are listed for that service, for each of the COTP zones in which a vessel operates. The primary resource provider will be the point of contact for the plan holder, the FOSC, and the Unified Command (UC) in matters related to specific resources and services, as required in 33 CFR § 155.4030(a).

Puget Sound Vessel Traffic Service is a Branch of the Waterway Management Division of SPS. Its mission is to prevent groundings, collisions, and environmental damage while supporting navigation safety mission goals.

Onshore Facility means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under any land within the United States other than submerged land.

Persistent Oil means a petroleum-based oil that does not meet the distillation criteria for a non-persistent oil. For the purposes of this subpart, persistent oils are further classified based on specific gravity as follows:

- (1) Group II - specific gravity of less than .85.
- (2) Group III - specific gravity equal to or greater than .85 and less than .95.
- (3) Group IV - specific gravity equal to or greater than .95 and less than or equal to 1.0.
- (4) Group V - specific gravity greater than 1.0.

Preliminary Assessment under CERCLA means a review of existing information and an off-site reconnaissance, if appropriate, to determine if a release may require additional investigation or action. A Preliminary Assessment may include an on-site reconnaissance, if appropriate.

Primary Dispersant Staging Site means a site designated within a COTP Zone that has been identified as a forward staging area for dispersant application platforms and the loading of dispersant stockpiles. Primary staging sites are typically the planned locations where platforms load or reload dispersants before departing for application at the site of the discharge and may not be the locations where dispersant stockpiles are stored or application platforms are home-based.

Radiation Emergency Response Team is a group composed of individuals who will respond to any radioactive materials incident.

Rail Car Owners are the car owners who are responsible for keeping the tank car in compliance with the Hazardous Materials Regulations (inspections/repairs etc.). Railcar owners often lease the cars to the shipper for use.

Rail Commodity Owner is the owner of the product being shipped by rail. In Washington State, the owner of the oil being shipped is responsible for responding to incidents involving that oil and may be the shipper, consignee, or beneficial owner. The shipper would be contacted through the submitted emergency response contact listed on the shipping papers. It would be the shipper's responsibility to contact the owner of the oil. If using Chemtrec or another service provider, the papers must identify the person (by name or contract number) who has a contractual agreement with the service provider (49 CFR 172.201 (d)).

Rail Consignee is the company receiving the rail shipment at the destination.

Rail Shipper is the party that certifies and offers the hazardous material package for transportation. The hazardous material must be properly classified and packaged by the shipper. The shipper will then submit shipping instructions and hazardous material information to the transporter (carrier). The shippers are also required to provide and maintain emergency response information.

Rail Trackage Agreements means a type of agreement that allows carriers to operate on lines owned by other companies. Regardless of whose trains are operating on the line, the track owner is responsible for the Emergency Response phase of the incident. Once the emergency is over, cleanup or other monitoring work may be transferred to the transporter. Where trackage rights do not exist, the shipment continues to destination after transferring the material at an "Interchange Point." At this "Interchange Point" the responsibility shifts to the new line owner.

Rail Transporter (carrier) is the company required by federal law to transport from origin to destination hazardous materials that meet the U.S. Department of Transportation (DOT) requirements and as certified by the "shipper." Carriers are responsible for materials that

are in transport on their system. Carriers usually operate on their own lines but often have trackage agreements in areas where they don't own the lines.

Regional Hazardous Materials Response Team means a team of local emergency responders who are trained, equipped, and organized to respond to oil and hazardous materials incidents in a given geographic area.

Release, as defined by Section 101(22) of CERCLA, means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment. This includes the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance, pollutant, or contaminant. For purposes of the NCP, release also means the threat of release.

Release does not include:

- Exposure to persons solely within a workplace, with respect to a claim those persons may assert against the employer;
- Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine;
- Release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, if the release is subject to financial protection requirements established by the Nuclear Regulatory Commission under Section 170;
- For purposes of Section 104 of CERCLA or any other response action, release of source, byproduct, or special nuclear material from any processing site designated under Section 102(a)(1) or 302(a) of the Uranium Mill Tailings Radiation Control Act of 1978 (42 United States Code. 7901 et seq.); or
- The normal application of fertilizer.

Remove or Removal, as defined by Section 311(a)(8) of the CWA, refers to containment and removal of oil or hazardous substances from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to public health or welfare of the United States (including, but not limited to, fish, shellfish, wildlife, public and

private property, and shorelines and beaches) or to the environment. For the purpose of the NCP, the term also includes monitoring of action to remove a discharge. As defined by Section 101(23) of CERCLA, remove or removal means the cleanup or removal of released hazardous substances from the environment; actions necessary in the event of the threat of release of hazardous substances into the environment; actions necessary to monitor, assess, and evaluate a release or threat of release of hazardous substances; the disposal of removed material; and other actions necessary to prevent, minimize, or mitigate damage to public health or welfare of the United States or to the environment that may otherwise result from a release or threat of release. The term includes, but is not limited to, security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals not otherwise provided for, action taken under Section 104(b) of CERCLA, post-removal site control, where appropriate, and any emergency assistance that may be provided under the Disaster Relief Act of 1974. For the purpose of the NCP, the term also includes enforcement activities related thereto.

Resource Provider is an entity that provides personnel, equipment, supplies, and other capabilities necessary to perform salvage and/or firefighting services identified in the VRP.

Response Community is any person who has a role in spill response.

Responsible Party (RP) Incident Commander is the representative designated by the spiller to coordinate and direct the spillers' assets and actions. This person represents the spiller in UC. They do not use the title OSC, because that term is for those with regulatory authority for spill response.

Search and Rescue Mission Coordinator is a designation per the National SAR Plan. This person is responsible for planning and operational coordination and control of SAR missions. This position has overall responsibility for execution of SAR responsibilities normally designated by the Commander of the cognizant USCG Sector or USCG Northwest District.

Spill Management Team refers to the personnel identified to staff the organizational

structure identified in a response plan to manage response plan implementation.

State On-Scene Coordinator (SOSC) means the representative designated by the state to coordinate and direct state assets and authorities during an oil or hazardous substance response. This person represents the state in UC.

State means the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or possession over which the United States has jurisdiction. For purposes of the NCP, the term includes Indian tribes as defined in the NCP, except where specifically noted. Section 126 of CERCLA provides that the governing body of an Indian tribe shall be afforded substantially the same treatment as a state with respect to certain provisions of CERCLA. Section 300.515(b) of the NCP describes the requirements pertaining to Indian tribes that wish to be treated as states under CERCLA.

Sinking Agents are additives applied to oil discharges to sink floating pollutants below the water surface.

Site refers to the area covered by the extent of contamination and all suitable areas in very close proximity to the contamination necessary for the implementation of a response action.

State Emergency Response Commission is a group of officials appointed by governors to implement the provisions of Title III of SARA

Substantial Threat of a discharge means any incident or condition involving a facility that may create a risk of discharge of oil. Such incidents include, but are not limited to, storage tank or piping failures, aboveground or underground leaks, fires, explosions, flooding, spills contained within the facility, or other similar occurrences.

Superfund. See CERCLA.

Surface Collecting Agents are chemical agents that form a surface film to control the layer thickness of oil.

Surface Washing Agent is any product that removes oil from solid surfaces, such as bleaches and rocks, through a detergency mechanism and does not involve dispersing or solubilizing the oil into the water column.

Tank vessel as defined by Section 1001 of OPA is a vessel that is constructed or adapted to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue, and that:

- (1) is a vessel of the United States;
- (2) operates on the navigable waters; or
- (3) transfers oil or hazardous material in a place subject to the jurisdiction of the United States.

Tier is the combination of required resources and the times within which the resources must arrive on the scene.

Tribal On-Scene Coordinator (TOSC) is the person designated by the Tribe(s) whose areas of concern are impacted or threatened by the discharge/release.

Trustee is an official of a federal natural resources management agency designated in subpart G of the NCP or a designated state official or Tribe or, in the case of discharges covered by OPA, a foreign government official, who may pursue claims for damages under Section 107(f) of CERCLA or Section 1006 of OPA.

Unit Train is a train that is carrying a single commodity in all cars. For example, a unit train of crude oil would be one in which every car being transported by the engines is full of crude oil.

United States Coast Guard Group/Air Station means Group Commands are established to provide coordination and efficiency of achievement of the basic missions by all operating units in their geographical area.

United States Coast Guard Sector Columbia River is responsible for administering and directing all USCG activities relating to applicable navigation, shipping, transportation, and environmental laws and regulations within the COTP. In addition, the Sector Commander

provides coordination and efficiency in the achievement of the basic missions by all operating units in their geographical area.

United States Coast Guard Sector Puget Sound is responsible for administering and directing all USCG activities relating to applicable navigation, shipping, transportation, and environmental laws and regulations within the COTP Puget Sound. In addition, the Sector Commander provides coordination and efficiency in the achievement of the basic missions by all operating units in their geographic area. Sector Puget Sound was established in 2010 which merged SPS and United States Code (USC)/Air Station Port Angeles into one command.

Vessel, as defined by Section 101(28) of CERCLA, means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water; and, as defined by Section 311(a)(3) of the CWA, means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel.

Waterfront Facility means all piers, wharves, docks, and similar structures to which vessels may be secured; areas of land, water, or land and water under and in immediate proximity to them; buildings on such structures and equipment; and materials on or in such buildings.

Worst Case Discharge, as defined by Section 311(a)(24) of the CWA, means, in the case of a vessel, a discharge in adverse weather conditions of its entire cargo, and, in the case of an offshore or onshore facility, the largest foreseeable discharge in adverse weather conditions.

DRAFT

1000 INTRODUCTION

The response to oil and hazardous substance spills operates within a specialized regulatory framework that is deeply intertwined with public trust. Pursuant to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 Code of Federal Regulations [CFR] Part 300), the National Response Team (NRT) and 13 Regional Response Teams (RRTs) are responsible for national and regional planning and preparedness activities before a response action and support to the Federal On-Scene Coordinators (FOSCs) and State On-Scene Coordinator (SOSC) when activated during a response. RRT membership consists of designated representatives from key federal response and support agencies together with affected states.

National and regional planning and preparedness activities require a rapid, aggressive, and well-coordinated response from federal, Tribal, state, and local agencies, and responsible parties (RPs). Although different agencies have distinct planning processes, the various planning bodies and their plans work together to enhance response planning and execution for the Northwest Region.

In the Northwest Region (defined as the Coastal and Inland Zones of Idaho, Oregon, and Washington), the RRT has published this Regional Contingency Plan (NWRCP):

1. To provide for orderly and effective implementation of response actions to protect the people, natural resources, and property of the Coastal and Inland Zones of the Northwest Region, which includes the states of Washington, Oregon, and Idaho, from the impacts of a discharge or substantial threat of discharge of oil or a release or substantial threat of a release of a hazardous substance from inland and marine sources.
2. To promote the coordination of and describe the strategy for a unified and coordinated federal, state, Tribal, local, potentially responsible party (PRP), response contractor, response cooperative, and community response to a

discharge or substantial threat of a discharge of oil or a release or substantial threat of a release of a hazardous substance from inland and marine sources.

3. To be consistent with the NCP and to be adopted as the Regional Contingency Plan (RCP) for the Northwest Region.

4 To help inform and guide on Regional Response Team 10 (RRT10)-specific policies for the Coastal and Inland Area Contingency Plans (ACPs)

5. To provide guidance to all holders and viewers of the Facility Response Plan (FRP) and Vessel Response Plan (VRP) to ensure consistency with the NWRCP and ACPs.\

This plan is intended for use as a guideline for the coordination of spill response actions and to ensure consistency in response to spills. Federal and state rules require that a RP, or spiller, must be able to manage spills with a pre-designated response management organization that accommodates a Unified Command (UC) structure in recognition of federal, state, Tribal, or local jurisdiction.

If an oil or hazardous material spill happens in the context of a Presidentially Declared Disaster, the response may be conducted under the National Response Framework (NRF).

In the Northwest Region, the Area Committees are committed to:

- Timely notifications;
- A bias toward a rapid, aggressive, and well-coordinated response when discharges or incidents occur;
- Making decisions through an inclusive Unified Command (UC);
- Engaging in collaborative decision-making within the Regional Response Team 10 (RRT10);
- Ensuring coordinated planning processes across the region;
- Maintaining regionwide expertise regarding the Regional Contingency Plans (RCPs) and ACPs and serving as full participants in the planning process; and

- Ensuring organized transitions occur when key personnel turnover happens within the RRT10 and any of the Area Committee agencies.

1010 Authority

The Federal Water Pollution Control Act (FWPCA) (33 United States Code [USC] 1321 et seq.) and the Comprehensive Emergency Response Compensation and Liability Act of 1980 (CERCLA), or Superfund, address development of a National Planning and Response System.

The RRT and Area Committees are given the responsibility for working with the response community to plan for joint response efforts, including spill containment; mechanical recovery; use of dispersants; *in situ* burning; shoreline cleanup; protection of sensitive areas; and protection, rescue, and rehabilitation of fish and wildlife.

1011 Federal

As outlined in 40 CFR 300.115 of the NCP, the four major responsibilities of the RRT are Planning, Response, Training, and Coordination. §300.210 (b) of the NCP requires RRTs to develop an RCP to ensure that the roles and responsibilities of federal, state, local, Tribal, and other organizations at an incident are clearly defined in advance. This RCP also outlines when an incident-specific RRT should be activated, and the role of RRT10 in supporting the FOSC. RCPs also delineate the Inland and Coastal Zones upon which the U.S. Environmental Protection Agency (EPA) and the United States (U.S. Coast Guard (USCG) have agreed.

1012 Washington State

The Washington State Department of Ecology (Ecology) is required by law (Revised Code of Washington [RCW] 90.56.060) to prepare a statewide master oil and hazardous substance spill prevention and contingency plan. Ecology has adopted four contingency plans to meet this requirement; the NWRCP, Sector Puget Sound (SPS) ACP, Sector Columbia River (SCR) ACP, and Northwest Inland Area Contingency Plan (NWIACP). These plans guide the

activities of all state and local agencies when responding to spills or potential spills of oil or hazardous substances.

By statute (90.56.020), Ecology is the lead state agency for spill prevention, response, and cleanup. The Ecology Director serves as the head of the state's Incident Command System (ICS) in response to a spill of oil or hazardous substances and they coordinate the response efforts of all state agencies and local emergency response personnel. The Ecology SOSC also serves as the state's principal spokesperson in the IC as an advocate for all state interests. If an RP fails to respond in a manner deemed reasonably consistent with the NWRCP or applicable ACP, the FOSC or Ecology may assume full or partial control of the response in consultation with UC.

1013 Oregon State

Lead Agency

Oregon Revised Statute (ORS) 468.B establishes the primary authority of the Oregon Department of Environmental Quality (ODEQ)-appointed SOSC to compel cleanup of oil or hazardous material spills. Under ORS 468B.300(28)(a)] (29)(a) the "State On-Scene Coordinator" means the state official appointed by ODEQ to represent the department and the State of Oregon in response to an oil or hazardous material spill or release or threatened spill or release and to coordinate cleanup efforts with RPs; federal, state, and local agencies; and Oregon Tribes. ODEQ works in partnership with the Oregon Department of the State Fire Marshal (OSFM), the Oregon Department of Emergency Management (ODEM), the Oregon Health Authority (OHA), the Oregon Department of Fish and Wildlife, and others to represent Oregon's interests with a Unified Command response.

ODEQ is the lead state agency on the RRT and applicable Area Committees (SCR ACP and the NWIACP) and provides the lead for oil and hazardous substance spill prevention efforts, contingency planning, and cleanup oversight for spills affecting state air, water, or land resources.

Adoption of the NWRCP as the State of Oregon's Hazardous Materials Emergency Response Plan

The NWRCP has been adopted as the state's Oil and Hazardous Materials Response Plan in the State of Oregon Emergency Management Plan (Emergency Support Function [ESF] 10 – Oil and Hazardous Materials Response). The NWRCP replaces the Oil and Hazardous Materials Spill Contingency Plan for the Oregon Coast, Columbia River and Willamette River to Willamette Falls (Volume II), which is required under Oregon Revised Statutes (ORS) 468B.495-500 and 466.620. This plan also satisfies ORS 401, 453.347 (Hazardous Material Emergency Response System), and 466.605 to 469.680 (Spill Response and Cleanup of Hazardous Materials).

Cooperation with Other Governmental Entities

Beyond the responsibility to coordinate cleanup response with state and local agencies established in ORS 468.B 300(28)(a) above, ODEQ has additional commitments for coordinating with Tribal governments, state and federal partners, and the public. During a response, every attempt is made within a developing incident to identify those with responsibilities and/or interest in the protection of human health, environmental conditions, or resources that may be threatened by the release

1014 Idaho State

The Idaho Hazardous Materials/Weapons of Mass Destruction Incident Command and Response Support Plan, in conjunction with this plan and the NWIACP, supports the Idaho Emergency Operations Plan (IDEOP). These plans may be activated independent of the IDEOP. The primary purpose of these plans is to provide effective, coordinated emergency response support to local government by federal, state, and private agencies for incidents involving the release or potential release of oil and hazardous substances in Idaho. The Idaho Hazardous Materials/Weapons of Mass Destruction Incident Command and Response Support Plan defines the support role of specific state agencies. The NWRCP

focuses specifically on how federal and state agencies will work together during cleanup operations. These plans can be initiated at the request of local governments when their capabilities have been exceeded. Authority for implementation of the IDEOP and The Idaho Hazardous Materials/Weapons of Mass Destruction Incident Command and Response Support Plan is derived from Executive Order 96-01; the Idaho Environmental Protection and Health Act (Idaho Code §39-101 et seq.); the Hazardous Waste Management Act (Idaho Title 39 Chapter 44); the Idaho Hazardous Substance Emergency Response Act (Idaho Title 39, Chapter 71); and the Disaster Preparedness Act (Idaho Title 46, Chapter 10).

1015 Tribal Governments

Tribal governments are sovereign governments recognized under federal law that possess inherent governmental authority, subject to congressional limitations and applicable federal statutes. Tribal governments may exercise authority to protect the health, safety, welfare, natural resources, cultural resources, and trust and treaty-reserved rights of their members consistent with federal law.

Pursuant to CERCLA §126(a), the governing body of Tribes are afforded substantially the same treatment as states for response-related purposes, including notification of releases, consultation on remedial action, access to information, public health authorities, and roles and responsibilities under the NCP. Additionally, CERCLA §107(f)(1) and the Oil Pollution Act (OPA) §1006(c)(3) authorize Tribal governments to act as natural resource trustees for resources under their jurisdiction. This designation authorizes Tribes to assess damages, participate in restoration planning, and seek compensation from RPs. Further, the NCP requires the FOSC of a response to notify any natural resource trustee when any resources for which they are the trustee may be impacted by a release. These provisions authorize Tribal governments to play a critical role in protecting public health and the environment during hazardous substance releases and oil spill incidents.

However, there are often barriers to Tribes being able to carry out the roles they're authorized for. Federal and state partners have a trust responsibility to ensure Tribal rights

and resources are considered and protected. Trust responsibility, a well-established legal obligation, consists of the highest moral obligations that the United States (U.S.) must meet to ensure the protection of Tribal and individual lands, assets, resources, and treaty and similarly recognized rights.

Individual Tribes may develop their own Tribal Response Plans consistent with the ACPs and RCP. As sovereign nations, Tribes may have policies that further guide their participation in a response.

1020 Regional and Area Planning Structure and Process

1021 National Response Structure

The NCP (40 CFR 300) outlines a coordinated National Response System (NRS) that ensures oil and hazardous substance planning and response are effectively managed through its network of planning partners and plans. There are three general levels of planning and response embedded in the NRS- national (NRT), regional (RRT), and area (OSC). The NRS coordinates all government agencies with responsibility for human health and environmental protection in a focused response strategy for the immediate and effective cleanup of an oil or hazardous substance spill. It is a three-tiered federal response and preparedness system that supports the pre-designated FOSC and SOSC in coordinating national, regional, state, Tribal, and local government agencies, industry, and the RP during a response.

The NRS does not remove the primary responsibility of initiating and completing a proper response by the RP. The NRS is used for all spills. When appropriate, the NRS is designed to incorporate a UC and control support mechanism consisting of the FOSC, the SOSC, the RP's IC, and, when appropriate, Tribal and local representatives.

1022 National Response Team

The NRT consists of 16 federal agencies with responsibilities, interests, and expertise in various aspects of emergency response to pollution incidents. EPA serves as chair and the USCG as vice-chair of the NRT, except when activated for a specific incident, when the lead response agency representative serves as chair. The NRT is primarily a national planning,

policy, and coordination body and does not respond directly to incidents. The NRT provides policy guidance prior to an incident, as well as assistance during an incident as requested by an FOSC via an RRT. NRT assistance usually takes the form of technical advice, access to additional resources/equipment, or coordination with other RRTs.

1023 Regional Response Teams

There are 13 RRTs, one for each of the 10 federal regions and Alaska, the Caribbean, and the Pacific Basin. Each RRT has federal and state representation. EPA and the USCG co-chair the RRTs. RRTs are planning, policy, and coordinating bodies and may be activated during a major incident to assist the FOSC with resources. They also provide guidance, support, and approval for pursuing certain response strategies.

The role of an incident-specific RRT is determined by the operational requirements of the response. An incident-specific RRT may be activated when the response exceeds the capabilities of the area where it occurs, transects state boundaries, or may pose a substantial threat to public health or welfare or the environment. An incident-specific RRT may also be activated upon request by the FOSC or any RRT representative. Generally, the RRT may be used to assist the FOSC in obtaining additional federal resources. If the assistance requested by an FOSC exceeds an RRT's capability, the RRT may request assistance from the NRT. During an incident, the RRT may either be convened or alerted by telephone or email. Activation procedures for RRT10 may be found in "Incident Specific RRT Activation" on the RRT10/NWAC website. The incident-specific RRT may also monitor and evaluate reports from the FOSC, advise the FOSC on the duration and extent of the response, recommend specific actions related to the response, assist the FOSC in preparing information for the public, and, if necessary, recommend the appointment of a different FOSC for the response.

For situations not addressed by pre-authorization plans, the EPA RRT representative may authorize the use of products listed on the NCP Product Schedule or burning agents. As appropriate, this authorization should be given with the concurrence of the affected

state(s) and in consultation with the U.S. Department of the Interior (DOI) and the U.S. Department of Commerce (DOC). It should be noted that the FOSC may authorize the use of an NCP Product Schedule substance without the concurrence of the EPA RRT representative when the use of the product is necessary to prevent or substantially reduce a hazard to human life.

Figure 1 illustrates the relationship of the RCP to other plans, as outlined in the NCP.

1024 Standing and Incident-Specific Regional Response Teams

The NCP (40 CFR Part 300) states that regional planning and coordination for preparedness and response actions shall be accomplished through the RRT, which has two components: a standing RRT and an incident-specific RRT. The standing RRT is co-chaired by EPA and USCG Northwest District. The standing RRT, co-chaired by EPA and the USCG Northwest District, addresses regionwide communication systems and procedures, planning, coordination, training, evaluation, preparedness, and related matters. In the Northwest Region, these activities are conducted concurrently with the Area Committees.

Subpart J (40 CFR §300.900; Use of Dispersants and Other Chemicals) outlines specific roles and responsibilities of the RRT, Area Committees, or certain RRT representatives, regarding specific response technologies. Under 40 CFR §300.910, the RRT and Area Committees shall address through the planning process the appropriate use of dispersants, surface washing agents, surface collecting agents, bioremediation agents, other miscellaneous oil spill control agents listed on the NCP Product Schedule, and burning agents. They may also develop pre-authorization or expedited approval plans for those substances. The NCP also states that the EPA RRT representative, the affected state(s), DOI, and DOC must approve all pre-authorization plans. For situations not addressed by pre-authorization plans, the EPA RRT representative may authorize the use of products listed on the NCP Product Schedule or burning agents, as appropriate, with the concurrence of the affected state(s) and in consultation with DOI and DOC. However, the

FOSC may authorize use of an NCP Product Schedule substance without that concurrence when necessary to prevent or substantially reduce a hazard to human life.

When activated for a response, the incident-specific RRT is chaired by the member agency providing the OSC/RPM in accordance with 40 CFR §300.115(c). Participation by member agencies depends on the technical nature of the incident and its geographic location.

When the RRT is activated, state government representatives and Tribes have the same status as any federal members of the RRT. The incident-specific RRT may be deactivated when the RRT chair determines that the FOSC no longer requires RRT assistance. See “Incident Specific Regional Response Team Activation,” for activation procedures.

1030 Regional Response Teams (RRTs)

There are 13 RRTs, one for each of the 10 federal regions, plus Alaska, the Caribbean, and the Pacific Basin. Each RRT has federal and state representation and is co-chaired by EPA and the USCG. RRTs function as planning, policy, and coordinating bodies and may be activated during major incidents to assist the FOSC with resources, guidance, and approval of certain response strategies. The NCP, 40 CFR Part 300 establishes two components of the RRT:

- **Standing RRT** – Handles regionwide planning, coordination, training, preparedness, and evaluation of communication systems and procedures. In the Northwest Region, these activities are conducted in coordination with Area Committees.
- **Incident-Specific RRT** – Activated when a response exceeds local capabilities, crosses state boundaries, or poses substantial threats to public health, welfare, or the environment. Activation may occur at the request of the FOSC or any RRT representative. During a response, the RRT may be convened or alerted by telephone or email. Procedures for RRT10 activation are outlined in the “Incident Specific RRT Activation” tool.

When activated for response actions, the chair is the member agency providing the FOSC/RPM, per 40 CFR §300.115(c). Participation by member agencies depends on the technical nature and location of the incident; state governments and Tribes have the same status as federal members. An incident-specific RRT can be deactivated when the RRT chair determines that the FOSC no longer requires assistance.

Incident-specific RRT responsibilities may include:

- Assisting the FOSC in obtaining federal resources or requesting support from the NRT if additional capacity is needed;
- Monitoring and evaluating FOSC reports, advising on the extent and duration of the response, recommending response actions, and supporting public information efforts; and
- If necessary, recommending the appointment of a different FOSC.

1040 Use of Dispersants and Other Chemicals

Under Subpart J (40 CFR §300.900–910), RRTs and Area Committees must address through the planning process the appropriate use of dispersants, surface washing agents, surface collecting agents, and bioremediation agents listed on the NCP Product Schedule and the appropriate use of burning agents. They may also develop pre-authorization or expedited approval plans for their use. All such pre-authorization plans require approval from the EPA RRT representative, the affected state(s), DOI, and DOC.

For situations not addressed by pre-authorization plans, the EPA RRT representative may authorize use of NCP Product Schedule substances or burning agents, with concurrence from the affected state(s) and consultation with DOI and DOC. However, an FOSC may independently authorize use of such products without EPA concurrence if necessary to prevent or substantially reduce a hazard to human life. Figure 1 illustrates the relationship of the RCP to other plans, as outlined in the NCP.

1050 Coordinated Planning

The RRT10 and the Northwest Area Committees (NWACs) provide a coordinated framework for oil and hazardous substance planning and response in Washington, Oregon, and Idaho. This structure includes two coastal Area Committees, one inland Area Committee, and the RRT10. Membership consists of federal, Tribal, and state representatives with jurisdiction over preparedness and response activities.

Key planning documents for the region include the NCP, the NWRCP, SPS ACP, SCR ACP, and NWIACP.

Each ACP is aligned with the NWRCP, which in turn aligns with the NCP, ensuring consistency in preparedness and response from the local to the national level. In cases of conflicting guidance, the higher-level plan is followed until differences are reconciled. These plans provide guidance for responders but do not alter statutory or regulatory authorities.

The coordinated planning model in the Northwest supports alignment of policies, facilitates interagency collaboration, and ensures effective communication across a large and diverse geographic area. This structure promotes consistent preparedness and response strategies while providing a forum for sharing expertise and lessons learned.

1060 Membership

1061 Regional Response Team 10 Membership

RRT10 is a diverse, collaborative body that effectively supports responses to environmental emergencies. The membership structure promotes a comprehensive and coordinated approach to incident management, drawing upon the unique expertise and resources of each member. The RRT10 is jointly chaired by EPA Region 10 and the USCG Northwest District. Each agency appoints a representative to serve as RRT Co-Coordinator to coordinate RRT's preparedness and planning responsibilities. The membership of the RRT is outlined in 40 CFR 300.115 and includes the parties listed in Figure 2.

The members of the RRT10 include:

- U.S. Coast Guard (USCG) Northwest District;
- U.S. Environmental Protection Agency (EPA), Region 10;
- U.S. Department of Commerce (DOC); National Oceanic and Atmospheric Administration (NOAA);
- U.S. Department of Defense (DOD) (United States Navy);
- U.S. Department of Energy (DOE);
- U.S. Department of Health and Human Services (HHS);
- U.S. Department of the Interior (DOI);
- U.S. Department of Justice (DOJ);
- U.S. Department of Labor (DOL); Occupational Safety and Health Administration (OSHA);
- U.S. Department of Transportation (DOT);
- Federal Emergency Management Agency (FEMA);
- General Services Administration (GSA);
- Idaho Office of Emergency Management (IOEM);
- State of Oregon, Department of Environmental Quality (ODEQ);
- State of Washington, Department of Ecology (ECY);
- Makah Tribe;
- Yakama Nation;
- Confederated Tribe of Coos, Lower Umpqua, and Siuslaw Indians (CTCLUSI);
and
- Cowlitz Indian Tribe.

RRT10 has also requested the following additional agencies, at a minimum, participate in RRT10 activities, including all RRT meetings. Additional agencies may be identified, as appropriate:

- USCG Sector Columbia River (SCR);

- USCG Sector Puget Sound (SPS);
- U.S. Army Corps of Engineers (USACE);
- Washington State Military Department –Emergency Management Division (WEMD);
- Washington State Department of Health (WA DOH);
- Oregon Department of the State Fire Marshal (OSFM);
- Oregon Health Authority (OHA);
- Oregon Department of Emergency Management (OEM);
- Idaho Department of Health and Welfare (IDHW); and
- Idaho Department of Environmental Quality (IDEQ).

1062 Area Committee Membership

The SPS, SCR, and Northwest Inland Area Committees each maintain their own standalone ACPs and rely on the NWRCP for regional guidance. Area Committee membership is defined within the respective ACPs. Area Committee membership is typically composed of:

- USCG FOSC (Coastal Zone Area Committees);
- EPA FOSCs (Inland Zone Area Committee)
- State environmental, public safety, and public health agencies;
- Local government agencies and Local Emergency Planning Committees (LEPCs);
- Tribes;
- Nongovernmental organizations;
- Nonprofit organizations;
- Industry;
- Response contractors;

Area Committee chairs and vice-chairs act as representatives of their agencies for their respective ACPs. They ensure that the subcommittees, work groups, and task forces are enhancing response capabilities and that responses adhere to the established suite of

plans. They also ensure the ACPs meet various regulatory and policy requirements for their respective agencies.

1063 Relationship between Regional Response Team 10 and the Northwest Area Committees

The RRT10 plays a vital role as outlined in the NCP with two primary responsibilities:

1. Assist the FOSC and UC during incident-specific activations to ensure an organized and effective response.
2. Promote comprehensive regional planning and preparedness to enhance readiness for potential incidents, including providing guidance to Area Committees to ensure inter-area consistency and consistency of individual ACPs with the RCP and NCP.

The term "Northwest Area Committees" encompasses the SPS, SCR, and Northwest Inland Area Committees. Each of these committees operates independently, yet collectively, and works in coordination with RRT10 to ensure a fully integrated approach to multi-agency planning and preparedness initiatives.

The primary focus of the RRT is to prepare for incident-specific activations and to provide robust support to the FOSCs and to the Unified Command. To foster collaboration and maintain strong relationships, RRT Co-Chairs and all RRT members are encouraged to actively participate in Area Committee meetings and other activities. This engagement helps to ensure ongoing familiarity with the issues and concerns faced by both the FOSCs and SOSCs, ultimately strengthening regional preparedness and response efforts.

1070 Summary of Regional Response Team and Northwest Area Committees Organizational Groups

1071 Northwest Area and Regional Leadership

The leadership (Co-Chairs, Chairs, and Vice Chairs) of the NWACs and RRT10 ensure that the suite of area and regional plans, policies, and procedures address critical spill response preparedness matters and appropriately incorporate the expertise and capabilities each agency provides. The leadership, with the assistance of RRT

Coordinators, track high-level goals, objectives, and action items to ensure regionwide progress towards shared goals. The status of these items, as well as any response or planning issues or concerns, are discussed at the Northwest Area and Regional Leadership Meeting.

1072 Regionwide Planning Committee

The Regionwide Planning Committee (RWPC) plays a vital role in area and regional planning by facilitating robust coordination among RCP and ACPs, Area Committees, and the RRT. The RWPC is dedicated to promoting consistency among plans and ensuring that contingency plans are practical and effective response tools for local, Tribal, state, and federal responders throughout the region.

The RWPC is composed of representatives from EPA; the USCG, including USCG Northwest District, SPS, and SCR; the states of Idaho, Oregon, and Washington; the Cowlitz Indian Tribe, Makah Tribe, Yakama Nation, and the CTCLUSI. The Co-Chair positions are held by the RRT Coordinators from EPA and USCG Northwest District.

Under the guidance of Northwest Area and Regional Leadership, the RWPC is tasked with reviewing and enhancing the comprehensive suite of plans. This includes conducting outreach initiatives aimed at raising awareness and understanding of these plans. The RWPC actively provides recommendations to the RRT and Area Committees concerning planning and preparedness activities, ensuring that these strategies remain aligned with evolving needs.

In addition, the RWPC oversees the coordination of area and regional task forces and work groups, ensuring that all assigned tasks are executed efficiently. The primary responsibilities of the RWPC include:

- Working with the RRT and NWACs to identify and manage work priorities and a schedule for completion;
- Coordinating the development of new regionwide task forces and work groups as needed and as directed;

- Ensuring each regionwide task force/work group has an appointed contact on the RWPC;
- Tracking regionwide task force and work group progress.
- Reviewing issues elevated by task forces, work groups, and subcommittees when differences in interpretation, policy, priorities, or operational approaches require coordination.
- Coordinating RRT, Northwest Area and Regional Leadership, Area Committee meeting locations when meetings are co-located;
- Developing Northwest Area and Regional Leadership and RRT meeting agendas;
- Deconflicting and reviewing Area Committee and RRT meeting agendas when meetings are co-located; and
- Coordinating and developing the agenda for Joint Area Committees meetings.

1073 Subcommittees

Subcommittees address specific subject areas that necessitate ongoing attention to refine both ACPs and the RCP and enhance the functionality of the RRT and NWACs.

Subcommittees may work for the RRT or an Area Committee depending upon the nature of the assigned work. They will work under a signed charter and may be assigned a sponsor.

Subcommittees will regularly report their progress to the planning body that they fall under. Subcommittees are not time-bound and may be indefinite.

1074 Work Groups

Work groups focus on key subject areas requiring continuous improvement to enhance both the ACPs or RCP, as well as the function of the RRT and NWACs. They may not have a defined scope or end point but they could be used for longer-term projects. Work groups will regularly report their progress to the RWPC.

1075 Task Forces

Task forces concentrate on issues with a defined scope and clear endpoint. Task forces will report their findings and progress to the RWPC and will be led by a member from either an Area Committee or an RRT member agency or Tribe. Area planning developments should be coordinated with the RWPC to ensure continuity between plans and avoid duplication of effort by other Area Committees.

1080 Organizational Expectations and Information Management

All RRT, Area Committee, RWPC, and associated organizational groups are expected to support effective governance through transparent communication, systematic information management, and adherence to established meeting timelines and milestones. Each organizational group is responsible for maintaining accurate documentation of its activities, including documenting meeting notes and attendance records, tracking action items, and logging key discussions and decisions. Meeting agendas should be developed in advance, aligned with established priorities, and distributed with sufficient lead time. Agenda items should clearly identify the topics, presenters, and any required decisions or actions. Meeting records and supporting materials should be managed in accordance with regional information management practices to ensure accessibility, transparency, and continuity across planning bodies. This documentation supports institutional knowledge, facilitates coordination among groups, and provides a clear record of progress toward regionwide preparedness goals.

1081 Regional Response Team and Area Committee Meetings

In July 2024, the Northwest Area and Regional Leadership signed the Pacific Northwest Oil Spill and Hazardous Substance Planning Framework. This framework intends to enhance collaborative planning by co-locating the semi-annual RRT meetings alongside coastal and inland Area Committee meetings. While these meetings serve distinct purposes, their simultaneous scheduling facilitates travel and promotes greater participation at the local, Tribal, state, and federal levels.

Meeting Structure

See a brief overview of the two-day geographically co-located meetings below:

Day 1: Area Committee Meeting

- Host: Area Committee Chair
- Facilitated by: Area Committee Secretaries
- Audience: Area Committee members, local responders and officials, and the public.
- Objective: To fulfill annual requirements, engage with local officials and responders, and address regional issues. For detailed information, see the respective ACP.

Day 1: Northwest Area and Regional Leadership Meeting (Post Area Committee Meeting)

- Host: No host
- Facilitated by: RRT Coordinators and Co-chairs
- Audience: Area and regional plan signatories, the RWPC and their executive-level representative.
- Objective: This invite-only session emphasizes accountability for ongoing high-level projects and task forces, while providing a secure environment to discuss sensitive regional topics. It serves as a collaborative platform for area and regional leaders to collectively assess alignment and progress towards shared objectives.

Day 2: RRT10 Meeting

- Hosts: EPA and USCG Co-Chairs
- Facilitated by: RRT Coordinators

- Audience: RRT 10 members; the public is invited to observe this business meeting.
- Objective: Engage with NCP designated RRT members, state and Tribal regional planners, and Area Committee Chairs. The focus is on fostering coordinated and effective response efforts across the region, addressing rising issues from Area Committees, and discussing emerging technologies and response trends.

This structured approach not only strengthens communication and collaboration but also ensures that all stakeholders are informed and actively engaged in maintaining effective spill response strategies across the Pacific Northwest.

1082 Joint Area Committees Meeting

A Joint Area Committees meeting, consisting of all three Area Committees, will be convened annually. This meeting provides a forum for coordinated discussion of regionwide planning priorities, emerging response issues, and cross-area considerations that benefit from collective engagement. Outcomes of the Joint Area Committees meeting include the identification of shared plan update priorities, opportunities for alignment across Area Contingency Plans, and coordination with the Regionwide Planning Committee to support consistent and effective regional preparedness efforts.

1090 Relationship Among the Regional Response Team, Northwest Area Committees, and Tribal Nations

The term Tribe or Tribal Nation in this context refers to federally-recognized Tribes except where otherwise stated.

1091 Tribal Nations

Tribes are sovereign governments with jurisdiction over lands and waters across the region, with some Tribes holding off-reservation hunting, fishing, and gathering rights reserved through treaties. Tribes also have interest in protecting cultural and natural resources significant to the Tribe in designated geographic areas. The federal government has a trust

obligation to Tribes to protect and collaboratively manage both Tribal jurisdictional lands and culturally significant resources off Tribal jurisdictional lands. Federal agencies have an obligation under federal executive order, federal law, and agency policies to uphold treaty-protected rights and to consult with Tribes to ensure that their actions consider the impacts to Tribal lands, cultural resources, and the health and welfare of Tribal citizens.

Federal agencies' trust responsibility requires Tribal engagement and actions to improve planning and decision-making, responder safety, and environmental protection in the region. Tribal members and staff have detailed, unique, and deep local knowledge that is essential in response. As sovereign governments, Tribes decide how to organize and implement emergency response for their jurisdictional lands, as well as for resources at risk outside Tribal jurisdiction. Tribes may maintain their own emergency plans.

Tribes, as trustees for their natural and cultural resources, are entitled to protection during emergency responses. The FOSC is responsible for notifying affected Tribes as soon as practicable regarding oil spills or chemical releases that could impact Tribal interests. DOI may assist in identifying potentially impacted Tribes and locating contact information.

On-scene coordination, either with the FOSC or in the Incident Command Post, can be performed directly with Tribal representatives. Spill response can involve volunteers, in addition to hiring contractors. If a spill is on Tribal land, the Tribal government will have authority to decide whether volunteers will be included in the response.

Federally recognized Tribes may elect to send a Tribal On-Scene Coordinator (TOSC) for any incident over which they have governing interests. Governing interests are defined within each treaty or executive order. The FOSC(s) should defer to a Tribe's interpretation of their governing interests if there is doubt. If further clarification of a treaty right is requested, legal counsel for the FOSC agency should work with legal counsel for the impacted Tribe. Governing interests include reservation land; Tribal trust land; usual and accustomed (U&A) fishing, hunting, food and medicinal gathering areas, and culturally significant areas; and governing interests may exist within ceded lands.

1092 Area Committee Participation

Any Tribe, federally recognized or non-federally recognized, may attend and participate with any of the three Area Committees in the Pacific Northwest and any associated Task Forces/Work Groups/Subcommittees.

1093 Regional Response Team Participation

Federally recognized Tribes in the Pacific Northwest may join the RRT as members. RRT members are also able to join the Northwest Area and Regional Leadership meeting and Regionwide Planning Committee if they choose. Increasing the participation of Tribal governments in all spill planning and preparedness activities in the Northwest, including the RRT10, is a long-standing goal in the region, supported by several years of Tribal Task Forces and now a permanent Tribal Engagement Subcommittee. The participation of Tribal governments in both the standing and incident-specific RRT supports these responsibilities and can be mutually beneficial for both Tribes and the federal and state response community. For example, Tribal participation in the standing RRT allows both Tribes and the federal and state response community to ensure that Tribal perspectives are incorporated into regional policies and decision-making – ensuring smooth implementation in the event of an incident. It also facilitates relationship-building and capacity-building among Tribes and federal and state response decision makers through consistent participation. Any federally recognized Tribe may request membership in the RRT by submitting an official letter via email to the RRT Co-Chairs.

Current Tribal government members of RRT10:

- The Makah Indian Tribe; RRT member since 2008;
- The Confederated Tribes and Bands of the Yakama Nation; RRT member since 2016;
- The Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians; RRT member since 2019. The Tribe holds an Estuary Response Plan for its jurisdictional lands; and

- The Cowlitz Indian Tribe, RRT member since 2025.

Regardless of formal participation in the RRT or Area Committees, Tribal governments are essential response partners. It is important to note that the membership status of Tribes in the RRT does not determine their ability to represent their sovereign government as a TOSC (and throughout the ICS structure) in the event of an incident.

1100 Relationship between Regional Response Team, Northwest Area Committees, and State Agencies

1101 State of Washington

The State of Washington is represented on RRT10 by Ecology. Ecology vice-chairs the SPS Area Committee, SCR Area Committee, and Northwest Inland Area Committee. Ecology also participates in county and regional LEPCs.

WA DOH and WEMD also participate in RRT10. These agencies, along with the Washington Department of Fish and Wildlife and the Washington Department of Natural Resources are strong partners in regional and area planning processes.

1102 State of Idaho

The State of Idaho is represented on the Regional Response Team (RRT) by the IOEM, who works closely with the Idaho Department of Environmental Quality (IDEQ), which is also an active participant in RRT10. IDEQ also serves as co-vice chair for the Northwest Inland Area Committee and assists in the development of the NWIACP and NWRCP.

The Idaho Hazardous Materials/Weapons of Mass Destruction Incident Command and Response Support Plan is the primary mechanism for initial response to hazardous material incidents in Idaho and supports the IDEOP. This plan may be activated independently of the IDEOP. The plan's primary purpose is to provide effective, coordinated emergency response support to local government by state, federal, and private agencies for incidents involving the release or potential release of hazardous materials/WMD in the State of Idaho.

1103 State of Oregon

The State of Oregon is represented on the RRT by ODEQ's Emergency Response Program. ODEQ shares the responsibility for protection of public health with the Oregon Health Authority (OHA) and the response to hazardous materials releases with the OSFM who also participate in RRT10. ODEQ's Emergency Response Program assists 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 SCR and Northwest Inland Area Committees as vice-chair, county/regional LEPCs and various watershed-based response planning organizations in Oregon.

1110 Geographic Boundaries

The geographic boundaries of this plan are the states of Washington, Oregon, and Idaho, which include COTP Zones for Puget Sound, Columbia River, and the Inland Zone of EPA Region 10, excluding Alaska. All waterways that mark the boundary between two states (e.g., the Columbia and Snake Rivers) are the joint, shared responsibility of both states. Spills affecting, or with the potential to affect, shared water must be reported to both states, and both states will normally participate in the unified response.

1111 United States Environmental Protection Agency/United States Coast Guard Federal On-Scene Coordinator Jurisdictional Boundary

The boundaries between the USCG and EPA areas of responsibility (AOR) within the Northwest Region are shown in Table 1000-1 and online at www.rrt10nwac.com.

The section describes the geographic area within the USCG Northwest District, as defined in 33 CFR Subpart 3.65. It specifically addresses the jurisdictional boundaries between the Coastal and Inland Zones within the COTP Puget Sound AOR, as defined by 33 CFR §3.65-10, and the COTP Columbia River AOR, as defined by 33 CFR §3.69-15.

As outlined in the NCP, 40 CFR §300.5, the "Coastal Zone" is defined as "all United States waters subject to the tide, specified ports and harbors on inland rivers, waters of the

contiguous zone, other waters of the high seas subject to the NCP, and the land surfaces or land substrate, ground waters, and ambient air proximal to those waters.”

The “Inland Zone” is defined as “the environment Inland of the Coastal Zone excluding specified ports and harbors on inland rivers.”

In areas where precise boundaries are not defined, the boundary will generally default to the high-water mark. In locations where navigable waterways feed into the ocean, the boundary will generally default to the high tide mark. This policy will help to ensure that response is not delayed because EPA and the USCG each believe a spill is located within the boundaries of the other’s jurisdiction. In the case of oil and hazardous substance, pollutant, or contaminant releases from shoreline facilities and for those releases that threaten or have resulted in sediment, soil, or other shoreline contamination, EPA and USCG phone duty officers will need to consult to determine the appropriate lead agency.

**Table 1000-1 Area of Responsibility Boundaries between EPA and USCG for
Major Oregon and Washington Waters**

River Name/Body of Water		Boundary
Oregon		
Alsea River		Line North from Mouth of Eckman Slough
Chetco River		Route 101 Bridge Brookings to Harbor
Clatskanie River		Spokane, Portland, and Seattle Railroad Bridge One Mile North of Clatskanie
Columbia River		Bonneville Dam
Columbia River: Columbia Slough		North Lombard Street Bridge
Columbia River: Lewis & Clark River		Highway 101 Business Bridge
Columbia River: Scappoose Bay		Line East of Milton Creek

River Name/Body of	
Water	Boundary
Columbia River: Skipanon River	Warrenton - Astoria Highway (East Harbor Drive Bridge in Warrenton)
Columbia River: Youngs River	Highway 101 Business Bridge
Coos Bay: Catching Slough	Permanent bridge on Coos River Road (junction of Coos River and Catching Slough)
Coos Bay: Coalbank Slough	Highway 101 Bridge
Coos Bay: Coos River	First Bridge on Coos River, upriver from Catching Slough
Coos Bay: Haynes Inlet	Mean High Water Mark of Haynes Inlet
Coos Bay: Isthmus Slough	Bascule Bridge at Bunker Hill
Coos Bay: Kentucky Slough	East Bay Drive Bridge
Coos Bay: North Slough	Mean High Water Mark of North Slough
Coos Bay: South Slough	South Slough - Mean High Water Mark on South Slough
Coos Bay: Joe Ney Slough	South Slough - Bridge at Crown Point Road
Coos Bay: Willach Slough	East Bay Drive Bridge
Coquille River	Route 101 Bridge in Bandon
Elk River	Route 101 Bridge
Little Nestucca River	Route 101 Bridge

River Name/Body of	
Water	Boundary
Multnomah Channel	The entire channel is in USCG jurisdiction
Nehalem River	Highway 101 Bridge
Nestucca River	Pacific Avenue in Pacific City – Bridge
Rogue River	Route 101 Bridge Wedderburn to Gold Beach
Sandy River	Interstate 84 Bridge at Troutdale
Scappoose Bay	McCoy Estates Road, east of Columbia River Highway
Siletz River	Route 101 Bridge Kernville to Gleneden Beach
Siuslaw River	Line South from Cushman
Tillamook Bay	Mean High Water Mark
Tillamook River	Netarts Highway Bridge
Umpqua River	Line North of Scholfield Road/Umpqua Highway intersection
Umpqua River: Smith River	First Bridge Upstream of Confluence with the Umpqua River
Willamette River	Oregon City Falls
Yachats River	Route 101 Bridge
Yaquina Bay	Mean High Water Mark
Yaquina River	Butler Bridge at Toledo
Yaquina River: Depot Slough	Bridge on Old Toledo - Yaquina Road
Yaquina River: King Slough	Mean High Water Mark

River Name/Body of Water	
Water	Boundary
Washington	
Big Quilcene River	North Quilcene Avenue Bridge
Chuckanut Creek	Highway 11 Bridge
Chehalis River	Route 107 Bridge South of Montesano
Clallam River	State Highway 112 Bridge
Columbia River	Bonneville Dam
Columbia River: Elochoman Slough (Cathlamet)	USCG Jurisdiction Throughout
Columbia River: Lake River	Bridge at Ridgefield, WA
Columbia River: Vancouver Lake Flushing Channel	Flood control gate at NW Lower River Road, Vancouver, WA
Columbia River: Washougal River	Railroad Bridge at Washougal
Cowlitz River	Route 4 Bridge at Kelso
Deep Creek	State Highway 112 Bridge
Deep River	State Highway 4 Bridge
Deschutes River	4th Avenue Bridge at Olympia
Dosewallips River	Route 101 Bridge
Duckabush River	Route 101 Bridge
Dungeness River	Dungeness Bridge in Sequim
Duwamish River	Pacific Highway South Bridge
East Twin River	State Highway 112 Bridge
Ebey Slough	I-5 Bridge in Everett

River Name/Body of Water	Boundary
Elwha River	State Highway 112
Grays River	Route 4 Bridge at Roseburg
Hama Hama River	Route 101 Bridge
Hoko River	State Highway 112 Bridge
Hoquiam River	Route 101 Bridge
Humptulips River	Route 109 Bridge
Kalama River	Interstate 5 Bridge
Lake Washington Ship Canal (Lake Washington/Lake Union)	Montlake Bridge in Seattle
Lewis River	Interstate 5 Bridge at Woodland
Little Quilcene River	Rogers Street Bridge
Naselle River	Route 101 Bridge
Nisqually River	I-5 Bridge
Nooksack River	Slater Road North of Marietta
North River	Route 105 Bridge
North Nemah River	Route 101 Bridge at Nemah
Palix River	Route 101 Bridge
Puyallup River	I-5 Bridge
Pysht River	Bridge Northwest of Pysht, North of Highway 112
Queets River	Route 101 Bridge at Queets
Quillayute River	Entrance of Dickey River
Quinault River	Quinault River Bridge East of Taholah
Sail River	State Highway 112 Bridge

River Name/Body of	
Water	Boundary
Salt Creek	Bridge on Camp Hayden Road
Sekiu River	State Highway 112 Bridge
Skagit River, North Fork	Route 511 Bridge Five Miles Southwest of Mount Vernon
Skagit River, South Fork	Bridge at Conway
Skokomish River, South Fork	Route 106 Bridge
Snohomish River	Interstate 5 Bridge
Sooes River	Bridge Approximately 1 Mile South of Mukkaw Bay entrance
Steamboat Slough	I-5 Bridge Near Everett
Stillaguamish River	Great Northern Railroad Bridge at Silvana
Union River	State Highway 300 Bridge
Waatch River	Bridge East of Makah Air Force Station
Whatcom Creek	Holly Avenue Bridge in Bellingham
West Twin River	State Highway 112 Bridge
Willapa Bay: South Fork Willapa River	Highway 101 Bridge
Willapa Bay: Willapa River	Highway 101 Bridge
Wishkah River	Route 12 Bridge at Aberdeen

1120 First Federal Official On Scene

According to Section 300.135(b) of the NCP, the first federal official (FFO) affiliated with an NRT member agency to arrive on the scene of a discharge or release should coordinate

activities under the NCP. The FFO is authorized to initiate, in consultation with the pre-designated FOSC and prior to the FOSC's arrival on scene, any necessary actions normally carried out by the FOSC. Arrival of the FFO on scene does not affect the designation of the appropriate FOSC. If the FFO determines that the FOSC should be from the other agency, that FOSC will generally accept the transfer of authority. Once that transfer has occurred, the FOSC will need to coordinate with the National Pollution Fund Center (NPFC) to ensure that only one Federal Project Number remains open for that case, as appropriate.

1130 Release or Discharges Affecting More than One Zone Determination of Federal On-Scene Coordinator

According to Section 300.140(b) of the NCP, if a discharge or release affects more than one zone, determination of the FOSC should generally be based on the area vulnerable to the greatest threat. If the area vulnerable to the greatest threat cannot be determined, the UC may want to consider establishing an Area Command that can adequately provide for effective response in both zones.

Funding

If a spill occurs across both sides of the EPA-USCG FOSC boundary, and both an EPA FOSC and a USCG FOSC are responding, then two Federal Project Numbers (i.e., one for each FOSC) might be appropriate. If the spill is on the USCG side and the USCG FOSC is responding with EPA assistance, then EPA should be allowed to use the accounting line from the USCG Federal Project to set up a site in the EPA financial system to charge against. In such a circumstance, EPA would likely not need to obtain a Pollution Removal Fund Authorization from the USCG FOSC, but EPA would need a ceiling and a statement of work. Likewise, if the spill is on the EPA side and the USCG is assisting EPA, the USCG should be able to charge against EPA's Federal Project accounting line. For further clarification, the NPFC should be consulted, at 703-872-6000.

1140 Modifications to Notification Requirements

For incidents that fall within the jurisdictional boundary of one agency and pose a threat of impact to an area within the other agency's jurisdiction, the USCG and EPA expect each

agency to be notified. Duty officers and watchstanders making notifications must be informed of the need to notify both agencies for incidents that may impact both jurisdictional boundaries.

1150 United States Environmental Protection Agency and United States Coast Guard Overlapping Jurisdiction

There are geographic areas covered by this ACP in which EPA has NCP FOSC authority, but where the USCG has COTP authority. Examples of these overlapping areas include, but are not limited to, the Columbia River above the Bonneville Dam, the Willamette River above Oregon City Falls, and Lake Washington. If an incident occurs in these areas, the EPA FOSC must consult and coordinate with the USCG COTP or COTP's representative to ensure that both agencies are appropriately engaged in the response based on their respective authority. During a response in these situations, each agency retains its statutory authorities but must consult with the other throughout the response or incident to ensure that both agencies are appropriately engaged in the response. The nature of response generally does not allow complete separation of the maritime casualty response from the pollution response. In these overlapping areas, the general practice will be to allow the EPA FOSC to determine whether the incident requires an NCP response, after consultation with the COTP or the COTP's representative.

When a spill occurs in an area where it is initially unclear which agency has FOSC authority, USCG and EPA duty officers will immediately consult to ensure that a timely response takes place. Once it is determined which agency, if any, will have FOSC authority, both agencies will continue to consult with each other to ensure that the non-FOSC agency provides adequate and appropriate support to the FOSC agency. Such support could include anything within the non-FOSC agency's statutory authority, such as on-scene observation, maritime technical advice, surface and air resources, and staffing at the UC Post. It is recommended that the position of Operations Section Chief be held by a representative of the agency with the greatest statutory responsibility for the incident risk during the current operational period.

1160 Oil Discharges Originating from Inland Facilities

The authority to respond to releases or threats of a release of oil is derived from the Clean Water Act (CWA). The determination of the pre-designated FOSC for oil spills from land shall be determined based on the areas vulnerable to the greatest threat. If the release or threat of a release does not impact or threaten navigable water, neither EPA nor the USCG has the authority to respond.

1170 Hazardous Substances, Pollutant, or Contaminant Incidents Originating from Inland Facilities

The authority to respond to releases or threats of a release of hazardous substances, pollutants, or contaminants is derived from CERCLA and is not predicated on impacts to navigable water.

1180 National Response System

1181 Federal On-Scene Coordinators

USCG SPS and SCR maintain and manage emergency response teams for response to discharges of oil and hazardous substances in the Coastal Zone. These teams vary in size based on the nature of the incident. In all cases, they are tasked with assessing the discharge to determine response measures, monitor and supervise pollution countermeasures, deploy pollution control equipment as available and necessary until a contractor arrives, document all phases of the response, conduct investigations, and act for the FOSC until their arrival.

The EPA Emergency Management Program consists of emergency response FOSCs located in the regional office in Seattle, Washington, and field offices in Boise, Idaho, and Portland, Oregon. Additional FOSCs for EPA Region 10 are located in Anchorage, Alaska, but they may respond to any location throughout the region, or throughout the country, as needed. The FOSCs are responsible for determining the source, cause, and RP, as well as initiating source control and enforcement actions as appropriate. Additional responsibilities include ensuring that containment, cleanup, and disposal are carried out adequately; notifying all Natural Resources Trustees; and coordinating activities with federal, state, Tribal, and local

agencies to monitor their performance. EPA also has access to technical assistance contractors who can provide technical oversight and other resources at spills and uncontrolled hazardous waste sites. In some cases, EPA's technical assistance contractor may arrive on scene prior to the FOSC. Prior to arrival of the EPA OSC, the EPA contractor will cooperate with on-site agencies but will take direction through the EPA OSC only. EPA's contractor has technical response personnel and equipment located in Seattle and Portland.

Both EPA and USCG FOSCs have access to all federal response agencies and special response teams. EPA can deploy the Environmental Response Team or the Radiological Emergency Response Team from Las Vegas, Nevada. The USCG can deploy the Pacific Strike Team from Novato, California. For a list of special teams and federal response agencies and their roles during an oil/hazardous materials incident, see the "Response Partner Roles and Contacts" tool.

1182 Washington State Response System

The Washington State Response System provides coordinated state agency response, in cooperation with federal, local, and Tribal governments to respond effectively to oil and hazardous substance spills.

Washington State Department of Ecology: Ecology acts as state IC for spills or threats of spills to state waters, providing 24/7 response through teams in Olympia, Seattle, Bellingham, Vancouver, Spokane, and Yakima, and may deploy SOSCs to an incident. Ecology receives and confirms spill notifications, identifies causes and RPs, and assumes management if the RP is absent, unresponsive, or unknown. The agency sets and enforces cleanup standards; ensures containment, cleanup, and disposal; monitors responder safety; and initiates enforcement actions as needed. Ecology also coordinates through National Incident Management System (NIMS)/Incident Command System (ICS), establishes Joint Information Centers (JICs), inspects vessels and facilities, provides maritime expertise, and leads the Natural Resource Damage Assessment (NRDA) team

with other state agencies. Ecology also participates in wildlife protection and notifies resource trustees of injuries to natural resources.

Washington State Patrol (WSP): WSP acts as IC for spills on state highways. WSP supports local jurisdictions with law enforcement, evacuations, and communications; represents local jurisdictions as designated IC, conducts aerial reconnaissance and radiological monitoring; coordinates with state agencies; and directs fire resources during hazardous substance emergencies.

Washington State Military Department – Emergency Management Division (WEMD): WEMD provides 24-hour notification to Ecology, WSP, and other agencies, activates and manages the State Emergency Operations Center, coordinates resource procurement, provides public information officer support, and maintains communication links.

Local Jurisdictions: Local governments are usually first responders to oil and hazardous substance spills and releases. They designate a local IC agency (often the fire department) or may delegate to WSP. LEPCs assist with planning, training, and interagency coordination. Local jurisdictions may activate local Emergency Operations Centers to support field operations and resource requests.

For a list of Washington State response agencies and their roles during an oil/hazardous materials incident, see the “Response Partners Roles and Contacts” tool.

1183 Oregon State Emergency Response System

Notification and Initial Response

The Oregon Emergency Response System (1-800-452-0311) is the statewide notification system for incidents that could impact Oregon. This system is staffed 24/7/365 to pass along notifications of significant events or incidents to the relevant state agencies that are involved in emergency response. All hazardous materials incidents are passed to the ODEQ’s duty officers (and other state agencies as appropriate) for triage, and escalation

if warranted. If stabilization to protect the public from hazardous materials releases is warranted, local fire departments may request support from the OSFM's network of hazardous materials response (HAZMAT) teams. The teams are equipped and trained by the state and staffed primarily by individuals from local fire departments and other emergency providers. ODEQ may respond by sending an OSC, sending the state's response contractor, or coordinating with local responders or the RP and their contractor.

On-Scene Incident Response

The first emergency responder to arrive at the scene becomes the IC until relieved, or until the incident is over. ODEQ, through its designated SOSC, is the Lead Agency of the State of Oregon during the cleanup phase of oil and hazardous material incidents. ODEQ may relieve the IC (typically fire or HAZMAT Team) when the life safety portion of the emergency response is complete and the focus of the effort is on containment and cleanup of oil or hazardous materials.

The parties responsible for spilling or releasing hazardous materials are also responsible to conduct cleanup under the oversight of the ODEQ. If there is no identified RP, or if the RP is unable or unwilling to conduct an appropriate response to stabilize and cleanup operations in a timely manner, ODEQ may conduct investigation, stabilization and cleanup actions itself or through its contractor.

ODEQ oversees and coordinates the conduct of emergency response cleanup operations with appropriate federal, Tribal, state and local emergency responders as appropriate to the incident. ODEQ determines when the cleanup of released hazardous materials meets state standards and the state's oversight is complete. ODEQ has developed expertise in areas of EUL and staffing, Geographic Information System/Situation Unit support, liaison, and public information/communications to support the SOSC in conducting effective cleanup operations. ODEQ partners with Oregon Department of Fish and Wildlife to incorporate their authority and expertise into spill responses.

The OHA (Public Health Division) is the lead state agency for all incidents involving hazards to human beings, communicable disease agents, and radiation emergencies not originating from transportation accidents. The Oregon Department of Energy is the lead state agency for radioactive materials transportation incidents. The lead state agency will provide an SOSOC to direct the state response and assist the FOSC. Requested assistance from the state may include guidelines for disposal of oily waste, identification and prioritization of vulnerable resources, local geographic and environmental information, advice on cleanup and restoration standards, medical and toxicological information from state health officials; and identification of unknown pollutants.

For a list of Oregon State response agencies and their roles during an oil/hazardous materials incident, see the “Response Partners Roles and Contacts” tool.

Funding of Incident Responses

ODEQ has several funding sources that can be utilized for particular incident types:

- The Oil and Hazardous Materials Fund may be used by ODEQ to contract for emergency removals of materials presenting public health and environmental risk if the owner, property owner, or RP is unable to act. This assistance may be provided on a cost reimbursement basis.
- The Drug Laboratory Cleanup Fund can be leveraged to reimburse Oregon law enforcement agencies through requests to ODEQ.
- The Hazardous Substances Remedial Action Fund can be used to cover ODEQ and contractor costs for emergency responses to hazardous materials releases where no RP is known, or where RPs are not able/willing to conduct a response.

Other state agencies have funding mechanisms specific emergency response actions, such as the Oregon Division of State Lands funding for removal of abandoned vessel, and HAZMAT Team response funding through the OSFM for stabilizing hazardous materials threats within the terms of their respective contracts.

ODEQ administers a statewide contract with local emergency response contractors who can be utilized by other state and local agencies to conduct assessment, stabilization, response, and disposal of hazardous materials using their own dedicated funds. For a full list of Oregon State response agencies and their roles during an oil/hazardous materials incident, see the “Response Partners Roles and Contacts” tool.

1184 Idaho State Response System

Local fire departments and departments of emergency management are the primary response authority for all oil spills and hazardous material releases. It is the state’s intent to supplement local response activity, not supplant it. This plan and the Idaho Hazardous Materials/Weapons of Mass Destruction Incident Command and Response Support Plan are to be implemented when local capabilities have been exceeded by the incident. The ICS, when implemented by local government during initial response, will allow the state to become part of the response network without disrupting local efforts.

1190 Pacific States/British Columbia Oil Spill Task Force

The Pacific States/British Columbia Oil Spill Task Force was established to provide cooperative and coordinated oil spill response and prevention efforts. Since its formation in March 1989, it has grown to include the states of Alaska, Oregon, Washington, Hawaii, and California, and the Province of British Columbia, Canada. The environmental agencies of the five western states and British Columbia have agreed to work together to improve coordinated spill response in the following ways:

- Sharing state resources and assisting SOSCs during major spills if requested.;
- Observing state spill drills and response activities;
- Conducting joint spill drills to better coordinate trans-boundary response efforts;
- Debriefing after major spills or drills to determine changes necessary for improving spill prevention or response across state and national boundaries;

- Meeting regularly to share information and coordinate state and provincial policies with federal agencies;
- Coordinating implementation efforts, such as making rules and regulations as consistent as possible; and
- Collaborating on regional initiatives to address such issues as coastwise vessel traffic, spill data collection, and places of refuge.

West Coast Mutual Aid

During major and catastrophic spills on the West Coast, it may be necessary to expedite the cross-boundary transfer of additional response capabilities that can only be provided by private contractors. Many of these contractors have signed commitments with facility and/or vessel operators that, if released to another spill, would place them out of compliance with their federal or state/provincially-approved spill contingency plan.

The members of the Pacific States/British Columbia Oil Spill Task Force are the primary state and provincial spill prevention and response agencies for Alaska, Province of British Columbia, Washington, Oregon, California, and Hawaii. To expedite and enhance the response to major West Coast spills, the Pacific States/British Columbia Oil Spill Task Force members preapproved and signed the 1993 mutual aid agreement, which will be activated by the UC if additional resources are needed. The purpose of the agreement is to establish conditions under which contingency plan holders may meet temporarily reduced response standards so their response equipment remains available for mutual aid. This agreement thereby ensures that most of the spill response equipment on the West Coast will be available to respond rapidly in the event of a major spill.

Some West Coast states set planning standards and allow plan holders and response contractors to determine how they will be met. All major contractors have commitments under several contingency plans, which makes equipment “cascading” more difficult. To implement this mutual aid policy, task force members have adopted minimum requirements for resident, non-cascadable resources. These requirements ensure that

plan holders can initiate an effective response at their facility or vessel if a spill occurs while part of their response capability is out of the region for mutual aid.

1200 Response Policy

1210 National Response Policy

The National Response Policy is designed to ensure that all applicable laws and regulations are carried out. Those laws and regulations are intended to ensure effective and immediate removal of a discharge, mitigation, or prevention of a substantial threat of a discharge of oil or release of hazardous substances, and overall protection of human health and the environment.

1220 High Seas Policy

The Intervention on the High Seas Act (33 USC 1471 et seq.) applies as follows. Under the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969, governments that are party to the convention may take measures necessary to prevent, mitigate, or eliminate grave and imminent danger to their coastline or related interests from pollution by oil or hazardous substances, or from the threat of such pollution. The pollution or threat of pollution may result from a maritime casualty or related acts that may reasonably be expected to cause major harmful consequences.

If a ship collision, stranding, or other incident on board or external to a ship outside U.S. territorial waters creates a potential threat of pollution by oil or hazardous substances, all available information shall be relayed to the USCG. The USCG will determine whether a grave and imminent danger to the coastline or related interests exists. If such a danger is found to exist, the designated FOSC shall take measures to prevent, mitigate, or eliminate the threat.

1230 Coast Guard Policy

The USCG will respond, consistent with the policy outlined in the NWRCP. The USCG may elect not to dispatch representatives to reported discharges where representatives of another cognizant government agency are responding. However, if federal removal is indicated within the Coastal Zone, the USCG will respond. If the RP is conducting proper removal, the USCG OSC will use best judgment in determining the need for the presence of USCG personnel on scene.

1240 United States Environmental Protection Agency Policy

By statute, EPA is the FOSC for inland spills of oil or hazardous substances. In most instances, EPA is not the first responder on scene. EPA works in cooperation with other responders but has not delegated its responsibility as the FOSC. In all spill situations, it is EPA's intent to contribute to the response by working with the local, state, and Tribal authorities, the general public, and federal agencies to ensure that the information needed to maximize the effectiveness of the response effort is easily accessible. During a response to a release, the PRPs, if known, available, and willing, are generally given the opportunity to adequately respond. EPA works closely with the PRPs when they are known and willing to take action to ensure that the release reaches an adequate and rapid conclusion with a minimum impact on the environment. In the event of a spill for which the PRP is not identified, does not respond to contain or clean up the spill, or does an inadequate job responding, EPA's responsibilities may include taking over the response or assuming a co-lead role in a UC with state and local responders.

1250 United States Department of Defense and Department of Energy Policies

In the case of DOD or DOE, when there is a response to a release or threat of a release of a hazardous substance, pollutant, or contaminant, or the sole source of the release is from any facility or vessel under the jurisdiction, custody, or control of DOD or DOE, those agencies shall provide FOSCs responsible for taking all response actions. DOD will be the removal response authority with respect to incidents involving DOD military weapons or

munitions, or weapons or munitions under the jurisdiction, custody, or control of DOD. Per 40 CFR §300.120a1 and a2, for oil spills on DOD facilities, the USCG or EPA is the pre-designated FOSC, as appropriate.

1260 Tribal Policy

Tribes have the right to engage with federal agencies on a government-to-government basis. NWAC agencies seek meaningful Tribal engagement in the development, maintenance, and implementation of the NWRCP, and this Tribal Policy is intended to facilitate Tribal participation in all stages of contingency planning and response activities.

The NCP requires the FOSC to notify any natural resource trustee when any resources for which the trustee is responsible may be impacted by a release. Tribes are trustees for Tribal natural and cultural resources. Although the FOSC is legally responsible for Tribal notification, DOI may assist in the identifying potentially impacted Tribes and locating appropriate contact information. When EPA or USCG responds to an emergency under FOSC authority, the FOSC will, as soon as practicable, notify and offer emergency coordination to all affected Tribes through appropriate Tribal natural and cultural resource staff, environmental staff, or other individual designated by the Tribe regarding oil spills and chemical releases that could potentially affect Tribal interests. On-scene coordination, either with the FOSC or in the ICP, can be performed directly with Tribal representatives.

Spill response can involve volunteers in addition to hired contractors. If a spill occurs on Tribal land, the Tribal government has the authority to decide whether volunteers will be included in the response.

Tribes may elect to send a TOSC for any incident over which they have governing interests. Governing interests are defined within each treaty or Executive Order. The FOSC(s) should defer to a Tribe's interpretation of its governing interests if there is doubt. If further clarification of a treaty right is requested, legal counsel for the FOSC agency should work with legal counsel for the impacted Tribe. Governing interests include reservation land; Tribal trust land; U&A fishing, hunting, food, and medicinal gathering areas, and culturally significant areas. Governing interests may exist within or beyond ceded lands.

Each Tribe with governing interests within an impacted area may elect to send its own TOSC to UC. In cases where multiple Tribes have governing interests, there may be multiple TOSCs in UC. When a Tribe has governing interests but does not send a TOSC to participate in UC, the FOSC retains trust responsibility within the UC for Tribal interests. In the role, the FOSC should seek to understand Tribal Ecological Knowledge, cultural knowledge, and current use of the affected area.

Generally, each TOSC shall have delegated authority to make decisions on behalf of their Tribe and shall have governing interests within the impacted area. Each TOSC would ideally have a working knowledge of and adequate training in NIMS/ICS, consistent with the requirements in Section 2010. The FOSC may facilitate the engagement of Tribal representatives by identifying a Tribal Coordination Specialist (TCS), a specialized member of the Liaison Officer's staff, who provides support in ensuring that representatives from a potentially impacted Tribe(s) not only have a forum to communicate their priorities and concerns, but also an opportunity to successfully integrate into the response command structure. In situations that require additional support (e.g., a TOSC requests assistance in navigating NIMS/ICS), a deputy TCS might also be activated to help fulfill the TCS's responsibilities. This role is further defined in the Liaison Manual, Annex B. The TCS is not intended to be a spokesperson for the Tribe.

Regardless of whether a Tribe has a TOSC in UC, Tribal representatives can provide valuable support to the response in a variety of ways. Effective response actions require local knowledge and a comprehensive understanding of the resources at risk. Tribal representatives may choose to support the response as a subject matter expert in the Logistics, Planning, or Operations Sections or the EU; or an Agency Representative under the Liaison Officer. If an NRDA is conducted, Tribes may also participate in that effort to help define the injury done by the release. NRDA is separate and distinct from the response effort. The level of Tribal participation will depend on a number of factors, including the individual circumstances of the incident and the level of training and/or experience the representative(s) bring to the response. As with the TOSC role, the FOSC may facilitate the

engagement of a TCS (specialized Assistant Liaison Officer) who will assist Tribal representatives in navigating NIMS/ICS.

When incidents occur beyond areas of Tribal governing interests but nonetheless present a concern to a Tribe, the Tribe may interact directly with the response through the incident Liaison Officer.

1270 State Response Policy

1271 Washington State Response Policy

Ecology is the pre-designated SOSC for all oil and hazardous substance spills in state waters. In this role, Ecology represents the interests of all state agencies and citizens, supports federal response, and supports a coordinated approach with state partners as it responds to any significant discharge or threatened discharge. Ecology provides local geographic and environmental information; identifies and prioritizes vulnerable resources with other resource agencies through the EU; and funds cleanup of orphan oil spills through the Oil Spill Recovery Act.

Washington law sets high standards for environmental protection. Chapter 90.48 RCW makes it unlawful to cause or permit the discharge of pollutants into the waters of the state and establishes Washington's participation in the federal permit program. State statutes on water pollution and marine transportation safety meet or exceed federal requirements.

It is the state's policy to use the UC system to co-manage significant spills or threats of spills, ensuring close cooperation with federal, Tribal, and local governments to protect public health and safety, natural resources, and private property.

1272 Oregon State Response Policy

ODEQ maintains 24/7/365 watch staff and can be notified through the Oregon Emergency Response System. ODEQ's duty officers triage and direct incidents, as appropriate, to protect human health and Oregon's environment. ODEQ responds to every call received through the Oregon Emergency Response System.

The first emergency responder to arrive at the scene becomes the IC until relieved, or until the incident is over. ODEQ, through its designated SOSOC, is the Lead Agency of the State of Oregon during the cleanup phase of oil and hazardous material incidents. ODEQ may relieve the IC (typically fire or HAZMAT Team) when the life safety portion of the emergency response is complete and the focus of the effort is on containment and cleanup of oil or hazardous materials. ODEQ recognizes that the USCG and EPA are the lead federal agencies within their AORs for oil and hazardous materials incidents.

ODEQ has committed to protection of natural and cultural resources important to Oregon Tribes by completing pass-through of OERS notification of all incidents within their areas of interest. ODEQ also notifies Tribes directly before any disturbance of the subsurface (digging, drilling, etc.) and through the use of Inadvertent Discovery Plans in areas where cultural resources are not known, and direct engagement with Tribes for incidents in areas the presence of cultural resources are known or where Tribes express concern that they could be.

ODEQ monitors, assesses, and evaluates spills, releases, or threatened spills or releases of oil or hazardous material. ODEQ may directly contain a spill or release, or direct RPs or contractors to do so, as appropriate, to prevent, minimize or mitigate damage to public health, safety, welfare or the environment that may result if action is not taken. ODEQ oversees the environmental cleanup of spilled materials that threaten human health or the environment while coordinating with other state and local agencies within a UC. ODEQ conducts incident responses in accordance with the NIMS and requires RPs to follow NIMS protocols. Before assuming an incident command role under the NIMS ICS, the SOSOC may provide technical advice to police, fire, and other first responders, and coordinate a cleanup response with state and local agencies. For significant spill incidents, ODEQ conducts response actions under UC, involving all appropriate federal, Tribal, state, local, and resource trustees along with the parties responsible for the release. If an incident has no identified RP, or if the identified RP is unwilling or unable to conduct an appropriate response, ODEQ has authority to conduct the assessment and/or cleanup and seek cost reimbursement.

ODEQ has authority to assess, stabilize, and conduct cleanups of spills or threatened releases to Oregon waterways, soils, airsheds, or groundwater. ODEQ partners with adjacent states (Washington, Idaho, Nevada, and California) on incidents that threaten shared waterways and airsheds, or where contaminants may impact people or habitats across state boundaries.

ODEQ determines when cleanup of released hazardous materials meets state standards and when state oversight is complete. For cleanups conducted under emergency response authorities, returning contaminant levels to background concentrations is typically the appropriate standard.

1273 Idaho State Response Policy

Idaho uses a collaborative system in responding to hazardous materials incidents. A single phone call to the Idaho State EMS Communications Center provides immediate access to virtually any resource needed at a hazardous materials incident. The state plays a key role in facilitating and fostering the collaborative efforts, and the IEOM is responsible for ensuring that emergency response is timely and effective. Local, state, and federal responses are expected to be coordinated and supportive of local efforts.

UC and NIMS are the standard method of operation. The state's representative to command under emergency or disaster conditions is designated by the Idaho Adjutant General. It is policy in Idaho that responders operate only within the scope of their training. The state has set clear training guidelines in the Idaho Hazardous Materials/Weapons of Mass Destruction Incident Command and Response Support Plan. The IDEQ directs long-term site remediation efforts with the cooperation and support of other state and federal agencies.

1280 Multinational Policy

The geographic area covered by the NWRCP includes shared marine and inland borders with Canada: in particular, the northern terrestrial boundaries of Washington and Idaho adjoin the Canadian border, and the marine boundary between the United States and Canada transects the Strait of Juan de Fuca and the Georgia and Haro Straits waterbodies.

For oil spills and other hazardous material releases, or potential releases that occur at or in the adjacent transboundary area, it is required that federal and state/provincial response leadership in both United States and Canada coordinate their respective responses on their sides of the border. Two documents outline how the UC members on each side of the border will coordinate spill response in the transboundary region: the Canada-United States Joint Marine Pollution Contingency Plan, Pacific Annex (CANUSPAC) for spills of oil and other harmful substances for marine spill responses; and the Canada-United States Joint Inland Pollution Contingency Plan (CANUSWEST) for inland spill response.

Any pollution incident in one country that poses a substantial threat to the other country shall be reported immediately to the Canadian National Environmental Emergencies Center (1-819-997-3742) or the U.S. NRC (1-800-424-8802), depending on the incident location. In addition, for spills threatening the marine zone, the U.S. Coast Guard Northwest District will immediately notify the Canadian Coast Guard Western Region emergency number and vice versa, in the event of an incident with cross-border threats or impacts.

The NWRCP and applicable ACPs guide spill responses conducted on the U.S. side of the transboundary region, while the CANUSPAC Annex and CANUSWEST Joint Contingency Plan identify how the two nations will coordinate their individual response actions on their side of the border. These plans are designed to be complementary and promote effective international coordination. In addition to updating the cross-border plans, periodic meetings and exercises involving both U.S. and Canadian response personnel are held to maintain relationships and ensure the plans can be enacted.

1290 Responsible Party Policy

The NCP requires that response plan holders “prepare and submit a plan for responding, to the maximum extent practicable, to a worst case discharge, and to a substantial threat of such a discharge, of oil or a hazardous substance. These response plans are required to be consistent with applicable Area Contingency Plans.”

- The requirement for facility and vessel response plans to be consistent with the ACPs applies to: VCP and FCP: content, review, and approval;
- The execution and evaluation of spill drills and exercises; and
- The management of spill response actions.

Failure to adequately conform to the ACPs may result in rejection of a spill contingency/response plan; non-credit for a drill; or federal and/or state agencies assuming direct control of a spill response action. However, it is also the policy of the RRT10 that the UC will encourage the party responsible for a spill incident to maintain the primary responsibility for managing the response action so long as they:

- Actively and cooperatively participate in the UC structure;
- Provide an organization that is compatible with NIMS/ICS;
- Provide regular communication and documentation that ensures adequate response resources are being rapidly mobilized in proportion to the size of the incident as discussed in the following section; and
- Follow their approved spill contingency/response plan (if applicable) unless otherwise directed, or a deviation is agreed to, by the UC.

Adequate response resources must be rapidly mobilized if initial source control, containment, and cleanup efforts are to be successful. Experience in the Northwest has found that it is much more cost-effective and far less damaging to natural resources to contain an oil spill rather than remove it from the water and beaches.

Therefore, it is the policy of the RRT10 that the response to a spill incident should be promptly “ramped-up” to provide adequate equipment and trained personnel to effectively respond to the highest quantity of product that is most likely to be released. If it is determined that excessive response resources are ordered or mustered, they may be canceled or demobilized to help control the cost of the response action to the RP and responding agencies.

If an RP fails to respond in a manner deemed reasonably consistent with this policy and ACPs, the FOSC or SOSC may assume the lead for all or a portion of the spill. The agency proposing to lead the cleanup will closely coordinate with other members of the UC prior to taking such action.

1291 Responsible Party Responsibilities

Specific responsibilities of the RP are as follows:

- Assess spill or release;
- Robustly staff the response with a spill management team;
- Establish a Command Post, in concurrence with the other OSCs;
- Document/identify the type and quantity of oil or hazardous substance spilled or released;
- Contain the oil or hazardous substance spilled or released and protect the environment, with a particular emphasis on sensitive areas;
- Provide input relative to cleanup priorities (i.e., waste minimization);
- Perform timely and effective cleanup;
- Dispose of oil, oily waste, and hazardous substances;
- Restore damaged environment/natural resources;
- Communicate with local, state, and national response agencies and organizations;
- Communicate with media;
- Pay for damages;
- Take steps to prevent reoccurrence of spills or releases; and
- Collect and care for wildlife, in conjunction with responsible state, local, and federal agencies.

The RP has the opportunity to conduct damage assessment when required by the state/federal agencies and/or when appropriate given the RP's available resources as determined by the UC.

1300 Plan Review and Process

1310 Review and Approval Processes

1311 Regional Contingency Plan

The NWRCP will be reviewed and updated annually by the Regionwide Planning Committee (RWPC). In addition, the RWPC has established a staggered approach for in-depth review of all NWRCP chapters over a period of five years. With each annual review, all significant updates will be published for public review and comment. Comments on the plan can be submitted at any time to the RWPC through the RRT/NWAC website.

The RWPC is responsible for conducting an annual review of select sections of NWRCP contents in accordance with a predetermined schedule. The goal is to review the plan in full over a 5-year period. RRT Co-Chairs facilitate RRT member review of the proposed RCP updates as needed. This review includes oversight of policies governing the use of tools and resources relevant to regional preparedness and response, but does not extend to the tools themselves.

If any additional content or tools outside of the review schedule are identified as candidates for update or revision, they must be proposed individually to the RWPC. The RWPC will assess the proposed tools and resources and determine whether to address the update directly or delegate the matter through the formation of a task force. The RWPC will also determine, at its discretion, whether any proposed updates to tools or associated resources warrant a full public comment period to align. The RWPC will assess the proposed tools and resources and determine whether to address the update directly or delegate the matter through the formation of a task force. The RWPC will also determine, at its discretion, whether any proposed updates to tools or associated resources warrant a full public comment period to align.

- Any content identified for update must be submitted to the RWPC.
- Upon receipt of content update proposal, the RWPC will:
 - Determine whether to address the update internally, or

- Establish a task force to evaluate and recommend actions.
- The RWPC will assess whether the nature and scope of the proposed update warrant a public comment period.
- If deemed necessary, the RWPC will initiate a public engagement process in accordance with established guidelines.

There are Appendices in the RCP. Each of these appendices is produced and maintained by the RRT Coordinators and designated RRT committees, subject to their own public review process, as appropriate.

Plan reviews occur annually per EPA area planning guidance, USCG policy, and/or state statutes. Plan reviews may include validation that involves checking or proving the accuracy of plan elements, such as contact information and worst case discharge (WCD) scenarios. Plan reviews also may include incorporation of lessons learned from exercises or incidents and identification of any gaps in the plan. Plan reviews may trigger plan modifications that follow the plan review process. For purposes of regional and area plans in the region, all changes, updates, and/or fact corrections to content within the RCP or ACPs shall be defined as modifications to the plan. Modifications are incorporated into the applicable plan via two different modifications categories, Category I and Category II described below.

The RRT established the two modification categories to define the level of effort associated with any plan review, to ensure consistency across agencies and Area Committees, and to easily identify which plan reviews trigger a 30-day public review requirement. The RWPC determines the category for each modification to the RCP. For the ACPs, each Area Committee determines the review category for ACP modifications. Category I Modifications are those proposed modifications to the RCP or ACPs of routine data, format, grammar, and/or hyperlinks. These proposed modifications do not automatically trigger a 30-day public review requirement. For example, proposed modifications to contact information, such as telephone numbers and email addresses within the plan, are incorporated as a Category I Modification. Additionally, proposed modifications due to new or updated

regulations or statutes that have already been subject to a public review are not a significant modification to the plan and, therefore, do not trigger a second public review. However, if the statutory or regulatory update to the plan changes response processes in such a way that it becomes a significant modification to the plan as defined in this document, a 30-day public review is required.

Category II Modifications are defined as a change when substantive revisions are required to the RCP or ACP and trigger a 30-day public review requirement. Examples of significant modifications to the RCP or ACPs include the following:

- A change in response policy or agency guidance established by the plan (and not external policy or guidance changes);
- Changes in how agencies conduct a pollution response; and
- Logistical changes that increase or decrease agency response resources.

During a plan review, including the public review period, all or part of the plan can be the focus of the review. The scope of a plan review is set by the RRT or Area Committee, as appropriate.

Both the RCP and ACPs incorporate other plans and guidance documents by reference. These plans generally have their own review schedules, separate from the annual ACP/RCP review.

1312 Area Contingency Plans

The SPS ACP and SCR ACP will each be reviewed annually. The coastal ACPs must also be reviewed by the District Commander and the National Review Panel every 5 years. The Northwest Inland ACP will be reviewed annually, in accordance with EPA planning guidance. All significant updates to ACPs will be published for public review and comment. Additional details on the review process can be found in each ACP.

1313 Tools and Resources

Proposed additions to the Tools and Resources page are submitted to the RWPC for review. The RWPC evaluates each proposal to determine:

- Whether it should be incorporated into the RCP, ACPs, or both;
- Whether it constitutes a modification and, if so, the applicable category;
- The appropriate placement and reference within the RCP and associated plans; and
- The appropriate location for posting on the official website.

Any item approved for inclusion on the Tools and Resources page must also be referenced within the relevant plans. If a proposed addition is not incorporated into the RCP or ACPs, it may be posted to the Library. The RWPC shall exercise discretion on a case-by-case basis to determine whether Library items require cross-referencing within the plans. Updates to the Tools and Resources page will be presented at RRT10 meetings.

1314 Sponsorship Model

To improve efficiencies with limited resources (personnel and budget), the RWPC, in consultation with the Area Committees, have developed a 'sponsorship model' for the development or revision of plan content or to address a specific topic. Under the sponsorship model, an Area Committee or the RRT10 will establish a task force to address a specific issue or topic. This task force may consist of members from outside the sponsoring committee, including representatives from the RRT member agencies or other Area Committees, subject matter experts and other interested stakeholders. The products of the task force are then shared with other Area Committees and the RRT via the RWPC. Each Area Committee can elect to incorporate any new plan content or references into their ACP – either by insertion into the plan or incorporation by reference. Each Area Committee is responsible for following federal and state plan revision requirements, including public review as appropriate for modifications to ACPs. Documents that are

recommended by either the Regionwide Planning Committee or Area Committees to be available as tools for the use of all will be posted on the RRT10 website.

1320 Plan Implementation

RRT10 agencies are encouraged to use this plan in all response training and to establish an annual training program within their agencies to ensure that all parties:

- Understand and are fully aware of their respective roles and responsibilities;
- Understand their role in the UC System;
- Understand how they coordinate and communicate with other parties and agencies;
- Understand what and where their assignments will be at a spill scene;
- Understand the overall level of commitment they are to devote to spill response operations; and
- Understand how they will be notified and when to respond to such notification.

Agency spill responders and key personnel are required to read this plan on an annual basis. Each agency is responsible for regular review of this document.

1330 Exercises

Region 10 has adopted exercise policies consistent with the National Preparedness for Response Exercise Program (PREP). PREP is a unified federal initiative that satisfies the exercise requirements of multiple agencies, including the USCG, EPA, Pipeline and Hazardous Materials Safety Administration (PHMSA), and Bureau of Safety and Environmental Enforcement (BSEE). For more information on this program, see <https://www.phmsa.dot.gov/national-preparedness/national-prep-guidelines>

The RRT10 Exercise Subcommittee has been established to serve as a resource on regional exercises and to promote coordination and communication on scheduling, designing, and participating in drills among RRT member agencies.

1331 Exercise Scheduling

Effective exercise scheduling is critical to the success of national and regional preparedness efforts. While larger exercises require significant resources and coordination, advance planning ensures participant availability and allows for budget alignment.

Exercise scheduling is handled in several ways:

- Quadrennial Area Exercises are coordinated through the National Strike Force Coordination Center in partnership with regional agencies and industry stakeholders.
- Annual PREP drills are implemented through industry-led WCD exercises. All drills should be submitted to the Northwest Area Committee Exercise Schedule (NACES) for coordination amongst area partners. The regional drill schedule is available at: <https://fortress.wa.gov/ecy/naces/>
- The FOSC may conduct Government-Initiated Unannounced Exercises (GIUEs) to independently assess industry response capabilities. The states also have authority to conduct GIUEs. These unannounced events provide an important measure of preparedness and plan effectiveness.
- ODEQ and Ecology require regulated plan holders to coordinate with an agency planning representative when designing and scheduling required drills.

1340 Geographic Response Plans

Geographic Response Plans (GRPs) contain oil spill response strategies for marine and inland waters of Washington, Oregon, and Idaho. Each GRP has two priorities: 1) to identify natural, cultural, and significant economic resources in a specific geographic region, and 2) to describe and prioritize response strategies to minimize damage to these resources during an oil spill. GRPs can be located on the RRT/NWAC website.

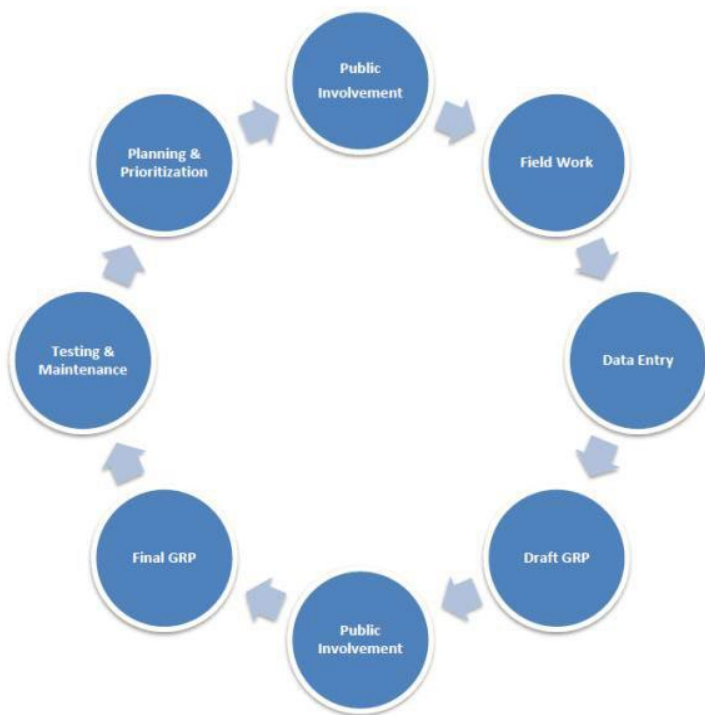
Each GRP has several chapters that contain:

- Introduction to the plan;
- Site descriptions, including physical features, hydrology, climate, risk assessment, and literature references;
- Reference maps, notification strategies, and prioritized tactical strategies;
- Resources at risk, including endangered species, and shoreline information; and
- Staging area and boat launch information for the area.

1341 Process to Develop Geographic Response Plans

Development of GRPs in the Northwest is a collaborative process coordinated through the regional GRP Subcommittee. GRPs are developed through workshops and field work involving federal, state, and local oil spill emergency response experts, as well as representatives from Tribes, local governments, industry, ports, environmental organizations, pilots, and response contractors. Workshop participants identify resources, develop operational strategies, help prioritize the strategies, and pinpoint logistical support. It is important to involve local governments and local communities in the GRP development process. Field work is conducted to visit the selected sites, confirm the existence of the resource at risk, and further refine the operational strategies.

Figure 1000-1 – GRP Development and Update Cycle



1342 Agencies Responsible to Develop and Maintain Geographic Response Plans

Key RRT10 and NWACs agencies have committed resources to manage the development and maintenance of GRPs, as described below.

- Marine GRPs in Washington State are co-managed by Ecology and the USCG.
- Inland GRPs in Washington State are co-managed by Ecology and EPA.
- Marine GRPs in Oregon are co-managed by ODEQ and the USCG.
- Inland GRPs in Oregon are co-managed by ODEQ and EPA.
- Inland GRPs in Idaho are co-managed by the State of Idaho and EPA.

1343 Testing Geographic Response Plans

GRP strategies are tested during drills and spills or during the plan development process.

Testing of the strategies is an important priority for the northwest response community.

Deployment provides an opportunity for response contractors, plan holders, and agencies to verify the effectiveness of the strategy, deploy equipment, and train personnel to ensure that they are prepared for a real oil spill. GRP strategies are updated based on the results of the drills.

Comments on GRPs and the testing of GRP strategies during deployments can be made through the RRT10 and NWACs website, using the Submit Comments link the submit comments page: <http://www.rrt10nwac.com/Comment/Default.aspx>

1350 Spill Scenarios

An important part of contingency planning is anticipating the effects of a spill and preparing in advance for the response to spills likely to occur in the area. ACPs address responses to WCDs of oil or hazardous substances, and mitigation or prevention of a substantial threat of discharge from a vessel, offshore facility, or onshore facility. These scenarios are described in the individual ACPs.

2000 COMMAND

2010 Command Structure - Unified Command Organization

The Regional Response Team 10 (RRT10) and NWACs manage spill incidents using NIMS ICS and a UC structure.

Principles of Unified Command

- **Incident Command System (ICS):** All signatory agencies will use the NIMS ICS model as the foundation for response operations.
- **Unified Command (UC):** Federal, state, and RP OSCs will form the UC and jointly manage response activities.

- **Decision-Making:** The UC will make decisions by consensus and document them in a single IAP for each operational period. If consensus cannot be reached, the FOSC as final decision-making authority.
- **Local Government Participation:** One or more LOSCs may be incorporated into the UC as appropriate.
- **Tribal Government Participation:** One or more federally recognized TOSCs may be incorporated into the UC as appropriate.

Under this structure, the UC brings together federal, state, Tribal, local, and RP representatives to share authority, coordinate decisions, and jointly direct spill response and cleanup operations.

2020 Command Staff Elements: Roles and Responsibilities

2021 Incident Commander/Unified Command

Incident Commanders for oil discharges and hazardous substance releases will, whenever possible and practical, be organized under the UC structure, which includes, but is not limited to:

- The pre-designated FOSC;
- The State On-Scene Coordinator (SOSC);
- The representative of the RP;
- The Local On-Scene Coordinator(s) (LOSC), as appropriate; and
- The Tribal On-Scene Coordinator(s) (TOSC), as appropriate.

To be considered for a UC position, the involved organization:

- A. Must have jurisdictional authority or functional responsibility under a law or ordinance for the incident;
- B. Must have incident or response operations impact on the organization's AOR;
- C. Must be specifically charged by law or ordinance with commanding, coordinating, or

- managing a major aspect of the incident response;
- D. Should have full organization authority to make decisions and execute all of the tasks assigned to the IC on behalf of their organization; and
- E. Should have the resources to support participation in the response organization.

Actual UC makeup for a specific incident will be determined on a case-by-case basis, taking into account:

- The specifics of the incident;
- Determinations outlined in the five criteria listed above; and
- Decisions reached during the initial meeting of the UC.

The makeup of UC may change as the incident progresses, to account for changes in the situation.

The UC is responsible for the overall management of the incident. The UC directs incident activities, including the development and implementation of strategic decisions, approves the IAP, and approves the ordering and releasing of resources. It is expected that each UC member will have the authority to make decisions and commit resources on behalf of his or her organization.

An organizational chart for the UC and Command staff is shown in Figure 2000-1. This chart serves as an example and is not meant to be all-inclusive

2022 Naming Convention for Oil Spills – Northwest Regional Policy

To ensure that accurate and credible information is provided to the public and to elected officials, it is the policy in the Northwest to use the following naming convention for oil spills:

1. **Source by Name:** Name of vessel or facility, or other source (rail, pipeline, etc.);
2. **Geographic:** Location of the incident;
3. **Incident Description:** Spill, spill threat, fire, explosion, grounding, sinking, etc.; and
4. **Date:** May be optional if the spiller has had previous oil spills.

When UC is formed, UC officials negotiate and concur on key decisions, which may include the name of the incident.

2023 Public Information Officer

The RRT and NWACs prefer that the RP not fill the PIO position. This applies to both government agency and private industry RPs. However, the RRT and NWACs recognize that UC holds the discretion to fill the position with whomever they choose. UC should consider credibility with the media and public, as well as previous experience in drills or spills, familiarity with the NWRCP tools and policies and with Emergency Support Function #15 (ESF-15). Upon the concurrence of UC, the RP may fill the PIO position.

The RRT10 and NWACs encourage RPs to designate an Assistant PIO to participate in meetings attended by the PIO and to be present during briefings by the PIO or delegate. The PIO is appointed by and reports to the IC/UC. The PIO should be trained in ICS, familiar with the NWRCP, and experienced in public affairs, public speaking, crisis communication, media relations, and principles of JIC management. Further regional guidance is in the NWRCP Annex A, Joint Information Center Manual.

2024 Safety Officer

See the EPA and USCG Incident Management Handbooks (IMH) and the “Health and Safety Job Aid” tool.

2025 Liaison Officer

It is the policy of the RRT10 for the Liaison Officer position be filled by a qualified representative from a federal, state, Tribal, or local agency. If no such agency representative is initially available, qualified, or willing to serve, the UC may, at its discretion, authorize an RP representative to fill the position. The RRT10 and NWACs also encourage RPs to designate

an Assistant Liaison Officer to fully participate in the meetings and briefings alongside the Liaison Officer. Further responsibilities are outlined in Annex B, the Liaison Manual Annex B.

2030 Natural Resource Damage Assessment

NRDA involves identifying the type and degree of impacts on natural, cultural, and socioeconomic resources to assist in restoring those resources. NRDA may involve a range of field surveys and studies used to develop a monetary damage claim, or may involve immediately developing a restoration plan with the RP. NRDA activities for small spills typically involve simplified assessment methods and minimal field data collection.

Given that the goals of NRDA are outside the sphere of most emergency spill response actions, NRDA activities generally do not occur within the structure, processes, and control of the ICS. However, particularly in the early phases of a spill response, many NRDA activities overlap with environmental assessment performed for the sake of spill response. Because NRDA is carried out by natural resource trustee agencies and/or their contractors, personnel limitations may require staff to perform NRDA and response activities simultaneously. Therefore, NRDA staff should remain coordinated with the spill response organization and need to work with the Liaison Officer to coordinate with the UC, Environmental Unit (EU), Wildlife Branch and the National Oceanic and Atmospheric Administration (NOAA) Scientific Support Coordinator to resolve any problems or address areas of overlap. While NRDA resource requirements and costs may fall outside the responsibility of the Logistics and Finance sections, coordination is still important.

For amplifying information on the potential tasks and responsibilities of an NRDA representative, see the U.S. Coast Guard (USCG) and/or EPA IMH.

2040 Incident Investigation

Criminal and civil investigators from federal and state agencies do not normally serve as members of the UC. While investigative personnel may report to officials who are part of

UC, the investigative function remains separate to avoid conflicts of interest and to ensure that UC decision-making remains focused on response operations. Coordination between investigators and UC is conducted through the investigators' respective agencies.

DRAFT

3000 OPERATIONS

3010 Operations Section Chief

All incidents begin with operations. The Operations Section Chief must be both tactically competent and possess a thorough understanding of the Incident Command System (ICS). The Operations Section Chief is selected by Unified Command (UC). The position of Operations Section Chief should be filled by the person with the greatest technical and tactical expertise in dealing with the problem at hand.

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

3020 Wildlife Branch

The primary purpose of the Wildlife Branch is to provide the best achievable care for oil-impacted wildlife and to minimize wildlife losses during oil spills. This includes preventing injury to wildlife or habitats, from either the oil itself or from any response countermeasures. The Wildlife Branch, working within the Operations Section, develops the operational strategies, tactics, and resource needs for its activities and submits these for inclusion in the incident action plan. It is the policy of the Regional Response Team 10 (RRT10) that representatives of the United States Fish and Wildlife Service (USFWS) will assume the positions of Director and Deputy Director of the Wildlife Branch. State fish and wildlife representatives will assume these positions if a USFWS representative is not available or if designated by a USFWS representative. This designation may be made on a case-by-case basis or through a pre-existing agreement. Appointment of other parties, including Tribal or responsible party (RP) representatives, to one or both positions may be made by a USFWS representative or their designee at any time during an incident, and for

such periods as may be deemed appropriate. Unless otherwise indicated by USFWS, these positions will be delegated to the Washington Department of Fish and Wildlife for spills that occur within the legal boundaries of Washington State.

The Wildlife Branch Director is responsible for implementing the Northwest Wildlife Response Plan (Appendix D) for the Northwest Region, which describes the roles, responsibilities, and duties of the Wildlife Branch and its associated personnel. The Wildlife Branch Director is also responsible for ensuring compliance with applicable federal and state wildlife laws and mandates on behalf of the UC during a response. Tribes retain sovereign authority to manage wildlife resource issues within their respective reservation boundaries and the Wildlife Branch will consult with and coordinate any wildlife response operations with Tribal governments whose lands may be impacted by an oil spill.

The Wildlife Branch is activated whenever a federal or state trustee agency, RP, or the UC determines that an oil spill has occurred in the vicinity of wildlife resources (primarily mammals or birds), or when a spill's expected trajectory puts these wildlife resources at risk. Activation of personnel and equipment is based primarily on anticipated impacts to wildlife and will be appropriate to the size of the spill. See Section 3020 for more detailed information concerning the organization, activities, and responsibilities of the Wildlife Branch.

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

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

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 (EPAs) Incident Management Handbooks (IMHs).

4022 Environmental Unit

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 described in the USCG IMH, and the Tools and Resources provide additional guidance.

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

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

4031 National Historic Preservation Act

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

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 Resources below), the FOSC is responsible for initiating an Emergency ESA Consultation with the Services. The "ESA Compliance Guide" tool has been developed to document this process. National Oceanic and Atmospheric Administration's (NOAAs) 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.

Resources Available on the RRT10/NWAC Website:

- RRT10 and Northwest Area Committee Endangered Species Action Compliance Guide for Federal Responders During Emergency Response.
- Programmatic Biological Opinion Addressing Oil and Hazardous Substance Spill/Release Response Activities in Selected Areas of Idaho, Washington, and Oregon (01E00000-2015-F-0001)
- Endangered Species Act Section 7(a)(2) Biological Opinion, and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the Northwest Area Contingency Plan for the Response to Spills of Oil and Hazardous Substances (WCRO-2018-00065)
- The national inter-agency Memorandum of Agreement between the USCG, EPA, and the Services. This MOA provides guidance on how the USCG, EPA, USFWS, and NMFS work collaboratively before, during, and after an emergency and provides templates for required documentation and processes.

4033 Resource Conservation and Recovery Act

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

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.

Refer to 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

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 weapons of mass destruction.

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 the 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 recognized as the “affiliated organization” for the purpose of recruiting and training volunteers for oiled wildlife rescue.

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 (Oregon 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

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 Tool. Published GRPs and GRSs can be accessed on the RRT10 website.

4080 Response Technologies for Oil Spills

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 use any agent listed above without requesting permission if its use is necessary to prevent or substantially reduce a hazard to human life.

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 found at https://www.epa.gov/system/files/documents/2025-12/ps_dec25_508.pdf. 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 use, in the judgment of the FOSC, is necessary to prevent or substantially reduce a hazard to human life.

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.

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.

Herding agents are substances that form a film on the water surface to control the spreading of the oil to allow for oil removal.

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

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 (<https://www.epa.gov/emergency-response/ncp-product-schedule-productsavailable-use-oil-spills>) 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 Manual

(http://response.restoration.noaa.gov/sites/default/files/SMART_protocol.pdf).

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 “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 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 (48° 08' 41" N, 122°45' 19" W) and Admiralty Head (48° 09' 20" N, 122° 40' 42" W); and
- Freshwater environments.

4086 Region 10 Dispersant Use Zones Summary Table

**Regional Response Team 10/Northwest Area Committee 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.
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 (48° 08' 41" N, 122°45' 19" W) and Admiralty Head (48° 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 §1220 Standing and Incident-Specific Regional Response Team 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 Authorization Checklist and the Dispersant Decision Memo, 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 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

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 at <http://response.restoration.noaa.gov/smart>. 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

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 Operational 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.” A burning agent, also called an “accelerant,” is defined as an additive that, through physical or chemical means, improves the combustibility of the materials to which it is 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.
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.
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 4313 and 4314 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 Operational 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).

During an *In Situ* Burning Action

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 Operational 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 Operational 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 Operational 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 Operational 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

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 should not be 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.

Therefore, the Area Committee 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 IC must be notified within one hour after decanting begins and must immediately notify the UC.
- 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 FOSC and/or SOSC 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 FOSC, SOSC, 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.

The response contractor or RP will present the UC with a brief description of the area for which decanting approval is sought prior to decanting; the decanting process proposed; the prevailing conditions (wind, weather, etc.); and protective measures proposed to be implemented. The FOSC and/or SOSC will review such requests promptly and render a decision as quickly as possible. FOSC authorization is required in all cases; SOSC authorization is also required for decanting in state waters, and TOSC authorization is also required for decanting activities in waters under Tribal jurisdiction.

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

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

Surface-washing agents are chemicals that are used to enhance oil removal from exposed substrates and hard surfaces. 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.

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.

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

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

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.

5000 LOGISTICS

5010 Logistics Section

The Logistics Section, within IMT, is responsible for all services and support needs of an incident, including obtaining and maintaining essential personnel, equipment, and supplies. The Logistic Section also sets up and maintains incident facilities, provides communication planning and resources, coordinates food services, and provides transportation and medical services to incident personnel. Detailed Logistics Section guidance on staffing, roles, and responsibilities is found in the U.S. Coast Guard and U.S. Environmental Protection Agency Incident Management Handbooks and the Area Contingency Plans.

5020 Worldwide Response Resource List

The Worldwide Response Resource List (WRRL) is a centralized, web-based system that catalogs oil spill response equipment available throughout the Pacific Northwest to support rapid, aggressive, and well-coordinated response operations. The WRRL identifies and details response equipment maintained by participating private and public response organizations.

State agencies and industry representatives use the WRRL database to support response and preparedness activities to locate and order response equipment during a drill or spill. The WRRL provides an overall picture of the region's response resources.

To access a map of response equipment in the Northwest, see [Response Resource Map](#).

To access the WRRL database, see [WRRL](#).

5030 Salvage and Dive Companies

The American Salvage Association is an association of professional salvors that can be used to identify marine salvage and firefighting response capabilities.

To access the membership, see [American Salvage Association](#).

6000 FINANCE/ADMINISTRATION

6010 Federal On-Scene Coordinator Access to the Federal Fund

Federal removal actions are authorized by the Federal Water Pollution Control Act (FWPCA) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), if the required elements of jurisdiction exist. In the event of a discharge or release, if the spiller is not acting promptly or is unknown, the U.S. Environmental Protection Agency (EPA) Federal On-Scene Coordinator (FOSC) may initiate federal removal under the authority of Section 311 (o)(l) of the FWPCA or Section 104(a) of CERCLA. The responsible party (RP) is liable for government removal costs in accordance with Section 311(f) of the FWPCA, and Section 107 of CERCLA. Section 300.58 of the National Oil and Hazardous Substances Pollution Contingency Plan outlines the types of funds that may be available to remove discharges of certain oil and hazardous substances.

6020 Damage Assessment Procedures

The Natural Resource Damage Assessment process provides a framework that enables designated natural resource trustees to identify significant environmental injuries, plan and implement efficient and effective restoration of injured natural resources and services, and support appropriate public and RP involvement in the restoration process. Under the Oil Pollution Act, CERCLA, and applicable state statutes, RPs are liable for damages resulting from injury to, destruction of, loss of, or loss of use of natural resources caused by an oil discharge, hazardous substance release, or substantial threat of either, including damages related to response actions. Recoverable damages include the cost to restore, rehabilitate, replace, or acquire the equivalent of injured resources; the decline in value of resources pending restoration; and the reasonable cost of assessing such damages. See Area Contingency Plans for state-specific requirements and additional guidance.

DRAFT

7000 HAZARDOUS SUBSTANCES UNIQUE INFORMATION

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)/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:

Insert Table

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 Prevention and Response Act	RCW 90.56	Ecology
Hazardous/Dangerous Waste	Hazard Waste Management Act	RCW 70.105	Ecology

Responsibility or Authority	Law or Act	RCW/WAC	Lead Agency
Management		WAC 173-303	
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	DOH
Radiation Protection Standards	Nuclear Energy and Radiation	RCW 70.98 WAC 246-221	DOH
Radiation Protection – Workers Rights	Nuclear Energy and Radiation	RCW 70.98 WAC 246-222	DOH
Packaging and Transportation of Radioactive Material	Nuclear Energy and Radiation	RCW 70.98 WAC 246-231	DOH
Radiation Waste Disposal	Nuclear Energy and Radiation	RCW 70.98 WAC 246-250	DOH

Responsibility or Authority	Law or Act	RCW/WAC	Lead Agency
Regulation of all Potential and Actual Radioactive Air Emissions	Nuclear Energy and Radiation	RCW 70.94 WAC 246-247	DOH

Key:

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 the Oregon 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.

Responsibility or Authority	Law or Act	ORS/OAR	Lead Agency
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Northwest Regional Contingency Plan

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
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

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Hazardous Material Emergency Response System	Community Right to Know	ORS 453.374	OSFM
State Fire Marshall	Regional Hazardous Materials Response Team	ORS 453.380	OSFM
Public Health Director	Authority of the Public Health Director during a Public Health Emergency	ORS 333-003-0020	OHA
	Temporary Restriction of Movement	ORS 333-003-0070	
	Emergency Health Care Services	ORS 333-003-0100	
		ORS 333-003-0130	
Public Health Director	Emergency Health Care Centers; Emergency Operations Plan	ORS 333-003-0200	
	Public Health Emergency Plans		

Key:	OPHD = Oregon Public Health Division	
ODEQ = Oregon Department of Environmental Quality	ORS = Oregon Revised Statutes	
OAR = Oregon Administrative Rules	OSFM = Oregon Department of the State	
OHA = Oregon Health Authority	Fire Marshal	

7024 Idaho State Authorities

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

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

7030 Command

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 7000-1, 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 7000-1: 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	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 Regulatory Commission • NASA	• FEMA

Notes:

DOD = United States Department of Defense

DOE = United States Environmental Protection Agency

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 weapons of mass destruction (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/Weapons of Mass Destruction 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

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

7070 Health and Safety

To promote health and safety, follow the Occupational Safety and Health Administration's (OSHA's) 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

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.

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