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Pacific Northwest Oil and Hazardous Substances Spill Contingency Planning Framework

July, 2024

This document confirms a new planning framework that the US Environmental Protection Agency (EPA) and the US Coast Guard have jointly created to address concerns raised with the current oil and hazardous substances spill contingency planning structure. The Pacific Northwest Oil and Hazardous Substances Spill Contingency Planning Framework (Framework) outlines the hierarchy of plans, leadership and staffing of the Region 10 Regional Response Team (RRT10) and the Area Committees of the Pacific Northwest, and minimal requirements for meetings and other coordination including participants and scheduling. The purpose of this Framework is to address the planning requirements and objectives of state, federal, and tribal planning partners. The Framework is intended to acknowledge and honor the relationship between the tribal, the federal, and state governments in oil and hazardous substances spill planning and response and to create plans that address the needs of all planning partners. Through implementation of this Framework, we strive to honor these unique relationships, and in particular the sovereignty of tribal nations, in everything we do. This Framework will be followed by the development of more detailed implementation plans.

The Framework includes the following five primary parameters:

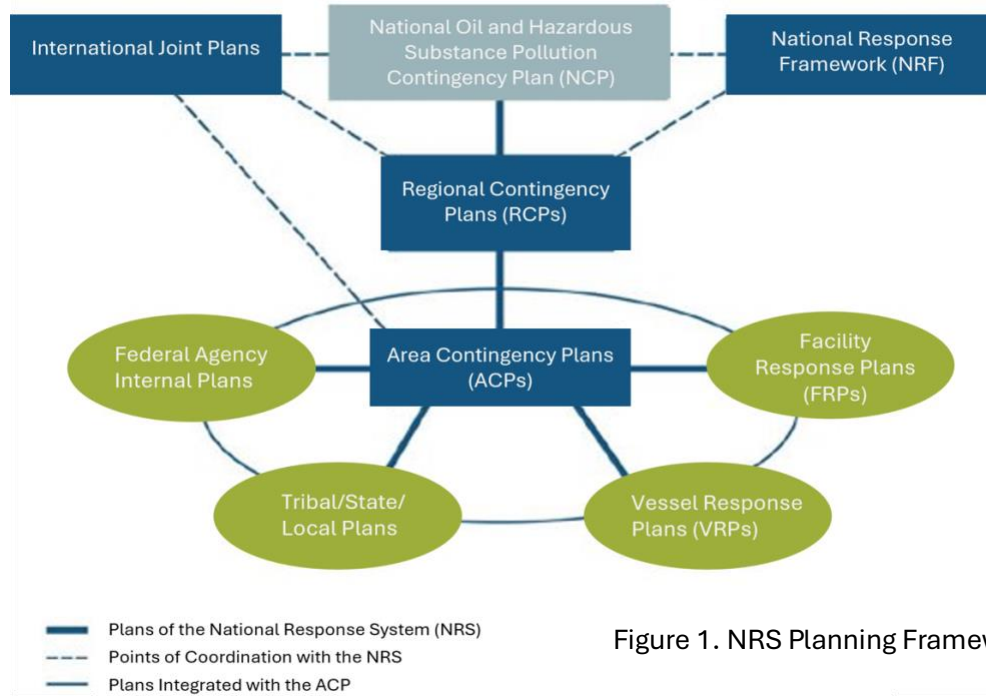
1. With the existing Northwest Area Contingency Plan (NWACP) as a foundation, EPA will work with planning partners to develop a stand-alone Inland Area Contingency Plan covering the inland areas of Idaho, Oregon and Washington.
2. With the existing NWACP as a foundation, RRT10 will work together to develop a stand-alone RRT10 Regional Contingency Plan.
3. The USCG Sectors Puget Sound and Columbia River will continue to work with planning partners to improve Coastal Area Contingency Plans and ensure consistency with other plans.
4. Content may reside in both Inland and Coastal Area Contingency Plans (ACPs) and the Regional Contingency Plan (RCP). The RCP and ACPs exist within an established hierarchy as discussed below. No substantive content in the existing NWACP and Coastal ACPs will be lost in the implementation of this Framework.
5. This Framework does not apply to other EPA regions, many of which continue to have combined RCPs and Inland ACPs.

Hierarchy of Plans

The National Oil and Hazardous Substances Pollution Contingency Plan (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, regional, and area. The NRS also recognizes state, tribal, local and industry planning.

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Area Contingency Plans align with Regional Contingency Plans, which align with the NCP, to ensure consistency of planning, preparedness and response from the local to national level. If conflicting guidance is given, higher level plans should be used until guidance is brought into alignment. ACPs and RCPs contain guidance to responders but do not alter underlying authorities provided by statute and regulation. Figure 1 provides the NRS planning framework as outlined in the NCP with the addition of Tribal Plans.



ACPs provide for orderly and effective implementation of response actions to protect people, natural and cultural resources, and property from the impacts of actual or substantial threats of oil discharges or hazardous substance, pollutant or contaminant releases. They promote the coordination and strategy for achieving a unified and coordinated federal, state, tribal, local, territorial, potential responsible party, response contractors, and community response to oil discharges or hazardous substance releases.

EPA is the predesignated federal OSC for inland areas and the USCG- usually the Captain of the Port (COTP)- is the predesignated federal OSC for coastal areas (40 CFR 300.120). Specific lines of demarcation between the inland and coastal areas of responsibilities are outlined in the RCP. Under the direction of an OSC and subject to approval by the lead agency, each Area Committee, in consultation with the appropriate RRT and other response partners, develop an ACP for its designated area. The Area Committees work together to maintain, update, test and distribute ACPs.

Regional Contingency Plans provide regional response guidance, information, and resources to respond to discharges of oil and releases of hazardous substances, pollutants, and contaminants, and provide guidance on regional coordination including assistance available from the Regional Response Teams (RRT) member organizations. ACPs and RCPs may include the same information where appropriate.

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Through the regional and area planning process in the Pacific Northwest, there is commitment to use common resources and tools to promote consistency in planning, preparedness and response, to the maximum extent possible.

Planning and Response Teams

Planning occurs at three primary levels – national, regional, and area. State, tribal, local and industry planning also occurs. National planning and coordination are accomplished through the National Response Team (NRT) as outlined by 40 CFR 300.110. Regional planning and coordination are accomplished through 13 Regional Response Teams (RRTs), as outlined by 40 CFR 300.115, that provide regional development and coordination of preparedness activities and advice to the OSC during response actions (40CFR300.115(a)(1)). RRTs also provide guidance to Area Committees to ensure inter-area consistency and consistency of individual ACPs with the RCP and NCP (40CFR300.115(a)(2)).

Area Committees (ACs) are responsible for preparing ACPs and working with appropriate federal, state, tribal and local officials to develop robust plans to address the variety of situations that may arise during a spill response, including the use of alternative response technologies. Spill contingency plans provide guidance and tools for the implementation of authorities granted in law and regulation, but they cannot and do not change those underlying authorities.

Members of the Regional Response Team

The membership of the Regional Response Team is outlined in 40 CFR 300.115 and includes the parties listed in Figure 2. Tribal Nations may also be members of a RRT. Coast Guard and EPA representatives serve as co-chairs of the standing RRT and are ultimately responsible for the development of an RCP. When an incident specific RRT is stood up, the Chair of the RRT mirrors the predesignated federal OSC agency determination. Regional planning and coordination of preparedness and response actions is accomplished, in part, through the RRT.

Members of Area Committees

Broad Area Committee representation provides for effective spill response planning and preparedness. Area Committees should be organized to include members from federal, state, tribal, local, and territorial governmental agencies. States and Tribes may serve as Vice Chairs of ACs; the Federal OSC may designate multiple Vice-Chairs for an Area Committee. While the specific roles of Area Committee Vice Chairs are determined at the Area Committee level, the expectation is that Vice Chairs are full partners in the area planning process including ACP development, meeting planning and coordination, and if desired and legally appropriate, signatories to applicable ACPs. Local government, industry, non-governmental organizations, and other interested stakeholder participation in the area planning process is invaluable and encouraged.

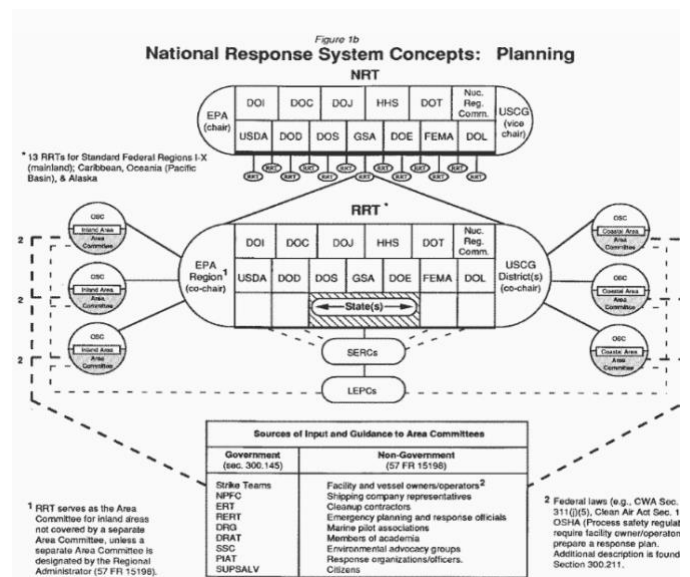


Figure 2. RRT Composition.

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Coordinating Between RRT10 and ACs in the Pacific Northwest

Coordination of planning at the regional and area level is critical. To help facilitate coordinated planning, leadership of RRT10 and ACs in the Pacific Northwest will meet several times a year to coordinate planning activities and ensure consistency between the RCP and ACPs. These meetings will provide a forum to discuss issues that affect the planning and response to spills throughout the Pacific Northwest.

Minimum Meeting Requirements for Regional Response Team Meetings

The NCP states that RRTs should meet at least semi-annually. The RRT10 has historically met three times per year in locations throughout the three-state region.

Minimum Meeting Requirements for Area Committees

For the Coast Guard, each Captain of the Port (COTP) generally serves as the predesignated Federal OSC for assigned portions of the coastal zone and is responsible for overseeing development of the coastal ACPs. The Coast Guard Federal OSC presides at each Area Committee meeting. Coast Guard policy requires coastal Area Committees to meet at least twice during each calendar year, and strongly recommends holding quarterly meetings to optimize area committee planning functions.

For the EPA, RRT10 is currently designated as the Inland Area Committee. Through the implementation of this Framework, EPA intends to form an Inland Area Committee, separate from the RRT 10, covering the inland areas of the states of Idaho, Oregon, and Washington. Through an internal EPA delegation of authority, EPA OSCs are predesignated for the entire EPA federal Region 10, which aligns with the region-wide inland area designation. Assigned EPA OSCs and planners are responsible for working with other federal, state, tribal and local response partners in overseeing the development of Inland ACPs. EPA policy does not dictate the frequency for Area Committee meetings.

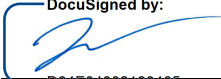
There are no specific USCG or EPA requirements for the format, location, or duration of AC meetings. At the discretion of the Area Committee leadership, these meetings may be co-located with RRT10 meetings so long as the ACs are distinct meetings related to the federal, state, tribal and local spill planning, preparedness and response activities. Co-locating RRT10 and AC meetings may reduce administrative costs for agencies who send the same representatives to RRT and AC meetings and promote coordinated planning.

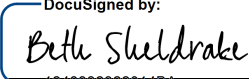
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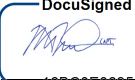
Documentation of Agreement

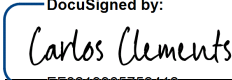
This Framework provides the foundation that will be used to guide the development and updates to the RRT10 RCP and three Pacific Northwest ACPs and the implementation of those spill contingency plans. This Framework represents the mutual agreement and commitment of the signatories, within their individual authorities, and with the support and collaboration of all spill contingency planning partners outlined below who participated in the 2023/2024 William D. Ruckelshaus Center-facilitated process to develop this Framework.

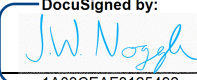
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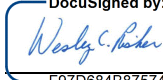
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CAPT Brian Conley
USCG D13 RRT 10 Co-Chair

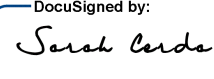
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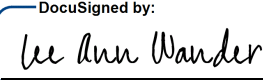
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USCG Sector Columbia River, Captain of the Port

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