Region II (NY/NJ) Regional Response Team

Regional Oil and Hazardous Substances Pollution Contingency Plan

Report Oil and Chemical Spills
1-800-424-8802

www.nrt.org/RRT2plans

RECORD OF PROMULGATION

The Region II Regional Contingency Plan (RCP) was developed in accordance with the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the Clean Water Act of 1977 (as Amended) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP, 40 CFR 300), which require the Regional Response Team (RRT) in each federal region to develop a Regional Contingency Plan to coordinate effective response to oil spills and hazardous substance releases into the environment of the United States within the two states that comprise Region II.

The RCP was developed in cooperation with the designated representatives from organizations that make up the Region II Regional Response Team: 16 federal agencies, two States, and seven federally recognized tribes.

The RCP has been significantly streamlined to reduce duplication of material available in National and Area Contingency Plans and the Plan has been organized according to key functions of the RRT. To promote ease of use, the RCP had been published electronically and is available for viewing or download from the RRT II website at:

www.nrt.org/RRT2plans

The seven main sections of the RCP are as follows:

- Section 1: Introduction (aligns RCP with NCP organization)
- Section 2: Relationship to and Consistency with the NCP
- Section 3: Regional Response Policies
- Section 4: RRT Operations and Administration
- Section 5: RRT Agency Roles, Capabilities and Support
- Section 6: Related Plans
- Section 7: References

Updates to this plan will be considered at RRT semiannual meetings, and changes will be distributed in electronic format. Future changes to the plan will be documented in a Record of Amendments. Any changes or comments to the Region II RCP should be submitted to:

USCG RRT Coordinator
First Coast Guard District (drmp)
408 Atlantic Avenue
Boston, MA 0211

EPA RRT Coordinator
Response & Prevention Branch
US EPA Region 2
2890 Woodbridge Ave (MS-211)
Edison, NJ 08837-3679

This plan is in effect as of March 21, 2012, and supersedes and replaces previous Region II Regional Contingency Plans.

Region II Regional Contingency Plan
Record of Significant Amendments

May 2024

Section	Change	Comments
TOC	Updated Table of Contents	
3.C.	Added narrative for Coastal Region II/ Region III Boundary under "Multi-Area Response"	Provides guidance for determining the Chair for an incident-specific RRT
All	Removed placeholders for previously proposed appendices: • Limited Pre-Authorization Policy for Use of Solidifiers • Guidelines for In-Situ Burning of Oil Impacted Herbaceous Wetlands	
All	Renumbered Appendices and Updated references through the plan.	
Appendix 1	Modifications to EPA R2/USCG Sector Delaware Bay boundary agreement for several NJ waterways	Provides greater consistency with rest of boundary agreement.
All	Updated website links	

December 2020

Section	Change	Comments
TOC	Updated Table of Contents	
3.I	Added language under "Culturally Sensitive Areas and Sites of Historical Significance" to reference NHPA Section 106 requirements, and the RRT2 Guidance in Appendix 10	
5.B	Added language and links for NY and NJ State Historic Preservation Offices	
Appendix 10	Added RRT2 Guidance on NHPA Section 106 Compliance During Emergency Response as Appendix 10	
All	Updated website links	

December 2019

Section	Change	Comments
TOC	Updated Table of Contents	
3.D	Added language to reference the RRT2 Surface Washing Agent Testing & Evaluation Protocol	
Appendix	Added RRT2 Surface Washing Agent Testing & Evaluation Protocol as Appendix 9	
All	Updated website links	

November 2018

Section	Change	Comments
TOC	Reformatted/Updated Table of Contents	
All	Updated website links	
3.C	Added language for the "Multi-Agency Contingency Plan for Emergency Environmental Incidents in the Lake Champlain Region"	
3.C	Added language to describe Coastal Region II/Region III Boundary coordination	
4	Minor revisions to RRT operations and administration language	
5	Added narrative for the NRT Guidance for Managing Worker Fatigue during Disaster Operations	

July 2015

Section	Change	Comments
TOC	Reformatted/Updated Table of Contents	
2	Reformatted Tables	
3.B.	Corrected references to location of links for Executive Orders	EO's are not included as Appendix 4. Links are provided in Section 7.
3.B.	Inland area designations and Sector boundary definitions were clarified.	
3.C.	Language added/revised for Multi-Area Responses	
3.D./3.E.	Descriptions for Chemical Countermeasures and In-Situ Burning were switched.	Provides consistency with order of respective Appendices.
3.G.	Language added to address Endangered Species Act consultation requirements and procedures during response and post-response.	
3.H.	Language added to address Essential Fish Habitat consultation requirements.	
4.B.	Language added to address Cross-Boundary Incident- Specific RRT procedures	
4.G.	Revised language for Joint Work with the Canadian Government	
5	Reorganized and revised several Federal Agency descriptions, roles and responsibilities, organizational components, etc.	
5.A.1.	Updated EPA CMAT to CMAD to reflect new organizational title.	
5.A.2.	Consolidated USCG and FEMA under DHS; revised language	
6.B.	Revised language, and added hyperlinks to respective Joint Canada-US Plans	
6.C.	Revised language describing the National Response Framework	
6.E.	Added section for "Reimbursement for Services."	

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SECTION 1: Introduction

A. Purpose and Objectives

The purpose of the Region II Regional Oil and Hazardous Substances Pollution Contingency Plan (RCP) is to provide the organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants, and contaminants. The RCP fulfills this purpose by providing a framework in which Area Contingency Plans (ACPs) in Region II are consistent with each other, with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and with other federal emergency response plans. The RCP also describes the mechanisms by which the Region II Regional Response Team (RRT) assists On-Scene Coordinators (OSCs) before a response, through planning and training activities; during a response, and through organizational and coordination assistance. Lastly, the RCP serves as a compilation of Region II RRT policies and guidance pertaining to oil and hazardous substances responses.

B. Scope

The RCP applies to response operations taken by all international, federal, tribal, state, and local agencies within Standard Federal Region II that are covered under the provisions of the NCP. Region II includes the following geographical areas.

- State of New York
- State of New Jersey
- All lands of federally recognized tribes located within the geographical boundaries of Region II
- Boundary with Canada

In subject areas where RRT policy and structure mirror that laid out in the NCP, the RCP's scope is limited to Region-specific information as described in Section 2.

SECTION 2: Relationship to and Consistency with the NCP

The NCP requires that RCPs follow the format of the NCP to the greatest extent possible. Policies and operating procedures of the RRT are consistent with the NCP, as much as they are described therein. In an effort to create the most streamlined and user-friendly document possible, information from the NCP that applies to policies and procedures in Region II without modification was excluded from the RCP. Responders can reference the NCP for that information. The RCP primarily contains information whose scope and applicability are limited to Region II.

The following table lists all sections of the NCP, and states whether information pertaining to any specific section has been included in this RCP, or in the ACPs for areas within Region II. Sections of the NCP for which RRT policy and operating procedures are identical to that laid out in the NCP are marked NRM, or "No Regional Modifications."

For NCP sections pertaining to aspects of response procedure or policy on which the RRT has supplemented, or deviated from information in the NCP, Section 2 provides a brief description of the differences between the RCP and the NCP, and identifies the section in the RCP in which information can be found. Section information is not provided for ACPs.

NCP Subpart A - Introduction		Regional Modifications	Location
300.1	Purpose and objectives	The RCP limited to Region II	Sec. 1
300.2	Authority and applicability	No Regional Modifications	See NCP
300.3	Scope	The RCP is limited to Region II	Sec. 1
300.4	Abbreviations	NCP and region-specific abbreviations included to facilitate use.	Att. 1
300.5	Definitions	No Regional Modifications	See NCP
300.6	Use of number and gender	No Regional Modifications	See NCP
300.7	Computation of time	No Regional Modifications	See NCP

Subpart B – Responsibility and Organization for Response		Regional Modifications	Location
300.100	Duties of the President delegated to federal agencies	No Regional Modifications	See NCP
300.105	General organizational concepts	No Regional Modifications	See NCP
300.110	National Response Team	No Regional Modifications	See NCP
300.115	Regional Response Teams	A description of Region II RRT operations and administration is included.	Sec. 4
300.120	On-scene coordinators and remedial project managers: general responsibilities	No Regional Modifications	See NCP
300.125	Notification and communications	No Regional Modifications	See NCP
300.130	Determinations to initiate response and special conditions	A description of the different emergency response plans that apply to oil and hazardous substances incidents is included.	Sec. 6

300.135	Response operations	The RRT follows guidance set forth in the NRT Incident Command System/Unified Command guidance document, which is included in "References"	Sec. 7
300.140	Multi-regional responses	Region-specific geographic information included.	Sec. 3
300.145	Special teams and other assistance available to OSCs/RPMs	Additional Special Teams, not included in the current NCP	Sec. 5
300.150	Worker health and safety	No Regional Modifications	See NCP
300.155	Public information and community relations	The RRTs public information and community relations procedures follow the NRT JIC Model. The NRT JIC model guidance document can be found on the NRT website.	Sec. 7 App. 9
300.160	Documentation and cost recovery	No Regional Modifications	See NCP
300.165	OSC Reports	Information regarding when OSC Reports are completed is included. Information regarding the format of OSC Reports is included in the ACP.	Sec. 4
300.170	Federal agency participation	No Regional Modifications	See NCP
300.175	Federal agencies: additional responsibilities and assistance	No Regional Modifications	See NCP
300.180	State and local participation in response	Tribal and State information is specific to Region II.	Sec. 5
300.185	Nongovernmental participation	No Regional Modifications	See NCP

Subpart C – Planning and Preparedness		**Regional Modifications**	**Location**
300.200	General	No Regional Modifications	See NCP
300.205	Planning and coordination structure	An overview and information on SERCs and LEPCs are included.	Sec. 6
300.210	Federal contingency plans	A description of the different emergency response plans that apply to oil and hazardous substances incidents is included.	Sec. 6
300.211	OPA vessel and facility response plans	No Regional Modifications	See NCP
300.212	Area response drills	No Regional Modifications	See NCP
300.215	Title III local emergency response plans	Information on SERCs and LEPCs within Region II are included.	Sec. 6

Subpart D – Operational Response Phases for Oil Removal		**Regional Modifications**	**Location**
300.300	Phase I - Discovery or notification	No Regional Modifications	See NCP
300.305	Phase II - Preliminary assessment and initiation of action	No Regional Modifications	See NCP
300.310	Phase III - Containment, countermeasures, cleanup, and disposal	No Regional Modifications	See NCP

300.315	Phase IV - Documentation and cost recovery	No Regional Modifications	See NCP
300.317	National response priorities	No Regional Modifications	See NCP
300.320	General pattern of response	No Regional Modifications	See NCP
300.322	Response to substantial threats to the public health or welfare of the United States	No Regional Modifications	See NCP
300.323	Spills of National Significance	No Regional Modifications	See NCP
300.324	Response to Worst Case Discharges	No Regional Modifications	See NCP
300.330	Wildlife conservation	A national MOA between the Federal natural resource trustees and Federal response agencies is referenced in Section 7.	Sec. 3 Sec.7
300.335	Funding	No Regional Modifications	See NCP

Subpart E – Hazardous Substance Response		**Regional Modifications**	**Location**
300.400	General	No Regional Modifications	See NCP
300.405	Discovery or notification	No Regional Modifications	See NCP
300.410	Removal site evaluation	No Regional Modifications	See NCP
300.415	Removal action	No Regional Modifications	See NCP
300.420	Remedial site evaluation	No Regional Modifications	See NCP
300.425	Establishing remedial priorities	No Regional Modifications	See NCP
300.430	Remedial investigation/feasibility study and selection of remedy	No Regional Modifications	See NCP
300.435	Remedial design/remedial action, operation and maintenance	No Regional Modifications	See NCP
300.440	Procedures for planning and implementing off-site response actions	No Regional Modifications	See NCP

Subpart F – State Involvement in Hazardous Substance Response		**Regional Modifications**	**Location**
300.500	General	No Regional Modifications	See NCP
300.505	EPA/State Superfund Memorandum of Agreement (SMOA)	No SMOAs between EPA and States in Region II have been signed that pertain to emergency response or removal activities. SMOAs generally apply to remedial work at sites listed on the National Priorities List and are therefore outside the scope of this plan.	
300.510	State assurances	No Regional Modifications	See NCP
300.515	Requirements for state involvement in remedial enforcement response	No Regional Modifications	See NCP
300.520	State involvement in EPA-led enforcement negotiations	No Regional Modifications	See NCP

300.525	State involvement in removal actions	No Regional Modifications	See NCP

Subpart G – Trustees for Natural Resources		Regional Modifications	Location
300.600	Designation of federal trustees	Specific geographic areas entrusted to various agencies are listed in the ACPs.	
300.605	State trustees	State Trustees are specific to Region II.	Sec. 5
300.610	Indian tribes	Tribal Trustees are specific to Region II.	Sec. 5
300.615	Responsibilities of trustees	Region II RRT policy regarding environmentally sensitive areas is guided by a national MOA between Federal natural resource trustees and Federal response agencies. A copy of this MOA is referenced in Section 7.	Sec. 6 Sec. 7

Subpart H – Participation by Other Persons		Regional Modifications	Location
300.700	Activities by other persons	No Regional Modifications	See NCP

Subpart I – Administrative Record for Selection of Response Action		Regional Modifications	Location
300.800	Establishment of an administrative record	No Regional Modifications	See NCP
300.805	Location of the administrative record file	No Regional Modifications	See NCP
300.810	Contents of the administrative record file	No Regional Modifications	See NCP
300.815	Administrative record file for a remedial action	No Regional Modifications	See NCP
300.820	Administrative record file for a removal action	No Regional Modifications	See NCP
300.825	Record requirements after the decision document is signed	No Regional Modifications	See NCP

Subpart K - Federal Facilities [Reserved.]

Subpart L – Involuntary Acquisition of Property by the Government		Regional Modifications	Location
300.1105	Involuntary Acquisition of Property by the Government	No Regional Modifications	See NCP

SECTION 3: Regional Response Policies

A. Objectives

This section serves as a source for regional response policies that have been instituted by members of the response community in Region II and that are specific to response operations in Region II. Some of the policies are specific to geographic areas within Region II, and the boundaries between these areas are also described in this section. Some of the documents that set these policies, including memoranda of understanding or agreement (MOU or MOA) and policy documents, are included at the end of this section.

B. Regional Boundaries

From the perspective of a Federal-led response to a discharge of oil or a release of hazardous substances, possibly the most significant geographical boundary in Region II is that between the inland and coastal zones. The U.S. Environmental Protection Agency (EPA) provides the OSC for all responses in the inland zone. The U.S. Coast Guard (USCG) provides the OSC for all responses in the coastal zone. These functions were delegated to EPA and USCG in Executive Order Nos. 12580 and 12777. Links to the executive orders are included in Section 7. The boundary between the two zones was established by EPA and USCG using recognizable landmarks (usually roads) that can be identified in the field. The inland/coastal boundary can be changed with the concurrence of the appropriate District, and the Chief of the Response and Prevention Branch of EPA Region II. The Region II Demarcation of the Inland and Coastal Zones agreement is included as Appendix 1.

While the USCG provides the OSC for all emergency response actions for hazardous substances releases in the coastal zone, EPA generally provides the OSC for longer-term removal or remedial actions in response to releases of hazardous substances (except in response to releases from vessels). This policy is documented in the Region II Demarcation of the Inland and Coastal Zones in Appendix 1.

For planning and response purposes, the inland zone in Region II is designated by state, and is covered by an ACP for each state. In the future, EPA Region II may define sub-areas within the inland area. The coastal zone is divided into four separate areas covered by four different ACPs. These areas coincide with the following boundaries of Sectors in the First, Fifth and Ninth Coast Guard District (Long Island Sound, New York, Delaware Bay and Eastern Great Lakes). Boundaries between these Sector zones are defined in 33 CFR Part 3 (www.govinfo.gov)

C. Multi-Area Responses

General: Oil discharges and hazardous substance releases may cross regional or area boundaries, potentially adding complexity to the response. The compact nature of jurisdictions within Region II heightens the importance of detailing responses to boundary incidents. This section describes the approach to spills that cross boundary areas within the region to ensure a consistent approach to both OSC leadership and efficient Regional Response Team support to the OSC, regardless of the location of an incident. It defines the system of activating the response mechanisms of multiple ACPs or RCPs in boundary incidents as called for by 40 CFR 300.140(a).

The following tenets apply to boundary situations:

- One OSC: There shall be only one OSC at any time during the course of a response operation to a single incident per 40 CFR 300.140(b), regardless of the various types of zones within the U.S. it may cross (COTP, inland/coastal, Area, Regional). Plans for joint response with Canadian equivalents of the U.S. OSC are detailed in international boundary contingency plans.
- Incident Origin is the initial determinant of the OSC: The OSC will generally be provided based on the location of the incident origin, although this may shift based upon the area most vulnerable to the greatest threat.
- OSC use of NIMS and Unified Command: National Incident Management System (NIMS) structures, most notably Incident Command System/Unified Command will be used to coordinate an effective response. Other NIMS tools for complex incident management may be required in such complex incidents.
- Single Incident Specific RRTs: A single incident specific Regional Response Team, or the international equivalent, most effectively supports the OSC, even if this incident-specific team draws upon multiple regional representatives of an agency. Guidance for activation and operations of an Incident-Specific RRT for a cross-regional or multi-area response is included in Section 4.A. "RRT Activation Procedures."
- Disagreements addressed by RRT then NRT: The Regional Response Team Co-Chairs will designate the OSC if RRT agencies with jurisdiction within affected areas disagree on the OSC designation in a boundary incident, or will refer the matter to the National Response Team if it cannot.

Specific Boundaries:

Intra-Regional Boundaries. Boundaries within the Region that determine the pre-designated On-Scene Coordinator consist of the Inland/Coastal Boundary between EPA and the USCG and the USCG Sector Boundaries within the coastal zone. Intra-regional boundaries all fall within the area of responsibility of the Regional Response Team (RRT) and are supported by incident specific activation of RRT II as needed.

Inland-Coastal Zone Boundary. EPA and the USCG will carry out general agency and incident-specific responsibilities under the NCP, National Response Framework (NRF), RCP, and the applicable Area Contingency Plan. Both agencies will assist each other to the fullest extent possible to prevent or minimize the impacts of actual discharges or releases or threats of discharges of oil onto navigable waters or adjoining shorelines and

actual releases or threats of releases of hazardous substances into the environment.

Appendix 1 of this plan defines the inland/coastal zone boundary as required by 40 CFR 300.210(b) specifying the inland zone where the EPA provides OSCs, and the coastal zone where the USCG provides OSCs. Appendix 1 further describes responses to incidents crossing the inland/coastal zone boundary, with the lead generally based upon the zone where the source is located.

For certain incidents, a complete transfer of OSC responsibility may be more practical than providing expertise and resources to the primary agency through mutual support. A formal agency transfer may be appropriate based on the incident impact, the agency with greater expertise for the incident specifics, or because of workloads or other situational factors. A mechanism is provided in Appendix 1 for this transfer.

Coastal Area Contingency Plan/Coast Guard Sector Boundary. Within Region II, Coast Guard Sectors provide the pre-designated OSC and chair the Area Committee representing the same geographic area. If an incident crosses a Coast Guard Sector boundary, the original OSC will generally retain OSC for the duration of the spill, unless the adjacent area is vulnerable to the greatest threat. Multiple impacted Sectors will consult with the First District RRT Co-chair, who will seek consensus or make the determination on the single OSC if greatest vulnerability is in question.

Significant discharges or releases may require shifting the OSC and/or establishing a Unified Area Command (UAC) to support OSCs, prioritize critical resources, and provide strategic objectives. Execution of tactical operations and coordination remains the responsibility of the OSC/Unified Command (UC).

Regional Boundary. The principal characteristics of the Regional boundary that influence oil and hazardous substance response are inland/coastal and domestic/international. Both characteristics influence both the pre-designated OSC and the mechanism of RRT support. Certain Area Contingency Plans and International Plans span the Regional boundary and capture information related to international response.

Regional boundary with Canada

Bi-national contingency plans address oil and hazardous substance response along the U.S./Canadian Border. The mechanisms for the Inland border response are addressed under the Joint Inland Pollution Contingency Plan, with details in the CANSUQUE and CANUSCENT operational annexes that apply to Quebec and Ontario, respectively. The mechanisms for the Great Lakes border response are addressed in the Joint Marine Pollution Contingency Plan, CANUSLAK annex.

Coastal Region I/Region II Boundary

This coastal boundary area divides Long Island Sound following the CT/NY state boundary line. Coast Guard Sector Long Island Sound's zone crosses this boundary area, ensuring a consistent OSC and Area Contingency Plan. The Coast Guard First District is co-chair of both RRT I and II, and will chair incident specific activations of the RRT along this boundary, drawing appropriate representation from both RRTs.

Inland Region I/Region II Boundary

The inland boundary area separates EPA Regions 1 and 2, which mirrors the New York/Vermont, New York/Massachusetts, New York/Connecticut state borders. A discharge/release crossing this boundary would lead to an incident specific RRT activation and assignment of the OSC initially based on the origin of the discharge/release. Initial actions to spills impacting the Regional boundary area between EPA Regions 1 and 2 would be conducted in accordance with the ACP based on the origin of the discharge/release.

The "Multi-Agency Contingency Plan for Emergency Environmental Incidents in the Lake Champlain Region" has been developed by EPA, USCG and the states of New York and Vermont, to promote timely and effective coordination among the entire spill community, including the international boundary with Canada. The plan can be found at:

https://response.epa.gov/site/site_profile.aspx?site_id=11336

Coastal Region II/Region III Boundary

This coastal boundary area divides the Delaware River and Bay following the NJ, PA, and DE state boundary lines. Coast Guard Sector Delaware Bay's zone crosses this boundary area, ensuring a consistent OSC and Area Contingency Plan. The Coast Guard First District is co-chair of RRT II which includes the State of NJ. The Coast Guard Fifth District is the co-chair of RRT III, which includes the States of PA and DE. To ensure alignment with the FOSC zone and Area Contingency Plan, RRT III would normally chair an incident-specific activation of the RRT for an incident on the Delaware River, drawing appropriate representation from both RRTs. If the spill originates in the RRT II coastal zone north of the Delaware River and Bay, then the RRT II and RRT III co-chairs would coordinate appropriately to agree on the incident-specific lead RRT and supporting RRT designation.

D. Chemical Countermeasures

RRT II has a ***Memorandum of Understanding on the Preauthorization for the Use of Chemical Countermeasures*** which provides for the preauthorization of chemical countermeasures within the region. The MOU identifies preauthorization zones, contains dispersant use protocols, a decision-making flow chart and ESA Section 7 consultations. The RRT has developed a Unified Command Dispersant Worksheet to aid responders in making the decision to use chemical countermeasures throughout Region II. The chemical countermeasures MOU and related documents are included in ***Appendix 2***. The provisions and protocols of this MOU have been incorporated within the ACPs of Sectors Long Island Sound, New York and Delaware Bay.

RR II has developed a ***Surface Washing Agent Testing & Evaluation Protocol*** which addresses the testing and evaluation of surface washing agents listed on the NCP Product Schedule. The test protocol identifies specific practices to be followed for evaluating the effectiveness and biological impacts of test applications of surface washing agents to

recover oil discharged to environments within Region II. Any post-test decision to operationally use surface washing agents must receive concurrence from the Environmental Protection Agency (EPA) and the affected state(s), in consultation with the Department of the Interior and National Oceanic and Atmospheric Administration natural resource trustees. The protocol is located in ***Appendix 6***.

E. In-Situ Burning

RRT II policy on the use of in-situ burning in the waters in, or off the coast of, New York, New Jersey and Long Island Sound is defined in an MOU among EPA, USCG, and affected Federal and State natural resource trustees. The MOU is included in ***Appendix 3***.

A checklist has been developed by the RRT that includes necessary steps and considerations in making the decision to use in-situ burning in a response. An In-Situ Burn Unified Command Decision Verification Checklist (Appendix 3) has been developed by the RRT that includes necessary steps and considerations in making the decision to use in-situ burning in a response.

F. Dispersant and In-Situ Burning Monitoring Program

To monitor the effectiveness and results of chemical countermeasures and in-situ burning, the RRT uses the Special Monitoring of Applied Response Technologies (SMART) program. SMART is a cooperatively designed monitoring program that is jointly developed by the National Oceanic and Atmospheric Administration (NOAA), USCG, EPA, the Centers for Disease Control (CDC), and the Bureau of Safety and Environmental Enforcement (BSEE). 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 Unified Command to assist in decision making and to address critical questions such as the following:

- Are particulate concentration trends at sensitive locations exceeding the level of concern?

- Are dispersants effective in dispersing the oil?

General descriptions of SMART monitoring of dispersant use or in-situ burning are included below. For a more detailed discussion of SMART, refer to the SMART Guidance Document, which can be found at http://response.restoration.noaa.gov/smart, and in Section 7.

1. In-situ Burning

For in-situ burning operations, SMART recommends deploying one or more monitoring teams downwind of the burn, at sensitive locations such as population centers. The teams begin sampling before the burn begins to collect background data. After the burn begins, the teams continue sampling for air particulate concentration trends, recording them manually at fixed intervals and automatically in the data logger. If the level of concern is exceeded, the findings are reported to the Monitoring Group Supervisor. The Scientific Support Team

then forwards the data, with recommendations, to the Unified Command.

2. Dispersants

To monitor the efficacy of dispersant application, SMART recommends three options, or tiers.

Tier I: A trained observer, flying over the oil slick and using photographic job aids or advanced remote sensing instruments, assesses dispersant efficacy and reports back to the Unified Command.

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 to the NOAA Scientific Support Team, which forwards it with recommendations to the Unified Command. Water samples are also taken for later analysis at a laboratory.

Tier III: By expanding the monitoring efforts in several ways, Tier III provides information on where the dispersed oil goes and what happens to it. Two fluorometers are used on the same vessel to monitor at two water depths. Monitoring is conducted in the center of the treated slick at several water depths, from 1 to 10 meters. A portable water laboratory provides data on water temperature, pH, conductivity, dissolved oxygen, and turbidity.

G. Endangered Species Act (ESA) Consultation Requirements and Procedures

In 2001, the USCG, EPA, USFWS, NOAA and DOI signed the "***Inter-Agency Memorandum of Agreement Regarding Oil Spill Planning and Response Activities under the National Oil and Hazardous Substances Pollution Contingency Plan and The Endangered Species Act,***" (hereafter referred to as the MOA). This agreement coordinates the ESA consultation requirements specified in the ESA regulations, 50 CFR 402, with the pollution response responsibilities outlined in the NCP, 40 CFR 300. It addresses three areas of oil spill response activities: pre-spill planning activities, spill response event activities, and post-spill activities. The agreement identifies the roles and responsibilities of each agency under each activity. In addition, the MOA and ***The Endangered Species Act Guidebook (2002)***[1] further describe the process, roles and responsibilities.

By working proactively during Pre-Spill Planning and in the development of Area Contingency Plans (ACPs), Geographic Response Plans GRPs), etc. before a spill occurs, the Services can help to identify potential effects of oil spill response activities on listed species and critical habitat, and jointly develop response plans and countermeasures (response strategies) to minimize or avoid adverse effects. If done early on, impacts to listed species and critical habitat should be reduced or avoided completely. Should a spill occur, response plans and countermeasures will be used to implement response actions to minimize damage from oil discharges in a manner that reduces or eliminates impacts to

[1] (https://www.nrt.org/sites/2/files/MOATrainingManualVersion02.pdf)

listed species and critical habitat. In the event that oil spill response actions may result in effects on listed species or critical habitat, the MOA and guidebook provide guidance on how to conduct emergency consultation under the ESA. They also describe the steps for completing formal consultation, if necessary, after the case is closed, if listed species or critical habitat had been adversely affected.

Pre-Spill Planning

Completed ESA consultations and requirements and procedures for avoiding and minimizing potential impacts to ESA resources specific to the use of dispersants and in-situ burning, including existing preauthorization agreements, are located in ***Appendices 3 and 4,*** respectively. In addition, as part of revisions to the Region's ACPs and GRPs, the Services provide technical assistance to the USCG and EPA to ensure ESA resource information and guidance are updated in the documents.

The following procedures outline how ESA consultations will be conducted within Region 2 during and following responses, in accordance with the ESA MOA.

DURING RESPONSE:

During an oil spill event which may affect listed species and/or critical habitat, emergency consultations under the Endangered Species Act (ESA) are implemented for spill response actions. Emergency consultation procedures allow the FOSC to incorporate listed species concerns and recommendations into response actions during an emergency. "Response" is defined as the actions taken by the FOSC in accordance with the NCP. The FOSC conducts response operations in accordance with the NCP, and agreements, policies and guidance established in the RCP and ACP.

During emergency events, the primary objective of the responding agency must be to protect human life and property, and this objective takes precedence over normal consultation requirements. Emergency response actions should begin immediately and should not be delayed by the ESA consultation process.

As per the NCP, RCP and ACP, the FOSC will notify the RRT Natural Resource Trustee representatives of DOI and DOC through the established notification process regardless of whether listed species or critical habitat are present. Upon notification, the DOC and DOI Trustee representatives shall contact the NOAA SSC and USFWS RRC, respectively, and other appropriate Service contacts as provided in internal DOC or DOI plans, guidance, or other documents. If established in the ACP, the FOSC may also contact the Service regional or field offices directly. If listed species and/or critical habitat are present or could be present, the FOSC shall initiate emergency consultation by contacting the Services through the SSC or RRC. The SSC and RRC shall coordinate appropriate listed species expertise. This may require timely on-scene expertise from the Services' local field offices. These Service representatives may, as appropriate, form part of the FOSC's Incident Command System and provide timely information to the FOSC.

The RCP and ACP should form the basis for immediate information on response actions. As part of emergency consultation, the Services shall provide the FOSC with any timely

recommendations to avoid and/or minimize impacts to listed species and critical habitat. If incidental take is anticipated, and if no means of reducing or avoiding this take are apparent, the FOSC should be immediately advised and the incidental take documented. If available, the FOSC should consider this information in conjunction with the national response priorities established in the NCP. The FOSC makes the final determination of appropriate actions.

It is the responsibility of both the FOSC and the Services' listed species representatives to maintain a record of written and oral communications during the oil spill response, including the collection of information required to initiate a formal consultation in those instances where listed species and/or critical habitat have been adversely affected by response actions. If it is anticipated that listed species and/or critical habitat may be affected, the FOSC may request that the USFWS and/or NMFS representative to the Incident Command System provide technical assistance and guidance for the gathering of the required information while the response is still ongoing. The FOSC may also choose to designate another qualified individual to be responsible for collecting the relevant ESA information. Although in some instances the drafting of information may be completed after field removal operations have ceased, it is anticipated that collection of the information should be complete before the case is officially closed and that no further studies will be necessary.

It is the responsibility of the FOSC to notify the Services' representatives in the Incident Command System of changes in response operations due to weather, extended operations, or some other circumstance. It is the responsibility of the Services to notify the FOSC of seasonal variances (e.g., bird migration, sea turtle nesting), or other natural occurrences affecting the resource. If there is no Service representative in the Incident Command System, the FOSC will ensure that the DOC and/or DOI representative to the RRT remains apprised of the situation. The Services will continue to offer recommendations, taking into account any changes, to avoid jeopardizing the continued existence of listed species or adversely modifying critical habitat, and to minimize the take of listed species associated with spill response activities. The FOSC will implement as many avoidance and minimization recommendations and conservation measures as feasible without delaying the response.

If the Service(s) determine that the emergency response procedures may result in take, jeopardy or adverse modification of designated critical habitat, and no means of reducing or avoiding this impact are available, the Service(s) will advise the FOSC and document this conclusion. The FOSC will not stop or delay the emergency response because of this notification. In such a situation, the FOSC and the Service(s) will initiate after the fact consultation following conclusion of the emergency.

POST RESPONSE:

If listed species or critical habitat have been adversely affected by oil spill response activities, a formal consultation is required, as appropriate. Informal emergency consultation shall remain active until the case is closed. The FOSC will initiate formal consultation on the effect of oil spill response activities (not the spilled product itself) after the case is closed. Every effort should be made to ensure that relevant information generated as part of the consultation process is made available for use in the Natural

Resource Damage Assessment (NRDA) process. (*Note: NRDA activities are separate from this consultation.*)
After the FOSC determines that removal operations are complete in accordance with 40 CFR 300.320(b), the impacts of the response activities on listed species and critical habitat will be jointly evaluated by the FOSC and the Services. If no adverse impacts occurred, ESA consultation is considered complete.

If listed species or critical habitat were adversely affected by spill response activities, the FOSC will follow the procedural requirements of 50 CFR 402.05(b) (*see Appendix A of the MOA*). The information required to initiate a formal consultation following an emergency should be included with a cover letter to the Services requesting consultation, and signed by the FOSC. The FOSC shall identify any incidental take of a species or an adverse effect to critical habitat that resulted from the emergency response action and initiate formal consultation. This formal consultation follows standard procedures, includes a description of the actions taken to respond to the emergency, and identifies the final impacts to listed species.

The Services normally issue a biological opinion within 90 days of receipt of the complete Section 7 consultation request (50 CFR 402.14). Depending on the complexity of the consultation, the Services may use an additional 45 days if circumstances warrant. When a longer period is necessary, and all agencies agree, the consultation period may be extended. The final biological opinion will be prepared by the Services and provided to the FOSC, USFWS RRC, NOAA SSC, DOI and DOC RRT members, the RRT Co-Chairs, and the Area Committee Chair, so that recommendations can be reviewed, and where appropriate, implemented to minimize and/or avoid effects to listed species and critical habitat from future oil spill response actions. The result of the consultation should be considered for inclusion in a lessons learned system so changes can be made to the RCP and/or ACP, as necessary, for the benefit of future oil spill response actions.

H. Essential Fish Habitat

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires federal agencies to consult with the NOAA's National Marine Fisheries Service (NOAA Fisheries) when their actions or activities may adversely affect habitat identified by federal regional fishery management councils or NOAA Fisheries as essential fish habitat (EFH). The EFH provisions of the Magnuson-Stevens Act support one of the nation's overall marine resource management goals – maintaining sustainable fisheries.

Pursuant to the Magnuson-Stevens Act:

- Federal agencies must consult with NOAA Fisheries on all actions, or proposed actions, authorized, funded, or undertaken by the agency, that may adversely affect EFH
- NOAA Fisheries must provide conservation recommendations for any Federal or State action that would adversely affect EFH.
- Federal agencies must provide a detailed response in writing to NOAA Fisheries within 30 days after receiving EFH conservation recommendations. The response must include a description of measures proposed by the agency for avoiding,

mitigating, or offsetting the impact of the activity on EFH. In the case of a response that is inconsistent with NOAA Fisheries' EFH conservation recommendations, the Federal Agency(ies) must explain its reasons for not following the recommendations.

It is recognized that oil and other hazardous materials discharged into the marine and estuarine environment can result in significant adverse effects to the marine and estuarine environment including habitats identified and described as EFH in accordance with the Magnuson-Stevens Act. It is further recognized that response actions undertaken by the USCG and EPA are intended to limit or prevent discharges and/or their adverse effects on the environment.

Nonetheless, various response activities have the potential to adversely affect marine and estuarine habitats identified as EFH. To obviate the need to conduct emergency consultations during every incident occurring in its area of responsibility, the RRT intends to initiate EFH consultation with NOAA Fisheries' Habitat Conservation Division to assess the effects of most response activities on EFH, through the development of Best Management Practices (BMPs) to minimize and avoid adverse effects on identified categories of EFH. These BMPs will be included as an appendix to the RCP as they are finalized.

Individual EFH Consultation will be required under the following circumstances:

- Any Spill of National Significance (SONS)
- If BMPs for a response are not recommended for a category of EFH which may be affected
- Any deviation from pre-approval plans for proposed use of:
    - Dispersants
    - Solidifiers
    - Nutrient Enrichment
    - Natural Microbe Seeding
    - In-Situ Burning

I. Culturally Sensitive Areas and Sites of Historical Significance

Congress passed the National Historic Preservation Act (NHPA) in 1966. The law established a national policy for the protection of historic and archaeological sites and outlined responsibilities for Federal and State governments to preserve our nation's history. The Act created the Advisory Council on Historic Preservation to advise the President and Congress on matters involving historic, archeological, and cultural preservation. The Act also authorizes the Secretary of the Interior to maintain a National Register of Historic Places which lists sites, districts, buildings, structures, and objects of significance in American history, architecture, archeology, engineering, and culture (36 CFR 67, National Register of Historic Places).

Section 106 of NHPA requires the lead agency to consult with State Historic Preservation Offices (SHPOs), Tribal Historic Preservation Officers (THPOs), Federal land managers, and other stakeholders regarding any adverse effects on Historic Properties prior to the commencement of the undertaking.

Contact information for the NY and NJ SHPOs can be found in Section 5.

As of December 2019, there are 194 NPS-recognized THPOs. These Indian tribes have assumed the responsibilities of the State Historic Preservation Officers for their respective tribal lands. While only federally-recognized Indian tribes may operate officially acknowledged THPO programs, many federally recognized Indian tribes operate cultural resource programs that are not officially acknowledged THPO programs. The National Association of Tribal Historic Preservation Offices (NATHPO) maintains contact information for those Indian tribes operating THPO programs that have been officially acknowledged by the Department of the Interior. As of April 2024, two tribes in Region 2 – the Seneca Nation of Indians and the St. Regis Mohawk Tribe – have NPS-recognized THPOs. Contact information can be found on the NATHPO website at: https://members.nathpo.org/thpodirectory/FindStartsWith?term=%23%21

Region II practice with respect to culturally sensitive areas and sites of historical significance follows the National Programmatic Agreement on the Protection of Historic Properties during Emergency Response under the NCP, between the National Park Service (which administers the National Registry of Historic Places), the Advisory Council on Historic Preservation, the National Conference of State Historic Preservation Officers, EPA, USCG, the DOI Office of Environmental Policy and Compliance, the NOAA, the Department of Energy (DOE), the Department of Defense (DOD), and the Department of Agriculture (USDA).

The Programmatic Agreement is available at https://www.nrt.org/sites/2/files/Programmatic_Agreement_on_Protection_of.pdf and is also referenced in Section 7.

Implementation guidance for the PA in Region 2 is found in **Appendix 7*: Guidance on National Historic Preservation Act (NHPA) Section 106 Compliance During Emergency Response.*** The Appendix includes steps the FOSC must take during an emergency response, spills or releases excluded from additional compliance requirements, a checklist to assess and address potential effects on historic properties or cultural resources, documentation needs, and example forms.

SECTION 4: Regional Response Team Operations and Administration

A. RRT Activation Procedures

An incident-specific RRT may be activated as an inter-governmental coordination team when an actual or potential discharge or release occurs that:

- Exceeds the response capability available to the federal OSC in the place where it occurs.
- Transects tribal lands.
- Transects state boundaries.
- Poses, or potentially poses, a substantial threat to the public health, welfare, environment, or to regionally significant amounts of property.
- Meets the definition of a major discharge as defined in the NCP.
- Requested by FEMA or others in Regional events.
- Transects RRT boundaries (e.g., floods, hurricanes).
- Transects Sector boundaries.
- Transects international boundaries.

The incident OSC or any RRT representative may request the activation of an incident-specific RRT during any discharge or release. The request should be made to the USCG Co-Chair for coastal incidents, and to the EPA Co-Chair for inland incidents. The request may be transmitted verbally, by facsimile, by email, or in writing.

Once a Co-Chair determines it is appropriate to activate the incident-specific RRT, the other Co-Chair will be notified of the decision. The USCG Co-Chair will assume the lead for coastal incidents; and the EPA Co-Chair will assume the lead for inland incidents. Notification of the appropriate RRT members will be the responsibility of the Chair of the incident-specific RRT, but may be delegated to the RRT Coordinator or other staff representatives.

When activated, the incident-specific RRT may meet in person or convene by teleconference at the call of the lead Co-Chair, and may perform the following activities:

- Monitor and evaluate reports from the OSC. The incident-specific RRT may advise the OSC on the duration and extent of the federal response, and may recommend specific actions for responding to the discharge or release.
- Request other federal, tribal, state or local governments, and/or private agencies to provide resources under their existing authorities to assist the OSC's response efforts.

- Help the OSC prepare information releases for the public and for communications with the National Response Team (NRT).

- Submit reports to the NRT as significant developments occur.

Arrangements for meeting locations and/or teleconferences will be the responsibility of the Chair of the incident-specific RRT, or designated representative. Prior to the conference call, the Chair may transmit reports or fact sheets by facsimile or by electronic mail to participating RRT members. Recording and distribution of summaries of meetings or teleconferences conducted upon incident-specific RRT activation shall be the responsibility of the RRT Coordinators, or other designated representative.

The RRT will be deactivated by agreement between the Co-Chairs or their representatives. The Chair, or his/her representative, will notify RRT members of the deactivation. The dates and times for activation and deactivation should be included in reports generated, and/or documented in minutes of meetings or teleconferences of the RRT and in response IAPs or other documentation.

B. Cross-Boundary Incident-Specific RRT

Incidents that affect two or more regions may require the activation of a cross-boundary incident-specific RRT, which will be chaired by the lead agency providing the OSC for the incident. If the incident OSC transitions to another Region or District, the incident-specific chair should likewise transfer. Participation by other federal and state agencies will be determined based on the location of the incident, the potentially impacted states, and the agency expertise that is required to address response issues and conditions, etc.

It is important for a cross-boundary incident-specific RRT to recognize that there may be differences and inconsistencies between the affected regions' plans, protocols and guidance documents. The purpose of the incident-specific RRT is to identify and resolve such issues, and to provide the OSC with technical assistance and support to address such cross-boundary issues. For example, in the event the OSC requests consultation and concurrence on the use of chemical countermeasures in a cross-boundary incident, members of the incident-specific RRT need to consider their respective regional plans and policies, while also identifying any differences in the involved regions' plans and policies. The incident-specific RRT should meet and deliberate jointly, and consensus should be reached that meets the requirements and preferences of the affected states and agencies involved.

C. RRT Committees and Work Groups

The RRT may establish committees to address various issues of concern to the RRT and the OSCs. In addition, the RRT may create additional work groups to accomplish a specific task. The Chairs of each committee, subcommittee, and working group are responsible for developing goals, objectives, and desired outcomes for their committees based upon the direction provided by the Co-Chairs. Each committee will meet as frequently as required to meet their goals, objectives, and desired outcomes. The RRT

Coordinators, upon the request of the committee Chair, will assist in arranging these meetings. The committee Chairs also have the option of holding their meeting concurrently with the main RRT meeting. The Chairs are responsible for both the development and transmission of the committee agendas and meeting minutes.

The RRT currently maintains one standing committee: the Management Committee. The Management Committee consists of the EPA and USCG RRT Co-Chairs, Alternate Co-Chairs and Coordinators, the State RRT Members, and the RRT Members from DOC/NOAA and DOI, and is responsible for the development of and adherence to the RCP. The committee is also responsible for ensuring the submission of information from the committees for inclusion in the RRT annual reports; ensuring that pertinent information regarding the NRT and activities of other RRTs is distributed to the RRT membership; highlighting significant issues to the Co-Chairs; and recommending modifications to RRT operations to the Co-Chairs. The committee will also confer on the development of RRT meeting agendas and schedules, and will generally meet in conjunction with the RRT meetings.

D. RRT Meetings

As outlined in the NCP, the RRT meets at least twice a year as conditions permit, with the goal of rotating meeting locations between both states. The RRT meets to share information, review and comment on recent response actions or other issues related to the preparation, implementation, or exercise of regional and/or area plans to:

- Recommend revisions of the RCP and the NCP.
- Review OSC actions to ensure that the RCP and the ACPs are effective.
- Conduct advance planning for use of dispersants, surface collection agents, burning agents, biological additives, or other chemical agents, in accordance with Subpart J of the NCP.
- Conduct or participate in training and exercises as necessary to encourage preparedness activities of the response community within the region.

The meetings are also a forum for the OSCs to interact with the RRT in a non-response setting, and for the RRT to ensure that it is prepared to adequately support OSCs in planning and response activities.

1. Preparing for Meetings

EPA and USCG share the responsibility for arranging meeting locations. In instances where a charge will be incurred for meeting facilities, the RRT Coordinators will determine which agency has available budgetary resources to pay for the meeting facilities.

At each RRT meeting, a concluding item will be to identify potential dates for the next semi-annual meeting. The Coordinators are responsible for drafting the

agenda for the next meeting and will send the agenda to RRT members and other interested parties prior to the meeting.

2. Conducting Meetings

The Co-Chairs share the responsibility for moderating the meetings. For meetings extending more than one day, the Co-Chairs may alternate, on a daily basis, the responsibility for moderating the meeting, with the assistance of the appropriate RRT Coordinator. This responsibility includes introducing speakers, maintaining adherence to the agenda and its time frame, determining appropriate times for breaks, and adjusting the agenda to fit changing schedules of speakers and other similar "last minute" changes.

In addition to making opening remarks and introductions, reviewing action items from previous meetings, and reviewing the agenda, the following activities are typically conducted at each meeting:

- An update from each Sector Commander, or his/her representative, in Region II.
- An update from the EPA Region II Emergency Response program.
- An update from State and local representatives.
- Reports on project progress and status from any active committees or workgroups.
- Proposed dates for the next meeting and, if possible, a tentative meeting location.
- Agency reports.

The RRT Coordinators and Co-Chairs will strive to finalize and distribute meeting materials, after-action lists, etc. within 30 days of the meeting. The meeting materials will be transmitted via email to all RRT members and other interested parties, and posted on the RRT II website, as appropriate.

E. RRT Annual Reports

The RRT is requested to submit annual reports to the NRT each calendar year, utilizing a format provided by the NRT Executive Secretariat. The report should summarize recent activities, organizational changes, operational concerns, and efforts to improve state and local coordination.

The USCG and EPA Coordinators are responsible for preparing the annual report in accordance with NRT guidance. Once the annual report is finalized, the USCG RRT Coordinator shall secure the signature of the USCG Co-Chair and forward the report to the EPA RRT Coordinator. The EPA RRT Coordinator shall secure the signature of the EPA Co-Chair and forward the report to the NRT Executive Secretary. The annual report will be posted on the RRT II website, and a notice of its availability will be given to RRT

members and participants.

F. RRT Requests for OSC Reports

The September 15, 1994 NCP revisions changed the requirement that OSC reports be prepared for every major pollution incident to a requirement that such reports be prepared "as requested by the NRT or RRT." OSCs may also issue OSC reports on their own initiative, independent of an RRT or NRT request.

G. RRT Call-Down Exercises

To test RRT responsiveness and accuracy of contact information, the RRT Coordinators may conduct RRT Call-Down exercises periodically. These exercises may be conducted in conjunction with a PREP exercise being conducted in the region, or another similar event. A Call-Down list will be used to facilitate the notifying of RRT agency contacts and the recording of exercise results.

H. Joint Work with the Canadian Government

Regional planning and coordination for response actions involving shared water (Great Lakes, Lake Champlain) and inland border between the Provinces of Ontario and Quebec and the State of New York is conducted by the Regional Joint Response Teams (RJRT), under joint Canada-US pollution contingency plans for both inland and marine pollution incidents. Additional information for the regional Annexes can be found in Section 6. These bodies are similar to the RRT, but also involve the Canadian Coast Guard and Environment Canada. Environment Canada Regional Environmental Emergency Teams (REETs) and the Canadian Coast Guard are the Canadian agencies primarily responsible for oil and hazardous substance incident response. The general functions of the Canada-U.S. Atlantic Joint Response Team and Regional Joint Response Team include planning, preparedness, and monitoring response operations, and are outlined below.

- Provide advice and assistance to the US OSC and Canadian OSC or Environment Canada Environmental Emergencies Officer during trans-boundary pollution incidents.

- Develop procedures, including legal, financial, customs, immigration, and other administrative procedures, to promote a coordinated trans-boundary response by all agencies to pollution incidents.

- Review lessons learned from U.S. and Canadian federal officials charged with directing federal response.

- Forward to respective federal, tribal, First Nations, state, and provincial authorities the relevant reports and recommendations.

- Evaluate and report on regional Joint U.S.-Canada exercises.

In addition to responsibilities relating to activation and response operations, the RJRTs are responsible for the development, maintenance and effective implementation of their respective Annexes. As such, the RJRTs are required to maintain a non-emergency phase component which is tasked with the development and maintenance of the applicable Annexes. The RJRT, in its planning phase, will include representatives from the EC REETs and from the US Region I, II and/or V RRT.

During the planning phase, the advisory and support functions of the RJRT include the following:

- Maintaining an updated contact list for federal, provincial/state, Tribal/First Nations, municipal and non-governmental agencies.

- Seeking arrangements with other agencies which may be of service during an environmental emergency.

- Developing procedures to promote a coordinated response.

- Reviewing and analyzing post incident reports and providing recommendations.

- Developing a post incident report and forwarding the report to all involved agencies.

- Holding a post-incident RJRT debrief and develop a RJRT debrief report for distribution.

- Planning, implementing, and evaluating exercises.

SECTION 5: Regional Response Team Agency Roles, Capabilities, and Support

A. Federal Agencies

During preparedness planning or during an actual response, various federal agencies may be called upon to provide assistance in their respective areas of expertise. Descriptions of the expertise and capabilities of the 16 Federal RRT member agencies are listed below.

1. **U.S. Environmental Protection Agency (EPA)** co-chairs, with the USCG, the standing RRT and provides pre-designated OSCs for the inland zone. EPA provides expertise on ecological and environmental pollution control techniques and the ecological effects of oil discharges or releases of hazardous substances, pollutants, or contaminants. Access to EPA's scientific expertise can be facilitated through the EPA Region II Regional Emergency Operations Center in Edison, NJ. EPA also provides legal expertise on the interpretation of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and other environmental statutes. EPA may enter into a contract or cooperative agreement with the appropriate state in order to implement a response action.

    a. EPA's ***Environmental Response Team*** (ERT) is a group of EPA technical experts within the Office of Solid Waste and Emergency Response, who provide technical assistance on oil and hazardous substance releases, primarily to OSCs, in the United States and international waters. The ERT offers expertise in such areas as biology, chemistry, hydrology, toxicology, engineering, and health and safety. ERT can perform the duties of SSC and/or serve as the head of the Environmental Unit under the Incident Command System (ICS).

    The ERT technically supports the NCP Subpart J (use of dispersants and other chemicals) program during oil spill response and recovery operations. ERT can evaluate alternative cleanup response technologies, assist with field implementation, evaluate plans, and implement the Special Monitoring of Advanced Response Technologies (SMART) protocol.

    ERT can also assist with hazard assessment, multimedia sampling and field analytical tools, the evaluation of the potential impacts to sensitive ecosystems and eco-toxicity risk to organisms in water and sediment, and the assessment of cleanup options. The ERT uses in-house oil fingerprinting techniques to evaluate mystery oil spills or weathered oil samples for source identification. The ERT evaluates innovative treatment methods, including potential biodegradation of oil constituents, based on analysis and rapid bench scale testing.

    The ERT and EPA dive program have scientific divers, remote operated vehicles (ROVs), and remote sensing tools to locate and evaluate underwater environmental conditions. ERT divers can provide technical support for commercial diving operations, including review of work plans and dive safety plans. The ERT and other EPA Dive Units have expertise in polluted water diving, proper PPE for diving and topside personnel, and proper diver decontamination procedures.

b. The **Radiological Emergency Response Team** (RERT) is established by EPA in accordance with its radiological disaster and emergency responsibilities. The RERT provides response and technical assistance to the OSC/RPM for incidents or sites containing radiological hazards.

The RERT provides technical advice and assistance to prevent or minimize threats to public health and the environment; provides advice on protective measures to ensure public health and safety; provides assessments of dose and impact of any release on public health and the environment; performs monitoring, sampling, laboratory analyses and data assessments to assess and characterize environmental impacts; and provides technical advice and assistance for containment, cleanup, restoration, and recovery following a radiological incident.

The OSC/RPM may request RERT support through the NRC.

c. The **Chemical, Biological, Radiological, and Nuclear Consequence Management Advisory Division** (CBRN CMAD, formerly the National Decontamination Team) can provide decontamination assistance to the OSC/RPM and state and local responders. CBRN CMAD has national expertise in toxicology, engineering, industrial hygiene, biochemistry, health physics, and waste and disposal of biological, chemical, and radioactive materials.

CBRN CMAD can provide specialized decontamination guidance and resources for decontamination of buildings, open spaces, transportation systems, and water systems. CBRN CMAD can provide guidance for responders, including recommending achievable cleanup target levels protective of public health; and can assist with on-site treatment, transportation, and disposal of materials contaminated with biological, chemical, and radioactive agents.

The OSC/RPM may request CBRN CMAD assistance through the NRC.

2. **Department of Homeland Security (DHS)** has two member agencies within its organization.

a. **U.S. Coast Guard (USCG)** as provided in 14 U.S.C. 1-3, is a military service and an agency within DHS. The USCG provides the standing RRT co-chair and pre-designated OSCs for the coastal zone. The USCG maintains continuously manned facilities which can be used for command and control, and for surveillance of oil discharges and hazardous substance releases occurring in the coastal zone. The USCG also offers expertise in domestic and international fields of port safety and security; maritime law enforcement; ship navigation and construction; and the manning, operation, and safety of vessels and marine facilities. The USCG may enter into a contract or cooperative agreement with the appropriate state in order to implement a response action. Where appropriate, the USCG may transfer lead-agency responsibilities to EPA for response to non-emergency hazardous substance releases longer-term within the coastal zone of Region II.

b. **Federal Emergency Management Agency (FEMA)** oversees the development,

evaluation, and exercise of all-hazard contingency plans for all FEMA-funded jurisdictions at the state and local levels. Superfund Amendments and Reauthorization Act (SARA) Title III plans are often annexes of these all-hazard plans. FEMA monitors and provides technical assistance regarding public sector emergency response training and planning for incidents involving hazardous substances. During a response, FEMA provides advice and assistance to the lead agency on coordinating relocation assistance and mitigation efforts with other federal agencies; tribal, state, and local governments; and the private sector.

FEMA assumes the role of lead federal agency when the President declares a Major Disaster or Emergency under the Stafford Act. FEMA-led federal response activities follow the National Response Framework (NRF); and are coordinated by a Federal Coordinating Officer (FCO) supplied by FEMA. FEMA's National and Regional Incident Management Assistance Teams support the FCO's coordination of the federal response. In addition, under Presidential Decision Directive 39, FEMA is the lead federal agency for consequence management for all domestic terrorism incidents, including those involving nuclear, biological, or chemical materials or weapons. FEMA-led federal response activities are in support of state and local response agencies.

3. **Department of Defense (DOD)** has responsibility to take all action necessary with respect to releases where either the release is on, or the sole source of the release is from, any facility or vessel under the jurisdiction, custody, or control of DOD. In addition to those capabilities provided by the **USN Supervisor of Salvage**, DOD may also, consistent with its operational requirements and upon request of the OSC, provide locally deployed USN oil spill equipment and provide assistance to other federal agencies on request. The following branches of DOD have particularly relevant expertise:

    a. **U.S. Army Corps of Engineers** has specialized equipment and personnel for maintaining navigation channels, for removing navigation obstructions, for accomplishing structural repairs, and for maintaining hydropower electric generating equipment. The U.S. Army Corps of Engineers can also provide design services, perform construction, and provide contract writing and contract administrative services for other federal agencies. Where appropriate, the U.S. Army Corps of Engineers can also assist the OSC in organizing and carrying out the relocation of residents whose persons or residences are actually or potentially affected by a discharge or release.

    b. **U.S. Navy** has extensive experience and trained personnel for the performance of search and rescue/recovery activities. Search and rescue/recovery operations generally include the use of aircraft and surface vessels. Joint USN/USCG search and rescue/recovery operations are coordinated by the relevant Navy Fleet Command and First Coast Guard District. **USN Supervisor of Salvage** - Is the branch of service within the Navy that is most knowledgeable and experienced in responding to salvage-related and open-sea pollution incidents.

4. **Department of Energy (DOE)** generally provides designated OSCs that are responsible for taking all response actions with respect to releases where either the release is on, or the sole source of the release is from, any facility or vessel under its jurisdiction, custody, or control, including vessels bareboat-chartered and operated by DOE. In addition, under

the NRF, DOE provides advice and assistance to other OSCs for emergency actions essential for the control of immediate radiological hazards. Incidents that qualify for DOE radiological advice and assistance are those believed to involve source, by-product, or special nuclear material or other ionizing radiation sources, including radium and other naturally occurring radionuclides, as well as particle accelerators. Assistance is available through direct contact with the appropriate DOE Radiological Assistance Program Regional Office.

5. **U.S. Department of Agriculture (USDA) h**as scientific and technical capability to measure, evaluate, and monitor, either on the ground or by use of aircraft, situations where natural resources including soil, water, wildlife, and vegetation have been impacted by fire, insects and diseases, floods, hazardous substances, and other natural or man-made emergencies. The USDA may be contacted through the U.S. Forest Service emergency staff officers who are the designated members of the RRT. Agencies within USDA have relevant capabilities and expertise as follows:

    a. **U.S. Forest Service** (USFS) is the designated USDA representative to the RRT. USFS also has responsibility for protection and management of national forests and national grasslands; for prevention and control of fires in rural areas, in cooperation with state foresters and other federal agencies; and for emergency production, availability, and utilization of timber and timber products, in cooperation with the Department of Commerce (DOC). The agency has capabilities to provide and operate emergency communications systems, specialized aircraft, and human support facilities for large groups of people, and has specially trained incident management teams experienced in dealing with a variety of natural and man-made disasters. In addition, USFS has personnel, laboratory, and field capability to measure, evaluate, monitor, and control releases of pesticides and other hazardous substances on lands under its jurisdiction.

    b. **Agriculture Research Service** administers an applied and developmental research program in animal and plant protection and production; the use and improvement of soil, water, and air; the processing, storage, and distribution of farm products; and human nutrition. The Agriculture Research Service has the capabilities to provide regulation of, and evaluation and training for, employees exposed to biological, chemical, radiological, and industrial hazards. In emergency situations, the Agriculture Research Service can identify, control, and abate pollution in the areas of air, soil, wastes, pesticides, radiation, and toxic substances for Agriculture Research Service facilities.

    c. Natural Resource Conservation Service has personnel in nearly every county in the nation who are knowledgeable in soil, agronomy, engineering, and biology. These personnel can help to predict the effects of pollutants on soil and their movements over and through soils. Technical specialists can assist in identifying potential hazardous waste sites and provide review and advice on plans for remedial measures.

    d. Animal and Plant Health Inspection Service can respond in an emergency to regulate movement of diseased or infected organisms to prevent the spread and contamination to non-affected areas.

e. **Food Safety and Inspection Service** has responsibility to prevent meat and poultry products contaminated with harmful substances from entering human food channels. In emergencies, the Food Safety Inspection Service works with other federal and state agencies to establish acceptability for slaughter and disposal of exposed or potentially exposed animals and their products. In addition, the Service is charged with managing the Federal Radiological Emergency Response Program for the USDA.

f. **Food and Nutrition Service**, through the Food Distribution Program, provides food as part of emergency assistance to disaster victims. In appropriate emergency situations, the Food and Nutrition Services will authorize state agencies to issue food stamps based on emergency procedures.

g. **Agricultural Stabilization and Conservation Service**, in cooperation with the U.S. Forest Service, the Natural Resources Conservation Service, and the U.S. Army Corps of Engineers, is responsible for emergency plans and preparedness programs for food processing, storage, and distribution through the wholesale level.

h. **National Agricultural Statistics Service** serves as a source of data on crops, livestock, poultry, dairy products, and labor. State Statistical Offices collect and publish local information on these topics.

6. **Department of Commerce (DOC), through National Oceanic and Atmospheric Administration (NOAA)** provides scientific support for response and contingency planning in coastal and marine areas, including assessments of the hazards that may be involved, predictions of movement and dispersion of oil and hazardous substances through trajectory modeling, and information on the sensitivity of coastal environments to oil and hazardous substances and associated clean-up and mitigation methods; provides expertise on living marine resources and their habitats, including endangered species, marine mammals and **National Marine Sanctuary** ecosystems; provides information on actual and predicted meteorological, hydrological, ice, and oceanographic conditions for marine, coastal, and inland waters, and tide and circulation data for coastal and territorial waters and for the Great Lakes. DOC and NOAA have access to research ships and aircraft based at the Atlantic Marine Center in Norfolk, Virginia. The NOAA **National Environmental Satellite Data and Information Service** resource trustee resource and provide satellite imagery and remote sensing capabilities as well. DOC, through NOAA, fulfills its responsibilities through three roles under the NCP: as an RRT member, as a natural resource trustee, and as a Scientific Support Coordinator.

   NOAA represents the DOC on the RRT and assists the OSC by providing advice and access to DOC resources and by representing the policies of the DOC. The DOC RRT representative provides the formal DOC concurrence as a natural resource trustee on the use of chemical countermeasures and in-situ burning and is responsible for notifying NOAA's Damage Assessment Center and National Marine Sanctuary program as appropriate.

NOAA, as National Resource Trustee of marine resources and fisheries in accordance with the NCP, provides scientific expertise on living aquatic resources for which it is responsible (through the **National Marine Fisheries Service**); provides current and predicted meteorological, hydrologic, ice, and limn logical conditions [through the NOAA **National Weather Service**]; provides charts and maps; and provides communication services to the general public, various levels of government, and the media via its NOAA weather wire and NOAA weather radio systems; and performs Natural Resource Damage Assessments through the **Damage Assessment and Restoration** Program of the Damage Assessment Center.

NOAA also provides the **Scientific Support Coordinator** to the OSC for responses in the coastal zone. The NOAA Scientific Support Coordinator provides scientific advice to support the OSC in operational decisions that will protect the environment, mitigate collateral harm, and facilitate environmental recovery. The Scientific Support Coordinator advises on other technical issues (as requested by the OSC) after consulting with the appropriate NOAA Office of Response and Restoration resources or other federal, state, or academic networks. These consultation activities include considering advice from the trustee agencies (including the NOAA Office of Response and Restoration RRT member), and any divergent opinions.

7. **Department of Health and Human Services** is the lead federal agency responsible for public health and medical response to emergencies. The **Office of the Assistant Secretary for Preparedness and Response (ASPR)** is responsible for emergency response within the agency and the lead for all such activities.

   ASPR has several capabilities to plan for and respond to emergencies. There are **Regional Emergency Coordinators (RECs)** assigned throughout the country in each of the 10 DHHS regions (the same regional structure as FEMA); there is also an REC assigned in the National Capitol Region (NCR). There are three RECs assigned to Region I (New England). The RECs plan for and then provide the leadership for responses in the region. Nationally there is the capability to deploy command and control personnel in the form of an **Incident Response Coordination Team (IRCT)**. ASPR maintains the Secretary's Operations Center (SOC) as a 24-hour emergency monitoring and command center in Washington DC.

   DHHS ASPR can reach out to any DHHS subordinate agency to plan for and then respond to emergencies. Several agencies have day-to-day responsibilities and emergency response functions. These include the Centers for Disease Control and Prevention (CDC), Food and Drug Administration (FDA), Administration for Children and Families (ACF), Centers for Medicare and Medicaid Services (CMS), the Substance Abuse and Mental Health Services Administration (SAMHSA), the Indian Health Service (IHS), and the Public Health Service (PHS).

   DHHS ASPR directly controls the **National Disaster Medical System** assets, which principally involve civilians who can be mobilized as federal employees and deployed in a variety of teams. These teams include Disaster Medical Assistance Teams (DMATs), Disaster Mortuary Teams (DMORTs), and National Veterinary Response Teams (NVRTs).

The **U.S. Public Health Service**, under the Office of the Assistant Secretary for Health (ASH), U.S. DHHS, has several thousand commissioned PHS officers working in a variety of positions throughout the federal and state governments. These PHS officers are deployable for emergencies, in a variety of individual roles and teams.

The **Agency for Toxic Substances and Disease Registry (ATSDR)** is a DHHS agency directly funded through and in support of the EPA. ATSDR representatives are assigned to Region II. Regional representatives assist in emergency response events that involve RRT issues by coordinating with ATSDR Headquarters Emergency Response Program.

Under CERCLA Section 104(I), ATSDR is required to:

- Establish appropriate disease/exposure registries.
- Develop, maintain, and provide information on health effects of toxic substances.
- Conduct research to determine relationships between exposure to toxic substances and illness.
- Together with EPA, develop guidelines for toxicological profiles for hazardous substances.
- Develop educational materials related to health effects of toxic substances for health professionals.

Any agency can reach out to the RECs in their region for further information on federal medical emergency resources or for operational issues.

8. **Department of the Interior (DOI)** is designated as a **Natural Resource Trustee** under the NCP, the Regional Environmental Officer is DOI's representative on the RRT. Department land managers have jurisdiction over the National Park System, national wildlife refuges and fish hatcheries, and public lands. In addition, bureaus and offices have relevant expertise as follows:

   a. **Office of Environmental Policy and Compliance** represents the DOI on the RRT and is responsible for coordinating RRT/DOI activities. The Office of Environmental Policy and Compliance operates within the Office of the Secretary, and is responsible for policy development and coordination of the diverse interests of DOI. The Regional Environmental Officer, in addition to being DOI's RRT representative, provides a number of services, including the DOI position on chemical countermeasure and in-situ burn decisions, liaison for technical assistance requests from the OSC, administrative details to secure response cost reimbursement approval from the OSC, and ensures the DOI **Office of Restoration and Damage Assessment (ORDA)** is notified of incident details. The ORDA coordinates the designation of a DOI bureau official, whose bureau's resources have been affected, as the DOI Authorized Official. This official acts on behalf of the Secretary of Interior to coordinate and

conduct DOI incident specific natural resource damage assessment and restoration (NRDA) activities

b. **U.S. Fish and Wildlife Service** - Manages, protects, and provides expertise on migratory birds, federally-listed threatened and endangered species and their designated critical habitats, certain anadromous fish, inland waters and wetlands, and certain federal lands (**National Wildlife Refuges, Waterfowl Production Areas,** and **National Fish Hatcheries**). The Service can provide responders with information concerning these resources, as well as technical assistance concerning the effects of oil on these resources. In addition, the Service will help coordinate wildlife rescue and rehabilitation efforts in conjunction with the state natural resource trustee(s). U.S. Fish and Wildlife Service is responsible for assessing damages to natural resources as a result of discharges of oil or releases of hazardous substances into the environment, and issues federal Migratory Bird Permits to qualified individuals and/or organizations that may be available to conduct wildlife rehabilitation operations related to oil spill incidents.

c. **U.S. Geological Survey** (USGS) provides advice and information concerning geohydrologic, geologic, and geochemical data; ground and surface water data; biological resources; and maps. USGS maintains stream flow gauges throughout Region II and can provide historical stream flow information, assist with predicting the time/travel/trajectory of spills, and collect and analyze surface and groundwater samples.

d. **Bureau of Land Management** has expertise in minerals, soils, vegetation, archeology, and wildlife habitat.

e. **Bureau of Safety and Environmental Enforcement (BSEE)** is responsible for safety and environmental oversight of offshore oil and gas operations, including permitting and inspections, of offshore oil and gas operations. Its functions include the development and enforcement of safety and environmental regulations, permitting offshore exploration, development and production, inspections, offshore regulatory programs, oil spill response and newly formed training and environmental compliance programs.

f. **Bureau of Ocean Energy Management (BOEM)** manages the exploration and development of the nation's offshore resources. It seeks to appropriately balance economic development, energy independence, and environmental protection through oil and gas leases, renewable energy development and environmental reviews and studies.

g. **Office of Surface Mining** has expertise in coal mine wastes and land reclamation.

h. **National Park Service** provides general biological, natural, and cultural resource managers to evaluate, measure, monitor, and contain threats to park system lands and to resources including national parks, lake shores, monuments, national historic sites, rivers, and recreation areas. The National Park Service also provides expertise on historic, archeological, architectural, and recreational resources and sites on the **National Register of Historic Places**. A Programmatic Agreement between the National Park Service, several historic preservation organizations and several response agencies guides Region II policy regarding protection of historic properties. A link to this Programmatic Agreement is located in Section 7.

i. **Bureau of Reclamation** - Has expertise regarding engineering, hydrology, and reservoirs.

j. **Bureau of Indian Affairs** - Is responsible for protecting tribal trust resources, and facilitating an active role in planning and response for tribal governments who wish to do so. The Bureau of Indian Affairs coordinates activities affecting tribal lands, and provides assistance in identifying tribal government officials.

10. **Department of Justice (DOJ)** can provide expert advice on complicated legal questions arising from discharges or releases, and federal agency responses. In addition, DOJ represents the federal government, including its agencies, in litigation relating to such discharges or releases. In this capacity, the DOJ representative might include: providing general legal advice; reviewing and commenting on regional planning and procedural documents; and providing incident-specific assistance, including assigning staff attorneys when the incident may result in litigation or raise difficult issues of interagency coordination. Other legal issues or questions will be directed to the lead agency in-house counsel.

    In addition, DOJ, through the ***Federal Bureau of Investigation*** is the lead federal agency for crisis management response to all domestic terrorism incidents.

11. **Department of Labor, through the Occupational Safety and Health Administration, (**and States operating plans approved under Section 18 of the Occupational Safety and Health Act) has authority to conduct safety and health inspections of hazardous waste sites to assure that employees are being protected and to determine if the site is in compliance with safety and health standards and regulations promulgated by the Occupational Safety and Health Administration [(OSHA) or the states] in accordance with section 126 of SARA and all other applicable standards regulations promulgated under the Occupational Safety and Health Act and its general duty clause. OSHA inspections may be self-generated, consistent with its program operations and objectives, or may be conducted in response to requests from EPA or another lead agency, or in response to accidents or employee complaints. OSHA may also conduct inspections at hazardous waste sites in those states with approved plans that choose not to exercise their jurisdiction to inspect such sites. On request, OSHA will provide advice and consultation to EPA and other NRT/RRT agencies, as well as to the OSC, regarding hazards to persons engaged in response activities. OSHA may also take

any other action necessary to assure that employees are properly protected at such response activities. Any questions about occupational safety and health at these sites may be referred to the OSHA Regional Office.

OSHA has established **four specialized response teams** which can support the OSC with responder safety and health: the chemical team (toxic industrial chemicals, materials, and weapons of mass destruction chemicals), the biological team, the radiological team, and the structural collapse team. The teams are comprised of certified industrial hygienists, professional engineers, occupational physicians, and specialized safety experts. The OSHA teams are available to assist the OSCs in their preparedness and response duties. Requests for support should be made through the NRC, or directly to OSHA's Specialized Response Team Coordinator, located at OSHA's Salt Lake Technical Center in Sandy, Utah or OSHA's Director, Directorate of Science, Technology, and Medicine located in OSHA's national office.

12. **Department of Transportation (DOT)** provides response expertise pertaining to transportation of oil or hazardous substances by all modes of transportation. The Pipeline and Hazardous Materials Safety Administration (PHMSA) is the DOT agency that develops and enforces regulations for the safe, reliable, and environmentally sound operation of the nation's 2.6 million mile pipeline transportation system and the nearly 1 million daily shipments of hazardous materials by land, sea, and air. PHMSA comprises two safety offices, the **Office of Pipeline Safety** and the **Office of Hazardous Materials Safety**. PHMSA's mission is to protect people and the environment from the risks inherent in transportation of hazardous materials - by pipeline and other modes of transportation.

    DOT also includes the following Administrations:

    a. **Federal Aviation Administration** oversees and regulates airports, aircraft, airspace, and aviation safety.

    b. **Federal Highway Administration** regulates, plans, and maintains the U.S. highway system.

    c. **Federal Railroad Administration** promulgates and enforces rail safety regulations; administers railroad assistance programs; conducts research and development in support of improved railroad safety and national rail transportation policy; and consolidates government support of rail transportation activities.

    d. **Maritime Administration** promotes the use of waterborne transportation and its seamless integration with other segments of the transportation system, and the viability of the U.S. merchant marine. The Maritime Administration works in many areas involving ships and shipping, shipbuilding, port operations, vessel operations, national security, environment, and safety.

    e. **National Highway Traffic Safety Administration** is dedicated to achieving the highest standards of excellence in motor vehicle and highway safety.

13. **Department of State (DOS)** will lead in the development of international joint contingency plans. DOS will also help to coordinate an international response when discharges or releases cross international boundaries or involve foreign flag vessels. Additionally, DOS will coordinate requests for assistance from foreign governments and U.S. proposals for conducting research at incidents that occur in waters of other countries.

14. **Nuclear Regulatory Commission** will respond, as appropriate, to releases of radioactive materials by its licensees, in accordance with the Nuclear Regulatory Commission Incident Response Plan (NUREG-0728), to monitor the actions of those licensees and assure that the public health and environment are protected and adequate recovery operations are instituted. The Nuclear Regulatory Commission will keep EPA informed of any significant actual or potential releases in accordance with procedural agreements. In addition, the Nuclear Regulatory Commission will provide advice to the OSC when assistance is required in identifying the source and character of other hazardous substance releases where the Nuclear Regulatory Commission has licensing authority for activities utilizing radioactive materials.

15. **General Services Administration (GSA)** provides logistic and telecommunications support to federal agencies. During an emergency situation, GSA quickly responds to aid state and local governments as directed by other federal agencies. Services might include leasing and furnishing office space, setting up telecommunications and transportation services, and providing advisory assistance. Depending on the specific requirements of the OSC or the emergency situation, services may be furnished through GSA personnel who are located at the scene of the oil discharge or hazardous substance release, or at their regular duty stations. Expenses incurred by GSA while providing requested assistance to other agencies must be reimbursed.

16. **Department of the Treasury,** through the **Bureau of Alcohol, Tobacco, and Firearms (ATF** supports the OSC by providing site security support and the ATF **Rapid Response Laboratory**. The Department of the Treasury provides the resources of the U.S. Customs Service only in the event of a spill on international waters or a trans-boundary incident; and provides assistance to the United States and Canada during international responses.

B. States

Each state within the Federal Region II area of responsibility has developed its own organizations and processes for handling environmental issues, including response and investigation. The general response system for each of those states is noted below.

1. **New York**

   The NY State Department of Environmental Conservation (NYSDEC) has the overall responsibility for pollution response in the state. Spills of petroleum or hazardous materials must be reported to the NYSDEC's spill hotline at **(800) 457-**

7362. If the state receives first notification for a release or discharge, they encourage the spiller to provide prompt notification to the NRC, who in turn is responsible to notify the Coast Guard, EPA, and bordering states.

The New York State response policy derives its authority and jurisdiction from several state laws and regulations. Article 12 of the Navigation Law authorizes the NYSDEC Regional Spill Engineer to respond to and clean up discharges of petroleum and to retain contractors to assist in spill response activities. Sections of the Article also contain liability, penalty, and facility licensing requirements. The Environmental Conservation Law statute gives the NYSDEC specific enforcement authority for certain spills, including spills from underground storage tanks. It also contains penalty provisions and confers summary abatement power under certain circumstances. The Petroleum Bulk Storage Program (PBS) and the Chemical Bulk Storage Program (CBS) Regulations are defined in this law.

Specific guidance and policies for New York State are set forth in the New York State Department of Environmental Conservation Spill Guidance Manual. This manual can be accessed from the New York State Department of Environmental Conservation's website at http://www.dec.ny.gov/regulations/2634.html

NYSDEC has over 100 trained spill personnel across the State. These Responders have all received the 40-Hour Hazardous Waste Operations health and safety training and have received Incident Command System training at a minimum of the ICS 200 level. The Spills staff currently operates 102 spill response vehicles statewide for spill response and remediation efforts. The fleet is mainly made up of 4 wheel drive pickups with emergency lights, sirens, and markings. Although the exact equipment in each truck may vary, the trucks are also equipped with personal safety equipment, limited response and containment equipment (e.g., sorbent pads, booms, pillows), general tools, and supplies and meters (Combination Gas Meters, Photoionization Detectors, etc.).

The Commissioner of NYSDEC has been designated as the **State's Natural Resources Trustee**. Scientific and technical advice to spill responders can be provided by the Division of Fish and Wildlife and Marine Resources (DFWMR) for planning purposes or staffing specialized units in the incident command. DFWMR can provide scientific expertise and oversight for handling and rehabilitating oil-contaminated wildlife; Shoreline Cleanup and Assessment (SCAT); Natural Resources Damage Assessment (NRDA); and can provide habitat restoration oversight. NYS DEC's Central Office in Albany houses the DFWMR's administrative staff and the offices of the Bureaus of Fish & Wildlife Services, Fisheries, Habitat, Marine Resources, and Wildlife, with the exception of the Bureau of Marine Resources headquarters, which is located on Long Island, closer to the public and resource they serve.

SHPO: New York's State Historic Preservation Office (SHPO), located in the New York State Office of Parks, Recreation and Historic Preservation**,** is the Trustee for Archeological and Historic Sites in New York State. Contacts and other information can be found at: https://parks.ny.gov/shpo/

2. **New Jersey**

The NJ Department of Environmental Protection (NJDEP) has the overall responsibility for pollution response in the state. The Director, Emergency Management Program (EMP) is the pre-designated State OSC in New Jersey, and also represents the State on the RRT.

New Jersey State Law requires that all hazardous materials (HAZMAT) pollution incidents be reported to the Department of Environmental Protection's Emergency Hotline (877) –WARNDEP (877) 927-6337. HAZMAT includes petroleum products. Initial reports are screened and appropriate incidents are immediately forwarded to a Bureau of Emergency Response (BER) duty officer, to a New Jersey State Police (NJSP) Office of Emergency Management (NJOEM) duty officer, NJSP-Regional Operations and Intelligence Center duty officer, NJSP-Operational Dispatch Unit duty officer, NJ Department of Health and Senior Services duty officer, and to the designated municipal contact for the impacted municipality. Incidents received by the BER duty officer are evaluated to determine if an immediate deployment is required. When multiple deployments are required, the incidents are prioritized, and the deployments are made in order of priority.

Generally, BER staff is deployed immediately to a credible report of significant release, spill or discharge of an Extraordinary Hazardous substance as defined by the state's Toxic Catastrophe Prevention Act; an incident resulting in fatalities or multiple hospitalizations directly due to release, spill or discharge of hazardous materials; an incident resulting in significant residential evacuations and/or in a significant facility evacuation; an incident having inter-state impact; medium or major oil spills and minor spills in pristine waters; numbered highway closure directly due to release, spill, or discharge of hazardous materials; and an emergency requiring authorization for opening the New Jersey Spill Fund or involving National Pollution Trust Fund compensation.

Incidents that do not meet immediate response criteria are referred to counties participating in the County Environmental Health Act (CEHA) or to qualified local HAZMAT teams for initial investigation. BER may subsequently respond to these incidents when incident resolution starts to go beyond the local unit's capabilities. BER will also deploy at the request of Federal Agencies: EPA, USCG, DEA, etc.

Significant incidents such as major oil spills, chemical explosions or chemical fires with casualties or mass evacuations normally generate a joint regional response with NJOEM. State support continues on-site until the emergency is terminated.

The Commissioner of NJDEP has been designated as the **State Natural Resources Trustee**.

SHPO: New Jersey's Historic Preservation Office, located within NJDEP, provides expertise in a variety of fields essential to preserving historic resources. Contacts and additional information on the NJ HPO can be found at: https://www.state.nj.us/dep/hpo/

Bordering States - The general response systems for the states which border Region II are noted below.

1. **Delaware**

   The Department of Natural Resources and Environmental Control, Division of Environmental Control provides response assistance during oil and hazardous materials incidents, public health exposures, and information and advice concerning local habitat, wildlife, and fisheries. The department maintains listings of commercially available resources in Delaware and is also responsible for enforcement of the state's pollution laws.

   Delaware Pollution Control Act of 1949: Title 7, Delaware Code, Chapters 60-64.

   Provisions: General water-quality criteria are as follows: "The waters shall not contain substances attributable to municipal, industrial, agricultural, or other discharges in concentrations or amounts sufficient to be adverse or harmful to water uses to be protected, or to a human, animal, aquatic, and wildlife. The waters shall be free from unsightly and malodorous nuisances due to floating solids or sludge deposits, debris, oil, and scum."

   The Delaware Department of Natural Resources & Environmental Control, headquartered in Dover, Delaware, carries out enforcement of the state's pollution laws.

2. **Connecticut**

   In the event of an oil spill or a hazardous material release within a community, the local fire department shall be immediately contacted and will, as provided by Connecticut General Statute (CGS) 7-313e, assume the role of Incident Commander. Immediate notification must also be made to the Department of Energy and Environmental Protection (DEEP) as required by CGS 22a-450. Under CGS 22a-449(a), the Department has the statutory responsibility to "cause such discharge, spillage, uncontrolled loss or seepage or filtration to be contained and remove otherwise mitigated by whatever method said commissioner considers best and most expedient under the circumstances". To implement this responsibility the DEEP Emergency Response and Spill Prevention Division provides emergency response to mitigate and clean up hazardous material spills in Connecticut and coordinates response between the federal OSC and the local community incident commander as required by CGS 22a-453.

   During a spill incident, the Division of Emergency Response and Spill Prevention, Emergency Response Unit (ERU) Emergency Response Coordinators

(ERCs) respond to environmental pollution threats in every form. Responding to incidents involving petroleum spills caused by vehicle accidents, to chemical plant explosions, to coastal oil spills, ERU provides technical and on-site assistance to ensure threats to the environment and human safety are quickly and effectively addressed. In addition, ERCs work with local public safety officials and emergency response contractors to minimize threats to the environment.

3. **Pennsylvania**

The Department of Environmental Protection (DEP) is responsible for implementing a number of Pennsylvania laws which have components relating to emergency response, including the Pennsylvania Oil and Gas Act, the Air Pollution Control Act, the Dam Safety and Encroachments Act, the Explosives Act, the Radiation Protection Act, various mining laws, the Clean Streams Law, the Solid Waste Management Act, the Hazardous Sites Cleanup Act, the Pennsylvania Safe Drinking Water Act, and the Storage Tank Management and Spill Prevention Act. DEP's authorities relative to emergency response to hazardous materials are delineated in the Hazardous Sites Cleanup Act (HSCA).

The HSCA legislation requires DEP to "provide for emergency response capability for spills, accidents and other releases of hazardous substances and contaminants." The law gives DEP the authority to take any action that it deems necessary or appropriate to protect the public health, safety or welfare or the environment from releases or threats of releases of hazardous materials.

The Department also responds and provides technical advice during hazardous material emergencies by the Hazardous Material Emergency Response and Protection Act.

Department of Environmental Protection (DEP) maintains a twenty-four hour, seven days per week availability to receive calls regarding environmental emergencies, natural disasters, or man-made disasters.

4. **Vermont**

The Vermont Agency of Natural Resources, Department of Environmental Conservation (VT DEC), is the designated representative for the State of Vermont. The VT DEC provides the incident commander or a state representative to the unified command. The VT DEC official will concentrate on assessing environmental impacts that could result from spills, and on directing the cleanup of areas affected by an oil discharge and/or a hazardous substance release. Other Vermont state agencies may assist in response activities as follows. The Vermont Department of Public Safety, Emergency Management is the coordination and communication center for the State of Vermont in the event of an emergency. The Vermont Agency of Transportation is responsible for road safety in the event of an emergency.

C. Federally Recognized Tribes

According to § 300.610 of the NCP, the head of the governing body of any federally recognized tribe is the designated natural resource trustee for lands and resources belonging to that tribe. As such, the tribes are full participants in RRT activities. There are eight tribes within Region II with land holdings of various sizes. The federally recognized tribes and their lands are described below.

1. **Cayuga Nation:** The Cayuga Nation has an office facility located at 10520 Main Street, North Collins, New York. The Cayuga Nation filed a land claim in federal court in 1974. The federal court has ruled that federal approval was necessary for the sale of land, and therefore the Cayuga treaties with the State of New York are null and void. The Cayuga Nation is currently negotiating its land claim with New York State.

2. **Oneida Indian Nation:** At present, the Oneida Indian Nation has reacquired approximately 17,000 acres of aboriginal land located in central New York.

3. **Onondaga Nation:** The Onondaga Nation territory contains 7,300 acres and is located about five miles south of Syracuse, in Onondaga County, New York.

4. **St. Regis Mohawk Tribe:** The St. Regis Mohawk Tribe Reservation (Akwesasne) contains lands in both the State of New York and Canada. That portion of the Reservation within New York State consists of 14,000 acres in Franklin and St. Lawrence Counties, just east of Massena, New York, all of which are tribally owned.

   THPO: The Tribal Historic Preservation Office was established by the St. Regis Mohawk Tribe under the authority of the National Historic Preservation Act (NHPA) and the Native American Graves Protection and Repatriation Act (NAGPRA). Its mission is to preserve and promote the historic and cultural heritage of Akwesasró:non for the next seven generations. Additional information on the THPO can be found at: https://www.srmt-nsn.gov/tribal_historic_preservation_office

5. **Seneca Nation of Indians:** The Seneca Nation of Indians (SNI) occupies lands set aside for it in the Canandaigua Treaty of 1794. SNI lands consist of three reservations:

   a. Cattaraugus Indian Reservation - approx. 21,618 acres in Cattaraugus, Erie and Chautauqua Counties.

   b. Allegany Indian Reservation - originally included 30,469 acres of land in Cattaraugus County, of which some 10,000 acres were inundated by the Kinzua Reservoir when the Army Corps of Engineers built the Kinzua Dam in 1964.

c. Oil Springs Reservation - one square mile of land, including access to Cuba Lake, on the border of Allegany and Cattaraugus Counties.

In addition, SNI has casinos located/proposed in Niagara Falls, Salamanca and Buffalo areas.

Congressional Villages: Within the external boundaries of the SNI Allegany Reservation are congressionally created villages (some of which are now incorporated into towns or have become cities, such as the City of Salamanca), which are Tribal lands that are, by and large, leased to non-Tribal members. The congressional villages are unique in that they were created by an act of Congress in the mid-1800's rather than being created under State law, as are other municipalities.

THPO: The Seneca Nation Tribal Historic Preservation Office (THPO) was established in 2000 after the Nation received a recognition letter from the National Park Service. The THPO is charged with facilitating the Nation's involvement within Section 106 (National Historic Preservation Act of 1966) and Native American Graves Protection and Repatriation Act. These Acts mandate that any ground-disturbing, federally-funded project must first consider its potential impacts to historic properties, cultural resources and/or funerary sites. Additionally, the THPO is consulted for all such off-reservation, aboriginal territorial projects. Additional information can be found at: https://sni.org/departments/tribal-historic-preservation/

6. **Tonawanda Seneca:** The Tonawanda Seneca territory consists of 7,549 acres located just west of Basom, New York.

7. **Tuscarora Nation:** The Tuscarora Nation territory of approximately 5,700 acres is located about nine miles northeast of Niagara Falls, Niagara County, New York. In 1957, the Tuscaroras lost 550 acres to New York State Power Authority for use as a reservoir.

8. **Shinnecock Nation:** The Shinnecock Indian Nation became the 565th federally recognized tribe on October 1, 2010. The Tribal Lands (reservation) include approximately 900 acres in the western portion of the Town of Southampton, Suffolk County, on Shinnecock Bay. The Shinnecock Indian Nation has approximately 1,300 people, more than 600 of whom reside on the reservation adjacent to the Town of Southampton on the East End of Long Island. The Nation is currently working with the Bureau of Indian Affairs to have lands placed into federal trust.

D. International

During preparedness planning or during an actual response, the following Canadian agencies may be called upon to provide assistance under their legal jurisdiction and in their respective areas of expertise. Descriptions of the each are below.

1. **Canadian Coast Guard**

   The Canadian Coast Guard is the lead federal agency for all ship-source spills of oil into the marine environment in waters under Canadian jurisdiction.

   Where the polluter has been identified and is willing and able to respond, the Canadian Coast Guard will advise the polluter of its responsibilities and, once satisfied with the polluter's intentions/plans, assume the role as the Federal Monitoring Officer and monitor the polluter's response and provide advice and guidance as required. However, in those cases where the polluter is unknown, unwilling or unable to respond, the Canadian Coast Guard will assume the overall management of the incident as On-Scene Commander (OSC) and ensure an appropriate response. When the Canadian Coast Guard has assumed the role of On-Scene Commander and is required to respond to a marine pollution incident, the Canadian Coast Guard has the people, resources and expertise to respond to a marine pollution incident.

   If required, Canada's National Response Team can be activated to augment the monitoring or response operations to a marine pollution incident or natural or manmade disaster in any part of the country or the world.

   The Environmental Response branch of the Canadian Coast Guard and the United States Coast Guard Office of Response are the custodians of the ***Canada-United States Joint Marine Pollution Contingency Plan***. The purpose of this plan is to outline and define the roles and responsibilities of the various players who would participate in the cleanup efforts of a marine pollution incident occurring in the contiguous waters between Canada and the United-States.

2. **Environment Canada**

   Federally, Environment Canada is responsible for providing scientific and technical advice and support first responders concerning emergency events. Its duties also extend to federally managed resources such as fish and wildlife under the *Fisheries Act* and the *Migratory Birds Convention Act*, and may include supporting joint response operations when requested by outside agencies. Environment Canada may be the primary agency if a spill occurs at a federal facility, at the request of a province or territory or when the environment is not being well protected. At other times, the Department's role is to provide support and advice to the primary agency. The Department provides 24-hour, seven-day-a-week response support and advice through five regional offices across Canada, and the National Environmental Emergencies Centre in Gatineau, Quebec, and the Environmental Emergencies Science and Technology Section located in Ottawa, Ontario.

Staff provides technical advice to responders, employ state-of-the-art monitoring equipment, evaluate environmental impacts and appear in court to aid in polluter prosecution.

Environment Canada's Emergency officers have HAZMAT expertise, backed by scientific support, which enables response in the event of spills involving hazardous materials. The role of the environmental emergency response team is to provide advice and support on:

- hazardous material properties, behavior, fate and environmental effects;
- spill-behavior and spill-movement modeling using the latest-generation models and techniques;
- training in personnel protection at pollution emergencies;
- advice and direct support on state-of-the-art, on-site monitoring of human and environmental hazard levels at pollution emergencies;
- sample collection at spill sites;
- the contract administration of airborne services for the remote sensing of spills; and
- the evaluation of spill countermeasures, particularly those relating to containment and recovery, treatment and disposal techniques;
- priority assessment for shoreline protection and cleanup using its Shoreline Cleanup and Assessment Technique (SCAT).

3. **Transport Canada**

Transport Canada is responsible for transportation policies and programs. It ensures that air, marine, road and rail transportation are safe, secure, efficient and environmentally responsible. Transport Canada promotes safe and secure transportation systems, both in Canada and internationally, that protect people from loss of life or damage to health and property. To do this, Transport Canada is involved with safety and security activities in multiple transportation related fields, such as aircraft services, civil aviation, marine safety and security, rail safety, road safety, security and emergency preparedness, transportation of dangerous goods, and rail and urban transit security.

Transport Canada is comprised of program and support groups working at headquarters in Ottawa and locations across Canada. Transport Canada's Quebec and Atlantic Region is headed by a regional director general who is responsible for the delivery of transportation programs and services in the region.

SECTION 6: Related Plans

A. National Response System Plans

This RCP works in concert with other contingency plans at the international, federal, state, tribal and local levels. The three National Response System contingency plans interact in a hierarchical fashion as described in the NCP. The NCP sets standards for RCPs and ACPs and provides a framework in which those plans, and the activities that they describe, can be organized. The RCPs provide more geographically specific information regarding regional response policies and operations. The ACPs provide information regarding specific response resources and environmentally or economically sensitive receptors in specific areas and on area-specific response policies.

B. Joint Canada-U.S. Plans

Region II is bordered by Canada to the north. The International Joint Advisory Team and the Regional Joint Response Team play much the same role in joint Canada-U.S. response planning and operations that the NRT and RRT play in domestic response actions. The Canada-United States Joint Inland Pollution Contingency Plan has been prepared by U.S. and Canadian authorities to plan for responses to incidents that have the potential to affect waters or lands in both the United States and Canada. Response operations conducted in the shared inland border between the Province of Ontario and the States of New York, Michigan and Minnesota are covered in Annex IV (CANUSQUE) and Annex III (CANUSCENT) of the Canada-United States Joint Inland Pollution Contingency Plan. CANUSQUE is maintained by EPA Regions I and II and Environment Canada, while CANUSCENT is maintained by EPA Regions II and V and Environment Canada.

The **Canada-United States Joint Marine Pollution Contingency Plan** provides a framework for Canada-U.S. cooperation in response to marine pollution incidents threatening the inland or coastal waters of both countries, and major incidents in one country where the assistance of the neighboring country is required. Implementation of the plan is the joint responsibility of the Canadian Coast Guard and the U.S. Coast Guard. The Plan is tested every two years through exercises led by the Canadian and U.S. Coast Guards. This plan divides the international boundary into five Geographic Annexes that define the jurisdiction, roles and response procedures of regulatory and support agencies within each, as well as communications, reporting systems and points of contact. Response operations conducted in the shared marine border between the Provinces of Ontario and Quebec and the State of New York are covered in Annex I (CANUSLAK) and Annex II (CANUSLANT) of the Canada-United States Joint Inland Pollution Contingency Plan.

Additionally, responses to radiological incidents involving both U.S. and Canadian territory are directed by the United States-Canada Joint Radiological Emergency Response Plan. This plan is not available on the Internet.

C. National Response Framework

The National Response Framework presents the guiding principles that enable all response partners to prepare for and provide a unified national response to disasters and

emergencies – from the smallest incident to the largest catastrophe. This document establishes a comprehensive, national, all-hazards approach to domestic incident response by defining key principles, roles, and structures that organize the way we respond as a nation. It describes how communities, tribes, states, the Federal Government, and private-sector and nongovernmental partners apply these principles for a coordinated, effective national response. It also identifies special circumstances where the Federal Government exercises a larger role, including incidents where federal interests are involved and catastrophic incidents where a state would require significant support. The response organizations of the NCP are recognized by the NRF as occurring on a routine basis, however when they are implemented concurrently, such as during declared disasters or emergencies, they are subordinated to its overarching coordinating structures, processes, and protocols. Emergency Support Function #10 is the coordination mechanism for joining the National Response System to the National Response Framework structure as described in the ESF #10 Annex to the NRF and 40 CFR 300.130 in the NCP.

D. Title III State and Local Emergency Response Plans

Response plans are also prepared on the state and local level, most notably by the State Emergency Response Commissions (SERCs), and the LEPCs established under the Title III of SARA. The level of development and activity of SERCs and LEPCs varies widely among the states and localities of Region II. Each of the states in Region II has organized SERCs. LEPCs have been organized in each state based on different geographic areas that vary by State.

Contact information for Region II SERCs can be obtained from the EPA website at https://www.epa.gov/epcra/state-emergency-response-commissions-contacts

Contact information for Region II LEPCs can be obtained from the SERCs.

E. Reimbursement for Services

Pollution Removal Funding Authorization (PRFA): According to 40 CFR 300.335(b), where the OSC requests assistance from a federal agency, that agency may be reimbursed in accordance with the provisions of 33 CFR part 136. Specific interagency reimbursement agreements may be used when necessary to ensure that the federal resources will be available for a timely response to a discharge of oil. The PRFA is a tool available to OSCs to quickly obtain needed services and assistance from other government agencies (federal, state, or local) in oil spill and hazardous materials response actions. There are two types of PRFA forms, one for Federal agencies and one for non-federal agencies.

More information can be found in the National Pollution Funds Center (NPFC) INSTRUCTION 16451.2 “Technical Operating Procedures for Resource Documentation under The Oil Pollution Act of 1990” (Cost Doc TOPs), Chapter 8 – Pollution Removal Funding Authorizations (PRFAS). A link to the NPFC Cost Doc TOPs Instruction can be found on the NPFC website at: https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Documentation-Cost/

Local Government Reimbursement (LGR) Program: The Federal Government may reimburse local governments for expenses incurred during response actions by local response agencies through the LGR Program. This mechanism for reimbursement is particularly important because local agencies are usually the first responders on-scene and are almost always involved in emergency response actions. Up to $25,000 may be available to local governments for expendable materials and supplies; equipment rentals or leasing; special technical or laboratory services; evacuation services; equipment decontamination; overtime pay for employees; and replacement of lost or destroyed equipment. More information is available on the Local Government Reimbursement program on the internet at https://www.epa.gov/emergency-response/local-governments-reimbursement-program.

SECTION 7: References

1. **Executive Order No. 12580: Superfund Implementation**

   http://www.archives.gov/federal-register/codification/executive-order/12580.html

2. **Executive Order No. 12777: Implementation of Section 311 Of The Federal Water Pollution Control Act Of October 18, 1972, As Amended, And The Oil Pollution Control Act Of 1990**

   https://www.federalregister.gov/executive-order/12777

3. **National Response Team Incident Command System/Unified Command Technical Assistance Document (2000 Update)**

   The NRT's Incident Command System/Unified Command (ICS/UC) Technical Assistance Document provides guidance on UC implementation to all personnel involved in all-hazard emergency planning and response at the Federal, state & local levels.

   https://nrt.org/sites/2/files/ICSUCTA.pdf

4. **NRT Joint Information Center Model Guidance Document: Collaborative Communications during Emergency Response (2013)**

   The NRT Joint Information Center (JIC) Model explains what a JIC is and why a JIC is established. It outlines the structure, processes, functional positions and roles and responsibilities of JIC personnel. This document is intended for field use. To use this model, individuals should refer to the position description for which they have been assigned to gain an understanding of their roles and responsibilities. Likewise, users are encouraged to review other sections to identify how their particular roles will fit within the overall JIC operation. Also included in the document are a series of appendices that are designed to provide additional reference materials and tools that can support a JIC operation.

   https://www.nrt.org/sites/2/files/FINAL_NRT_JIC_Model_automated_062013.pdf

5. **Guidance for Managing Worker Fatigue during Disaster Operations**

   Volume I of this Technical Assistance Document (TAD) addresses worker fatigue during large-scale disaster operations, such as those following the Oklahoma City bombing, the 9-11 attacks, anthrax contamination, the Columbia Space Shuttle Recovery, and Hurricanes Katrina, Rita, and Wilma. This document is intended to serve as a hands-on manual to assist organizations with the development of programs and plans to address fatigue issues among disaster workers. The second document, "Volume II: Background Document," summarizes the essential information compiled and reviewed by the NRT while developing its recommended approach.

   https://www.nrt.org/sites/2/files/FatigueTADfinal.pdf

6. **Selection Guide for Oil Spill Response Countermeasures**

   The Selection Guide is an interactive compilation of information and guidance on the use of non-conventional ("applied") technologies, including chemical and biological products and additives, and in situ burning, for real-time oil spill response, exercises, pre-spill planning, or informational purposes It includes information on response technologies to counter the effects of spilled oil on land, on fresh water, and on coastal (estuarine to open ocean) waters. The primary objective of the guide is to provide information and guidance to responders for the timely evaluation of oil spill response technologies that are regulated under the NCP Product Schedule.

   https://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/response-tools/selection-guide-oil-spill-response-countermeasures

7. **Special Monitoring Of Applied Response Technologies Guidance Document (SMART)**

   Special Monitoring of Applied Response Technologies (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.

   http://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/resources/smart.html

8. **Inter-Agency Memorandum of Agreement Regarding Oil Spill Planning and Response Activities under the National Oil and Hazardous Substances Pollution Contingency Plan and The Endangered Species Act**

   This agreement coordinates the consultation requirements specified in the ESA regulations, 50 CFR 402, with the pollution response responsibilities outlined in the NCP, 40 CFR 300. It addresses three areas of oil spill response activities: pre-spill planning activities, spill response event activities, and post-spill activities. The agreement identifies the roles and responsibilities of each agency under each activity. By working proactively before a spill to identify potential effects of oil spill response activities on listed species and critical habitat, and jointly developing response plans and countermeasures (response strategies) to minimize or avoid adverse effects, impacts to listed species and critical habitat should be reduced or avoided completely. Should a spill occur, response plans and countermeasures will be used to implement response actions to minimize damage from oil discharges in a manner that reduces or eliminates impacts to listed species and critical habitat. In the event that oil spill response actions may result in effects on listed species or critical habitat, the agreement provides guidance on how to conduct emergency consultation under the ESA. It also describes the steps for completing formal consultation, if necessary, after the case is closed, if listed species or critical habitat has been adversely affected.

   https://www.nrt.org/sites/2/files/ESAMOA.pdf

9. **Programmatic Agreement on Protection of Historic Properties during Emergency Response under the National Oil And Hazardous Substances Pollution Contingency Plan**

   In carrying out duties under the NCP, including the priorities of protecting public health and safety, the Federal On-Scene Coordinator (OSC) may have to make emergency response decisions that adversely affect historic properties. By following this PA, the Federal OSC will be making an informed decision that takes historic property information into account prior to authorizing actions that might affect such property. The PA is available at:

   https://www.nrt.org/sites/2/files/Programmatic_Agreement_on_Protection_of.pdf

   To facilitate implementation, see Appendix 7: RRT2 Guidance on National Historic Preservation Act Section 106 Compliance During Emergency Response.

10. **National Response Framework**

    The National Response Framework (NRF) presents the guiding principles that enable all response partners to prepare for and provide a unified national response to disasters and emergencies – from the smallest incident to the largest catastrophe.

    https://www.fema.gov/media-library/assets/documents/117791

11. **Emergency Support Function #10: Hazardous Materials**

    When activated under the NRF, ESF #10 provides for a coordinated Federal response to actual or potential oil and hazardous materials incidents. Response to oil and hazardous materials incidents is generally carried out in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300. For purposes of ESF #10, "hazardous materials" is a general term intended to mean hazardous substances, pollutants, and contaminants as defined in the NCP. Hazardous materials include chemical, biological, and radiological substances, whether accidentally or intentionally released.

    https://www.fema.gov/media-library/assets/documents/25512

12. **Local Governments Reimbursement Program**

    The Federal Government may reimburse local governments up to $25,000 per incident for expenses incurred during response when local governments do not have funds available.

    https://www.epa.gov/emergency-response/local-governments-reimbursement-program

ABBREVIATIONS and ACRONYMS

ACP	Area Contingency Plan
ATSDR	Agency for Toxic Substances and Disease Registry
BER	Bureau of Emergency Response
CANUSCENT	Regional Annex III to the Canada-United States Joint Inland Pollution Contingency Plan
CBRN CMAD	Chemical, Biological, Radiological, and Nuclear Consequence Management Advisory Division
CDC	Centers for Disease Control
CEHA	County Environmental Health Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
DHS	Department of Homeland Security
DOC	Department of Commerce
DOD	Department of Defense
DOE	Department of Energy
DOI	Department of the Interior
DOT	Department of Transportation
EPA	U.S. Environmental Protection Agency
ESF	Emergency Support Function
FEMA	Federal Emergency Management Agency
FOSC	Federal On-Scene Coordinator
HAZMAT	Hazardous Materials
ICS	Incident Command System
JIC	Joint Information Center
LEPC	Local Emergency Planning Committee
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NHPA	National Historic Preservation Act
NIMS	National Incident Management System
NJDEP	New Jersey Department of Environmental Protection
NJOEM	New Jersey Office of Emergency Management
NJSP	New Jersey State Police
NOAA	National Oceanic and Atmospheric Administration
NRDA	Natural Resource Damage Assessment
NRF	National Response Framework
NRM	No Regional Modifications
NRT	National Response Team
NYSDEC	New York Department of Environmental Conservation
NYSOEM	New York State Office of Emergency Management
OCSRD	Oil and Chemical Spill Response Division
OPA	Oil Pollution Act of 1990
OSC	On-Scene Coordinator
OSHA	Occupational Safety and Health Administration
RCP	Regional Oil and Hazardous Substances Pollution Contingency Plan
RERT	Radiological Emergency Response Team
RJRT	Regional Joint Response Team
RPM	Remedial Project Manager

RRT	Regional Response Team
SARA	Superfund Amendments and Reauthorization Act
SCAT	Shoreline Cleanup and Assessment Technique/Team
SHPO	State Historic Preservation Office
SNI	Seneca Nation of Indians
SSC	Scientific Support Coordinator
SERC	State Emergency Response Commission
SMART	Special Monitoring of Applied Response Technologies
THPO	Tribal Historic Preservation Office
UC	Unified Command
USCG	United States Coast Guard
USDA	U.S. Department of Agriculture
USN	United States Navy