FEDERAL REGION 9

REGIONAL CONTINGENCY PLAN

Region IX Regional Response Team Website
http://www.uscg.mil/d11/m/rrt9web

To Report Spills of Any Kind Call:

National Response Center
(800) 424-8802
(24 Hours)

US EPA Emergency Response Duty Officer: (800) 300-2193
United States Environmental Protection Agency Region 9
Superfund Division
Regional Response Center

US Coast Guard Emergency Response Duty Officer: (510) 437-3700
United States Coast Guard
PACAREA/Eleventh Coast Guard District Command Center

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How to Use this Regional Contingency Plan

Regional Response Team IX (RRT-IX) is a formal organization of tribal, state and federal agencies as defined by the National Contingency Plan. Co-chaired by the US Environmental Protection Agency and the US Coast Guard, RRT-IX is responsible for ensuring that state and federal resources are available when needed for emergency response within the states of Arizona, California and Nevada and the 146 tribal nations, and that the multi-agency relationships and coordination systems exist to support these emergency response efforts.

This version of the federal Region IX Regional Contingency Plan (RCP) has been published to best support the deployment of those response resources and the development and nuturing of agency response relationships and supporting mechanisms. It is intended as a reference and guide for tribal, local, state and federal responders and response support personnel, and it contains all Regional Policies, Guidances, Standard Operating Procedures, Memorandums of Agreement, Memorandums of Understanding, Letters of Agreement, and the like that apply to or influence emergency response operations in both the Coastal Zone and Inland Zone of federal Region IX.

To assist in using this document, the contents have been organized by Incident Command functions. To the best extent possible, information effecting the actions or efforts of the Command and General Staff positions within an Incident or Unified Command have been organized accordingly. For example, general background information and policies affecting an entire response will be found in the Introduction Chapter, or Section 1000. Section 2000, Command, addresses Incident/Unified Command items of interest, such as state and federal Command Response Authorities and FOSC coordination. Section 3000 includes Operations related information, and so on.

To assist in using the information contained within, one might find the Table of Contents sufficient when performing a specific ICS function, such as Finance Section Chief. However, when looking for specific information regarding a policy or procedure, use of the Index may be more appropriate and time-efficient. Also, please be advised that the Appendices Section is full of useful and complete references, guides, implementation plans, etc, and that some of the appendices are so large that they can only be found on the Appendices CD or online at the RRT-IX RCP website.

And last but not least, please note that this is a living document. It is constantly changing and evolving, being added to and subtracted from, to make it as useful and as easy to use as possible. If while using or reviewing it, you see the need for a change or addition or a clarification, please let one of the Regional Response Team member agencies know of your suggestion.

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REQUIRED NOTIFICATIONS

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

National Response Center (NRC)

1-800-424-8802 Toll Free
1-202-267-2675 Toll Call

US EPA Emergency Response Duty Officer: (800) 300-2193
United States Environmental Protection Agency Region 9
Superfund Division
Regional Response Center

US Coast Guard Emergency Response Duty Officer: (510) 437-3700
United States Coast Guard
PACAREA/Eleventh Coast Guard District Command Center

State of Arizona Department of Environmental Quality: (602) 390-7894

State of Arizona Department of Public Safety: (602) 223-2212

State of California OES Warning Center: (800) 852-7550

State of California Department of Fish and Game OSPR: (916) 445-0045

State of Nevada Highway Patrol: (775) 687-5300

State of Nevada Dept. of Environmental Protection: (775) 687-9485

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FIRST RESPONDER GUIDELINES

REMAIN UPWIND, UPHILL OR UPSTREAM OF THE INCIDENT. FROM A SAFE DISTANCE, assess the situation. Use binoculars, if available, to view the scene. Attempt to determine if radiological materials or hazardous substances are present. Observe and note the following:

- Effects on people, animals, and the environment;
- Container types, markings, placards and labels. If available, use the DOT Emergency Response Guidebook for reference;
- Signs of any released or discharged substances and any unusual or pungent odors (move farther away or upwind if you detect an odor an are not positive it is safe);
- Wind direction and prevailing weather;
- Distance and direction of nearby dwellings; and
- Distance and direction of any nearby surface water.

The initial responder shall then make notifications as listed in the preceding pages.
The initial responder shall not enter an area where the responder may become a victim, even to rescue another.

Until help arrives, the initial responder should:

- Cordon off the incident area and establish a safe zone. If chemical vapors or flammable/ explosive materials are involved, evacuate all persons from the immediate area and remain upwind of the incident area; if sources of radiation or radioactive materials are suspected to be involved, use the principles of time, distance and shielding to reduce potential exposure;
- Enter the incident area only if properly trained and equipped with appropriate protective clothing and equipment;
- Render first aid to victims; be sure to notify medical personnel if radiation exposure or contamination is suspected;
- Serve as an on-scene communication point;
- Brief the response team leader or incident commander upon arrival.

INITIAL ASSESSMENT / INFORMATION

CHECK-OFF LIST

The following information should be provided by the spiller or reporting agency:

Time of call -

Caller Name, Address, & Phone Number -

Vessel/Facility Information:

1. Name

2. Name of Vessel, Railcar/Truck Number or other identifying information

3. Type and size of vessel/facility

4. Nationality (Vessel Only)

5. Location of Incident (Specific)

6. Date & Time of Incident (or when discovered)

7. Type of Incident (Explosion, Grounding, etc.)

8. Pollutants/Substances Released

9. Source of Material Released

10. Estimated Amount Spilled

11. Total Potential Quantity

12. Total Already Released

13. Spill/released Into Air, Ground, Water or Subsurface

14. Weather/Sea Conditions

15. Point of Contact (Responsible Party Name, Phone & Address)

16. Vessel/Facility Agent(s) (Name & Phone)

17. Name of Carrier

18. Number & Type of Injuries or Fatalities

19. Who is on-scene

20. What response activities are being done or have been completed

21. Whether Evacuations have occurred

22. Estimated Dollar amount of Property Damage

23. Other Agencies Notified

First Federal Official On Scene

The first federal official affiliated with a National Response Team (NRT) member agency to arrive at the scene of a discharge should coordinate activities under the National Contingency Plan (NCP); and is authorized to initiate, in consultation with the pre-designated Federal On Scene Coordinator (OSC), any necessary actions normally carried out by the FOSC until the arrival of the pre-designated FOSC. This official may initiate federal Fund-financed actions only as authorized by the pre-designated FOSC.

LETTER OF DISTRIBUTION

FOR REVIEW AND COMMENT

Federal Region IX Regional Contingency Plan Region IX

This Regional Contingency Plan (RCP) provides a mechanism and a comprehensive reference for coordinating responses to releases of oil or hazardous materials within the States of Arizona, California, Nevada and within the Tribal lands of the Federally recognized Native American Tribes in Federal Region-IX.

In accordance with the provisions of Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9605, as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Pub. L. 99-499, (hereinafter CERCLA), and by Section 311(d) of the Clean Water Act (CWA), 33 U.S.C. 1321(d), as amended by the Oil Pollution Act of 1990 (OPA), Pub. L. 101-380, the National Oil and Hazardous Substances Contingency Plan (NCP) was promulgated. In Executive Order (E.O.) 12777 (56 FR 54757, October 22, 1991), the President delegated to the United States Environmental Protection Agency (EPA) the responsibility for the amendment of the NCP. The NCP is applicable to response actions taken pursuant to the authorities under CERCLA and Section 311 of the CWA, as amended.

Section 300.205 of the NCP states that Regional Contingency Plans shall be prepared by the Regional Response Teams (RRT) for each standard Federal Region. This Region IX Regional Contingency Plan has been developed with cooperation of all RRT-IX member Federal Agencies and State governments.

Comments and recommendations regarding this plan should be addressed to Regional Response Team IX, c/o Mr. Tom Merritt (415) 972-3068, merritt.tom@epa.gov or Mr. Tim Holmes (510) 437-2959, tholmes@d11.uscg.mil. Electronic copies of this plan may also be obtained from Mr. Merritt.

Mr. Daniel Meer, Chief
Response Planning and Assessment Branch
Superfund Division
U.S. Environmental Protection Agency
Region IX
Co-Chair, Regional Response Team IX

Captain Gerald Swanson, Chief
Marine Safety Division
District 11
United States Coast Guard
Co-Chair, Regional Response Team IX

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REGIONAL CONTINGENCY PLAN RECORD OF CHANGES

Date		Change No.		Comments

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1000 AUTHORITIES, POLICIES AND GENERAL OVERVIEW

1001 INTRODUCTION TO THE REGIONAL CONTINGENCY PLAN (RCP)

This Federal Region 9 Regional Contingency Plan (RCP: Regional Oil and Hazardous Substances Pollution Contingency Plan) is intended for use by Local, Tribal, State, and Federal emergency response personnel as a tool for obtaining resources to respond to an oil or hazardous materials incident. It outlines the response mechanisms that would be activated among the various levels of the response community in the event of an emergency situation. It is not intended to displace Local emergency response plans, but rather it is intended to coordinate with Local plans and build on the mechanisms set forth in State emergency response plans.

This plan combines the response authorities relevant for both oil and hazardous materials. Although these releases and the related contingency planning are regulated separately under the Oil Pollution Act of 1990 (OPA) and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), there is significant overlap in the type and scope of relevant information. In order to meet the Area Contingency Planning (ACP) requirements of OPA, area plans (includes sub-area plans and geographic response plans) are developed separately and are referenced in this RCP.

The Federal On-Scene Coordinator (FOSC) is the key federal official pre-designated by EPA and the USCG to coordinate, mobilize and direct the services of all federal agencies and their resources. The FOSC achieves this coordination through the national response system to support state and local response efforts at the scene of an oil spill or hazardous material incident.(40 CFR 300.120) The FOSC is the link between Local and State emergency response communities and Federal response efforts. The RCP outlines the assistance available to the FOSC from Regional Response Team (RRT) member agencies and the response approach that should be implemented by the FOSC during response actions. The plan also includes resource information from governmental, commercial, and other sources that may be utilized during a response. This plan has been organized to follow the structure of the Incident Command System (ICS), as outlined in the Integrated Contingency Plan guidance developed by the National Response Team (NRT).

Many Region IX Regional Response Team member agencies have specific responsibilities during and following a weapons-of-mass-destruction (WMD) incident or other terrorist act. To address the requirements set forth in the Stafford Act (previously implemented via the Federal Response Plan) and Homeland Security Presidential Directives 5, 8 and 9, (HSPD-5, HSPD-8, HSPD-9), the National Response Plan (NRP) has been promulgated. The NRP, in conjunction with additional guidance provided by USCG and EPA, addresses the integration and coordination of interagency operations under both the NRP and the National Contingency Plan.

The National Response Plan (NRP), issued by DHS on January 6th, 2005, provides an operational framework for the Secretary of Homeland Security to carry out domestic incident management responsibilities outlined in HSPD-5. Accordingly, the NRP establishes a single, comprehensive approach that integrates the Federal government's domestic prevention, preparedness, response, and recovery activities into one all-discipline, all-hazard plan.

Upon the effective date of the NRP, EPA and the Coast Guard have been conducting NCP operations in coordination with the requirements of the NRP as described in the NRP's Oil/Hazardous Materials

Incident Annex and ESF #10. The NCP is different from the NRP in that it is a promulgated regulation. NCP structures and response mechanisms remain in place, and are coordinated with NRP mechanisms during an incident of national significance (INS) and related activities.

The NRP describes the following coordinating mechanisms to assist the Secretary of Homeland Security in implementing his domestic incident management role for incidents of national significance including, but not limited to, terrorist attacks and the use of weapons of mass destruction:

- Homeland Security Operations Center (HSOC)
- Interagency Incident Management Group (IIMG)
- Assistant to the President for Homeland Security
- Principal Federal Official (PFO)
- Joint Field Office (JFO)

The Environmental Protection Agency and the Coast Guard recognize that the NRP places new procedures upon Federal agencies during incidents of national significance (INS). Only when these procedures are activated and used will Federal agencies learn the overall affect on operations under existing plans. However, the new coordination structures under the NRP should not affect field operations that are currently managed under the ICS/UC structure. The PFO is responsible for coordinating Federal resources, strategic guidance and conflict resolution. The PFO will represent DHS in the JFO which will be the focal point for coordination of federal support to on-scene management efforts. The PFO does not direct or replace the incident command structure at the ICP. The PFO will be involved with coordinating the public communications strategy for INS. This guidance will likely be modified and updated to address revisions to the NCP to align it with the NRP, and revisions to the NRP based on lessons learned during actual response to an INS.

Initial response to an act of terrorism from chemical warfare agents or radiological materials may not likely differ greatly from a response to other hazardous materials incidents. Terrorism response for biological agents and explosives may differ significantly from typical hazardous materials incidents. It may be unclear at the initial on-set of a response whether the cause was accidental or an act of terrorism. Local responders will be first to arrive on scene to assess the situation and possibly take initial response measures to contain or stop the release. A terrorist incident will always be treated as a crime scene and preservation of evidence is critical. Coordination is required between law enforcement who view the incident as a crime scene, and other first responders who view the incident as a hazardous materials problem and public safety problem.. Although protection of life remains paramount, the protection and processing of the crime scene is imperative as perpetrators may be identified and apprehended.

The responsibilities for response to a WMD incident lie with multiple agencies and the RRT should be prepared to provide resources under the National Response System (NRS) during a response to a terrorist incident. It is possible that a major public health and environmental incident could be the result, perhaps even the intent, of this type of incident. The RRT may be needed to address critical short-term issues while a larger response infrastructure is developed under the NRP. Parallel response actions by RRT member agencies may be on-going under the NRS prior to and during NRP activation.

1001.01 Purpose and Objective of the RCP

The purpose of the RCP is to fulfill the requirements of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) Section 300.210(b) and the Clean Water Act (CWA) Section 311(j)(4). The RCP is designed to coordinate timely and effective response among Local, Tribal, and State officials; private industry; FOSCs; Remedial Project Managers (RPMs); various Federal agencies; and other organizations to minimize damage resulting from

releases of oil or hazardous substances, pollutants, or other contaminants.

The objective of this plan is to describe response protocols and assist in providing a coordinated response capability in the event of a release or threat of release endangering human health and welfare or the environment. The initial actions taken by the FOSC and/or other appropriate personnel should be to determine whether proper response actions have already been initiated. In general, if the party or parties responsible for the release or spill do not take appropriate actions, or if the party or parties responsible are unknown, the Local response community or State agencies will become involved. If Federal assistance is required, as determined by the FOSC, the FOSC shall respond and implement provisions of the NCP and applicable agency guidance.

1001.02 Authority for the RCP

The RCP is developed pursuant to Section 300.210 of the NCP. The NCP is required by Section 105 of CERCLA, as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), and Section 311(d) of CWA, as amended by OPA. The RCP is applicable to response actions taken pursuant to the authorities under CERCLA, Section 311 of CWA, and OPA. The NCP requires establishment of Regional Response Teams (RRTs), which are responsible for regional planning and preparedness activities before response actions, ensuring that state and federal resources are available for response when needed, and providing advice and support to the FOSC when the RRT is activated during a response.

1001.03 Scope and Provisions for the RCP

The RCP expands upon the planning and response requirements set forth in the NCP, augments coordination with State and Tribal authorities, and integrates existing Tribal, State and Federal plans for Federal Region 9. The RCP incorporates both coastal and inland areas.

For coast areas, the RCP was developed in coordination with the NCP, existing state response plans and the three Region 9 Coastal Zone Area Contingency Plans. Each Coastal Zone Area Contingency Plan covers the coastal zone of the corresponding United States Coast Guard (USCG) Sector. Descriptions of the coastal zone and inland zone boundaries are provided in Appendix I. Area contingency plans (ACP's) cover, in part, how to respond to an oil or hazardous substance spill. This includes the notification procedures, identification, prioritization, and cleanup strategies for sensitive areas, and identification of contractors and equipment available. The plans also identify strategies for responding to a worst-case discharge.

For inland areas, the RCP was developed in coordination with the inland ACPs. Inland ACPs apply to Federal Region 9 RRT member agencies and local agencies and cover 1) discharge or threats of discharge of oil into or upon navigable waters of the United States and adjoining shorelines or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States; 2) releases or substantial threats of releases of hazardous substances into the environment; and 3) releases or substantial threats of releases of pollutants or contaminants which may present an imminent and substantial danger to public health or welfare in the States of California, Arizona, Nevada, and in the lands of the Federally recognized Native American Tribes in Region 9. ACPs, when implemented in conjunction with other provisions of the NCP and RCP, shall be adequate to remove a worst-case discharge, and to mitigate or prevent a substantial threat of such a discharge.

1001.04 RCP Exercise Program

Regional Response Team IX member agencies and the Region's Area Committees shall take every opportunity to exercise the RCP and/or its components at every opportunity. This can be accomplished during regularly scheduled NPREP activities, TOPOFF Exercises, Spills of National Significance and Regional Response Team meetings and events.

1001.05 Updating the RCP

The RCP shall be reviewed and updated by RRT members as necessary on a bi-annual basis. The document may be updated or revised more frequently, as changes require.

1002 RESPONSE POLICIES AND AUTHORITIES

1002.01 National Response System: (NRS)

The National Response System (NRS) (See Figure 1000-A) was developed to coordinate all government agencies with responsibility for environmental protection, and to provide a focused response strategy for the immediate and effective mitigation of an oil or hazardous substance discharge. The NRS is used for all spills, including Spills of National Significance (SONS). The NRS is a three tiered response and preparedness mechanism that supports the Federal On-Scene Coordinator FOSC in coordinating national, regional and local government agencies, private industry, and the responsible party during response. [40CFR300.120]

An FOSC is defined by the NCP as the federal official predesignated by EPA or the USCG to coordinate and direct responses under subpart D, or the government official designated by the lead agency to coordinate and direct removal actions under subpart E of the NCP.

The NRS supports the responsibilities of the FOSC, under the direction of both OPA and CERCLA removal authorities. The FOSC plans and coordinates response strategy on scene, using the support of the National Response Team (NRT), Regional Response Team (RRT), States' Representatives, Area Committees, Special Teams, Regional incident management teams, contractor resources and responsible parties as necessary, to supply the needed trained personnel, equipment, and scientific support to complete an immediate and effective response to any oil or hazardous substance discharge.

When appropriate, the NRS is designed to incorporate a unified command and control support mechanism generally consisting of the FOSC, the State Incident Commander, the Local Incident Commander, and the Responsible Party Incident Manager. Additionally, any other agency official that has statutory authority for managing a specific aspect of the emergency may participate in the Unified Command. Tribal officials with jurisdictional authority for the incident are considered "local officials" for the purposes of this plan. The unified command structure allows for a coordinated response and takes into consideration the Federal, State, local, and responsible party concerns and interests when implementing the response strategy consistent with the NCP.

The FOSC will work with the members of the Unified Command to reach consensus in a timely manner on decisions regarding the mitigation of an incident involving an oil discharge or hazardous substance release. However, the FOSC retains their authority to respond and mitigate a discharge or release as deemed necessary to protect public health, welfare or the environment during hazardous substance release responses, local agencies usually assume a leading role in the Unified Command.

During responses to marine oil spills, local agencies are not usually involved specifically as part of a unified command, but provide agency representatives who interface with the command structure through the Liaison Officer or the State representative. When a unified command is used, the Coast Guard establishes a Command Post and Joint Information Center (JIC). The Unified Command is normally located near and convenient to the site of the discharge. All responders (Federal, State, local and private) are incorporated into the response organization (Figure 1000-A) at the appropriate level.

U.S. Coast Guard Sector San Francisco, Sector Los Angeles/Long Beach and Sector San Diego shall serve as Federal On-scene Coordinator and respond to discharges of oil and hazardous substances in the Region IX coastal zone (40CFR300). A Coast Guard FOSC will deploy response teams varying in size based on the nature of an incident. In all cases, they shall assess a discharge to determine response measures, monitor and supervise pollution countermeasures, deploy pollution control equipment as available and necessary until a certified response contractor arrives on scene, document all phases of the response, conduct investigations, and serve as FOSC representative.

For all inland areas within Region IX, the EPA Response Team consists of FOSCs located in the regional office, Emergency Response Section, in San Francisco, California and field offices in Los Angeles, California and Carson City, Nevada. The FOSCs are responsible for determining the source, cause and responsible party, as well as initiating source control and enforcement actions as appropriate. Additional responsibilities include ensuring containment, cleanup and disposal are carried out adequately, notification is made to all Natural Resources Trustees, and activities are coordinated with Federal, State, Tribal, and Local agencies. EPA also has access to technical assistance contractors who can provide technical oversight and other resources at spills and uncontrolled hazardous waste sites. In some cases, EPA's technical assistance contractor may arrive on scene prior to the FOSC. The EPA contractor will cooperate with on-site agencies but will take direction through the EPA OSC only. EPA's contractor has technical response personnel and equipment located in San Francisco, Los Angeles and Carson City.

1002.01.1 Incident Command System

In accordance with Homeland Security Presidential Directive-5 (HSPD-5), the Department of Homeland Security developed the National Incident Management System (NIMS) Incident Command System. The NIMS was effective on March 1, 2004 and is the current standard with which emergency management organizations nationwide must demonstrate compliance. Additionally, the NIMS is a measure by which regulatory agency plan reviewers, drill evaluators & spill responders will gauge adequacy of response actions. Beginning in FY 2006, federal funding for state, local and tribal preparedness grants will be tied to compliance with the NIMS.

The NIMS incorporates the best incident management practices from previous systems such as the 1970's FIRESCOPE (Firefighting Resources of California Organized for Potential Emergencies) ICS and the 1982 NIIMS (National Interagency Incident Management System). To provide a system of interoperability and compatibility, the NIMS is based on a balance between operational flexibility and functional standardization. The NIMS provides a core set of doctrine, principles and terminology, a collaborative planning process that delineates key management position responsibilities, common use of forms for documentation and reporting, essential Incident Action Plan elements, an effective feedback and communication system that channels information from field operations to the ICP, a process for continuous incorporation of lessons

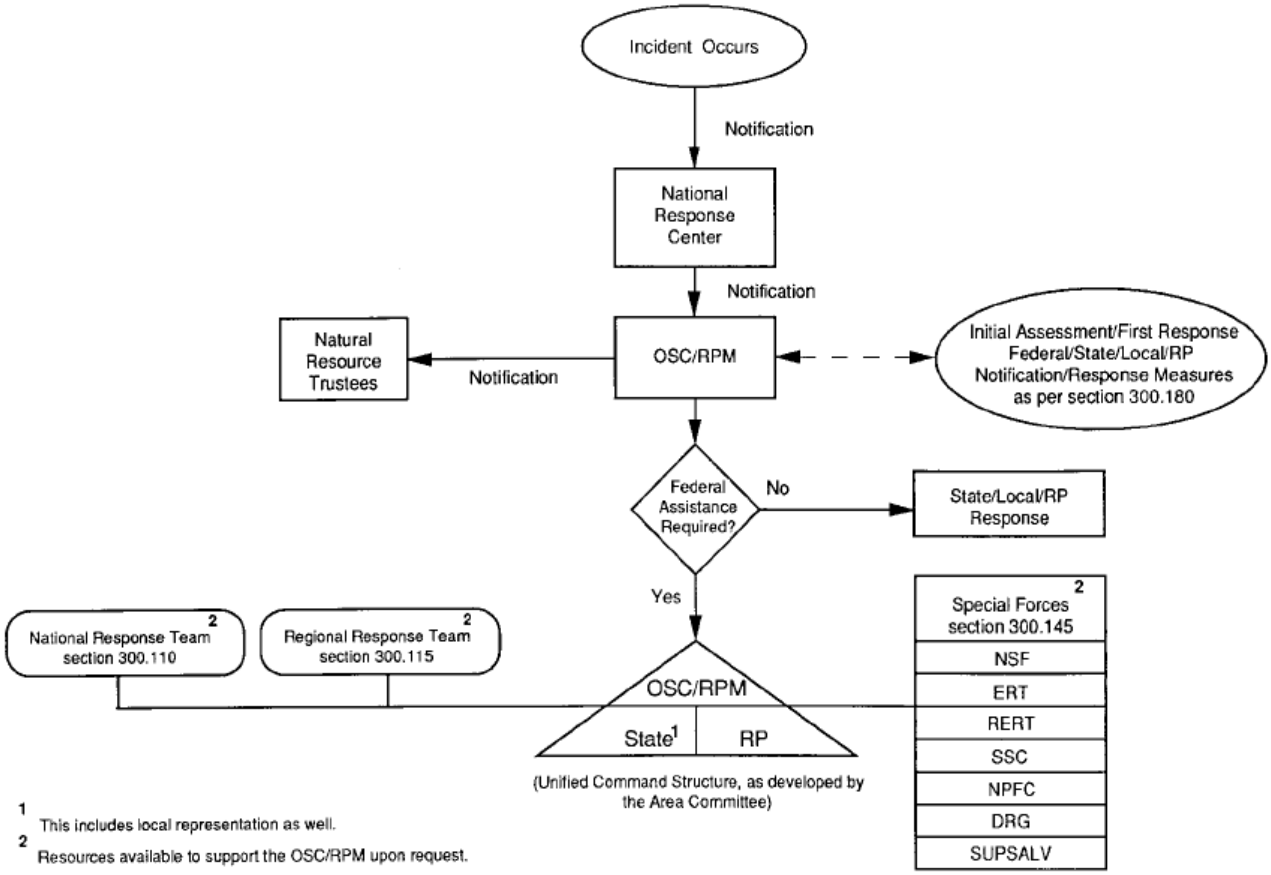
learned as activities progress, and response personnel and equipment resource tracking methods.

The main difference between NIMS ICS and FIRESCOPE/NIIMS ICS was the linkage of all phases of emergency response and incident management in NIMS: prevention, preparedness, response, recovery and mitigation in an all hazards environment. The NIMS placed an emphasis on multi-jurisdictional preparedness activities that bring together Federal, State and local stakeholders for the purpose of pre-planning response operations for major incidents that could overwhelm local resources and require mobilization of State and Federal assets. The successful use of NIMS ICS and Unified Command depended on this critical interface through joint pre-planning and exercises. The other main difference was the addition of a potential sixth functional area beyond the five standardized functions: command, operations, planning, logistics, finance and administration. The sixth functional area would cover the intelligence function which could be established for gathering, sharing and securing intelligence which could include national security or classified information.

Based on the work completed by the National Fire Service Incident Management Institute (IMS) Consortium created in 1990, various operational protocols within ICS were developed to further refine its organizational structure and enhance interoperability. Several organizational modules have been developed for specific disciplines including high-rise structure firefighting, urban search & rescue, multi-casualty, swift water/flood search and rescue and hazardous materials. These organizational modules were incorporated in the revised FIRESCOPE FOG (ICS 420-1), June 2004.

This RCP has been updated by adopting the NIMS and the USCG Incident Management Handbook (IMH), Commandant Publication P3120.17, April 11, 2001 which replaced the USCG ICS Field Operations Guide (FOG) ICS-OS-420-1 dated June 2000. Detailed information regarding all positions within the Unified Command can be found in this guide. The basic organizational chart, which may be expanded or contracted, based on the needs of the incident is as follows. It is anticipated the some of guidance will need to be revised to fully align the guide with the NIMS. It is important to note that the USCG IMH is an agency-specific guidance document that is used by the Coast Guard to integrate its authority, assets and capabilities into an ICS structure for USCG-led responses to domestic incidents that occur in the marine zone. The guidance is based on NIIMS ICS. The USCG IMH has seven organizational modules including oil spills, hazardous substance releases, terrorism, search and rescue, law enforcement, marine fire and multi-casualty. At this point in time, EPA is working with USCG in development of a joint-agency IMH.

Figure 1000-A. National Response System Concepts

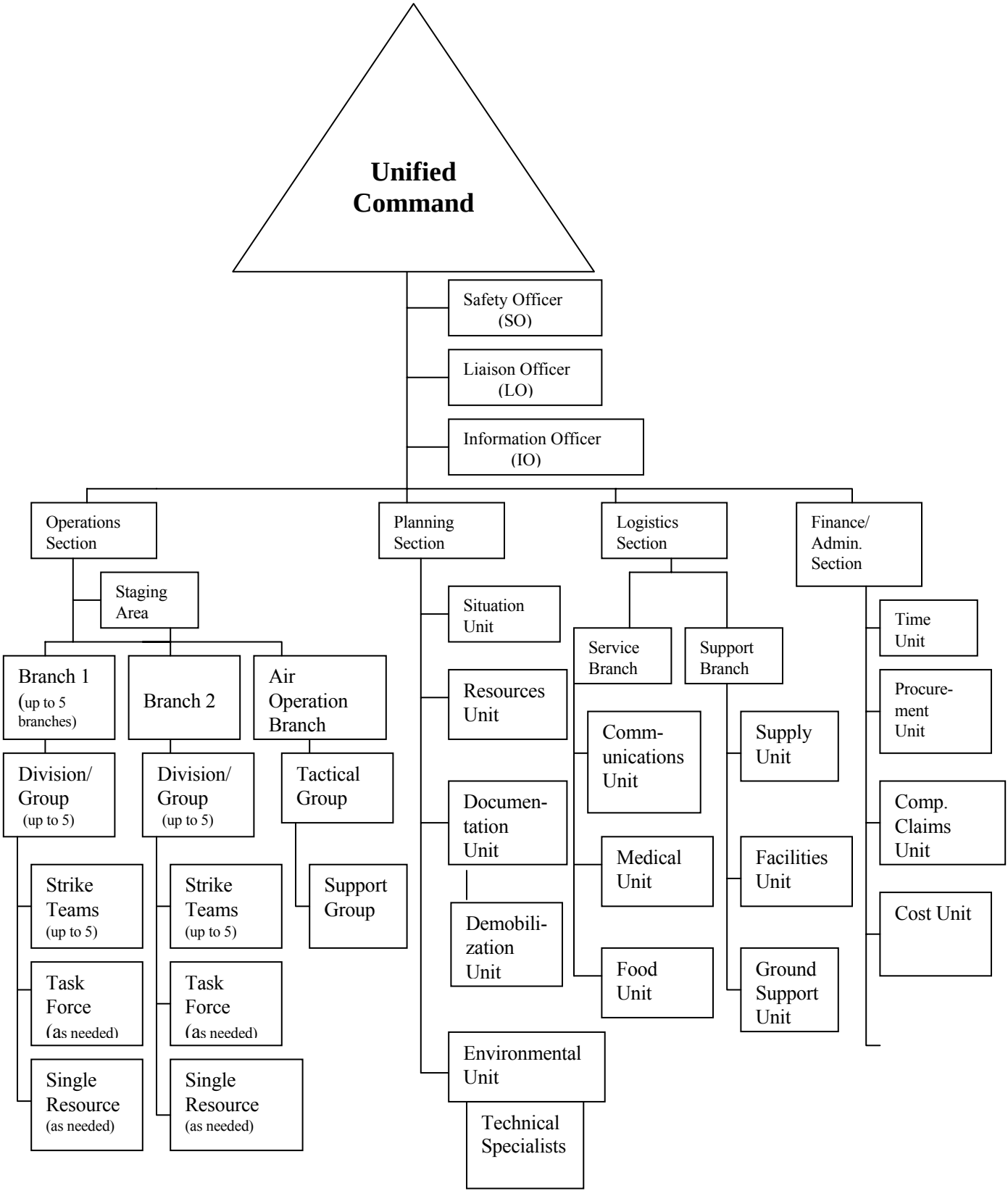


1002.02 Federal Statutory Requirements and Guidelines

Section 104 of CERCLA as amended by SARA gives the Federal government the authority to respond to any hazardous substance released or to a substantial threat of a release into the environment or any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare and to remove or arrange to remove the hazardous substance, pollutant or contaminant or take any other response measure consistent with the NCP which is necessary.

Section 311 of CWA, 33 U.S.C. 1321, gives the Federal government the authority to respond to a discharge or substantial threat of discharge of oil or a hazardous substance into or upon the navigable waters of the United States, adjoining shorelines, or the waters of the contiguous zone. Section 311(c)(1) of CWA gives the President the authority to remove or arrange for removal of a discharge and mitigate or prevent a substantial threat of a discharge at any time; direct or monitor all private, Local, State, and Federal actions to remove a discharge; and if necessary, destroy a vessel discharging, or threatening to discharge, by whatever means are available.

Figure 1000-C. Standard Incident Command System



This authority was delegated to the Administrator of EPA or the Secretary of the Department of Homeland Security in which the USCG is operating, as appropriate. Subsequently, this authority as been delegated to USCG OSCs (COTPs) and EPA FOSCs. Under Section 311(c)(2) of CWA, if the discharge or a substantial threat of discharge poses a substantial threat to the public health or welfare of the United States, the FOSC shall direct all private, Local, State, and Federal actions to remove the discharge or to mitigate or prevent the threat of such a discharge.

Within EPA, Section 311(e) of the CWA allows the Division Director of the Superfund Division, to whom this authority is delegated, where he/she has determined that there may be an imminent and substantial threat to the public health and welfare of the United States because of an actual or threatened discharge of oil or hazardous substances from a vessel or facility which violates Section 311(b) of CWA, to require the United States Attorney General to secure any relief from any person as may be necessary to abate such endangerment; or, after notice to the affected State, take any action authorized under Section 311 of CWA that may be necessary to protect the public health and welfare.

1002.02.1 Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), commonly referred to as Superfund, was enacted on December 11, 1980. The purpose of CERCLA was to provide authorities the ability to respond to uncontrolled releases of hazardous substances from inactive hazardous waste sites that endanger public health and the environment. CERCLA established prohibitions and requirements concerning closed and abandoned hazardous waste sites, provided for liability of persons responsible for releases of hazardous waste at such sites, and established a trust fund to provide for cleanup when no responsible party could be identified. In addition, CERCLA provided for the revision and republishing of the National Contingency Plan (NCP, 40 CFR Part 300) that provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also provides for the National Priorities List, a list of national priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action.

CERCLA (pronounced SIR-cla) provides a Federal Superfund to clean up uncontrolled or abandoned hazardous-waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment. Through the Act, the Coast Guard and EPA were given power to seek out those parties responsible for any release and assure their cooperation in the cleanup.

1002.02.2 Federal Water Pollution Control Act (FWPCA) as amended by the Clean Water Act (CWA) & Oil Pollution Act of 1990 (OPA 90)

Through these environmental laws, the Coast Guard requires that upon a discharge or release, proper notifications are made. The Federal Water Pollution Control Act (FWPCA) is the primary law used for response and enforcement of oil pollution and hazardous substance discharges on or upon the navigable waters of the United States, or tributaries there of.

The Clean Water Act (CWA) amended the FWPCA and made the following provisions:

- Established pollution fund with a $100 million amount.
- Defined "reportable and harmful quantities".
- Authorized the federal assumption of clean-up operations.
- Established the National Response center.

The Oil Pollution Act (OPA) of 1990 streamlined and strengthened Coast Guard's and EPA's ability to prevent and respond to catastrophic oil spills. A trust fund financed by a tax on oil is available to clean up spills when the responsible party is incapable or unwilling to do so. The OPA requires oil storage facilities and vessels to submit to the Federal government plans detailing how they will respond to large discharges. EPA has published regulations for aboveground storage facilities; the Coast Guard has done so for oil tankers. The OPA also requires the development of Area Contingency Plans to prepare and plan for oil spill response on a regional scale.

The Oil Pollution Act (OPA) of 1990 amended the CWA and made the following provisions:

- Created a $1 billion pollution fund commonly referred to as the Oil Spill Liability Trust Fund (OSTLF).
- Allowed On Scene Coordinator (OSC) to issue administrative orders. [40CFR300]
- Increased civil penalties.
- Increased spiller liabilities.

1002.02.2(a) Responsible Party Liability

Under OPA 90, the responsible party has primary responsibility for cleanup of a discharge. The response shall be conducted in accordance with their applicable response plan. Section 4201(a) of OPA 90 states that an owner or operator of a tank vessel or facility participating in removal efforts shall act in accordance with the National Contingency Plan and the applicable response plan required. Section 4202 of OPA 90 states that these response plans shall:

(i) Be consistent with the requirements of the National Contingency Plan and Area Contingency Plans;

(ii) Identify the qualified individual having full authority to implement removal actions, and require immediate communications between that individual and the appropriate Federal official and the persons providing personnel and equipment pursuant to clause (iii);

(iii) Identify, and ensure by contract or other means approved by the President, the availability of private personnel and equipment necessary to remove to the maximum extent practicable a worst case discharge (including a discharge resulting from fire or explosion), and to mitigate or prevent a substantial threat of such a discharge;

(iv) Describe the training, equipment testing, periodic unannounced drills, and response actions of persons on the vessel or at the facility, to be carried out under the plan to ensure the safety of the vessel or facility and

to mitigate or prevent the discharge, or the substantial threat of a discharge;

(v) Be updated periodically; and

(vi) Be resubmitted for approval of each significant change."

Each owner or operator of a tank vessel or facility required by OPA 90 to submit a response plan shall do so in accordance with applicable regulations. Facility and tank vessel response plan regulations, including plan requirements, are located in 33 CFR Parts 154 and 155, respectively.

As defined in OPA 90, each responsible party for a vessel or a facility from which oil is discharged, or which poses a substantial threat of a discharge, into or upon the navigable waters or adjoining shorelines or the Exclusive Economic Zone is liable for the removal costs and damages specified in Subsection (b) of Section 1002 of OPA 90. Any removal activity undertaken by a responsible party must be consistent with the provisions of the NCP, the Regional Contingency Plan (RCP), the Area Contingency Plan, and the applicable response plan required by OPA 90. If directed by the OSC at any time during removal activities, the responsible party must act accordingly.

Each responsible party for a vessel or facility from which a hazardous substance is released, or which poses a substantial threat of a discharge, is liable for removal costs as specified in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 U.S.C. 9601 et seq.).

1002.02.2(b) Oil Discharges and CERCLA Releases Involving Multiple Potentially Responsible Parties

Under the OPA 90 and CERCLA**,** an incident involving two or more responsible parties, each responsible party for a vessel or facility from which oil or hazardous substances is discharged is liable for the removal costs and damages. Each responsible party's liability extends to the entire incident not just its own material. In such a multiple party incident, the FOSC shall issue administrative orders to each responsible party. The FOSC will encourage the RPs to take a proportionate share of the responsibility and work together to mitigate the incident. This also applies to the commingling of spilled material from different sources. A single RP may be held liable for the cost of cleaning up the entire spill.

1002.02.3 National Historic Preservation Act (NHPA)

Congress passed the National Historic Preservation Act in 1966. The law establishes a national policy for the protection of historic and archaeological sites and outlines responsibilities for federal and state governments to preserve our nation's history.

The National Historic Preservation Act (NHPA) was passed to help prevent loss of irreplaceable historic properties. 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.

The NHPA requires that any activity that obtains a federal permit or license, uses federal funds, or is otherwise assisted or approved by the U.S. government, to comply with Section 106. Section 106 requires federal agency heads to consider the effects of their actions on historic and archeological sites that are eligible for the National Register of Historic Places. Regulations for accomplishing this responsibility have been published in the Federal Register as 36 CFR Part 800: Protection of Historic Properties

Information regarding the Programmatic Agreement on Protection of Historic Properties During Emergency Response Under the National Oil and Hazardous Substances Pollution Contingency Plan may be found in Appendix XIX or at the following Internet website:

http://www.achp.gov/NCP-PA.html

Implementing this programmatic agreement will ensure that the emergency response is in compliance with Section 106 of the NHPA.

1002.02.3(a) Protection of Historic Properties

The draft Federal Region 9 Implementation Guidelines for Federal On-Scene Coordinators (Guidelines) for the *Programmatic Agreement on Protection of Historic Properties during Emergency Response under the National Oil and Hazardous Substances Pollution Contingency Plan (Programmatic Agreement)* is in the process of being adopted by Federal, State, and Tribal officials in California for incorporation into their respective oil spill and hazardous substance release planning and response procedures.

The purpose of the Guidelines is to ensure consistent application and interpretation of the *National Programmatic Agreement* throughout Federal Region 9 by U.S. Coast Guard and U.S. Environmental Protection Agency Federal On-Scene Coordinators and representatives of supporting entities including the U.S. Departments of the Interior and Agriculture; the California State Historic Preservation Officer (California Department of Parks and Recreation); the Office of Spill Prevention and Response (California Department of Fish and Game); the California Governor's Office of Emergency Services (CA OES) and (Tribal representatives). Although the signatories intend to follow the procedures set forth in these Guidelines, the Guidelines do not irrevocably bind the signatories to follow the procedures contained in this document.

One of the essential pre-spill planning elements is the identification of those who will be responsible for providing reliable and timely expertise on historic properties to the FOSC during emergency response, i.e., the FOSC's Historic Properties Specialist. The PA provides that historic properties expertise and support may be obtained by the FOSC in any one of several ways:

- Implementing an agreement with State or Federal agencies that have historic properties specialists on staff;

- Executing a contract with experts identified in ACPs; or
- Privately hiring historic properties specialists.

The PA specifies the professional qualifications and standards that a Historic Properties Specialist must meet. It should be noted that only the FOSC. and not the Responsible Party, may contract with experts to serve as the FOSC's Historic Properties Specialist. An FOSC may utilize a Pollution Removal Funding Authorization (PRFA) for funding the activation of a Historic Property Specialist only during emergency responses to oil pollution incidents. Oil Spill Liability Trust Fund resources are not available for hiring of a specialist to assist with pre-spill planning activities.

If FOSCs choose to obtain historic properties expertise through executing contracts with appropriate archaeologists, it is possible to go through a solicitation process that includes technical input and assistance from appropriate State Historic Preservation Officers (SHPOs) and Federal land management agency cultural resources specialists. Blanket Purchase Request Agreements may then be established with one or more companies or with one or more named individuals who may be activated during emergency response to serve as the FOSC's Historic Properties Specialist(s).

In the development of an Incident Action Plan (IAP), refer to this document, its appendixes, and the PA. The PA may be found at: http://www.achp.gov/NCP_-PA.html.
For an example of implementation guidelines for the national PA, refer to the Alaska RRT website: http://www.akrrt.org/AK_IPG.pdf

The list of properties included in the NR may be found at: http://www.cr.nps.gov/nhl/designations/listsofNHLs.htm. However, the NR is not sufficient in helping to determine all of the properties that need to be considered in your ACP, as you must also consider properties that could be determined eligible for inclusion in the NR. For eligibility criteria, please refer to: http://www.cr.nps.gov/nr/listing.htm.

The following web page contains links to SHPOs, Tribal Preservation Officers, and Federal Preservation Officers: http://www.cr.nps.gov/nr/listing.htm.

Information on Indian tribes may be found at:
http://www.nathpo.org/,
http://www.hanksville.org/sand/contacts/tribal/,
http://www.kstrom.net/isk/maps/US.html, and
http://www.kstrom.net/isk/mainmenu.html.

See Appendix XIX for both the Federal Region 9 Guidelines and the National Programmatic Agreement.

1002.02.4 Endangered Species Act (ESA)

The Endangered Species Act provides a program for the conservation of threatened and endangered plants and animals and the habitats in which they are found. The U.S. Fish and Wildlife Service (FWS) of the Department of the Interior maintains the list of 632 endangered species (326 are plants) and 190 threatened species (78 are plants). Species include birds, insects, fish, reptiles, mammals, crustaceans, flowers, grasses, and trees. Anyone can petition FWS to include a species on this list. The law prohibits any action, administrative or real, that results in a "taking" of a listed species, or adversely affects habitat. Likewise, import, export, interstate, and foreign commerce of listed species are all prohibited.

The mission of the Endangered Species Act (ESA), first passed in 1973, is to (1) identify species needing protection and provide means to protect and recover those species; (2) provide for consideration of listed species prior to any federal action that may affect them; and (3) to prevent and punish takings of those species and harm to their critical habitats. The ESA's main Sections of 4, 7, and 9 provide the basic structure for the Act's missions.

ESA Section 4 contains the process for the initial listing of endangered and threatened species and for critical habitat. This section also mandates that the U.S. Fish and Wildlife Service or National Marine Fisheries Service prepare recovery plans for each listed species in order to identify and implement the measures needed to protect and recover each species.

ESA Section 7 mandates that all federal agencies carry out programs for the conservation of endangered and threatened species. Section 7 requires that federal agencies consult with the Secretary before taking any action which may affect a listed species in order to ensure that the action will not jeopardize the continued existence of the endangered species or result in the destruction or modification of critical habitat for the species. The Act is applicable to all federal departments and agencies and to all actions "authorized, funded or carried out" by them including federal permits, federal funding, or other federal action necessary to a private project. Federal action cannot occur without consultation between the permitting agencies and the USFWS or NMFS if a listed species may be affected by the planned activity. The consultation process includes issuance of a "biological opinion" by the agency with jurisdiction over the endangered species assaying the nature and extent of the jeopardy posed to that species by the agency action.

ESA Section 9 contains prohibitions against "takings" of listed species. The statute defines "takings" as including to "harass, harm, pursue, hunt, wound or attempt to engage in any such conduct." "Harass" is further defined by regulations as an intentional or negligent act or omission that significantly disrupts normal behavior patterns of the endangered animal. Similarly, "harm" is defined to include activity that results in significant environmental modification or degradation of the endangered animal's habitat.

1002.02.4(a) Fish and Wildlife Act Compliance

Endangered Species Act Section 7 Consultation MOA:

In 2001, members of the United States Coast Guard, Environmental Protection Agency, Department of the Interior's Office of Environmental Policy and Compliance and Fish and Wildlife Service, and the National Oceanic and

Atmospheric Administration's National Marine Fisheries Service and National Ocean Service developed a Memorandum of Agreement (MOA) titled *Inter-Agency Memorandum of Agreement Regarding Oil spill Planning and Response Activities Under the Federal Water Pollution Control Act's National Oil and Hazardous Substances Pollution Contingency Plan and the Endangered Species Act*.

The purpose of this MOA is to increase cooperation and understanding among agencies involved in Endangered Species Act compliance at every stage in oil spill planning and response. The MOA outlines procedures to streamline the compliance process before, during, and after an incident.

The MOA and its guidebook can be found in Appendix XVIII. The purpose of the guidebook is to familiarize oil spill responders and resource representatives with: the MOA; other pertinent documents and management plans; the processes through which cooperation should occur before, during, and after an incident; and the roles of each player in the oil spill response process.

1002.02.5 Essential Fish Habitat Protection During Emergency Spill Response Operations for Oil Discharges and Hazardous Substance Releases

This document is intended to assist Federal On-Scene Coordinators (FOSCs) in areas where the pre-spill planning activities called for under the Magnuson-Stevens Fishery Conservation and Management Act have not yet been completed. However, this document is not intended to be an all-inclusive technical reference for reducing or eliminating all possible adverse effects to Essential Fish Habitat (EFH). It should also not be used to replace existing Area Contingency Plan (ACP) provisions developed pursuant to the protection of EFH.

1002.02.5(a) The Magnuson-Stevens Fishery Conservation And Management Act

In 1996 the Magnuson Fisheries Conservation Act was amended by the Sustainable Fisheries Act to include a number of new mandates, and was subsequently renamed the Magnuson-Stevens Fishery Conservation Act (MSA) (16 USC 1801 et seq). The MSA established procedures designed to identify, conserve, and enhance EFH for those species regulated under a Federal fisheries management plan (FMP). EFH is defined as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity" and can include rivers, estuaries, bays and open ocean (out to 200 miles).

Under Section 305(b)(2) of the MSA, Federal action agencies are required to consult with NOAA's National Marine Fisheries Service (NOAA Fisheries) on all actions, or proposed actions, authorized, funded, or undertaken by the agency that may adversely affect EFH. Consultation involves the submission of an EFH assessment to NOAA Fisheries for actions including emergency responses to oil discharges and hazardous substance releases. Reference Section 300 for guidance on the identification of EFH in your FOSC's area of responsibility

1002.02.5(b) The EFH Consultation Process And How It Applies To The USCG FOSC

The EFH consultation process is in place to ensure that Federal agencies consider the effects of their actions on EFH, with the goal of "maintain[ing] fish production consistent with a sustainable fishery and the managed species contribution to a healthy ecosystem" (50 CFR 600.815(a)(2)(i)(C)(4)). The process as outlined in this FOSC guide satisfies the Federal agency consultation and response requirements of Sections 305(b)(2) and 305(b)(4)(B) of the MSA, as well as the EFH conservation recommendation requirement of MSA Section 305(b)(4)(A).

As with the Endangered Species Act, FOSCs determine when an action "may adversely affect" EFH. Once the FOSC has identified an action that may adversely affect EFH, the FOSC must notify NOAA Fisheries and provide an EFH Assessment. Once NOAA Fisheries receives the Assessment, it provides recommendations to the FOSC within 30 days regarding the actions taken or to be taken. The FOSC is then required to provide a detailed response in writing to NOAA Fisheries within 30 days of receiving the recommendation.

Alternatively, if the FOSC determines that there are "no adverse affects," the FOSC is not required to notify NOAA Fisheries of its findings and actions related to the spill response. However, NOAA Fisheries on their own may decide that an action may adversely affect EFH and send their recommendations to the FOSC. In this case, the FOSC must respond to NOAA Fisheries in writing within 30 days.

The FOSC's response to NOAA Fisheries shall include a description of measures proposed to avoid, mitigate, or offset the impact of the activity on EFH. In cases where the FOSC is not in agreement with the recommendations by NOAA Fisheries, the FOSC should at a minimum explain the reasons for not following the recommendations.

The FOSC should contact NOAA Fisheries early in emergency response planning, but may consult after-the-fact if consultation on an expedited basis is not practicable before taking action (50 CFR 600.920(a)(1)). To the extent practicable, the Scientific Support Coordinator (SSC) or FOSC should notify NOAA Fisheries of the activities being taken and whether or not time allows for upfront consultation. Additionally, the FOSC and NOAA Fisheries may agree to combine an EFH consultation into an already established consultation process, such as those for the ESA or the National Environmental Protection Act (NEPA), for the same incident, provided all the information required for EFH is documented.

In the development of an Incident Action Plan, refer to the ***Emergency Response Checklist for EFH during Oil Discharges and Releases of Hazardous Substances***. FOSCs are also encouraged to work with applicable Regional Response Teams and Area Committees before an oil discharge or a hazardous substance release to update their ACPs with methods on how to minimize, mitigate, or avoid adverse effects to EFH.

1002.02.5(c) What Is Required In An EFH Assessment?

For the consultation process, the EFH Assessment *must* include the following (50 CFR 600.920(e)(3)):
(1) Description of the action (level of detail must correspond to magnitude and complexity of potential effects);
(2) Analysis of the potential adverse effects of the action on EFH and the managed species;
(3) Federal agency's conclusions regarding the effects of the action on EFH; and
(4) Proposed mitigation, if applicable.

The EFH Assessment *should* include:
(1) Description of the spill;
(2) Conclusions of the USCG (through the Area Committee and/or FOSC) regarding the effects of the action on EFH; and

EFH Assessments submitted to NOAA Fisheries shall employ one or both of the following formats as necessary:

Use of Existing Environmental Consultation Procedures for EFH Consultation
NOAA Fisheries encourages this procedure to streamline the EFH consultation process. As long as an existing process clearly identifies in a separate section of the document the information required to satisfy an EFH Assessment, and the process will provide NOAA Fisheries with timely notification, the assessment may be incorporated into documents prepared for other purposes. Examples of such documents include Endangered Species Act Biological Assessments pursuant to 40 CFR 402 and the National Environmental Policy Act documents and public notices pursuant to 40 CFR 1500.

Abbreviated and Expanded Consultation
Abbreviated consultation procedures should be used when the adverse effects of an action can be alleviated through minor modifications to the action. However, in cases where Federal actions would result in substantial adverse effects to EFH, expanded consultation procedures must be used. Expanded consultation allows maximum opportunity for NOAA Fisheries and the Federal agency to work together to review the action's impacts on EFH and to develop EFH conservation recommendations. If appropriate, NOAA Fisheries may conduct a site visit.

1002.02.5(d) References

EFH Policy Regulations
Procedures for identification of EFH and the consultation process can be found in 50 CFR 600 (published January 17th, 2002):
http://a257.g.akamaitech.net/7/257/2422/12feb20041500/edocket.access.gpo.gov/cfr_2004/octqtr/pdf/50cfr600.920.pdf

Essential Fish Habitat locations in your region may be found on the web at:
http://www.nmfs.noaa.gov/habitat/habitatprotection/efh_designations.htm

EFH Consultation Guidance
Includes information on the procedures that have been developed to assist NOAA

Fisheries and other Federal agencies in addressing the EFH coordination and consultation requirements established by the MSA and the EFH regulatory guidelines:
http://www.nmfs.noaa.gov/habitat/habitatprotection/essentialfishhabitat9.htm

EFH Assessment Guidance
Intended to assist Federal agencies in developing EFH Assessments. The guide contains EFH definitions, responses to frequently asked questions concerning preparation of EFH Assessments, and gives three examples of completed EFH Assessments:
http://www.nmfs.noaa.gov/habitat/habitatprotection/essentialfishhabitat9.htm

NOAA Fisheries EFH Regional Contacts:

Southeast Region	David Dale	david.dale@noaa.gov	727-570-5736
Northeast Region	Chris Boelke	christopher.boelke@noaa.gov	978-281-9102
Southwest Region	Joe Dillon	joseph.j.dillon@noaa.gov	707-575-6093
Northwest Region	Dale Brege Russ Strach	dale.brege@noaa.gov russ.strach@noaa.gov	208-983-3859 x 222 503-231-6266
Alaska Region	Matt Eagleton	matthew.eagleton@noaa.gov	907-271-6354
Pacific Islands Region	John Naughton	john.naughton@noaa.gov	808-973-2937

1002.02.6 Resource Conservation and Recovery Act (RCRA)

The Resource Conservation and Recovery Act (RCRA) regulates the identification, transportation, treatment, storage, and disposal of solid and hazardous wastes. EPA has created a complex regulatory framework addressing solid waste disposal and hazardous waste management for RCRA. The act regulates such matters as: hazardous waste generators and transporters; land disposal restrictions (LDR); federal procurement of products that contain recycled materials; municipal solid waste landfill criteria; solid and hazardous waste recycling; treatment, storage and disposal facilities; and waste minimization and hazardous waste combustion.

RCRA gave EPA the authority to control hazardous waste from the "cradle-to-grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also set forth a framework for the management of non-hazardous wastes.

The 1986 amendments to RCRA enabled EPA to address environmental problems that could result from underground tanks storing petroleum and other hazardous substances. RCRA focuses only on active and future facilities and does not address abandoned or historical sites (see CERCLA).

HSWA (pronounced "hiss-wa") The Federal Hazardous and Solid Waste Amendments are the 1984 amendments to RCRA that required phasing out land disposal of hazardous waste. Some of the other mandates of this strict law include increased enforcement authority for EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.

1002.02.7 National Environmental Policy Act (NEPA)

The National Environmental Policy Act was one of the first laws ever written that establishes the broad national framework for protecting our environment. NEPA's basic policy is to assure that all branches of government give proper consideration to the environment prior to undertaking any major federal action that significantly affects the environment.

NEPA requirements are invoked when airports, buildings, military complexes, highways, parkland purchases, and other federal activities are proposed. Environmental Assessments (EAs) and Environmental Impact Statements (EISs), which are assessments of the likelihood of impacts from alternative courses of action, are required from all Federal agencies and are the most visible NEPA requirements.

1002.02.8 National Response Policy

The National Response Policy is to ensure that all applicable laws and regulations are carried out. Those laws and regulations are intended to ensure effective and immediate removal of a discharge, and mitigation or prevention of a threat of a discharge, of oil or hazardous substances, contaminant or pollutant.

1002.02.8(a) Best Response Concept

The term "Best Response" means that a response organization will effectively, efficiently, and safely respond to oil spills, minimizing the consequences of pollution incidents and to protect our national environmental and economic interests.

"Best Response" equals a successful response based on achievement of certain key success factors (i.e. the things that a response must accomplish to be considered successful) as follows:

- **Human Health**
  - No public injuries
  - No worker injuries
- **Natural Environment**
  - Source of discharge minimized
  - Source contained
  - Sensitive areas protected
  - Resource damage minimized
- **Economy**
  - Economic impact minimized
- **Public Communication**
  - Positive media coverage
  - Positive public perception
- **Stakeholders Support**
  - Minimize stakeholder impact
  - Stakeholders well informed
  - Positive meetings
  - Prompt Handling of claims
- **Organization**
  - Standard Response Mgmt System

- Sufficient/Efficient resources

When conducting an oil spill response, ICs and their Command and General Staffs should always consider the "Best Response" concept while managing operational and support/coordination functions.
ICs and their Command and General Staffs need to closely monitor how well the incident objectives, strategies, and tactics are addressing "Best Response" and key response functions, and to make appropriate adjustments where necessary to ensure the maximum potential for success.

1002.02.9 High-Seas Policy

Application of the Intervention on the High Seas Act (33 USC 1471 et seq.): Under authority of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969, governments party to the present convention may take such measures on the high seas as may be necessary to prevent, mitigate, or eliminate grave and imminent danger to their coastline or related interests from oil or hazardous substances pollution or threat of pollution. The pollution or threat of pollution may result from a maritime casualty or acts related to such a casualty which may reasonably be expected to result in major harmful consequences. In the event of a ship collision, stranding, or other incident on board or external to a ship outside U.S. Territorial waters which creates a potential threat of pollution by oil or hazardous substances, all available information shall be relayed to the Coast Guard which will determine whether or not grave and imminent danger to our coastline or related interests exists. Once that determination is made, the designated FOSC shall take measures to prevent, mitigate, or eliminate the threat.

1002.02.10 U.S. Coast Guard Policy

The Coast Guard will respond, consistent with the policies outlined in the Regional Contingency Plan and California Coastal Zone Area Contingency Plans. The Coast Guard may elect not to dispatch representatives to reported discharges where representatives of another appropriate government agency are responding. However, if Federal removal is indicated within the Coastal Zone, the Coast Guard will respond. If the responsible party is conducting proper removal, the Coast Guard On-Scene Coordinator will use best judgment in determining the need for the presence of Coast Guard personnel on scene. General Coast Guard policy for pollution response is provided in Volume VI of the *Coast Guard Marine Safety Manual*

1002.02.11 U.S. Environmental Protection Agency (EPA) Policy

By statute, EPA is the FOSC for inland spills of oil or hazardous substances. In most instances, EPA is not the first responder on scene. EPA works in cooperation with other responders, but has not delegated their responsibility as FOSC. In all spill situations, it is EPA's intent to contribute to the response by working with the local, state, tribal authorities, general public, and Federal agencies to ensure the information needed to maximize the effectiveness of the response effort is easily accessible. During a response to a release, the potentially responsible parties (PRP) are generally given the opportunity

to adequately respond. The U.S. EPA works closely with the PRPs when they are known and willing to take action to ensure that the release reaches an adequate and rapid conclusion with a minimum impact on the environment. In the event of a spill where the PRP is not identified, does not respond to contain or clean up the spill, or does an inadequate job responding, EPA responsibilities may include taking over the response or assuming a co-lead role in a unified command with state and local responders.

1002.02.12 Department of Defense and Department of Energy Policies

In the case of the Department of Defense (DOD) or Department of Energy (DOE), those agencies shall provide FOSCs responsible for taking all response actions. DOD will be the removal response authority with respect to incidents involving DOD military weapons or munitions or weapons or munitions under the jurisdiction, custody, or control of DOD. For oil spills on DOD facilities, the Coast Guard or EPA is the pre-designated FOSC as appropriate

1002.02.13 Tribal Response Policies

There are 146 federally recognized Indian Tribes in Region IX. Some tribes have rights to land in multiple states. There are 106 federally recognized tribes with land in California, 21 with land in Arizona, and 19 with land in Nevada.

Spills may affect tribes either by occurring on or near a reservation or by threatening treaty-reserved resources (including habitat) or cultural areas.

Tribes with reservations and/or usual and accustomed hunting or fishing grounds within the states of California, Arizona, and Nevada must be notified by the Federal OSC in the event that a spill may impact or threaten to impact any of their resources. Since boundaries for usual and accustomed hunting and fishing grounds may be complicated, it is recommended that the hazardous materials official at the Bureau of Indian Affairs be consulted to ensure proper notifications are made. BIA Contact information is provided in Appendix II.

Tribes must also be notified if there may be a potential impact from a spill or spill response operations to any tribal cultural resources. Again, the BIA may assist in identification of tribes for notification. However, it remains the FOSC's responsibility to make all proper notifications to tribes.

Tribal chair contact information for each of the tribes by state is listed in Appendix II.

Tribal reservations vary in size from those which encompass only the land where the tribal headquarters is located to those which cover hundreds of acres. Each tribe has governmental responsibilities on its respective reservation. Most have active police departments and some system of emergency response, usually including trained volunteer first aid responders working in conjunction with a volunteer fire department.

In addition to land areas owned outright, many tribes have treaty rights to use of land and waters outside their reservation lands. Tribal lands abut both marine and inland waterways. Treaty rights make tribes partners in planning and, often, impacted resource owners.

Tribes are considered sovereign entities when planning for and responding to oil spill or hazardous substance releases. The Unified Command system provides for tribal involvement during response activities. Initial notification of spills is made through the Department of the Interior. On-scene coordination occurs directly with tribal

representatives.

1002.02.14 Multinational Response

Both the USCG and EPA have response agreements with the Government of Mexico in place. EPA coordinates with Mexico for inland border response issues while the USCG coordinates with Mexico for coastal response.

The USCG and Mexican Navy both signed the Joint Contingency Plan Between the United Mexican States and the United States of American Regarding Pollution of the Marine Environment by Discharges of Hydrocarbons or other Hazardous Substances (MEXUSPLAN) in 2000. The Commander, Eleventh Coast Guard District (Alameda, CA) and Commander, Second Mexican Naval Zone (Ensenada, MX) signed the Pacific Annex to the MEXUSPLAN (MEXUSPAC) in February 2003. RRT9 and its Mexican response agency counterparts make up the Pacific Coast Joint Response Team (JRT). The Coastal JRT is co-chaired by Eleventh Coast Guard District and Second Mexican Naval Zone. Both MEXUSPLAN and MEXUSPAC can be found on the Pacific Coast JRT webpage at: http://www.uscg.mil/d11/m/jrt.

1002.02.15 Places of Safe Refuge

The RRT9 Places of Safe Refuge were originally developed by the Alaska RRT Places of Safe Refuge Subcommittee composed of representatives from the U.S. Coast Guard, Environmental Protection Agency, U.S. Department of the Interior, U.S. Department of Commerce, U.S. Department of Justice, Alaska Department of Environmental Conservation, Alaska Department of Fish & Game, Alaska Department of Natural Resources, oil spill cooperatives, industry production and transportation interests, Alaska marine pilot representatives, salvage operators, and regional citizens advisory councils. Following review and approval of the guidelines by the subcommittee, the document was submitted to the Alaska RRT for approval and inclusion in their Unified Plan. The guidelines were approved by the Alaska RRT in October of 2004.
RRT9 adopted the guidelines with minor changes pertinent to Region 9. The Region 9 guidelines can be found in Appendix XXVI of this RCP. Guidance applicable at the port level can be found in the coastal Area Contingency Plan (ACP) Section 4900.

1002.03 State Statutory Requirements, Policies and Guidance

1002.03.1 Arizona

The Arizona SERC was established by Arizona Law (Arizona Revised Statutes – Title 26, Chapter 2, Article 3) and is tasked with the implementation of the Emergency Planning and Community Right to Know Act (EPCRA) in Arizona. The SERC oversees 15 LEPC's and supports community, industry, government, and academia in planning, release/incident reporting, data management guidance for inventory reporting, public disclosure of information about hazardous chemicals in Arizona, as well as development of training and outreach programs. The SERC also serves as a clearing house for hazardous chemical emergency preparedness and planning activities and information. Other guidance can be found in ARS 26.301-353, ARS Title 36, Article 8, Environmental

Risk Assessment, 36.1691-1694, ARS Title 49, Environmental Quality, and ARS 12-972, Recovery of HazMat Emergency Response Costs.

1002.03.2 California

California laws applicable to the prevention, response and management of releases of oil and hazardous materials are numerous. The California Department of Fish and Game, Office of Spill Prevention and Response has the primary responsibility for response to releases of oil in the marine environment and releases of deleterious substances into the waters of the State. The Office of Emergency Services has primary responsibility for off-highway spills that do not affect waters of the State and the California Highway Patrol is responsible for response to on-highway spills. The State References to the various Codes that may pertain to particular aspects of these activities are made below:

Water Code, Division 7, §§ 13000-14076; Fish & Game Code Division 6, Part 1, Chapter 2, Article 1, §§ 5650-5655; Harbors and Navigation Code, Division 1.5, §§ 90-153; Harbors and Navigation Code Division 2, Chapter 3, §§ 293-294; Health and Safety Code, Division 104, Part 13, Chapter 4, Article 2, §§ 117475-117500; Health and Safety Code, Division 104, Part 13, Chapter 4, Article 4, §§ 117510-117525; Health and Safety Code, Division 20, portions of Chapters 6.6, 6.7, 6.11, 6.67, 6.75, and 6.95; Government Code, Title 5, Division 1, Part 1, Chapter 5.5, §§ 51010-51019.1; Government Code, Title 2, Division 1, Chapter 7, Article 3.5, §§ 8574.1-8574.23; Government Code, Title 2, Division 1, Chapter 7.4, §§ 8670.1- 8670.72; Public Resources Code, Division 7.8, §§ 8750-8760; Health and Safety Code, Division 20, Chapter 6.5, §§ 25100-25250.25; and Public Resources Code, Division 30, §§ 40000-48695. Regulations adopted pursuant to these code sections may also be applicable to these operations.

Workers at oil spill scenes will have completed training, receive supervision and conduct all operations in accordance with requirements specified by Title 8 of the California Code of Regulations, Section 5192.

1002.03.2(a) Cleanup and Abatement Orders: California Coastal and Marine Areas

A Clean Up and Abatement Order can be issued by the State. It would include information such as:

"Any person who discharges oil into marine waters, upon order of the administrator, shall do all of the following:

- Clean up the oil.
- Abate the effects of the discharge.
- In the case of a threatened discharge, take other necessary remedial action.

Upon failure of any person to comply with a cleanup or abatement order, the Attorney General or a district attorney, at the request of the administrator, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In any such suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either

preliminary or permanent, as the facts may warrant." (Government Code Section 8670.62)

1002.03.2(b) Cleanup and Abatement Orders: Waters of the State of California:

Any person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts. A cleanup and abatement order issued by the state board or a regional board may require the provision of, or payment for, uninterrupted replacement water service, which may include wellhead treatment, to each affected public water supplier or private well owner. Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant (Water Code Section 13304).

1002.03.2(c) Cease and Desist Orders Coastal Zone :

When the administrator of the OSPR determines that any person has undertaken, or is threatening to undertake, any activity or procedure that (1) requires a permit, certificate, approval, or authorization under this chapter, without securing a permit, or (2) is inconsistent with any of the permits, certificates, rules, regulations, guidelines, or authorizations, previously issued or adopted by the administrator, or (3) threatens to cause or substantially increases the risk of unauthorized discharge of oil into the marine waters of the state, the administrator may issue an order requiring that person to cease and desist. (Government Code Section 8670.69.4)

1002.03.2(d) Cease and Desist Orders Non-Coastal Zone :

When the administrator of a regional board determines that any person has undertaken, or is threatening to undertake, any activity or procedure that (1) requires a permit, certificate, approval, or authorization under this chapter, without securing a permit, or (2) is inconsistent with any of the permits, certificates, rules, regulations, guidelines, or authorizations, previously issued or adopted by the administrator, or (3) threatens to cause or substantially increases the risk of unauthorized discharge of oil into the marine waters of the state, the administrator may issue an order requiring that person to cease and desist. (Government Code Section 8670.69.4)

1002.03.2 Nevada

Reserved

1002.04 Public vs. Private Resources Utilization

The Oil Pollution Act of 1990 (OPA 90) reaffirmed the basic principle that the primary source of an oil spill preparedness and response system in the U.S. should be implemented and maintained by the private sector. It is not, nor should it be, the Coast Guard's intent to compete with the commercial oil and hazardous materials pollution response industry. The utilization of government resources in lieu of commercial resources can place the government in a competitive environment. This is not the intent of OPA 90, as it defeats the incentive for commercial enterprise to maintain equipment and trained personnel in a competitive market. The Coast Guard's pre-positioned response equipment, other publicly owned response equipment, and other initiatives under the Coast Guard's oil spill response program are only intended to supplement the oil and clean-up industry's response program or be used if the commercial industry does not have readily available resources, and only until such time that the Federal On-Scene Coordinator (FOSC) or the Unified Command decides to release the resources.

The FOSC has the authority and responsibility in accordance with the National Contingency Plan to contain, control, and carry out response activities for the removal of a discharge where a substantial threat to public health or welfare, or where natural resources are endangered. At the direction and discretion of the FOSC and the Unified Command, when the responsible party executes a suitable response, any government equipment deployed should be withdrawn as commercial equipment becomes available and is placed into service.

The FOSC may consider using Coast Guard/Department of Defense (DOD) or Oil Spill Cooperative resources in such instances when the spill has been federalized and/or private sector resources cannot respond to the incident in a timely manner, or there are certain specific resources not available from the private sector.

1002.05 Cleanup Assessment Protocols and Guidelines

When to terminate specific oil spill cleanup actions can be a difficult decision; When is clean, clean enough? The increasing cost of the cleanup and the damage to the environment caused by cleanup activities must be weighed against the ecological and economic effects of leaving the remaining oil in place. The decision to terminate cleanup operations is site-specific. Cleanup usually cannot be terminated while the following conditions exist:

- Recoverable quantities of oil remain on water or shores.
- Contamination of shore by fresh oil continues.
- Oil remaining on shore is mobile and may be refloated to contaminate adjacent areas and nearshore waters.

Cleanup may normally be terminated when the following conditions exist:

- The environmental damage caused by the cleanup efforts is greater than the damage caused by leaving the remaining oil or residue in place.
- The cost of cleanup operations significantly outweighs the environmental or economic benefits of continued cleanup.

FOSC, after consultation with the members of the Unified Command, determines that the cleanup should be terminated.

1003 NATIONAL AND STATE PLANS

1003.01 National Oil and Hazardous Substances Pollution Contingency Plan (NCP)

The Purpose of the NCP is to provide the organizational structure and procedures for preparing for and responding to discharges of oil into or on navigable waters of the U.S., and releases of hazardous substances, pollutants and contaminants which may present an imminent and substantial danger to public health or the welfare of the United States.

The NCP is applicable to response actions taken pursuant to the authorities under CERCLA and CWA Section 311, as amended, and it provides for the following:

1. The national response organization that may be activated in response actions, specifies responsibilities among the federal, state and local governments and describes resources that are available for response.
2. The establishment of requirements for federal, regional and area contingency plans; summarizes state and local emergency planning requirements under SARA Title III.
3. Procedures for undertaking removal actions pursuant to CWA Section 311.
4. Procedures for undertaking response actions pursuant to CERCLA.
5. Procedures for involving state governments in the initiation, development, selection and implementation of response actions pursuant to CERCLA.
6. Listing of federal trustees for natural resources for purposes of CERCLA and the CWA.
7. Procedures for the participation of other persons in response actions.
8. Procedures for compiling and making available an administrative record for response actions.
9. National procedures for the use of dispersants and other chemicals in removals under the CWA and response actions under CERCLA.

The NCP applies to and is in effect when the Federal Response Plan and some or all of its Emergency Support Functions (ESFs) are activated.

1003.02 National Response Plan

The Homeland Security Act of 2002 and Homeland Security Presidential Directive – 5 (HSPD-5) required the development of the NRP. The NRP, using NIMS as a foundation, provided the operational framework for managing Incidents of National Significance (national incidents). The construction of the NRP fully incorporated the FRP, CONPLAN, FRERP and the INRP. The NCP, a regulation, remained in place and would be implemented concurrently with the NRP for national incidents. The NRP was issued in the spring of 2005 and became effective 120 days from the date of issuance. The key elements of the NRP includes:

- A single comprehensive national approach
  - Developed an all-discipline, all hazard plan to be used by all agencies;
  - Integrated and provided seamless transitions between prevention. preparedness, response and recovery phases;
  - Integrated the crises and consequence management functions so they were implemented concurrently and not sequentially;

- Coordination structures/mechanisms
- Primary purpose was to provide Federal support to State, local and tribal governments;
- Provided a coordinated, pro-active Federal response and mobilization of Federal resources by direct implementation of Federal authorities to augment local resources;
- Facilitated Federal support to Federal departments and agencies acting under their own authority;

- Direction for incorporation and concurrent implementation of existing plans
- Consistent approach to reporting incidents, providing assessments and making recommendations to the President, DHS Secretary and HSC.

The NRP is organized into five major sections: Base Plan, Appendices, Emergency Support Function Annexes, Support Annexes and Incident Annexes. The Base Plan provided the concept of operations, coordinating structures (i.e., HSOC, IIMG, PFO, JFO, etc.), roles and responsibilities, definitions, etc. The Appendices included a glossary, acronyms, authorities and a compendium of national interagency plans. The Emergency Support Function Annexes is based on the FRP functions (ESFs #1–#12) that were most likely needed during an incident. The NRP added three additional ESFs including Public Safety & Security (ESF#13), Long-Term Community Recovery and Mitigation (ESF#14) and External Communications (ESF#15). The Support Annexes described common processes and specific administrative requirements (e.g., Public Affairs, Financial Management, Science & Technology, Worker Health & Safety, etc.). The Incident Annexes outlined procedures, roles and responsibilities for a specific incident scenario including Biological Incident, Catastrophic Incident, Cyber Incident, Food and Agriculture Incident, Nuclear/Radiological Incident, Oil and Hazardous Materials Incident and Terrorism Incident Law Enforcement and Investigation. In the NRP, the NCP activities are included under ESF #10 (Oil and Hazardous Materials) for Presidentially-declared disasters and Federal-to-Federal support situations, Oil and Hazardous Materials Incident Annex for situations when ESF#10 is not activated, and the Radiological/Nuclear Annex for radiological incidents.

1003.02.1 Federal Radiological Emergency Response Plan (FRERP)

Response to radiological emergencies is coordinated under the Federal Radiological Emergency Response Plan (FRERP). This interagency agreement coordinates the response of various agencies, under a variety of statutes, to a large radiological accident. The lead Federal agency, defined by the FRERP, activates the FRERP for any peacetime radiological emergency which, based upon its professional judgment, is expected to have a significant radiological effect within the United States, its territories, possessions, or territorial waters and that could require a response by several Federal agencies.
Refer to Radiological Incident Annex in Appendix XVI

1003.02.2 Terrorism Incident, Law Enforcement and Investigation

The US Government drafted the Interagency Domestic Terrorism Concept of Operations Plan (CONPLAN) that outlines many of the roles federal government agencies play in response to a potential or actual terrorist threat or incident in the United States. The Stafford Act mandated Federal Response Plan was also modified to include a Terrorism Incident Annex to outline specifically how the federal government will support state and

local governments in response to WMD incident.

Several states have specialized groups or task forces specifically addressing planning and preparedness activities at the state and local levels. State and local emergency response plans are being revised to address acts of terrorism.
Refer to Oil-Hazsub-WMD Incident Response with Terrorism Nexus in Appendix XV

1003.03 State Plans State Plans

1003.03.1 Arizona Arizona

Contact the Arizona Division of Emergency Management at 602-244-0504 or 1-800-411-2336 for a copy of Arizona's State Emergency Response and Recovery Plan. You may, during duty hours, ask to be connected to the State Plans Officer.

1003.03.2 California

The California Emergency Services Act, pursuant to Chapter 7 of the Government Code, provides that the governor of California develop and implement a statewide emergency services plan. The Governor's Office of Emergency Services (OES) is responsible for the development and coordination of the State of California Emergency Plan (SEP).

The SEP defines the emergency management system used for all emergencies in California. It describes the California Emergency Organization and specifically addresses the following:

- establishes the policies, concepts, and general protocols for implementing the Standardized Emergency Management System (SEMS);
- explains the use of mutual aid and assistance during declared and non-declared emergencies;
- provides guidance on the responsibilities and potential emergency assignments of state agencies; and,
- Discusses supporting plans and procedures.

The following documents are annex to the State Emergency Plan:

California Terrorism Response Plan. This plan, required pursuant to Government Code Sections 8670.70 – 8692, provides guidance and direction to the management of emergency and disaster operations related to terrorism incidents. This document describes not only the State government's response to terrorism incidents, but also the response of all levels of government.

California Nuclear Power Plant Plan. This plan identifies supplemental actions and positions to the state's emergency organization and its support to state agencies and local jurisdictions in the event of a radiological emergency at a nuclear power plant. This plan is required pursuant to the California Government Code § 8610.5 and follows the guidance provided in NUREG-0654, FEMA REP-

1, "*Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants*."

California State Toxic Disaster Contingency Plan (STDCP). This plan is required pursuant to California Government Code § 8574.16. The STDCP is a supporting document of the State Emergency Plan. The required elements of the STDCP are found in California Government Code § 8574.17.

California Oil Spill Contingency Plan. This plan is the state oil spill and marine oil spill contingency plan as required pursuant to California Government Code § 8574.1 and § 8574.7. The Oil Spill Prevention and Response Act of 1990 combined the California Oil Spill Contingency Plan and the Marine Oil Spill Contingency Plan into one plan.

California Radiological Emergency Response Plan. This plan is required pursuant to Health and Safety Code Section 114650 and is the state's plan for responding to radiological incidents. It identifies participating government agencies, delineates responsibilities, and sets forth the general concept of operation should the pubic health or safety be threatened by a radiological incident. This plan provides the basis for the development of detailed response plans, procedures, and capabilities by state and local agencies. It also relies on the Nuclear Power Preparedness (NPP) Plan and radiological assistance capability provided in an emergency by the Federal Radiological Emergency Response Plan (FRERP).

For more information on the California Emergency Plan or to download a copy of the plan and/or the annexes, please refer to the following website: www.oes.ca.gov.

1003.03.3 Nevada

Refer to the Nevada Hazardous Materials Emergency Response Plan:
http://ndep.nv.gov/bca/hazmatplan.htm

1004 REGION IX RESPONSE ORGANIZATION AND STRUCTURE

The National Oil and Hazardous Substances Pollution Contingency Plan, or NCP, (40 CFR Part 300) provides much guidance in planning for spills. The NCP lays out a framework for contingency planning within individual regions by way of each Regional Response Team. According to the NCP, the RRT is the appropriate regional mechanism for development and coordination of preparedness activities before a response action is taken.

According to the NCP, the role of the standing RRT in planning includes recommending changes in the regional response organization as needed and evaluating the preparedness of the participating agencies. This includes reviewing and commenting on local emergency response plans when requested, evaluating regional and local responses to discharges on a continuing basis, encouraging the state and local community to improve its preparedness for response, conducting advance planning for use of dispersants or other remedial technologies, facilitate Federal, State and local agency pre-planning activities for joint

use of ICS and Unified Command to manage responses to major incidents, and conducting or participating in regional and multi-jurisdictional training and exercises necessary for the preparedness of the response community in the region.

In addition, the NCP also lays out the system of Federal On-Scene Coordinators. EPA provides FOSCs for the inland region, while the USCG provides FOSCs for the coastal region. According to the NCP, the FOSC not only leads the response team after an incident but also has a major role in contingency planning. For planning, the FOSC coordinates, directs, and reviews the work of other agencies, Area Committees, responsible parties, and contractors to assure compliance with the NCP, decision document, consent decree, administrative order, and applicable lead agency-approved plans.

In limited circumstances, agencies other than EPA and USCG will act as the lead agency and provide a FOSC. The NCP specifies that DOD or DOE will act as the lead agency if the spill originates and does not extend beyond, their own facilities In addition, if there is a Presidential Major Disaster Declaration, the director of the Federal Emergency Management Agency (FEMA) or, upon delegation, a local FEMA representative will act as the official FOSC.

The Federal Government requires that the National Response Center (NRC) be notified (1-800-424-8802) by the responsible party for oil or hazardous substance discharge/releases. Failure to notify or deliberate discharge can lead to criminal penalties. State law requires that the Office of Emergency Services (OES) be notified (1-800-852-7550).

1004.01 National Response Team

The NRT's membership consists of 15 federal agencies with responsibilities, interests and expertise in various aspects of emergency response to pollution incidents. The EPA serves as chairman and the Coast Guard serves as vice-chairman of the NRT, except when activated for a specific incident. The NRT is primarily a national planning, policy and coordination body and does not respond directly to incidents. The NRT provides policy guidance prior to an incident and assistance as requested by an OSC via an RRT during an incident. NRT assistance usually takes the form of technical advice, access to additional resources/equipment, or coordination with other RRTs. The NRT's responsibilities include evaluating methods of responding to discharges, maintaining national preparedness to respond to a major oil discharge, and developing procedures, in coordination with the National Strike Force Coordination Center (NSFCC), to ensure the coordination of Federal, State, and Local governments.

1004.02 Regional Response Team

The RRT is a Regional advisory group for planning and preparedness activities before response activities occur, as well as for coordination of assistance and advice to the FOSC during site-specific incidents. The EPA Co-Chair of RRT Region 9 is the Chief, Response, Planning and Assessment Branch, Superfund Division. The USCG Co-Chair is the Chief of the Marine Safety Division, Eleventh Coast Guard District. There are 13 RRTs, one for each of the ten federal regions and Alaska, the Caribbean and Pacific Basin. Each RRT has Federal and State representation. Like the NRT, RRTs are planning, policy and coordinating bodies, and do not respond directly to incidents. The RRTs develop Regional Contingency Plans for their regions. These plans address region specific issues and provide guidance to the OSCs for developing their area plans. The RRTs also provide one level of review for the Area Contingency Plans. The

RRTs may be activated for specific incidents when requested by the OSC. If the assistance requested by an OSC exceeds an RRT's capability, the RRT may request assistance from the NRT. During an incident the RRT may either be alerted by telephone or convened. The RRTs will also be consulted by the OSC on the approval/disapproval of the use of chemical countermeasures when that decision has not been pre-approved.

1004.02.1 RRT Membership

The RRT membership includes representatives appointed by the Governor from each State, and the designated regional representatives of the following Federal agencies: the Department of Agriculture (USDA), the Department of Commerce (DOC), the Department of Defense (DOD), DOE, FEMA, the General Services Administration (GSA), the Department of Health and Human Services (HHS), the Department of the Interior (DOI), the Department of Justice (DOJ), the Department of Labor (DOL), the Nuclear Regulatory Commission, the Department of State (DOS), the Department of Transportation (DOT), USCG, and U.S. EPA.

Federal RRT member agencies have duties established by Statute or Executive Order which may apply to Federal response actions following or in prevention of a discharge of oil or a release or a threat of release of a hazardous substance, pollutant, or contaminant.

The Federal RRT member agencies have duties established by statute, executive order, or Presidential directive which may apply to Federal response actions following, or in prevention of, the discharge of oil or release of a hazardous substance, pollutant, or contaminant. Some of these agencies also have duties relating to the rehabilitation, restoration, or replacement of natural resources injured or lost as a result of such discharge or release. It is recognized that Tribal response authorities and their communities are entitled to the same cooperation and protection arrangements as the States.

Federal agencies should plan for emergencies and develop procedures for addressing oil discharges and releases of hazardous substances, pollutants, or contaminants from vessels and facilities under their jurisdiction, custody, or control. Appropriate Federal RRT members or their representatives should provide FOSCs with assistance from their respective Federal agencies, commensurate with agency responsibilities, resources, and capabilities within the Region. During a response action, the members of the RRT should seek to make available the resources of their agencies to the FOSC. Specifically, Federal member agency responsibilities include:

- Informing the RRT of changes in the availability of their response resources;
- Reporting discharges and releases from facilities or vessels under their jurisdiction or control;
- Making necessary information available to the RRT and FOSCs; and,
- Providing representatives to the RRT and otherwise assisting RRT and FOSCs in formulating RCPs.

Appendix II provides a list of Federal agencies and their responsibilities and functions.

1004.03 RRT Roles and Relationships

The RRT also provides guidance to the marine and inland Area Committees as appropriate and defined in the NCP. For a complete list of RRT roles and relationships,
see Appendix II-A entitled "Federal Region IX Regional Response Teams."

The principal components of the RRT are a standing RRT and incident-specific RRTs. The

standing RRT consists of designated representatives from each participating Federal agency listed above and each State. (A list of the current members of the Region 9 standing RRT is provided in Appendix II-B). Each incident-specific RRT is formed from the standing team when the RRT is activated for a response, and consists of representatives of appropriate Local governments, State agencies, and Federal agencies.

Each member agency should designate one member and at least one alternate member to the standing RRT. Agencies whose regional subdivisions do not correspond to the standard Federal regions may designate additional representatives to the standing RRT to ensure appropriate coverage of the standard Federal region. Federally recognized Native American Tribal governments may arrange for representation on the RRT. Other interested parties may attend and observe RRT meetings. The usual process by which the RRT reaches its decisions is by consensus. However, in instances where a decision is reached by means of a vote, the voting capacity of each Federal member agency and other RRT member organizations is limited to one vote per member agency or organization.

The first Federal official to arrive at the scene of a discharge or release, provided they have the proper training, should coordinate activities under the NCP, RCP, and agency guidance until the predesignated FOSC is available. That Federal official should consult directly with the predesignated FOSC regarding any necessary initial actions. Fund-financed operations must be authorized by the FOSC prior to implementation.

1004.04 Standing RRT

The role of the standing RRT includes communications, planning, coordination, training, evaluation of responses, preparedness, and related activities on a Region- and Area-wide basis. These activities include, but are not limited to:

a) Providing resources for response to major discharges or releases inside the Region or outside the Region, upon request;

b) Providing technical assistance for preparedness and conducting and participating as necessary in training and exercises to encourage preparedness activities of the response community within the Region;

c) Reviewing and updating the RCP;

d) Discussing, modifying, and adopting procedures to enhance the various aspects of response coordination between Local, Tribal, State, Regional, and Federal response efforts;

e) Reviewing and commenting, where practicable, on Local emergency response plans (required by SARA, Title III). Such reviews are conducted upon the request of a LEPC, forwarded to the RRT by a SERC. The standing RRT may also review and comment on other issues concerning the preparation or implementation of related response plans;

f) Providing guidance to Area Committees, as appropriate, to ensure area-wide consistency and consistency of individual ACPs with the RCP and NCP;

g) Reviewing, evaluating, and commenting on Regional and Local responses to discharges or releases, and recommending improvements, as appropriate;

h) Encouraging the State and Local response community to work with their Federal counterparts to pre-plan multi-jurisdictional response to major incidents which require a high level of interagency coordination and the collaborative use of ICS and Unified Command to manage the incidents;

i) Planning for use of Applied Response Technologies, including dispersants, surface collection agents, in-situ burning, biological additives, or other clean-up agents, as appropriate; and approving clean-up agents and techniques for response upon request, following established procedures;

j) Meeting at least semi-annually, to review response actions, address preparedness and pre-response activities, and consider changes to the RCP;

k) Providing reports on RRT activities to the NRT as requested, but no later than January 31st of each year;

l) Integrating, to the extent possible, ongoing planning and preparedness activities with RRT preparedness initiatives, and all RRT agencies;

m) Recommending revisions of the NCP to the NRT, based on observations of response operations;

n) Evaluating the preparedness of the participating agencies and the effectiveness of Federal response to discharges and releases;

o) Preparing an annual work plan to coordinate emergency response and preparedness activities; and

p) Coordinating planning and preparedness with RRTs in adjacent Regions.

The RRT has established workgroups and committees, with representatives of the Co-Chair agencies and volunteers of member agencies and States, to identify and facilitate implementation of the annual workplan, which includes preparedness and pre-response responsibilities. Other work groups are established as projects and particular work efforts are identified. The necessity of the work groups is re-evaluated annually.

- ART Subcommittee
- Natural Resources Subcommittee

1004.05 Incident-Specific RRT

Each incident-specific RRT is formed from the standing team when the RRT is activated for a response, and consists of representatives of Local governments, and the appropriate State and Federal agencies, described in section above.

An incident-specific RRT has one Chair, the Regional Co-Chair from the agency providing the Federal OSC for the response to the incident. The Co-Chairs may designate other U.S. EPA and USCG employees to act as the Co-Chair. The role of the incident-specific team is determined by the operational requirements of the response to a specific discharge or release. Participation is relative to the technical nature and geographic location of the discharge or release. The RRT Chair coordinates with the RRT membership and the FOSC for the incident, to determine the appropriate

level of RRT member activation. Member agencies and States participating with the RRT must ensure that designated representatives or alternates can function as resource personnel for the FOSC during incident-specific events. Appendix I contains a discussion of the U.S. EPA and USCG jurisdictions in Region 9.

When activated, members of an incident-specific RRT may be requested to:

a) Provide resources and special or technical expertise;

b) Provide advice, as requested by the FOSC, recommending courses of action for consideration by the FOSC;

c) Advise the FOSC on the duration and extent of Federal response and recommend to the FOSC specific actions to respond to a discharge or release;

d) Request other Federal, State, or Local government or private agencies to provide resources under their existing authorities to respond to a discharge or release or to monitor response operations;

e) Recommend a change of FOSC to the RRT Co-Chairs, if circumstances warrant (e.g., substantial movement of the pollution into the predesignated area of another FOSC lead agency);

f) Ensure continual communication with the National Response Center (NRC) as significant developments occur; and

g) Monitor and evaluate reports from the FOSC.

1004.06 Activation of the RRT

An incident-specific RRT may be activated upon request from the FOSC, or from any RRT representative, to the Co-Chair of the RRT, when a discharge or release:

- Exceeds the response capabilities available to the FOSC in the place where it occurs;
- Transects State, Regional and/or international boundaries; or
- Poses a substantial threat to public health, welfare, or to the environment, or to regionally significant amounts of property.

Requests for RRT activation shall subsequently be confirmed in writing. Local requests for RRT activation must be made through the State RRT member. The various levels of activation can be found in the NCP. An incident-specific RRT activation may take place by telephone or by assembly.

Levels of activation are listed below.

Alert - Notification of RRT members that an incident has occurred.

Standby - Notice to some or all RRT members that their services may be needed and that they are to assume a readiness posture and await further instructions. Notice may be given by telephone.

Partial - Notice to selected RRT members that their services are required in response to a

pollution incident. The activation notice will specify the services requested and the services that will be required. The initial activation notice may be provided by telephone.

Full - Notice to all RRT members (with the exception of representatives of non-affected States) that their services are requested in response to a pollution incident. The activation notice will specify the services being requested from each RRT member. The services of some members may be limited to advising the FOSC on general matters. The initial activation notice may be provided by telephone.

The RRT can be deactivated by the Chair when he or she determines that the FOSC no longer requires RRT assistance. The time of deactivation shall be included in a POLREP.

1004.07 Tribal, RRT Representatives

Because of their unique position as sovereign entities, tribal participation is a vital part of the mission of the RRT and its response activities. To assure and maintain government-to-government relations, EPA has an established tribal protocol and policy that provides guidance and information for the Agency's managers and staff in working with the Region's Federally recognized tribes. There is a general component and a specific component to the Federal trust responsibility. That component informs federal policy and provides that the Federal government consult with and consider the interests of tribes when taking any action affecting tribal lands or their resources. EPA's *Policy for the Administration of Environmental Programs on Indian Reservations* embodies the spirit of the federal trust responsibility. That policy is strengthened by several Executive and Presidential orders, the latest being Executive Order 13175 issued on November 6, 2000. These policies can be found in Appendix II.

There are 147 federally recognized Indian tribes in Region IX. The composition by state is: California 106; Arizona 21 and Nevada 20. Some of the Region's tribes have land rights in multiple states and EPA Regions. These are: Navaho (Arizona, New Mexico and Utah); Duck Valley (Nevada and Idaho) Ft Mojave (California, Nevada, and Arizona); Goshute (Utah and Nevada) and Fort McDermitt (Nevada and Oregon). Some tribes have land adjacent to coastal waters or include aquifers, rivers and streams.

1004.08 State RRT Representatives

The Governor of each State in Federal Region 9 has designated a lead agency and a representative to represent the State on the RRT. Each State representative may participate fully in all activities of the RRT. The State RRT representatives are expected to coordinate with the State Emergency Response Commissions (SERCs) in their respective States in order to communicate and coordinate preparedness and pre-response planning activities between the State and the RRT. State and Local government agencies are encouraged to coordinate with the State contingency planning efforts for oil and hazardous material events, the RCP, and requirements of SARA Title III.

Each State in Region 9 has a State disaster plan and laws that specify that State's authority and organization for a technical response to environmental emergencies. All States can provide technical expertise to assess environmental and public health threats and damage, as well as to advise Local responders. In specific circumstances, States may provide additional response capabilities in the form of contractors and funding. Summaries of emergency preparedness measures for lead agencies and other State agencies for each State in Region 9 can be found in the Appendix II of this plan.

In the event of an incident, the State RRT representative will ensure the following actions are completed,
as appropriate:

(1) Notify downstream water users (municipal, industrial and agricultural) of all discharges and releases that may threaten them;

(2) Notify and coordinate with other State and Local agencies, as appropriate, including state trustees for natural resources; (Appendix II)

1004.09 Local Agency RRT Relationships

The focus of Local responders is usually directed toward abating immediate public safety threats. The degree of Local response will depend upon the training and capabilities of Local responders relative to the needs of the specific emergency. In some cases this may be using hazard awareness training knowledge to identify the nature and scope of the hazard. This information is then passed on to State and Federal responders who are activated to address the situation with specific expertise and/or capabilities. Often Local agencies take mitigating actions of a defensive nature to contain the incident and protect the public. In many instances, Responsible Parties or Local agencies are capable of an aggressive response and quick abatement of immediate hazards. Usually in these cases, Local authorities rely on State and Federal responders to assure that cleanup is complete and remediation is technically sufficient.

A major role of Local organizations during all emergency incidents is to provide security for all on-scene forces and equipment. For large incidents, help is often requested through the State emergency management agencies. This activity includes establishing Local liaison with hospital, emergency services, and police personnel, as well as restricting entrance to hazardous areas to all but essential personnel. Another important role of local responders during major incidents is to establish an Incident Command System capable of managing emergency response operations from the Incident Command Post. The Local Incident Commander should be able to quickly transition into a Unified Command when more than one jurisdiction is involved in the response action and the jurisdictional authority for some aspect of the emergency.

Local emergency planning committees (LEPCs) are responsible for the development and maintenance of local emergency response plans in accordance with the Emergency Planning and Community Right-to-Know Act of 1986 EPCRA). The LEPC's membership includes various representatives from local governmental agencies, emergency responders, environmental groups, and local industry. The emergency plans developed by these groups must include the following information: the identity and location of hazardous materials; procedures for immediate response to a chemical accident; ways to notify the public of actions they must take in the event of a discharge or release; names of coordinators at plants; and schedules for testing each plan.

The local emergency response plans must be reviewed by the State Emergency Response Commission (SERC). The RRT may review the plans and provide assistance if the SERC or LEPC, through the state RRT representative, makes such a request. Coordination with the local governmental organizations of counties, cities, or towns is especially important for traffic control, land access, and disposal of oil or hazardous materials removed during response operations.

1004.10 Multi-Area Regional Response

The FOSC for a given incident is determined by the point of origin of the release. However, if a discharge or release affects areas covered by two or more RCPs or ACPs, the response mechanisms of both may be affected. In this case, response actions of all regions concerned shall be fully coordinated as detailed in the RCPs.

There shall be only one FOSC assigned as Federal incident commander at any time during the course of a specific emergency operation. Should a discharge or release affect two or more areas, U.S. EPA, USCG, DOD, DOE, or other lead agency, as appropriate, shall give prime consideration to the area vulnerable to the greatest threat, in determining which agency should provide the FOSC. The RRT shall designate the FOSC if the RRT member agencies that have response authority within the affected area are unable to agree on the designation. The NRT shall designate the FOSC if members of one RRT or two adjacent RRTs are unable to agree on the designation.

Where USCG has initially provided the FOSC for response to a release from hazardous waste management facilities located in the coastal zone, responsibility for response action shall shift to U.S. EPA or another Federal agency, as appropriate.

The FOSC shall be provided by the Region within which the release occurs, or according to this RCP. The EPA has established a backup Region Policy and MOU where an adjacent EPA Region can provide the FOSC upon request from another region.

1004.11 Spill of National Significance (SONS) – Coastal Zone Overview

A Spill Of National Significance (SONS) is that rare, catastrophic spill event that captures the nation's attention due to its actual damage or significant potential for adverse environmental impact. A SONS is defined as a spill which greatly exceeds the response capability at the local and regional levels and which, due to its size, location, and actual or potential for adverse impact on the environment is so complex, it requires extraordinary coordination of Federal, State, local and private resources to contain and mitigate.

The response to a SONS event must be a coordinated response that integrates the FOSC's response organization with the SONS response organization (Figure 1000-B).

1004.11.1 SONS Declaration

The Commandant of the Coast Guard alone is empowered to declare a SONS in the coastal zone, taking into account environmental risks, weather conditions, response capabilities, and the amount, or potential amount, of product spilled. A Coast Guard Area or District Commander may recommend to the Commandant that a SONS be declared. Factors to be considered in declaring a SONS might include:

- Multiple FOSC zones, districts, or international borders may be affected;
- Significant impact or threat to the public health and welfare, wildlife, population, economy and/or property over a broad geographic area;
- Protracted period of discharge and/or expected cleanup;
- Significant public concern and demand for action by parties associated with the event; and,
- The existence of, or the potential for, a high level of political and media interest.

Once the Commandant declares a SONS, the following actions will occur:

- An Incident Area Commander will be designated.
- Other Departments/Agencies will be notified.
- A Unified Area Command will be established.
- All pre-designated ICS Area Command staff personnel will be placed on immediate alert.

The Incident Area Commander will have overall responsibility for the incident strategic management and will ensure the following:

- Incident Commanders (FOSCs) covered by the Area Command are notified that an Area Command is being established.
- The Incident Area Command team consists of the best-qualified personnel with respect to their functional areas. The functions of Area Command require personnel that have experience in, and are qualified to oversee, complex response situations.
- The Incident Area Command organization operates under the same basic principles as does the Incident Command System.

The Incident Area Command organization is kept as small as possible. The Incident Area Command organization will typically consist of the Incident Area Commander and Incident Area Command Logistics Chief, Planning Chief, Resources Unit Leader, Situation Unit Leader, Information Officer, and Liaison Officer. Flexibility exists to add a Finance Chief and/or a Chief of Staff.

1004.11.2 General Organization of SONS

Incident Area Command is an organization established to oversee the management of a very large incident that has multiple response organizations assigned to it. If the incident is multi-jurisdictional, a Unified Incident Area Command should be established. This allows each jurisdiction to have representation in the Incident Area Command. Representatives to the Incident Area Command would typically be at the highest executive levels within a responding organization such as a state governor or direct representative, and CEO or President of the affected commercial entity.

For the incidents under its authority, Incident Area Command has the responsibility to:

- Set the overall incident related strategic priorities.
- Allocate critical resources based on those priorities.
- Ensure that the incident is properly managed.
- Ensure that incident objectives are met and do not conflict with agency policy.

When an Incident Area Command is established, Incident Commanders (FOSCs) will report to the Incident Area Commander. The Incident Area Commander is accountable to the USCG Commandant for marine oil spills.

Although the general concept for a nationally significant response involves an oil spill, major natural disasters such as earthquakes, floods, or hurricanes create a large number of incidents affecting multi-jurisdictional areas. Due to their size and potential impact, these incidents provide an environment for the use of Incident Area Command as deemed appropriate by the lead federal agency and other agencies that have the responsibility for

the emergency. The procedures for activating an Incident Area command should be written into the multi-jurisdictional Area Contingency Plan.

It is important to remember that Incident Area Command does not replace the Incident Command level ICS organization or functions. Incident Commanders under the designated Incident Area Commander are responsible to and should be considered as part of, the overall Incident Area Command organization. They must be provided adequate and clear delegation of authority.

1004.11.3 Suggested Composition of an ICS Area Command during a SONS

The table below represents a possible staffing structure for an ICS Area Command. The Incident Area Commander, whether at the District or Area level, may add positions and personnel to their staff as the situation dictates. It is important to note that personnel from other agencies such as GSA, DHS/FEMA, DOD, DOI/FWS, DOC/NOAA, local government, state government, or the responsible party may fill some positions. If the USCG Incident Area Command is functioning at the District level, the Incident Area Unified Commander would be the District Commander and the corresponding staff would be from the appropriate District Response Group (DRG) as well as any other district resource.

Table 1000-A. Possible ICS Staffing Structure for Responding to a Coastal SONS

Incident Area-Command Position	Suggested/Recommended Billet
ICS Area Unified Commander	USCG Area Commander
Deputy ICS Area Commander	LANT/PACAREA(Am/Pm) (0-6), G-MOR (0-6) or CO *NSFCC,(0-6)*
Liaison officer	LANT/PACAREA(Am/Pm)(0-6), District RRT Co-Chair (O-6)
Information Officer Protocol Officer Public Affairs Officer	G-CP (0-6) G-CC (0-5) LANT/PACAREA (ACP/PCP), (0-4)
Planning Section Chief Situation Unit Leader Resource Unit Leader	NSFCC CO/XO (0-6/5) NSFCC PREP Team Leader, (0-4) NSFCC OPS, (0-4)
Logistics Section Chief	MLC LANT/PAC, (0-6)

1004.11.4 Establishment of Command

An Area Command is established when the complexity of the incident and incident management span-of-control considerations so dictate. Generally, the administrator(s) of the agency having jurisdictional responsibility for the incident makes the decision to establish an Area Command.

The purpose of an Area Command is either to oversee the management of multiple incidents that are each being handled by a separate ICS organization or to oversee the management of a very large or complex incident that has multiple incident management teams engaged.

This type of command is generally used when there are a number of incidents in the same area and of the same type, such as two or more HAZMAT spills or fires.

These are usually the kinds of incidents that may compete for the same resources. When incidents are of different types and/or do not have similar resource demands, they are usually handled as separate incidents or are coordinated through an EOC. If the incidents under the authority of the Area Command span multiple jurisdictions, a Unified Area Command should be established. This allows each jurisdiction involved to have appropriate representation in the Area Command.

Area Commands are particularly relevant to public health emergencies, given that these events are typically not site specific, not immediately identifiable, geographically dispersed, and evolve over time ranging from days to weeks. Such events as these, as well as acts of biological, chemical, radiological, and nuclear terrorism, call for a coordinated intergovernmental, private sector, and nongovernmental organization response, with large-scale coordination typically conducted at a higher jurisdictional level.

A. RESPONSIBILITIES.

The Area Command does not have operational responsibilities. For the incidents under its authority, the Area Command:

- sets overall agency incident-related priorities;
- allocates critical resources according to the established priorities;
- ensures that incidents are properly managed;
- ensures effective communications;
- ensures that incident management objectives are met and do not conflict with each other or with agency policies;
- identifies critical resource needs and reports them to the interagency coordination system (generally EOCs);
- ensures that short-term "emergency" recovery is coordinated to assist in the transition to full recovery operations; and
- provides for personnel accountability and a safe operating environment.

The Area Command develops an action plan detailing incident management priorities, needs, and objectives. This plan should clearly state policy, objectives, and priorities; provide a structural organization with clear lines of authority and communications; and identify incident management functions to be performed by the Area Command (i.e., public communications).

B. ORGANIZATION.

The Area Command organization operates under the same basic principles as ICS. Typically, an Area Command will comprise the following key personnel, all of whom must possess appropriate qualifications and certifications:

1. Area Commander (Unified Area Command).
The Area Commander is responsible for the overall direction of the incident management teams assigned to the same incident or to incidents in close proximity. This responsibility includes ensuring that conflicts are resolved, that incident objectives are established, and that strategies are selected for the use of critical resources. The Area Command is also responsible for coordinating with Federal, State, local, tribal, and participating private organizations.
2. Area Command Logistics Chief.
The Area Command Logistics Chief provides facilities, services, and materials at the Area Command level and ensures the effective allocation of critical resources and supplies among the incident management teams.
3. Area Command Planning Chief.
The Area Command Planning Chief collects information from various incident management teams to assess and evaluate potential conflicts in establishing incident objectives, strategies, and priorities for allocating critical resources.
4. Area Command Support Positions.
The following positions are activated as necessary.

- **a.** Area Command Critical Resources Unit Leader.
  The critical resources unit leader tracks and maintains the status and availability of critical resources assigned to each incident under the Area Command.
- **b.** Area Command Situation Unit Leader.
  The situation unit leader monitors the status of objectives for each incident or IMT assigned to the area command.
- **c.** Area Command Public Information Officer.
  The PIO provides public information coordination between incident locations and serves as the point of contact for media requests to the Area Command.
- **d.** Area Command Liaison Officer.
  The liaison officer helps maintain off-incident interagency contacts and coordination.
- **e.** Area Command Aviation Coordinator.
  An aviation coordinator is assigned when aviation resources are competing for common airspace and critical resources, and works in coordination with incident aviation organizations to evaluate potential conflicts, develop common airspace management procedures, and prioritize critical resources.

C. LOCATION.

The following guidelines should be followed in locating an Area Command:
To the extent possible, the area command should be established in close proximity to the incidents under its authority. This makes it easier for the Area Commander and the ICs to meet and otherwise interact. It is, however, best not to collocate an Area Command with any individual ICP. Doing so might cause confusion with the command and management activities associated with that particular incident. Area commands must establish effective, efficient communications and coordination processes and protocols with subordinate ICPs, as well as with other incident management organizations involved in incident operations. The facility used to house the organization should be large enough to accommodate a full Area Command staff. It should also be able to accommodate meetings between the Area Command staff, the ICs, and agency executive(s), as well as

news media representatives.

Area Commands may be collocated with EOCs.

D. REPORTING RELATIONSHIPS.

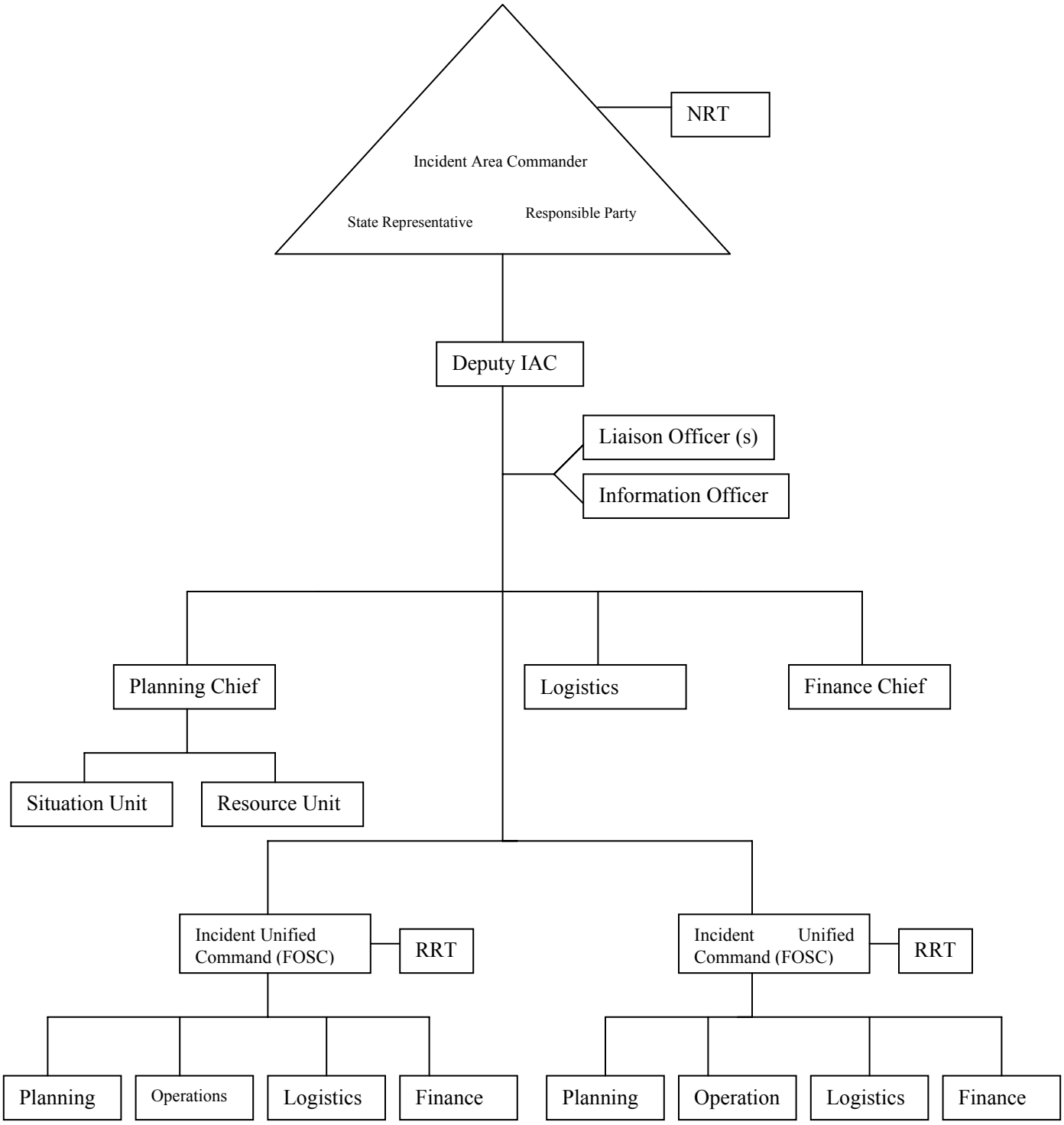
When an Area Command is involved in coordinating multiple incident management activities, the following reporting relationships will apply:

The ICs for the incidents under the Area Command's authority report to the Area Commander. The Area Commander is accountable to the agency(s) or to the jurisdictional executive(s) or administrator(s). If one or more incidents within the Area Command are multi-jurisdictional, a Unified Area Command should be established. In this instance, ICs would report to the Unified Area Commander for their jurisdiction.

1004.12 Nationally Significant Incidents

TBD

Figure 1000-B. Suggested Incident Command System Area Command Organization



1005 AREA CONTINGENCY PLANNING

1005.01 Spill or Release Incident Response Planning

All Federal OSCs are now required to use NIMS ICS/UC as their incident management system. The National Incident Management System (NIMS) ICS is a standardized response management system. It is an "all hazard – all risk" approach to managing crisis response operations as well as non-crisis events. NIMS is based on NIIMS which was originally designed by a group of local, state, and federal agencies with wild- land fire protection responsibilities, to improve the ability of fire forces to respond to any type of emergency. It is organizationally flexible and capable of expanding and contracting to accommodate responses or events of varying size or complexity. NIMS consists of 5 major subsystems that collectively provide a total systems approach to all-risk incident management. These five subsystems are: Incident Command System, Training, Qualifications and Certification, Publication Management and Supporting Technology.

The adoption of NIMS ICS provides many advantages:

- A flexible, standardized response management system that will allow for the cultivation of response management expertise.
- Provides for an increased support of trained personnel during major incidents.
- NIMS is a "public domain" system that unifies Federal, State and local responders into a more effective organization at the local level of response operations.
- Applies to any response situation ("all hazard – all risk"). Provides for a logical and smooth organizational expansion and contraction.
- Maintains autonomy for each agency participating in the response.

1005.01.1 USCG Coastal Zone Response Management

The United States Coast Guard initially adopted the National Interagency Incident Management System (NIIMS) based Incident Command System (ICS) for response to oil and hazardous substance releases on February 9, 1996 (COMMANDANT INSTRUCTION 16471.1). On August 28, 1998 the Coast Guard adopted the use of ICS Coast Guard wide in order provide a standardized response management system for all Coast Guard response operations (COMMANDANT INSTRUCTION 3120.14).

1005.01.2 EPA OSC Inland Zone Response Management

The U.S. EPA has adopted the use of NIMS ICS/UC for response to oil and hazardous substance releases, and is in the process of implementing its policy, field operations guidelines and training requirements.

1005.02 Federal Area Planning and Area Committees

Pursuant to the National Contingency Plan (NCP; 40 CFR Part 300), area committees have been established for each area of the United States that have been designated by the President. The area committees are comprised of personnel from Federal and state agencies who coordinate response

actions with tribal and local governments and with the private sector. Area committees, under the coordinated direction of Federal On-Scene Coordinators (FOSC), are responsible for developing Area Contingency Plans (ACPs). Area committees are also required to work with the response community to develop procedures to expedite decisions for the use of alternative response measures.

The primary role of an Area Committee is to act as a preparedness and planning body. The primary objective of Area Committees is to develop, maintain and exercise Area Contingency Plans (ACPs – also know as Geographic Response Plans, Sub Area Plans, etc.). These Area Committees provide a forum for bringing together Federal, State and local response stakeholders for the purpose of planning and preparing for responses to major incidents that affect multiple jurisdictions. Major response actions require extraordinary cooperation and coordination among all levels of government including sharing in functional responsibilities of incident management: command, planning, operations, logistics, finance and administration

Because ACPs are community plans, Area Committees are made up of experienced environmental, scientific and technical disciplines from federal, state and local government agencies and tribes with definitive responsibilities for the area's environmental integrity. Each member is empowered by his or her own agency to make decisions on behalf of the agency and to commit the agency to carrying out roles and responsibilities as described in the Area Contingency Plan (ACP). The pre-designated Federal On-scene Coordinator (FOSC) for the area will serve as chairman of the committee.

The FOSC will designate the vice-chair, select the committee members, and provide general direction and guidance for the committee. For the six California Coastal Zone Area Committees, a representative from the California Department of Fish and Game Office of Spill Prevention and Response (OSPR) will serve as vice-chair. For Inland Zone Area Committees in Arizona, California and Nevada, vice-chairs will be selected from those agencies assigned by their Governors as Regional Response Team members. For those Inland Zone geographic areas without an Area Committee, the Region Response Team IX Inland Area Committee serves as the Area Committee until such time as a formal geographic Area Committee has been established.

The FOSC should solicit the advice of the Regional Response Team (RRT) to determine appropriate representation from federal and state agencies. The Area Committee is encouraged to solicit advice, guidance, or expertise from all appropriate sources and establish sub-committees as necessary to accomplish the preparedness and planning tasks.

Sub-committee participants may include facility owners/operators, shipping company representatives, cleanup contractors, emergency response officials, marine pilots associations, academia, environmental groups, consultants, response organizations and concerned citizens. The FOSC will appoint sub-committee members. The FOSC directs the Area Committee's development and maintenance of the ACP.

1005.02.1 Coastal Zone Area Planning

1005.02.1(a) Coastal Zone Area Committees

There are six area committees within California (CGD11). These are: North Coast (Del Norte, Humboldt and Mendocino Counties), San Francisco Bay & Delta (San Francisco, Marin, Napa, Contra Costa, Alameda, Santa Clara, San Mateo, Yolo, San Joaquin, Solano, and Sacramento Counties), Central Coast

(Santa Cruz and Monterey Counties), LALB Northern Sector (San Luis Obispo, Santa Barbara and Ventura Counties), LALB Southern Sectors (Los Angeles and Orange Counties), and San Diego (San Diego County). COTP San Francisco Bay chairs the North Coast, SF Bay & Delta, and Central Coast Area Committees. COTP Los Angeles/Long Beach chairs the LALB Northern and Southern Sector Area Committees. COTP San Diego chairs the San Diego Area Committee. A statewide coastal zone Area Committee list can be found at:

http://www.uscg.mil/d11/m/jrt/doc/ACPContacts.doc

1005.02.1(b) Coastal Zone Area Contingency Plans

The US Coast Guard has the primary role in overseeing the development of the Coastal Zone ACPs. Per Coast Guard Commandant Instruction 16471.3, Area Committees shall format their ACPs following the Area Contingency Plan Template and Management System (ACPTAMS). An outline of the ACPTAMS can be located in Appendix D-1 of this document. The content of several sections of the ACPTAMS are applicable to all Coastal Zone Area Committees in RRT-IX, therefore considered regional content. For this reason, these sections have been removed from the local ACPs and placed in the RRT-IX RCP. The crosswalk for these RCP/ACP sections can also be found in forward of the Appendices.

1005.02.1(c) Coastal Zone ACP Revision Schedule

The Commandant of the US Coast Guard has directed the Coastal Area Committees to revise their respective Area Contingency Plans (ACP) at least once every five years or as the FOSC deems necessary. Per COMDTINST 16471.3, Area Committees are directed to format their ACPs in a consistent manner utilizing the Area Contingency Plan Template and Management System (ACPTAMS). The next revision of the coastal ACPs is scheduled for October 2005 with changes/updates made by the Area Committees as necessary.

1005.02.2 Inland Zone Area Planning

1005.02.2(a) Inland Zone Area Committees

For those geographic areas in the inland zone with a published Area Contingency Plan (a.k.a. Geographic Response Plan, Sub-Area Plan, etc.), the Area Committee membership is comprised of those local, state, federal, tribal, NGO and industry representatives identified by the FOSC and the RRT-IX Inland Area Committee as members. In the absence of specific inland zone geographic Response Plans (GRP) and their respective GRP Area Committees, the Area Committee for the remaining inland zone is the Regional Response Team IX Inland Area Committee.

1005.02.2(b) Inland Zone Area Contingency Plans

The existing Inland Zone Area Contingency Plans either being revised or in process include:

- Truckee River Geographic Response Plan

- Upper Sacramento River Geographic Response Plan
- Lower Colorado River Geographic Response Plan
- Mexico/US Border Zone Sister City Plans

Per the NCP (40 CFR Part 300.210), Inland Area Contingency Plans shall include the following

(i) A description of the area covered by the plan, including the areas of special economic or environmental importance that might be damaged by a discharge;

(ii) A description in detail of the responsibilities of an owner or operator and of federal, state, and local agencies and tribes in removing a discharge, and in mitigating or preventing a substantial threat of a discharge;

(iii) A list of equipment (including firefighting equipment), dispersants, or other mitigating substances and devices, and personnel available to an owner or operator and federal, state, and local agencies, to ensure an effective and immediate removal of a discharge, and to ensure mitigation or prevention of a substantial threat of a discharge (this may be provided in an appendix or by reference to other relevant emergency plans (e.g., state or LEPC plans), which may include such equipment lists);

(iv) A description of procedures to be followed for obtaining an expedited decision regarding the use of dispersants; and

(v) A detailed description of how the plan is integrated into other ACPs and tank vessel, offshore facility, and onshore facility response plans approved by the President, and into operating procedures of the NSFCC.

(4)(i) In order to provide for coordinated, immediate and effective protection, rescue, and rehabilitation of, and minimization of risk of injury to, fish and wildlife resources and habitat, Area Committees shall incorporate into each ACP a detailed annex containing a Fish and Wildlife and Sensitive Environments Plan that is consistent with the RCP and NCP. The annex shall be prepared in consultation with the USFWS and NOAA and other interested natural resource management agencies and parties. It shall address fish and wildlife resources and their habitat, and shall include other areas considered sensitive environments in a separate section of the annex, based upon Area Committee recommendations. The annex will provide the necessary information and procedures to immediately and effectively respond to discharges that may adversely affect fish and wildlife and their habitat and sensitive environments, including provisions for a response to a worst case discharge. Such information shall include the identification of appropriate agencies and their responsibilities, procedures to notify these agencies following a discharge or threat of a discharge, protocols for obtaining required fish and wildlife permits and other necessary permits, and provisions to ensure compatibility of annex-related activities with removal operations.

(ii) The annex shall:

(A) Identify and establish priorities for fish and wildlife resources and their habitats and other important sensitive areas requiring protection from any direct

or indirect effects from discharges that may occur. These effects include, but are not limited to, any seasonal or historical use, as well as all critical, special, significant, or otherwise designated protected areas.

(B) Provide a mechanism to be used during a spill response for timely identification of protection priorities of those fish and wildlife resources and habitats and sensitive environmental areas that may be threatened or injured by a discharge. These include as appropriate, not only marine and freshwater species, habitats, and their food sources, but also terrestrial wildlife and their habitats that may be affected directly by onshore oil or indirectly by oil-related factors, such as loss or contamination of forage. The mechanism shall also provide for expeditious evaluation and appropriate consultations on the effects to fish and wildlife, their habitat, and other sensitive environments from the application of chemical countermeasures or other countermeasures not addressed under paragraph (e)(4)(iii).

(C) Identify potential environmental effects on fish and wildlife, their habitat, and other sensitive environments resulting from removal actions or countermeasures, including the option of no removal. Based on this evaluation of potential environmental effects, the annex should establish priorities for application of countermeasure and removal actions to habitats within the geographic region of the ACP. The annex should establish methods to minimize the identified effects on fish and wildlife because of response activities, including, but not limited to: Disturbance of sensitive areas and habitats; illegal or inadvertent taking or disturbance of fish and wildlife or specimens by response personnel; and fish and wildlife, their habitat, and environmentally sensitive areas coming in contact with various cleaning or bioremediation agents. Furthermore, the annex should identify the areas where the movement of oiled debris may pose a risk to resident, transient, or migratory fish and wildlife, and other sensitive environments and should discuss measures to be considered for removing such oiled debris in a timely fashion to reduce such risk.

(D) Provide for pre-approval of application of specific countermeasures or removal actions that, if expeditiously applied, will minimize adverse spill-induced impacts to fish and wildlife resources, their habitat, and other sensitive environments. Such pre-approval plans must be consistent with paragraphs (c)(4)(ii)(B) and (C) of this section and subpart J requirements, and must have the concurrence of the natural resource trustees.

(E) Provide monitoring plan(s) to evaluate the effectiveness of different countermeasures or removal actions in protecting the environment. Monitoring should include "set-aside" or "control" areas, where no mitigative actions are taken.

(F) Identify and plan for the acquisition and utilization of necessary response capabilities for protection, rescue, and rehabilitation of fish and wildlife resources and habitat. This may include appropriately permitted private organizations and individuals with appropriate expertise and experience. The suitable organizations should be identified in cooperation with natural resource law enforcement agencies. Such capabilities shall include, but not be limited to, identification of facilities and equipment necessary for deterring sensitive fish and wildlife from entering oiled areas, and for capturing, holding, cleaning, and

releasing injured wildlife. Plans for the provision of such capabilities shall ensure that there is no interference with other OSC removal operations.

(G) Identify appropriate federal and state agency contacts and alternates responsible for coordination of fish and wildlife rescue and rehabilitation and protection of sensitive environments; identify and provide for required fish and wildlife handling and rehabilitation permits necessary under federal and state laws; and provide guidance on the implementation of law enforcement requirements included under current federal and state laws and corresponding regulations. Requirements include, but are not limited to procedures regarding the capture, transport, rehabilitation, and release of wildlife exposed to or threatened by oil, and disposal of contaminated carcasses of wildlife.

(H) Identify and secure the means for providing, if needed, the minimum required OSHA and EPA training for volunteers, including those who assist with injured wildlife.

(I) Define the requirements for evaluating the compatibility between this annex and non-federal response plans (including those of vessels, facilities, and pipelines) on issues affecting fish and wildlife, their habitat, and sensitive environments.

1005.02.2(c) Inland Zone ACP Revision Schedule

Inland Zone Area Plans will be revised as needed and revisited at least once every three years.

1005.03 Pre-Approved Response Policies: Coastal Zone

It is the policy of the Region IX RRT that applied response technologies (ART) are an integral part of spill response and ought to be available and utilized, as appropriate, in a timely and efficient manner. In order for dispersants and in-situ burning to be effective in addressing marine oil spills, response must be rapid and decision-making must reflect this need. To address this concern, the RRT has established pre-approval zones and policies for the use of dispersants and in-situ burning. The FOSC, in coordination with the Unified Command, will determine if use of these response technologies meet the pre-approval criteria established for Region 9. For the RRT-IX Dispersant Use Plan, see Appendix XII, and for the In-Situ Burning checklists, see Appendix XIII.

1006 DRILLS AND EXERCISE PROGRAMS

1006.01 Federal Programs and Requirements

1006.01.1 National Preparedness for Response Exercise Program (NPREP)

The National Preparedness for Response Exercise Program (PREP) was developed to establish a workable exercise program which meets the intent of section 4202(a) of the Oil Pollution Act of 1990 (OPA 90), amending section 311 (j) of the Federal Water Pollution Control Act (FWPCA), by adding a new subsection (6) and a new subsection (7) for spill response preparedness [33 U.S.C. 1321 (j)].

The PREP was developed to provide a mechanism for compliance with the exercise requirements, while being economically feasible for the government and oil industry to adopt and sustain. The PREP is a unified federal effort and satisfies the exercise requirements of the Coast Guard, the Environmental Protection Agency (EPA), the Research and Special Programs Administration (RSPA) Office of Pipeline Safety, and the Minerals Management Service (MMS). Completion of the PREP exercises will satisfy all OPA 90 mandated federal oil pollution response exercise requirements.

PREP addresses the exercise requirements for oil pollution response. There are additional industry planning and exercise requirements contained in other federal statutes, which are not addressed in the PREP Guidelines. The PREP represents the minimum guidelines for ensuring adequate response preparedness. If personnel within an organization believe additional exercises or an expansion of the scope of the PREP exercises are warranted to ensure enhanced preparedness, they are highly encouraged to conduct these exercises.

The PREP exercises should be viewed as an opportunity for continuous improvement of the response plans and the response system. Plan holders are responsible for addressing any issues that arise from evaluation of the exercises and for making changes to the response plans necessary to ensure the highest level of preparedness.

1006.01.1(a) Participation in PREP(a)

Plan holders are required to meet the pollution response exercise requirements mandated by the federal agency with regulatory oversight for the specific type of industry involved (e.g., vessels, marine transportation-related facilities, onshore and certain offshore non transportation-related facilities, pipelines, offshore facilities). The PREP satisfies these requirements. **The PREP is a voluntary program**. Plan holders are not required to follow the PREP guidelines and, if they choose not to, may develop their own exercise program that complies with the regulatory exercise requirements. The PREP guidelines can be found online at http://www.uscg.mil/hq/nsfweb/download/PREP/PREP_GLNS_Aug_02.pdf .

Applicability

The PREP is applicable to all industry response plan holders who elect to follow these guidelines.

Industry plan holders electing not to adopt the PREP as their exercise program will be responsible for developing and documenting an exercise program that satisfies the appropriate federal oversight agency. If an industry plan holder has developed one response plan that covers a fleet of vessels or regional operations of offshore platforms, this plan holder would only be required to conduct one "set" of exercises for the plan, with the exception of the qualified individual notification exercises and the emergency procedures exercises, which are required for all manned vessels and unmanned barges (as specified in 33 CFR155.101 5).

1006.01.1(b) Participation in PREP(b)

The Eleventh Coast Guard District coordinates the NPREP program for the Region 9 Coastal Zone. The Coast Guard Eleventh District's NPREP coordinator can be reached at 510-437-2794/2940. USEPA Headquarters coordinates the NPREP program for the Inland Zone and can be reached at 202-564-1970.

For detailed information on the NPREP for both the coastal and inland zones, the National Preparedness for Response Exercise Program (NPREP) handbook can be found online at: http://www.uscg.mil/hq/g-m/nmc/response/msprep.pdf.

A three year NPREP Schedule for both the coastal and inland zones can be found on the National Strike Force Coordination Center (NSFCC) Webpage at: http://www.uscg.mil/hq/nsfweb/nsfcc/prep/prepexerciseske05.html

1006.01.2 Homeland Security Exercise and Evaluation Program

The Homeland Security Exercise and Evaluation Program (HSEEP) is both doctrine and policy for designing, developing, conducting and evaluating exercises. HSEEP is a threat- and performance-based exercise program that includes a cycle, mix and range of exercise activities of varying degrees of complexity and interaction. HSEEP includes a series of four reference manuals to help states and local jurisdictions establish exercise programs and design, develop, conduct, and evaluate exercises:

Volume I: Overview and Doctrine (Revised) (http://www.ojp.usdoj.gov/odp/docs/HSEEPv1.pdf) provides requirements and guidance for the establishment and maintenance of an exercise and evaluation program.

Volume II: Exercise Evaluation and Improvement offers proven methodology for evaluating homeland security exercises and implementing an improvement program.

Volume III: Exercise Program Management and Exercise Planning Process (http://www.ojp.usdoj.gov/odp/docs/HSEEPv2.pdf) helps planners establish an exercise program and outlines a standardized design, development, conduct, and evaluation process adaptable to any type of exercise.

Volume IV: Sample Exercise Documents and Formats (http://www.ojp.usdoj.gov/odp/docs/HSEEPv4.pdf)* provides sample exercise materials referenced in HSEEP Volumes I–III. These materials (i.e., planning documents, presentations, etc.) are only available through the ODP Secure Portal (https://odp.esportals.com/) To gain access to the ODP Secure Portal, please call 1-800-368-6498.

1006.01.3 TOPOFF

1006.01.3(a) Background

After 1995 Tokyo subway sarin gas attack, U.S. Congress in 1998 concluded that America's top officials should receive better training to respond to incidents involving Weapons of Mass Destruction (WMD). As a result of this decision, Congress mandated the Department of State and Department of Justice to

conduct a series of role-playing exercises involving Federal, state, and local top officials who would direct crisis and consequence management response to an actual WMD incident. The outcome was TOPOFF (Top Officials), a national-level, multi-agency, multi-jurisdictional, "real- time", limited-notice WMD response exercise. TOPOFF involves law enforcement, first responders, and other governmental and non-governmental officials.

In 1997, the TOPOFF Exercise Planning Conference was held and brought together over 100 state and local emergency response planners and practitioners from across the country to identify objectives of the exercise. The conference was hosted by FEMA and DOJ.

A copy of the Conference Report can found at
http://www.ojp.usdoj.gov/odp/docs/part2.doc

1006.01.3(b) Exercises

To this date, three TOPOFF exercises were held. Exercise TOPOFF 1 was held in May 2000 in Portsmouth, New Hampshire, Denver, Colorado, and Washington D.C.. It was a "no-notice" national exercise mandated by Congress to assess the nation's crisis and consequence management capability. The exercise was co-sponsored by FEMA and DOJ to exercise the plans, procedures, systems, and facilities through Federal, state, and local responses to geographically-dispersed terrorist threats and acts. The After Action Report can be found at

http://www.mipt.org/pdf/TOPOFF2AfterActionRpt.pdf

Exercise TOPOFF 2 was held in May 2002 and was an international exercise to identify vulnerabilities in nation's domestic incident management capability involving Canada and 25 Federal, state, and local U.S. agencies. Participating cities were Seattle, Washington and Chicago, Illinois. It was congressionally-mandated, "open" exercise where participants were introduced to the exercise scenario. TOPOFF 2002 was the largest and most comprehensive terrorism response exercise ever conducted. It was the first national exercise involving newly formed Department of Homeland Security (DHS). The After Action Report can be found at http://www.mipt.org/pdf/TOPOFF2AfterActionRpt.pdf
Exercise TOPOFF 3 was held in April 2005. It was the first time that the National Incident Management System and National Response Plan were employed. The exercise was centered in New London, Connecticut, Union and Middlesex Counties in New Jersey, and included both Canada and the United Kingdom in the process. About 275 federal departments and agencies, state and local organizations from the government and private sector, as well as the first responder community were involved. It was the largest, most complex, comprehensive and dynamic counterterrorism exercise conducted in the United States to date.

1006.01.4 Regional Lead Exercises

1006.01.4(a) CERP

TBD

1006.02 State Programs and Requirements

1006.02.1 Arizona

TBD

1006.02.2 California

The Governor's Office of Emergency Services (OES) pursuant to Government Code §8574.20 is required to develop and manage the California Hazardous Substances Incident Response Training and Education Program. This program provides approved classes in hazardous substance response and to certify students who complete the courses. Title 19, Sections 2510-2560) of the California Code of Regulations were developed to implement the program. California's certified training program meets or exceeds the federal training requirements.

The California Specialized Training Institute (CSTI), as the training organization of OES, provides certified training for hazardous materials response and includes training in the following areas:

- the Standardized Emergency Management System (SEMS);
- National Incident Management System (NIMS);
- First Responder Awareness and Operations;
- Hazardous Materials Specialist and Technician;
- Incident Command;
- Safety Officer;
- Train the Trainer; and,
- Executive Management.

Specialized courses in radiological response, decontamination, rail cars and cargo tanks, clandestine drug labs, response to terrorist incidents involving nuclear, biological and chemical weapons, and criminal investigation of environmental crimes are also provided.

For more information regarding these programs, please refer to the following website: www.oes.ca.gov

1006.02.2(a) Marine

The Oil Spill Prevention and Response Act of 1990 required the establishment of a comprehensive drills and exercises for all marine oil facilities and vessel owner/operators conducting business within the State. Currently, the Office of Spill Prevention and Response (OSPR) administers and tracks two closely related drill and exercise programs designed to ensure that owner/operators as well as oil spill response organizations (OSROs) maintain adequate capabilities to respond to oil

spills. These drill programs are designed to test individual owner/operator's spill management organization and OSROs' on-water recovery and shoreline protection capabilities.

Owner/Operator Drills.

California Government Code Section 8670.29(a) requires all owner/operators of marine facilities, small fueling facilities, mobile transfer units, tank vessels and non-tank vessels or vessels caring oil as a secondary cargo, before operating in the marine waters of the State, to prepare and implement an oil spill contingency plan. Once the Contingency Plan is in place, the Administrator of the OSPR may make inspections and require drills of any oil spill contingency plan, pursuant to government codes section 8670.31. Drills may be designed to exercise part or all of the contingency plan, though each entire plan must be exercised every three years, pursuant to Section 820.01(a) of the California Code of Regulations. These required drills may be either announced or unannounced. Drills are evaluated by the OSPR who also assist in the drill design and participate in the drill process. State drill requirements for owner/operators presently do not apply to operations in none-marine waters.

OSRO Drills and Exercises:

Pursuant to Government Code Section 8670.56.6(j)(1), and OSROs must be rated by OSPR as to the type of response services they can provide for response to an oil spill in the marine environment. Ratings reflects the OSROs ability to deliver and deploy equipment and are only granted by Geographic Regions for booming, on-water recovery and storage, and shore line protection. As outline in Section 819.03(b)(5) of the California Code of Regulations, OSROs are subject to both announced and unannounced equipment deployment drills to verify their ability to provide services identified in their rating All OSROs must submit their drill schedules to OSPR and provide exact drill dates 30 calendar days prior to the exercise.

All rated OSROs are subject to one unannounced drills per year, conducted by the OSPR, in each Area Committee Area in which they have been rated. Unannounced drills are conducted to verify the ability of the OSRO to respond with the equipment and personnel identified in their rating application. Unannounced drills are designed to verify the first 24 hrs of a response In addition, OSROs providing shoreline protection will be subject to one unannounced drill a year that test their ability to provide shoreline protection (CCR819.03(b)(5)(B).

For more information on marine oil spill drills and exercises program for the State of California, please refer to the following web-site: www.dfg.ca.gov/ospr

1006.02.2(b) Inland

Within the inland environment, the State of California provides for the drilling and exercising of the State Emergency Plan and the Nuclear Power Plan.

- Golden Guardian: Exercised the State Emergency Plan and its annexes in a yearly statewide drill. For more information on this program, please refer to the following web-site: www.oes.ca.gov

- Nuclear Power Plan Yearly Exercise . . . .for more information on this program, please refer to the following web-site: www.dhs.ca.gov.

1006.02.3 Nevada

TBD

1006.03 Lessons Learned

Following an exercise, area committees should gather their actual response and response exercise findings (shortfalls, etc) and incorporate them into their ACPs in an effort to improve response preparedness. The Coast Guard has developed **CG-SAILS**, an online program to help Coast Guard FOSCs capture lessons learned from exercises and actual responses. This Coast Guard intranet based program can be accessed at http://www.cgsails.uscg.mil/default.htm . The program is available only through Coast Guard server accounts.

1007 APPLIED RESPONSE TECHNOLOGIES (ART-FOR OIL SPILLS)

1007.01 Policy

The NCP requires that all applied response technologies be approved by the RRT prior to their use in spill response and States, including California, have additional requirements for ART use within their jurisdiction. It is the policy of the Region IX RRT that applied response technologies (ART) are an integral part of spill response and ought to be available and utilized, as appropriate, in a timely and efficient manner. The use of applied response countermeasures - dispersants, *in-situ* burning, and other oil spill cleanup agents (OSCAs) - shall be considered when the environmental benefit of ART use outweighs any adverse effects. Use of dispersants should be a primary consideration for any large off-shore discharges of oil, especially in circumstances in which open water skimming operations may be difficult or where open water recovery could not occur before the oil impacted any of the environmentally sensitive areas located offshore, such as seal rookeries or nesting bird colonies. The use of ARTs other than preapproved use of dispersants and *in-situ* burning are governed by the Incident-Specific RRT approval process, and is accomplished on a case-by-case basis at the time of a spill. Sinking agents are specifically

prohibited for use in Region 9. It is the policy of the RRT that an ART use decision will be made within 2 hours of initial request by the FOSC.

In order for dispersants and *in-situ* burning to be effective in addressing marine oil spills, response must be rapid and decision-making must reflect this need. To address this concern, the RRT has established pre-approval zones and policies for the use of dispersants and in-situ burning. The FOSC, in coordination with the Unified Command, will determine if use of these response technologies meet the pre-approval criteria established for Region 9. The Operational use of Applied Response Technologies (ARTs) available to the FOSC is discussed in this section. Specific planning policies and procedures for the use of ARTs can be found in Planning Section 4002. Determination of use for ARTs can be found in the following appendices: The Dispersant Use Plan in Appendix XII; In-Situ Burning Plan - Appendix XIII; All other oil spill cleanup agents - Appendix XI .

1007.02 Authority and ART Use Requirements

Within the coastal zone, the National Contingency Plan, Section 300.910 authorizes the FOSC, with the concurrence of the EPA representative to the RRT and, as appropriate, the concurrence of the State representative to the RRT with jurisdiction over navigable waters threatened by the release of discharge (of oil) and in consultation with the DOC and DOI natural resource trustees, when practicable, to authorize the use of dispersants, other oil spill cleanup agents (OSCAs) and in situ-burning. The Commandant of the USCG has predesignated the USCG Captains of the Port under his/her jurisdiction as FOSC for oil spills, and has delegated authority and responsibility for compliance with Section 311 of the Federal Water Pollution Control Act to them. The U.S. EPA has been delegated authority under Subpart J of the NCP to authorize use of in situ burning and all OSCAs including dispersants for control of oil spills within the inland waters.

For use in all areas, U.S. EPA maintains the NCP Product Schedule, a list of dispersants and all other OSCAs which the FOSC and/or PRP may consider for use during an oil spill emergency. The Product Schedule does not authorize or pre-approve use of any of the listed products. The FOSC may not authorize use of a product that is not listed on the Product Schedule. In addition to the Federal Product Schedule, individual States may have procedures for the approval and use of OSCAs. The State of California has licensing and use procedures for OSCAs within all waters of the State.

In the application of ARTs, the FOSC should consult with the NOAA SSC prior to ART application in the coastal zone of Region 9, and the EPA Environmental Response Team (ERT) in the inland zone. The NOAA SSC provides oil spill modeling results, interpretation of ESI maps, locations of sensitive areas, chemical effects and environmental risks. The EPA ERT provides technical expertise including air monitoring, radiation monitoring, bioremediation technologies, oil spill cleanup, veterinary services, and related hazmat clean up technologies.

Use of any ART on a Regional boundary shall include the appropriate RRT members of the bordering Region.

1007.03 Applied Response Technology Selection Guide

Volume 1 of the Selection Guide for Oil Spill Applied Technologies was designed to simplify the evaluation of non-conventional or "applied" and infrequently-used technologies for real-time oil spill response. The Selection Guide provides a step-by-step process for determining which

categories of technologies, and which specific products and strategies, might be useful in various oil spill situations. The information in this first volume was prepared by a national team and designed to be applicable nationwide. An introduction to Volume One of the Selection guide can be found in Appendix X, and the Guide in it entirety can be found on the CD enclosed with the Appendices. The FOSC may consult the Selection Guide when making an OSCA use determination.

1007.04 Exceptions

The FOSC is authorized to use any OSCA without requesting permission if its use is necessary to prevent or substantially reduce a hazard to human life. The RRT should be notified as soon as practicable. In situations where a human hazard is not present, the FOSC must receive the concurrence of (1) the EPA representative to the RRT, (2) the RRT representative(s) of the affected State(s), in consultation with (3) the DOI & DOC RRT representatives.

1007.05 Dispersant Use Policy

At the time of an oil spill incident, the FOSC is authorized to evaluate the use of chemical dispersants. Currently, all dispersant use in Region 9 is governed by either the pre-approval process; the preapproval with consultation process; or, the incident-specific RRT approval required process. Detailed information regarding implementation of this processes as well as all applicable checklists are outline in the Dispersant Use Plan in Appendix XII. As of the publication of this document, no areas within the Region 9 are designated as preapproval with consultation zones.

1007.05.1 Dispersant Pre-Approval Zone and Process

The FOSC shall arrive at a decision to use dispersants through the information gathering scheme and decision making process as outlined in the dispersant pre-approval flow chart and utilizing the checklists and procedures found in the Dispersant Use Plan in Appendix XII. Approval of dispersants within a designated pre-approval zone may be accomplished by the FOSC and without further concurrence or consultation with the RRT as outlined in Appendix XII.

Dispersant Pre-Approval Zones are as follows:

- Marine waters 3-200 nautical miles from the coastline or island shoreline except for waters designated as a part of a National Marine Sanctuary or waters that are within three miles of the borders of the Country of Mexico or the State of Oregon.

1007.05.2 Dispersant Incident- Specific RRT Approval Zones and Process

The FOSC shall arrive at a decision to use dispersants through the information gathering scheme and decision making process as outlined in Dispersant Use Plan in Appendix XII, subpart B. Once completed, the FOSC should forward all forms and information to the RRT for approval. These protocols presume that the FOSC has previously determined that a proposed dispersant use does not meet the criteria of pre-approval, but that dispersant use under a case-by-case RRT approval authority is being pursued.

For those spill situations that are not addressed by the pre-approval process, FOSC

authorization to use dispersants requires the concurrence of the EPA and State representatives to the RRT, in consultation with the DOI and DOC representatives. The RRT must approve the use of dispersants at the time of a spill within the following designated marine waters:

Dispersant Incident Specific Approval Required Zones are as follows:

- Marine waters within 3 nautical miles from the coastline, waters designated as a part of a National Marine Sanctuary, or waters that are within three miles of the borders of the Country of Mexico or the State of Oregon; or,
- Marine waters one mile from anadromous fish streams during times of emigration and immigration.

For those spill situations that are not in marine waters, FOSC authorization to use dispersants requires the concurrence of the RRT Co-Chairs (the U.S. Coast Guard and U.S. EPA) and State representatives to the RRT and in consultation with the DOI and DOC representatives.

1007.05.3 Notification of RRT

The RRT IX shall always be notified of dispersant use within Federal waters off of California. The following provides guidance on notification requirements in each designated area:

a) DISPERSANTS ARE PRE-APPROVED: The U.S. Coast Guard RRT co-chair shall be notified by the Unified Command following a dispersant use decision. The U.S. Coast Guard RRT Co-chair will then communicate this information in a timely manner to the U.S. EPA Co-chair and to the RRT Natural Resource Trustees.

b) DISPERSANTS ARE PRE-APPROVED WITH CONSULTATION: After consultation has yielded a recommendation to use dispersants, the RRT co-chair shall be notified of dispersant use by the UC following a dispersant use decision. The U.S. Coast Guard RRT Co-chair will then communicate this information in a timely manner to the U.S. EPA Co-chair and to the RRT Natural Resource Trustees.

c) RRT APPROVAL IS REQUIRED: Once approval for dispersant use has been granted, the U. S. Coast Guard RRT Co-chair will keep the appropriate members of the RRT apprised of the dispersant use activities.

1007.06 In-Situ Burning Use Policy

The primary objective of oil spill abatement and cleanup is to reduce the adverse effect of spilled oil on the environment. Physical removal and subsequent disposal or recycling/re-use of the spilled oil is preferred. However, mechanical recovery may be limited by equipment capability, weather and sea state, storage and disposal problems, and spill magnitude. Use of in-situ burning should be considered by the FOSC when use of this technique will lessen the environmental impacts of the spill. The FOSC shall arrive at a decision to use in-situ burning through the information gathering scheme and decision making process as outlined in the in-situ burning policy in Appendix XIII. Approval of in-situ burning within a designated pre-approval zone may

be accomplished by the FOSC and without further concurrence or consultation with the RRT as outlined in Appendix XIII, subpart A. All other use of in-situ burning requires the approval of the RRT as outlined in Appendix XIII, subpart B.

1007.06.1 In-Situ Burning Pre-Approval Zones:

In-Situ Burning Pre-Approval Zones are as follows:

These pre-approval areas are defined as those areas 35 to 200 miles off the California Coast and the areas around special jurisdictions, such as the Marine Sanctuaries, National Parks and National Wildlife Refuges, Department of Defense reservations or other jurisdictions at San Nicholas and San Clemente Islands, and any other Federal lands or jurisdictions

The FOSC is authorized to use in-situ burning without permission of the RRT if the action would occur in the pre-approval zone, as outlined in the *U.S. Region 9 Letter of Agreement (LOA) Between US Coast Guard, US EPA, US Department of Commerce and the US Department of the Interior Concerning the Use of In-situ Burning as a Response Method to Oil Pollution for Areas 35 - 200 Nautical Miles off the California Coast* (Appendix XIII).The FOSC will determine if conditions are met to authorize an in-situ burn as delineated in the Letter of Agreement (Appendix XIII) and notify the RRT and the California Department of Fish and Game as soon as feasible after the decision is made.

If the in-situ burn does not meet the criteria outlined in the LOA, the FOSC must receive the concurrence of the EPA and State representatives to the RRT, in consultation with the DOI and DOC RRT members through the incident-specific RRT approval process as outlined in Appendix XIII subpart B.

The FOSC may consult with the NOAA SSC prior to in-situ burn application in U.S. Region 9. The NOAA SSC provides oil spill modeling results, interpretation of ESI maps, locations of sensitive areas, chemical effects and environmental risks.

The FOSC will request approval from the RRT to use any in-situ burn on behalf of the responsible party. Use of any in-situ burn on a Regional boundary should include the appropriate RRT members of the bordering Region.

1007.07 Oil Spill Cleanup Agents Operational Requirements

An OSCA is defined as any chemical, or any other substance, used for removing, dispersing, or otherwise cleaning up oil or any residual products of petroleum in, or on, any of the waters of the state or shorelines thereof. This category of substances would include surface washing agents and shoreline cleaners, dispersants, gelling agents, herding agents, emulsifiers-demulsifiers, chemical booms, sorbents (other than polypropylene or other inert products) and bioremediants. The use of OSCAs to address oil spills into the coastal and marine waters are regulated at both the State and Federal levels.

Regional Philosophy

OSCAs are used to further enhance the ability for oil to be removed from the marine environment. While the use of chemical cleaning agents may be appropriate under proper

circumstances, certain limitations must be recognized. The potential for toxic responses in indigenous fauna or flora to the cleaning agent must be considered. The FOSC may refer to the ART Selection Guide in Appendix X to evaluate the appropriateness for any given OSCA.

Except for the use of dispersants use, the FOSC shall arrive at a decision to use an OSCA through the information gathering scheme and decision making process as outlined in Oil Spill Cleanup Agents Process In Appendix XI. Once completed, the FOSC should forward all forms and information to the RRT for approval. The RRT will either approval or deny the request within 2 hrs.

The FOSC may consult with the NOAA SSC prior to OSCA application in U.S. Region 9. The NOAA SSC provides oil spill modeling results, interpretation of ESI maps, locations of sensitive areas, chemical effects and environmental risks.

The FOSC will request approval from the RRT to use any OSCA on behalf of the responsible party. Use of any OSCA on a Regional boundary should include the appropriate RRT members of the bordering Region. The RRT shall be notified of any chemical use as soon as possible.

1007.08 Bioremediation Use

Bioremediation is a treatment technology that enhances existing biological processes to accelerate the decomposition of petroleum hydrocarbons and some hazardous wastes. Bioremediation has been used extensively in waste water treatment of spilled oil. The most extensive field research efforts have been the shoreline treatment studies in Alaska following the Valdez incident. This research suggested that shoreline treatment by nutrient enhancement significantly increased degradation rates of oil when compared to untreated shoreline areas. The benefits of bioremediation, however, have not been adequately demonstrated through field applications. Consequently, this technology should be considered more experimental than an accepted standard for clean up of oil spills.

The promise of bioremediation providing increased rates of oil degradation with minimal input of human effort to cleanup the spilled oil is attractive. However, the technology is time consuming, unproved in open water environments, and probably best suited to the treatment of specific types of shorelines and marsh habitats. At present, bioremediation should be viewed as a polishing agent for the final stages of cleanup rather than as a primary response tool - especially considering the slow rates of reaction to degrade the oil.

1007.08.1 RRT-IX Approach Bioremediation Use on Oil Spills

The primary objective of oil spill abatement and cleanup is to reduce the effect of spilled oil on the environment. Physical removal is the preferred method. However, mechanical recovery may be limited by equipment capability, weather and sea conditions spill magnitude, safety considerations, site accessibility and surface load restrictions. In addition, efforts and equipment used for mechanical recovery may prove to be more destructive to the environment than the original contamination with oil.

Based on the results of current research, and a general understanding of the principles of bioremediation, it is RRT-IX policy that this technology should be used strictly as a shoreline remediation tool with a preference for nutrient enhancement without the introduction of indigenous and/or non-indigenous microbes.

1007.08.2 RRT-IX Policy Guidelines for Bioremediation Use

The FOSC can request the use of a bioremediation agent through the processes outlined in the Bioremediation Checklist Appendix XIV. Each agency resource trustee representative will be the point of contact for his or her constituency; the SSC will be the point of contact for all not represented.

40CFR300.910 of NCP authorizes the use of biological additives for the dispersion/abatement of oil spills. The product must be listed on the NCP Product Schedule and on the list of products licensed by the SWRCB for use in the State of California to be considered for use along the California coastline. The following guidelines consolidate existing Federal and State regulations and streamline the approval process.

(A) Decision Process

The OSC shall adhere to the following:

(1) Inland and shoreline areas: The OSC will obtain approval from the EPA and the California Department of Fish and Game (CDF&G) representing the State of California. The EPA and State representative to the RRT shall consult with the DOI and DOC natural resource trustee(s).

Note: In California, bioremediation products considered for use must be on California's list of approved products, or be incident specific approved by the State representative to the RRT.

(2) Documentation/Technical Assistance: EPA, affected states(s), DOI, and DOC will each have a representative available to coordinate data collection and interpretation and to consult with the OSC.

(3) Monitoring: The application process and results must be recorded visually. This can be accomplished using film or video footage made from the shore or from the air. Visual observations can also be made by a trained observer. Filming should be done without causing delay to the bioremediation application activity.

(4) Documentation

1007.09 S.M.A.R.T. Special Monitoring Of Applied Response Technologies

Special Monitoring of Advanced Response Technologies is a cooperatively designed monitoring program for *In-situ* burning and dispersants. SMART relies on small, highly mobile teams that collect real-time data using portable, rugged, and easy-to-use instruments during dispersant and *In-situ* burning operations. Data are channeled to the Unified Command to address critical questions: *Are dispersants effective in dispersing the* oil in the water column*? Are* airborne *particulates concentrations at sensitive locations exceeding the level of concern?* Having monitoring data can assist the Unified Command with decision- making for dispersant and *In-situ* burning operations..

1007.09.1 SMART Monitoring Protocols for 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 one meter under the dispersant treated slick. The team records and conveys fluorometer data to the 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. (1) Two fluorometers are used on the same vessel to monitor at two water depths; (2) Monitoring is conducted in the center of the treated slick at several water depths, from one to ten meters; and (3) A portable water laboratory provides data on water temperature, pH, conductivity, dissolved oxygen, and turbidity.

1007.09.2 SMART Monitoring for 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 starts the teams continue sampling for particulate concentration trends, recording them both manually at fixed intervals and automatically in the data logger, and reporting to the Monitoring Group Supervisor if the level of concern is exceeded. The Scientific Support Team forwards the data, with recommendations, to the Unified Command.

1007.10 Alternative Response Technologies Evaluation System (ARTES)

During an oil or chemical spill, the On-Scene Coordinator (OSC), who directs the response, may be asked to consider using alternative countermeasure (a method, device, or product besides mechanical methods). To assess whether a proposed countermeasure could be a useful response tool, it's necessary to quickly collect and evaluate the available information about it.

To aid in evaluating alternative countermeasures in particular, the **Alternative Response Tool Evaluation System (ARTES)** was developed by workgroups of Regional Response Teams (RRTs) II and III ARTES is designed to evaluate potential response tools on their technical merits, rather than on economic factors and can also be used to evaluate more conventional countermeasures . Under ARTES, an Alternative Response Tool Team (ARTT), usually in the

Environmental Unit of a Unified Command, rapidly evaluates a proposed response tool and provides feedback to the OSC in the form of a recommendation. The OSC then can make an informed decision on the use of the proposed tool in coordination with the Unified Command. A set of forms has been developed for use in the ARTES process to facilitate the recommendation development procedures.

ARTES is now in place in RRT II (New Jersey and New York) and RRT III (Pennsylvania, Delaware, Maryland, Washington DC, Virginia, and West Virginia) and has been utilized in other regions around the U.S.

ARTES is designed for two uses:

- To evaluate a product's appropriateness for use during a specific incident, under specific circumstances.
- As a pre-evaluation to identify conditions under which favorable outcomes are anticipated when a product is used.

An advantage of ARTES is that it provides a management system for addressing the numerous proposals submitted by vendors and others during a spill. Subjecting all proposals to the same degree of evaluation also ensures that vendors are considered on a "level playing field."

ARTES can be used before an incident as well as during a response in a planning mode by Area Committees or other planning groups to evaluate a particular response tool. Over time, continued evaluation of specific response countermeasures through ARTES should produce a robust record of proposals and recommendations that will facilitate and enhance the decision-making process to employ a range of countermeasures for future responses.

There are two principle times in which the ARTES process can be initiated:

- When no spill response is in progress, a vendor can approach the OSCs (Federal or State) or Regional Response Team (RRT) members to request a product be evaluated. It is then the responsibility of the OSC or RRT representative to determine the value of performing an ARTES evaluation on the product, thus performing an initial screening. If either the OSC or RRT representative decides that a product should be evaluated, he or she then must submit a written request for an ARTES evaluation to the Spill Response Countermeasures Workgroup chairperson at the appropriate RRT.
- During a spill, only the OSC, the Unified Command, the Planning Section Chief, or the Operations Section Chief can initiate an evaluation. They would do so in response to an identified need.

Either before or during a spill response, a proposed response tool must pass the initial screening step, then be thoroughly evaluated. The vendor must provide complete and comprehensive information on the product primarily by completing the Proposal Worksheet (PWS). The information in the PWS is then reviewed by a Response Tool Subcommittee (during the planning phase) or by the Alternative Response Tool Team (during spill response operations). If the PWS is sufficient, the teams evaluate the data, provide recommendations (either to accept or not accept) to the RRT and OSC, and the report is then archived.

Completion of an ARTES evaluation does not indicate that a product is pre-approved, recommended, licensed, certified, or authorized for use during an incident. Spill response products such as dispersants, shoreline cleaners, and biological agents must conform to Federal regulations meant to protect our water resources and ensure that products used for spill response undergo review and testing before they are approved for use. Approved products are listed on the National Contingency Plan (NCP) Product Schedule [http://www.epa.gov/swercepp/pdfs/schedule.pdf EPA website; 204K PDF file]. Additionally, individual states may also have licensing requirements for spill response chemical countermeasures. An OSC need not wait for the ARTES recommendation when deciding whether to use a response tool. ARTES is designed to help, not hinder, the OSC.

ARTES MATERIALS

- ARTES Forms (these are PDF files that you can fill and print out, or download for later use; check http://response.restoration.noaa.gov/pdf.html to learn how to work with them):
    - The Proposal Worksheet (PWS) is the initial information requested from a vendor prior to an evaluation. This is the sheet that someone asking for an ARTES evaluation must use to submit their data.
    - The Data Evaluation Worksheet (DEW) is the form used by the ARTES review committee to evaluate a product.
    - The Summary Evaluation Worksheet (SEW) is the final sheet filled out by the review committee, sent to the vendor (submitter) and archived with the District Response Advisory Team (DRAT; U.S. Coast Guard spill responders who support the OSC).
    - The Operational Needs Survey (ONS) is used only during an actual spill. It is used by the Operations or Planning Unit to identify short-term or long-term needs. That information is then used to solicit technologies to fill those needs.
- ARTES Flowchart A map of the process.
- Selection Guide for Oil Spill Applied Technologies, Volume 1: Decision Making A guide that provides a step-by-step process for determining which categories of technologies, and which specific products and strategies, might be useful in various oil spill situations. Prepared by Region III and IV Regional Response Teams. (webposted 5/09/03; updated 11/17/04)

ELSEWHERE ON THE WEB

- Regional Response Team III's ARTES Policy The ARTES policy established by the Federal Regional Response Team III; includes a detailed description of the ARTES process.

1008 RESPONSE AND CLEANUP TECHNNOLOGIES (NON OIL)

Reserved

1009 INTERNATIONAL RESPONSE (ALSO REFER TO 2013)

1009.01 Coastal: USCG-MXNAV

The Joint Contingency Plan between the United Mexican States and the United States of America regarding Pollution of the Marine Environment by Discharges of Hydrocarbons or other Hazardous Substances (MEXUS Plan) provides standard operational procedures in case of pollution incidents that may represent a threat to the coastal waters or the marine environment of the border zone of both countries. The Joint Contingency Plan derives of the obligation set forth in Article I of the Cooperation Agreement between the United Mexican States and United States of America regarding Pollution of the Marine Environment by Discharges of Hydrocarbons or other Hazardous Substances, signed in Mexico City, on July 24th", 1980. The MEXUS Plan is developed in accordance with the provisions of the International Convention on Oil Pollution Preparedness, Response and Cooperation, adopted in London, on November 30, 1990.
COASTAL http://www.uscg.mil/d11/m/jrt/ or http://www.semar.gob.mx/promam.htm (Spanish)

1009.02 Inland: EPA-GOM

The United States-Mexico Joint Contingency Plan for Preparedness for and Response to Environmental Emergencies Caused by Releases, Spills, Fires, or Explosions of Hazardous Substances in the Inland Border Area (the Inland Plan) provides a mechanism for cooperation between the United States (U.S.) and Mexico in response to a polluting incident that may pose a significant threat to both parties or that affects one party to such an extent as to justify warning the other party or asking for assistance.

Purpose of this Inland Plan is based on Article II of Annex II of the La Paz Agreement, the purpose of this Inland Plan is to protect human health and safety and the environment by providing for coordinated joint responses to polluting incidents affecting the inland border area of the U.S. and Mexico.

The objectives of the inland plan are to provide a bi-national coordination mechanism to assure appropriate and effective cooperative preparedness and response measures between the United States and Mexico for polluting incidents; and to develop systems for notification of a polluting incident within the area covered by the Inland Plan.

The Inland Plan applies to all polluting incidents, as defined by Annex II of the La Paz Agreement, that have the potential to affect the inland border area [see Appendix J of the inland plan for map]. Polluting incidents affecting the marine environment are covered in the United States-Mexico Joint Contingency Plan Regarding Pollution of the Marine Environment signed on July 24, 1980. The Inland Plan does not provide for response to radiological incidents. Nothing in the Inland Plan shall prejudice existing or future agreements concluded between the United States and Mexico, or affect the rights and obligations of the parties under international agreements or arrangements to which they are or may become party. The Inland Plan will be fully coordinated with the "United States - Mexico Joint Contingency Plan Regarding Pollution of the Marine Environment" (Marine Plan or MEXUSPLAN) should both plans be activated for the same

incident.

The inland plan can be found at:
http://www.nrt.org/Production/NRT/NRTWeb.nsf/PagesByLevelCat/Level2Mexico?Opendocument

1010 WORKER SAFETY AND HEALTH

Under the NCP, the Federal OSC is the designated official responsible for addressing worker health and safety issues prior to and during a response operation, and must comply with all worker health and safety regulations. Under the structure of the ICS/UC, the Federal OSC, as a member of the Unified Command, and other members of the Unified Command must reach a consensus on the designation of a Safety Officer. The Safety Officer has individual authority to stop a work activity they consider unsafe or dangerous situation.

The Safety Officer designated by the IC/UC is responsible for assuring personnel health and safety and to assess and/or anticipate hazardous and unsafe situations. The safety officer also develops the Site Safety Plan, reviews the Incident Action Plan for safety implications and provides timely, complete, specific, and accurate assessment of hazards and required controls.

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1010.01 Occupational Safety And Health Administration Jurisdiction

The Department of Labor is a recognized NRT/RRT member agency. In accordance with the NCP, the Department of Labor/OSHA provides advice and consultation to EPA, other NRT/RRT agencies, and the IC/UC FOSC regarding hazards to persons involved in response activities.

The congressionally mandated mission of the U.S. Department of Labor Occupational Safety and Health Administration (OSHA) is to ensure the safety and health of all workers. OSHA jurisdiction within mainland Region 9 is divided between Federal and State Plan Programs. Arizona, California, and Nevada have State OSHA plans and exercise jurisdiction over most private employers in their respective states. Federal OSHA maintains jurisdiction over employers on tribal lands, navigable waters, marine terminals, shipyards, all Federal employees and other pockets of jurisdiction.

The following examples illustrate the delineation of Region 9 OSHA jurisdiction between Federal and State OSHA programs. Although some questions regarding jurisdiction are unambiguous, others are too complex to cover briefly in this document. Please contact Federal or State OSHA for clarification whenever questions arise. Contact numbers are located in the appendix.

1010.01.1 Federal Employees

Federal employees are under the jurisdiction of Federal OSHA even when working on private property.

1010.01.2 State and Municipal Employees

State and municipal employees are the jurisdiction of the State OSHA Plan.

1010.01.3 Private Employers in Region 9

- Private Contractors – In general, private contractors in Region 9 are under the jurisdiction of the State OSHA Plan. See other examples below.

- Paid by Federal Contracts – Private contractors under Federal contract remain private employers and are under the jurisdiction of the State OSHA Plan. If the contractor is working on Federal Property please contact the Federal or State OSHA office to determine jurisdiction.

- Working on Federal Property – Private contractors working on military bases or other federal property may fall under the jurisdiction of either the State OSHA plan or Federal OSHA depending on the exact location of the workers. Please contact Federal OSHA to determine exact jurisdiction for the location of interest.

- On Tribal Lands – Private contractors working on land in BIA trust fall under the jurisdiction of Federal OSHA. Please contact Federal OSHA for further clarification if the contractor is a tribal business run by the tribe or by tribal members.

- Out-of-State Contractors – Private Contractors based in other states must comply with the regulations of the state in which their employees are doing work. They fall under the jurisdiction of the State OSHA Plan.

- Working on Navigable Waters or at Marine Terminals – Privately employed workers on navigable waters are the jurisdiction of Federal OSHA, unless they are seamen, who are the jurisdiction of the US Coast Guard. The State OSHA Plan covers workers at marine terminals when employees are on land, and Federal OSHA covers workers on vessels. The gangplank is the dividing line. Generally, if the worker is on a structure connected to the land (i.e. a bridge) they are the jurisdiction of the State OSHA plan, if the structure is floating, they are the jurisdiction of Federal OSHA. Call Federal OSHA for specific questions about marine jurisdiction.

- Workers at Nuclear Power Facilities – At Nuclear Regulatory Commission licensed facilities, worker safety and health is under the jurisdiction of the Nuclear Regulatory Commission.

- Shipyards – Workers employed in ship building, ship repair, and ship breaking are normally under the jurisdiction of Federal OSHA.

- Workers at Asphalt Plants and Smelters in the State of Arizona – Workers at asphalt plants and copper smelters in the state of Arizona are under Federal OSHA jurisdiction.

- Miners – The safety and health of employees working in mines is the jurisdiction of the Mine Safety and Health Administration (MSHA).

1010.02 OSHA Resources

Upon activation of the RRT, a joint Federal/State OSHA response will provide assistance to the lead federal agency by being the primary support agency for technical expertise and risk management for response and recovery worker health and safety. DOL/OSHA will provide an on-scene Agency Representative and report to the Liaison Officer. DOL/OSHA will usually be Technical Specialists in the Planning Section. The Federal or State OSHA specialist can be

assigned to any Command or General Staff position where their services are needed. OSHA can provide the following technical support:

- Hazard and Risk Assessment
- Development of Site Health and Safety Plan
- Safety monitoring, 24/7
- Health monitoring, 24/7
- PPE/Negative Pressure Respirator selection and dissemination, 24/7
- PPE/Negative Pressure Respirator Training, 24/7
- Negative Pressure Respirator Fit Testing
- Hazard Communication/Right-to-Know training
- HAZWOPER training assistance
- Decontamination planning
- Liaison with unions and employers regarding Safety and Health concerns
- Liaison with other Federal Agencies regarding Safety and Health concerns
- Activation of OSHA Health Response Team (HRT).

Each state also operates an OSHA consultation project designed to assist employers in their worker safety and health efforts. Contacts located in the appendix.

1010.03 OSHA Standards

When an employer falls under the jurisdiction of a State OSHA Plan, they must comply with the standards and regulations of that state plan. Contact your respective state plan for standards. When the employer falls under Federal OSHA jurisdiction, they must follow the standards and regulations contained in 29 CFR 1910 through 1999. Federal OSHA standards may be located at http://www.osha.gov.

Section 5 of the Occupational Safety and Health Act of 1970 requires that employers "furnish to each of his employees a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm." When standards for particular recognized hazards do not exist, employers must protect the safety and health of their workers. National Consensus standards (such as, but not limited to, NFPA, ASME, and ANSI) may provide additional information on recognized hazards and methods to protect workers.

1010.03.1 Access to Exposure and Medical Records

29 CFR 1910.120 requires that exposure and medical records be provided to both the US Department of Labor OSHA and to the affected employees when requested. Please see 1910.120 for details and exact regulatory language. Each State OSHA plan will have a standard at least as effective as this Federal Standard. If the employer is under the jurisdiction of the State OSHA plan, the employer must follow the regulations of that state.

1010.03.2 OSHA Inspection History

The history of OSHA activity with a particular employer may be accessed on the OSHA website at http://www.osha.gov. You must know the name of the company to perform the search. Search results will include dates of inspections, resulting citations and standard numbers, and types and locations of inspections. The database contains information on both Federal and State OSHA Plan inspections.

1010.04 Arizona OSHA State Plan

Arizona Administrative Code (ACC) R20-5-602 adopts the Federal Occupational Safety and Health Standards for General Industry, 29CFR 1910. Each employer is required to comply with the Standards in Subparts C through Z, inclusive of the Federal OSHA standards for general industry, as published in 29 CFR 1910, with amendments as of November 7, 2002, which are on file with the Arizona Secretary of State. These standards apply to all conditions and practices related to general industry activity by all employers both public and private, in the state of Arizona. Additional information can be obtained through the Arizona Industrial Commission's website http://www.ica.state.az.us/ADOSH/oshatop.htm.

1010.05 California OSHA State Plan

http://www.dir.ca.gov/dosh/dosh1.html

1010.06 Nevada OSHA State Plan

http://dirweb.state.nv.us/oshes.htm

1011 PUBLIC HEALTH PROTECTION MEASURES

1011.01 Population Protective Actions

Protective actions for human populations are either shelter in place, evacuation, or some combination of the two (e.g., evacuate the general population but shelter bedridden patients, jail populations, etc.). Guidance is currently being developed by FEMA in conjunction with other Federal agencies on the decision-making process between evacuation and in-place sheltering. Most Public Health Officers have significant authorities pursuant to local statutes and/or ordinances to take measures to prevent and mitigate public health threats such as the authority to impose and enforce quarantine orders for population isolation and detention in the event of a contagious disease.

1011.02 Arizona Local Health Offices

The Arizona Department of Health Services administers programs relating to public health and safety in accordance with ARS Title 36. Due to Arizona's size and the widespread configuration of counties and communities, the proximity of major freeways and secondary roadways, it is essential that local response agencies are able to maintain a capability within their area to provide for the safety and welfare of local residents. Local health services typically provide services to protect water supplies, public systems and private wells. During a HazMat emergency, the local health department will also provide epidemiology service, organize decontamination activities, establish mobile health facilities, and ensure community food safety. Because many counties have limited resources, they will rely on mutual aid agreements, coordinating additional assistance and/or other augmentation through their respective EOC.

Public health professionals at local health offices continually assess the general health of the community through various surveillance methods, i.e. tracking diseases, groups of symptoms, etc. Health departments have begun development of risk communication plans that will enable them to keep the public informed during a HazMat public health emergency or a bioterrorism event. Plans include various ways to provide consistent information to the public/media in order to share valuable details and address concerns.

Provided in Appendix XXIX is a listing of current local health agencies. The listings include: (1) Local Health Officers, (2) Environment Health Officers, and (3) Bioterrorism Coordinators. This list is updated periodically by the local liaison at the Arizona Health Department. The point of contact is Len Medlin, (602) 344-3294.

The local tribal health departments work individually and collectively to provide programs that will ensure their people the highest level of preparedness in the event of a public health threat, while remaining culturally sensitive. Programs include public awareness programs that provide residents and health care workers information to become well informed on health issues involving chemical/hazmat and biological threats and how to respond to those threats. They have expanded the scope of emphasis to include terrorist incidents. Provided at Appendix XXIX is a listing of local tribal health agencies. This list is kept up to date by the State Tribal Health Liaison Officer, Michael Allison, (602) 364-1041.

1011.03 California Local Health Offices

The California Department of Health Services (CDHS) is responsible to protect public health for the State of California and as a part of its mandate, the CDHS administers a broad range of public and clinical health programs that provide health care services to Californians.

The department will respond to all incidents for which it has statutory authority and will provide technical advice and assistance to any incident upon request of local, state, or federal agencies. The various departmental programs maintain equipment for radiological monitoring, personal air monitoring, environmental and product sampling, and remote plume monitoring. CDHS laboratory support is available for sample analysis of materials including air, water, food, and fiber for radiological or other hazardous materials contamination. The department does not have staff trained for hazardous materials first response capability, or for entry into contaminated areas and will provide response activities outside of the control zones for an incident. The Department can be called upon to provide the following services in response to an emergency incident:

- Radiological Health. In the event of a spill or release of radioactive material, the department's radiological health branch will provide technical expertise and assistance to evaluate the incident, provide protective action recommendations to protect public health and the environment, and provide on-site expertise to support field response activities.

- Drinking Water and Environmental Management. In the event of a hazardous materials spill or threatened release which affects a public water system or source of drinking water such as a lake, river, or aqueduct, the department's Drinking Water Field Operations Branch will work with the water utility to prevent contamination of the system. The Field Operations Branch will also issue recommendations to the public in coordination with the utility and local health department to prevent use of contaminated water.

- Food and Drug. The department's food and drug branch will respond to any

release or threatened release affecting such products or facilities, to ensure product safety and embargo contaminated products to prevent their use or consumption.

- Environmental Management. The department's Nuclear Emergency Response program serves as the lead technical agency in the ingestion pathway, recovery, and re-entry phases of a nuclear power plant emergency. Staff of the Emergency Response Program, will establish a joint operations facility with the U.S. Department of Energy along with other federal, state, and local agencies to issue protective action recommendations and coordinate long-term response activities.

- Medical Waste. The department's medical waste programs the lead state agency for the response to a spill of bio-hazardous or medical wastes. The Medical Waste Program will work with local agencies to ensure the safe removal of such material and decontamination of the affected area.

- Shellfish Program. The department is responsible for the safety of commercially grown shellfish in California. Program staff will respond to hazardous materials or sewage spills that threaten shellfish growing areas and, along with the Food and Drug Branch and other state and local agencies, prevent harvesting or sale of contaminated mussels, clams, and oysters.

Under the Department's also has general responsibility to protect the public health and safety and specific mandates related to worker health and safety. These areas include the following:

- Environmental and Occupational Disease Control. The department responds to significant hazardous materials releases that cause deaths or serious injuries, require evacuation or sheltering in place, result in requests from local, state, or federal agencies for worker or community protection assistance, or activate the Railroad Accident Prevention and Immediate Deployment Rapid (RAPID) Plan. DEODC programs provide technical advice and assistance, including assessment of human exposure, epidemiological and toxicological investigations, and risk communication activities. DEODC has the lead responsibility for medical/toxicological assessments of occupational exposures for first responders and provides medical and toxicological consultation to local and other state agencies for exposures experienced by the community.

- The CDHS Licensing and Certification. The department has statutory responsibility to respond to reportable incidents that affect licensed health facilities. Hazardous materials releases or threatened releases that result in evacuation or otherwise affect hospitals or other health facilities must be reported to the Department.

For more information on the California Department of Health Services, please refer to the following website: www.cdhs.ca.gov

1011.04 Nevada Local Health Offices

Reserved

2000 COMMAND

2001 INTRODUCTION

Response actions should be monitored or implemented by the most immediate level of government with the authority and capability to conduct such activities. The first level of response will generally be the responsible party (RP), followed by Local government agencies, followed by State agencies when Local capabilities are exceeded. When the FOSC determines that there is federal interest or an incident response is beyond the capability of the State response, U.S. EPA or USCG may take response measures deemed necessary to protect the public health or welfare or the environment from discharges of oil or releases of hazardous substances, pollutants, or contaminants. The need for Federal response is determined by the FOSC.

2002 ALL HAZARD COMMAND STRUCTURE: UNIFIED COMMAND

The NCP requires FOSCs to direct response efforts and coordinate all other actions at the scene of a spill or release. The NCP further states that the basic format for the response management system is a structure that brings together federal and state agencies, and the responsible party, to achieve an effective and efficient response. This structure is commonly referred to as the Unified Command (UC). The FOSCs coordinate their authority to direct response to a discharge or release with agency officials that may have authority over other aspects of the emergency in a Unified Command. Other aspects of an emergency may include fire suppression, search & rescue, medical triage, crowd control, evacuations, etc. No single agency has sole jurisdictional authority to direct all aspects of a major emergency. That is the primary purpose for establishing a Unified Command. Under Unified Command, no agency with statutory authority for the emergency abdicates that authority. Unified Commanders must reach consensus on decisions relating to the response.

It should be noted that in this structure the FOSC retains ultimate authority in an operation for decisions relating to a response. Since the inception of the NCP, only in few extraordinary situations did a FOSC have to exert his/her own authority independent of the UC when other members were not present or were unable to reach consensus within a reasonable time frame. In addition to the authority to direct a response to a discharge or release, the FOSC has specific responsibilities for addressing worker health and safety concerns at a response scene, in accordance with the NCP (40 CFR Section 300.150).

To standardize response management within marine safety, the Coast Guard has adopted the National Incident Management System (NIMS) Incident Command System (ICS). While Vessel Response Plans (VRPs) and Facility Response Plans (FRPs) are required to have a management system compatible with the Area Contingency Plan, there is no requirement for VRPs and FRPs to follow NIMS ICS. However, it is to their advantage to adopt the NIMS ICS since this is the national standard for incident management. If an ICS is not established by vessel and facility owners, the Federal government will establish an ICS to manage the incident and the responsible parties are encouraged to participate. The responsible parties will ultimately be liable for the cost incurred by the government to establish, implement and maintain a NIMS ICS to manage the emergency.

The ICS organization is built around five major management functions that are applied to the response of any incident, large or small. The functions are Incident Command, Operations, Planning, Logistics, and Finance. A major advantage of the ICS organization is the ability to expand and contract organizationally as required by the incident. For some incidents only a few of the organization's functional elements may

be required. For larger or more complicated responses, additional positions exist within the ICS framework to meet virtually any need.

When there is more than one jurisdiction or when there is more than one agency with authority for the emergency, , the Incident Commander (IC) should establish a Unified Command (UC) consisting of the Federal IC (i.e., FOSC), the State's IC the Local IC and the Responsible Party IC.. The IC/UC is responsible for assigning individuals from within the response community (Federal, State, local or private), as necessary, to fill key ICS management positions The IC/UC is responsible for managing all functional positions until they assign that position to another individual These assignments will be predicated on the nature of the discharge or release and the need for extensive staffing. These positions and their responsibilities are as follow

2003 COMMAND AND GENERAL STAFF - ICS

2003.01 Command Staff

2003.01.1 Information Officer (IO)

Information Officer (IO) is responsible for the coordination and release of all information to the response workers, the media and the public. In addition, the IO is responsible for press releases and the scheduling of press conferences related to the incident. The IO may also establish a Joint Information Center (JIC) to facilitate the coordinated release of available information.

2003.01.1(a) Joint Information Center (JIC)

Joint Information Center (JIC) – JIC is a facility established within or near the Incident Command Post where the Information Officer and staff can coordinate and provide information on the incident to the public, media and other agencies. The JIC is normally staffed with representation from the FOSC, state and local incident command authorities, RP and other agencies in Unified Command as appropriate.

2003.01.2 Liaison Officer

Establish liaison, as needed, with representatives of assisting and cooperating agencies. This will often be with the same agencies represented at the IC level, but will typically be a link to a more senior organizational level than that represented on-scene.

2003.01.3 Safety Officer

Safety Officer is responsible for the safety of all activities associated with the response

and compliance with applicable safety laws and regulations. Also, the Safety Officer is responsible for assessing hazardous and unsafe situations and developing measures for assuring personnel safety This responsibility is limited to the boundaries of the response and does not extend to public safety measures not under the incident control and authority of the IC/UC.

2003.01.3(a) Site Safety Plan

During a major incident involving hazardous substances, several hazardous materials response (HazMat) teams could participate in the response. These teams should consist of personnel trained to at least the technician level, and should be in complete compliance with OSHA's 1910.120 regulations. One of these requirements is the development of a site safety plan (SSP).

HazMat teams that could be present during a response include teams from municipal fire departments, contractors for RP's, states or federal agencies; a USCG Strike Team; teams from military bases; and industrial mutual aid teams. Because each of these entities normally develops its own site safety plan, there is potential for conflict or confusion when the various response teams arrive at an incident. To ensure the safety of all responders and effectively implement the response, procedures to coordinate all efforts to develop safety plans for the site are needed.

If a site has a single IC, that commander will appoint a Safety Officer (SO), who will coordinate with the safety officers of all responding HazMat teams. The SO will ensure compatibility of all of the various site safety plans with the overall site safety plan. If a Unified Command is in place, the unified commanders will appoint an overall SO, who will be responsible for completing an overall SSP.

Any safety officer, who disagrees with any portion of the SSP, after working with the SO, should communicate concerns to the senior official on site for his or her organization. That official should discuss those concerns with the IC or Unified Command. The IC, or unified commanders, will bring the matter to the attention of the SO and seek a resolution. The IC, who is ultimately responsible for the safety of everyone on site, has final approval of the SSP.

The U.S. Department of Labor Occupational Safety & Health Administration (OSHA) has provided the responder with a standardized SSP format that can be found at: http://www.osha.gov/SLTC/etools/ics/safe_off.html

2003.02 General Staff (See 4002.01)

(Additional requirements may be found in the Incident Management Handbook):

- **Planning Section Chief** is responsible for the development of the Incident Action Plan (IAP) and identifying alternative strategies for the containment and cleanup of the discharge or release.

- **Operations Section Chief** is responsible for management of the tactical response to the discharge or release, including containment and cleanup efforts.

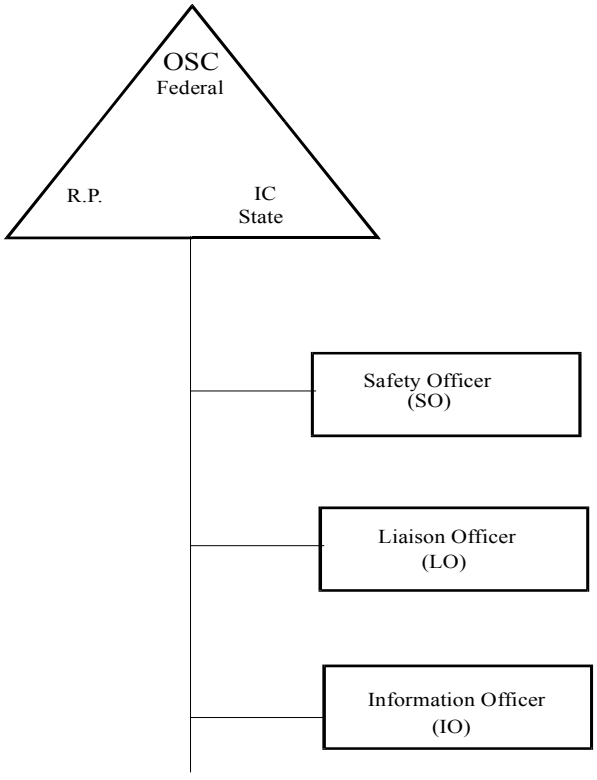
- **Logistics Section Chief** is responsible for ensuring that the necessary personnel and equipment are obtained and delivered to conduct response operations.

- **Finance/Administration Section Chief** is responsible for the accounting management of Fund expenditures, including documentation for claims and cost recovery. This position will typically be staffed by a DRAT (see ACP Section 5612.2) or NPFC representative for marine oil spills under Coast Guard jurisdiction. EPA may staff this position with Contracting Officers from their regional office.

2003.03 Media Briefings

Refer to the United States Coast Guard Incident Management Handbook for information on Media Briefings

COMMAND SECTION DIAGRAM
FIGURE 2000-A



2004 COMMAND RESPONSE AUTHORITIES

2004.01 Federal Response

Federal OSCs have command response authorities pursuant to OPA, CERCLA and the NCP.

Federal OSCs assume the role of Federal Incident Commander for responses under their jurisdictional authorities (i.e., discharges of oil to navigable waters of the United States, releases of hazardous substances, and releases of pollutants or contaminants that pose a substantial threat to public health, welfare or the environment). EPA OSCs have individual emergency contracting procurement authority up to $250,000 to take immediate actions to protect the public and the environment from the hazards posed by a discharge or release and to initiate cleanup operations until further funding, if needed, is authorized by the Agency. Additionally, Federal OSCs have the authority to request response support and assets from other Federal agencies under the National Response System as described in the NCP.

2004.02 State Response

Reserved

2004.02.1 Arizona

Emergency Response – Oil Spills And Hazardous Materials Incidents: The Department of Environmental Quality provides the designated member of the RRT for the State of Arizona and is the lead agency for the State for addressing spills, providing a 24-hour response capability. ADEQ must provide technical assistance to the responsible party and the responding personnel and ensure compliance with the spill regulation and other pertinent State and Federal rules and regulations. Technical assistance takes the form of chemical identification, handling, and hazard information; evaluation of the threat to environmental and public safety; personal protection recommendations; containment and cleanup methods; and resource identification and location. On large spills, or where the spiller fails to respond adequately, ADEQ staff respond on-site in the response effort, assuming the role of State On-Scene Coordinator (SOSC).

During a response, staff of the Emergency Response Unit (ERU) of ADEQ assumes the role of technical advisors to the responsible party and provides on-scene assistance to that individual, as well as to those individuals or agencies involved in the response. On occasion, ERU staff has assumed a role that would appropriately be called that of an On-Scene Commander (OSC). However, if a structure (e.g., ICS) exists within a Local or County jurisdiction that provides an OSC and that OSC is being utilized, ERU staff will stand ready to provide assistance to that OSC.

Once the immediate threat to public health and the environment has been relieved, then the incident is further stabilized and cleaned up under ERU supervision. Arizona Revised Statutes, Title 49, prescribes that responsible parties report to ADEQ and perform a spill response. A spill response means that a spill is contained and free material is removed or neutralized. ERU staff refers disposal of recovered material, which is classified as a waste, to appropriate personnel in the Waste Management office of ADEQ. ERU staff may then conduct a follow-up investigation to ensure that the material has been disposed of properly and the clean up is acceptable.

Other Agencies' Responsibilities and Requirements: The role of liaison between spiller and the different program areas of ADEQ is perhaps the greatest benefit that the ERU can

provide to those involved in a spill. This role can also extend to other State Agencies and other response organizations. State agencies include:

Arizona Division of Emergency Management (ADEM) is the lead planning agency for coordinating man-made and natural disasters. ADEM also provides an alternate member for the RRT.

The State Fire Marshals Office responds to fire and explosions hazards from hazardous materials.

The Arizona Department of Agriculture, Environmental Services Division, provides technical guidance regarding agricultural chemical incidents including fertilizers and pesticides. It also conducts investigations of improper application of regulated agricultural chemicals.

The Arizona Game and Fish Department conducts investigations to assess damages to natural resources including fish, game, water ways, and state land.

The Arizona Corporation Commission regulates oil distribution facilities, including operation, maintenance, construction, and abandonment of related equipment.

The Arizona Radiation Regulatory Agency is the lead agency for releases of radiological materials. They also provide technical guidance to ADEM regarding related health issues and protective action recommendations.

The Arizona Department of Health Services is the lead agency for releases of etiological materials and epidemiological pathogens. They provide technical guidance to ADEM regarding health issues and advisories.

The Arizona Department of Public Safety provides traffic control for major transportation incidents on state and federal highways and assists local law enforcement agencies as requested on municipal and county roads and highways.

The Arizona Department of Transportation responds to hazardous materials incidents on state and federal highways and assists local and state responders, as requested.

The State Emergency Response Commission (SERC) has recognized that many State agencies will have roles to play and that coordination among those agencies is critical. As a result, the SERC has defined responsibilities and the lines of communication as part of planning efforts for emergencies.

2004.02.2 California

Emergency Response - Oil Spills And Hazardous Materials Incidents: The California Department of Fish and Game (DFG) and the Governor's Office of Emergency Services (OES) provides the designated RRT members for the State of California. DFG developed

and implements the state's Oil Spill Contingency Plan and serves as the state's public trust representative for fish, wildlife and their habitat at all off-road oil and hazardous waste spills. DFG provides technical advice on cleanup methods to minimize damage to living resources; arranges for and oversees the care and rehabilitation of injured wildlife; determines when to terminate a cleanup when natural resources are threatened or affected; and conducts investigations to establish criminal and civil liability and responsibility and impacts to natural resource. DFG is responsible for the licensing and use of oil spill cleanup agents in state waters.

OES coordinates the emergency activities of all state agencies during and emergency through standardized emergency management system incorporating principles of the incident Command System, the Multi-agency Coordination System, the Mutual Aid Agreement, and the Operational Area Concept. OES wrote the State Emergency Plan and the Hazardous Materials Contingency Plan, and operates the state's central spill notification reporting system.

State statute does not identify a specific agency to serve as an Incident Commander for off-highway inland oil and hazardous waste spills. Typically, local agencies will head the incident command if they have the appropriate training and resources. When natural resources are at risk, DFG will serve as the Incident Commander, and fill positions within the incident command system, when requested by the local agency of the impacted area.

Other State Agencies' Responsibilities and Requirements: Other state agencies that have specific responsibilities during a spill include:

(a) California Highway Patrol: The California Highway Patrol (CHP) serves as the state's Incident Commander for all on-road spills occurring on all highways constructed as freeways, all state-owned vehicular crossings (toll bridges) and on most highways and roadways (state or county) within the unincorporated areas of the state. The CHP is also responsible for traffic supervision and control in these areas. The CHP provides technical support and expertise concerning commercial vehicle equipment regulations and/or hazardous material transportation provisions.

(b) Department of Toxic Substance Control: The Department of Toxic Substance Control (DTSC) provides technical advice regarding the safe handling of and suitable disposal of toxic materials. Upon request, DTSC will respond to incidents involving facilities or activities, where it has enforcement responsibilities to ensure compliance with regulations. DTSC's Oil Spill Prevention Unit assists in the assessment, evaluation, and control phases of a hazardous materials incident.

(c) State Water Resource Control Board: The State Water Board (SWRCB) and its nine Regional Water Quality Control Boards (one located in each of the nine major watersheds of the state), as state trustees for surface waters, provide DFG and DTSC with technical assistance by evaluating the potential impact of hazardous material spills on water resources. Regional Water Quality Control Boards set sediment cleanup limits at spill sites.

(d) California State Fire Marshal: The State Fire Marshal (CSFM) has the primary responsibility for the safety of all interstate and intrastate hazardous liquid pipelines in the state. CSMF Pipeline Safety Division engineers will respond to all pipeline-related incidents.

(e) California Department of Parks and Recreation: The Department of Parks and Recreation (DPR) responds locally when a spill or release would impact State Park property. The coordination of local districts is handled through DPR headquarters. Enforcement and non-enforcement staff in each district may be utilized for traffic control and for evacuating, closing, and patrolling DPR property. DPR ecologist may be used to identify natural and cultural resources at risk, and injuries to such resources. Heavy equipment and operators are also available from DPR.

(f) Department of Transportation: The Department of Transportation (CALTRANS) response to oil spills/hazardous materials releases is generally limited to the area of right-of-way. However, equipment and personnel are available to contain releases occurring off the right-of-way especially in life-threatening incidents in the interest of public safety. Caltrans has 72 emergency teams stationed throughout the state and will make its entire fleet of vehicles and their operators available to assist in spill response operations.

Other agencies serve a secondary role and provide technical support and resources as needed: however, they do not generally maintain an emergency support capability for on-scene response. These agencies include State Lands, Department of Agriculture, Department of Justice, Department of Health Services, Office of Environmental Health and Hazard Assessment, California Coastal Commission, Bay Conservation and Development Commission and the Department of Conservation, Division of Oil and Gas, and Geothermal Resources**.**

2004.02.2 Nevada
Reserved

2005 FOSC RESPONSE COORDINATION

2005.01 Federal OSC Response

The Federal OSC directs Federal response efforts and coordinates all other Federal efforts at the scene of a discharge or release. The **FOSC** may monitor Local, Tribal, State, or private entity actions to remove a discharge **or release**, and may provide technical assistance to Local, Tribal, State, or responsible party response personnel. If the incident occurs in EPA jurisdiction, a request for technical assistance from a State, Tribal or Local agency to EPA should be placed in writing and sent via fax (415-947-3518) to the Chief, Emergency Response Section. A written request is also required when a Local, State or Tribal government agency requests EPA to take control of the incident or conduct a Federally-funded removal action to mitigate the discharge or release, or threat of a discharge or release.

If a response action is being conducted through Local, Tribal, State, or responsible party efforts, the FOSC will ensure adequate oversight of response actions. If Local, Tribal, or State agencies

or the responsible party cannot or will not initiate action to eliminate the threat, or if the removal is not being conducted properly, the FOSC would advise the government agency or responsible party that the Federal government will take appropriate response actions under existing authorities to protect public health, welfare and the environment.

For releases of hazardous substances, pollutants, or contaminants that are on, or the sole source of the release is from, any facility or vessel under the jurisdiction, custody or control of the Department of Defense (DOD), or the Department of Energy (DOE), DOD or DOE shall provide FOSCs and RPMs for all response actions. In the event DOD (including the Department of the Army) or DOE provides the FOSC for removal operations in response to an off-post and off-site or potential off-post and off-site release, the DOD or DOE FOSC may request the RRT Co-Chair to provide support by facilitating FOSC and RRT coordination and communication. Decisions regarding RRT agencies' support would, however, be made as usual by the DOD or DOE FOSC. DOD will be the removal response authority with respect to incidents involving DOD military weapons and munitions or weapons and munitions under the jurisdiction, custody, or control of DOD.

In the case of a federal agency other than EPA, **USCG**, DOD, or DOE, such agency shall provide FOSCs for all removal actions that are not emergencies. EPA FOSCs may be requested to provide technical assistance to the lead agency FOSC who is responding to a release or threatened release. This request for assistance from another Federal agency to EPA should be placed in writing and sent via fax (415-947-3518) to the Chief, Emergency Response Section. EPA FOSCs may be requested by another Federal agency to conduct a removal action on their property. In this situation, EPA may decide to enter into a reimbursable Interagency Agreement (IAG) with the other agency where EPA does the removal work and the other agency later reimburses EPA for their removal costs.

When the FOSC has determined that a discharge or release has occurred or there is a substantial threat of a discharge or release, he/she is authorized by the NCP to direct all private, State, or Federal actions to remove the discharge or release or to mitigate or prevent the threat of such a discharge or release. In addition, the FOSC may, if necessary, destroy a vessel discharging, or threatening to discharge, by whatever means available, without regard for any other provision of law governing contracting procedures or employment of personnel by the Federal government (40 CFR 300.322).

Upon receipt of notification of a discharge or release, the FOSC is responsible for conducting a preliminary assessment to determine the threat to human health and the environment; the responsible party and its capability to conduct the removal; and, the feasibility of a removal or the mitigation of impact.

In accordance with the NCP, FOSC responsibilities in the event of a discharge or release include the following:

a) Notify the appropriate State and Federal agencies pursuant to the NCP.

b) Determine whether proper response actions have been initiated. If the party responsible for the release or spill does not act promptly in accordance with the directions

of the FOSC or does not take appropriate actions, or if the party is unknown, the FOSC shall respond in accordance with provisions of the NCP and agency guidance.

c) Collect information concerning the discharge or release; its source and cause; the identification of potentially responsible parties; the nature, amount, location, direction, and time of discharge; pathways to human and environmental exposure; potential impact on human health, welfare, and safety, and the environment; possible impact on natural resources and property; priorities for protecting human health and welfare and the environment; and estimated cost for the response.

d) Coordinate his/her efforts with other appropriate Federal, State, and Local agencies.

e) Consult with and inform the RRT members of reported discharges and releases through Pollution Reports in Message Format (refer to 2005.01.1(a) for POLREP guidance).

f) Consult with the appropriate Regional or District office regarding situations potentially requiring temporary or permanent relocation. In the event of a declared Federal disaster, coordinate with the Federal Emergency Management Agency (FEMA) Federal Coordinating Officer (FCO) as appropriate. The NRP may have some modifications to existing disaster coordination structures

g) Implement appropriate community relations activities.

h) Address worker health and safety issues prior to and during a response operation, and comply with all worker health and safety regulations.

i) Consult with the Agency for Toxic Substances and Disease Registry (ATSDR), as the FOSC deems necessary, regarding short-term and/or long-term health threats to the local community from exposures to hazardous substances, pollutants and/or contaminants.

j) Coordinate with the U.S. EPA Office of Radiation and Indoor Air (ORIA) and the Department of Energy (DOE) in emergencies involving radiological hazards.

As requested by the NRT or RRT, the FOSC shall submit to the RRT a complete report on the removal operation, the actions taken, and the lessons learned. The report shall record the situation as it developed (e.g., a chronology of events), the actions taken, the resources committed, the problems encountered, the lessons learned and the recommendations for specific actions that need to be taken to improve emergency preparedness and response at all levels of government and private industry.

2005.01.1 Transition of FOSCs

There are occasions when command responsibilities must transition from one FOSC to another. The transition in FOSCs is often necessitated by a determination of where the greatest impact of a spill is likely to take place. For example, a spill may originate in the inland zone where EPA has primary responsibility, but the majority of the impact from the spill may occur in the coastal zone where the USCG has responsibility. Regardless of the circumstances that necessitate a transition from one jurisdiction to another clear and

effective communication between the incoming and outgoing FOSC is essential to an efficient and safe response. At a minimum, the transition period should at least one operational period and one complete planning cycle so that the incoming FOSC is thoroughly briefed on all aspects of the response operation. Every effort must be made to share all pertinent information during this briefing period. The transition from one OSC to another should not be considered complete until the on-coming OSC acknowledges they are comfortable and the transition is documented. This exchange of information could involve multiple issues and various amounts of detail, depending on the complexity of the spill. It should include, but is not limited to:

Current Situation
Status of the source & spill
Review of the IAP & Site Safety Plan
Review of Site Communications
Discuss Resources En-route & On-Scene
Organizational Structure
Unified Command & RP Representation
ICS Org Chart Review
Schedule of Meetings
Site Visit & Walk Thru
Spill Investigation / Legal Issues
Cause of Spill
Investigation & Evidence
Notifications
What notifications have been made?
Stakeholders? Tribes?
Local Issues & Economics?
Wildlife & Environment
Wildlife Impact Issues
Endangered Species
Environmental Sensitive Areas
Public Affairs & Media

For incidents involving an oil discharge or substantial threat of an oil discharge to surface waters**,** and a transition between federal agencies is necessary after the Oil Spill Liability Trust Fund is opened and a Federal Project Number (FPN) assigned, the change in FOSC should be documented in a Pollution Report (POLREP). Both agencies must also submit cost documentation to account for funds expended during their tenure as OSC.

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2005.01.1(a) Situation/Pollution Reports Guidance (SITREP/POLREP)

Coast Guard Reference COMDTINST M16000.10, Coast Guard Marine Safety Manual, Volume VI, Chapter 7.B.6.b.(1). The POLREP format can be found in Volume VII of the Marine Safety Manual, Figure 7-7.

2005.01.1(b) FOSC Report

FOSC Reports will be submitted as required by the RRT or at the discretion of the FOSC for a particular incident as stated in 40 CFR 300.165. FOSC Reports should be routinely prepared for all major response actions to document lessons learned from the perspective of the FOSC and others that the FOSC has surveyed to enhance the report with a broader perspective. This should be considered an important mechanism for documenting and sharing information on lessons learned within the FOSC's organization as well as with others in the response community. The lessons learned can be used as a basis for making positive changes and improvements in emergency prevention, preparedness, planning, response and recovery.

2005.02 OSC Coordination with Regional Response Teams

The RRT should be activated at the request of an OSC as an intergovernmental coordination team when an actual or potential discharge or release:

1. Exceeds the response capability available to the federal On-Scene- Coordinator (FOSC) in the place where it occurs;
2. Crosses State/FOSC boundaries;
3. May pose a substantial threat to the public health, welfare, environment, or to regionally significant amounts of property;
4. Otherwise meets the definition of a major discharge as defined in the National Contingency Plan (NCP); or
5. When requested by the FOSC or an RRT Representative.

Regional Response Center	Regional Response Center
EPA, San Francisco	USCG, Alameda, CA
415-	510-437-3701
415- fax	510-437- fax

When an incident occurs in the Coastal Zone or in specified harbor areas in Region IX, the RRC will be located at the appropriate EPA or Coast Guard District office. Region IX coincides with Coast Guard District 11 (California, Nevada, and Arizona).

Location	District Office
Incidents involving specific ports/harbors in California, contact Eleventh Coast Guard District.	510-437-3701

Once a Co-Chair decides to activate the RRT or receives such a request from another RRT representative, 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 be the lead for

inland incidents. Notification of remaining RRT members will be the responsibility of the lead Co-chair and may be delegated to the RRT Coordinator or other staff representatives.
When activated, the RRT may meet or convene by teleconference at the call of the lead incident specific Chair and may:

1. Monitor and evaluate reports from the FOSC. The RRT may advise the FOSC on the duration and extent of the federal response and may recommend to the FOSC specific actions in responding to the discharge or release;

2. Request other Federal, State/Commonwealth, or local government, or private agencies to provide resources under their existing authorities to assist the FOSC's response efforts;

3. Help the FOSC prepare information releases for the public and for communications with the National Response Team (NRT);

4. If circumstances warrant, make recommendations to the regional or district head of the agency providing the FOSC that a different FOSC should be designated; and

5. Submit Pollution Reports (POLREPS) to member agencies and other entities as significant developments occur.

Arrangements for meeting locations and/or teleconferences will be the responsibility of the incident-specific Chair or designated representative. The recording and distribution of summaries of meetings or teleconferences conducted upon RRT activation shall also be the responsibility of the lead CO-C hair or other designated representative.
The RRT will be deactivated by the incident-specific Chair typically after a discussion with the RRT Agencies. The incident-specific Chair, or his/her representative will be responsible for notifying RRT members of the deactivation. The dates and times for activation and deactivation should be included in POLREPS or other summaries generated by the FOSC or the incident-specific Chair and/or documented in summaries of meetings or teleconferences of the RRT.

The NCP requires that OSC Reports be prepared "as requested by the NRT or RRT". FOSCs may, of course, also issue OSC Reports on their own initiative, independent of a RRT or NRT request. The RRT should consider requesting an OSC Report when the pollution response involved:

- an unusual challenge;
- a unique or complex issue (e.g., intergovernmental coordination, use of a new technology, etc.)
- a decision that creates precedent; or
- a lesson learned that should be made known regionally or nationally.

2005.03 OSC Coordination with Federal Agency Response)

OSC Coordination with Multi-Agency Response (TBD)

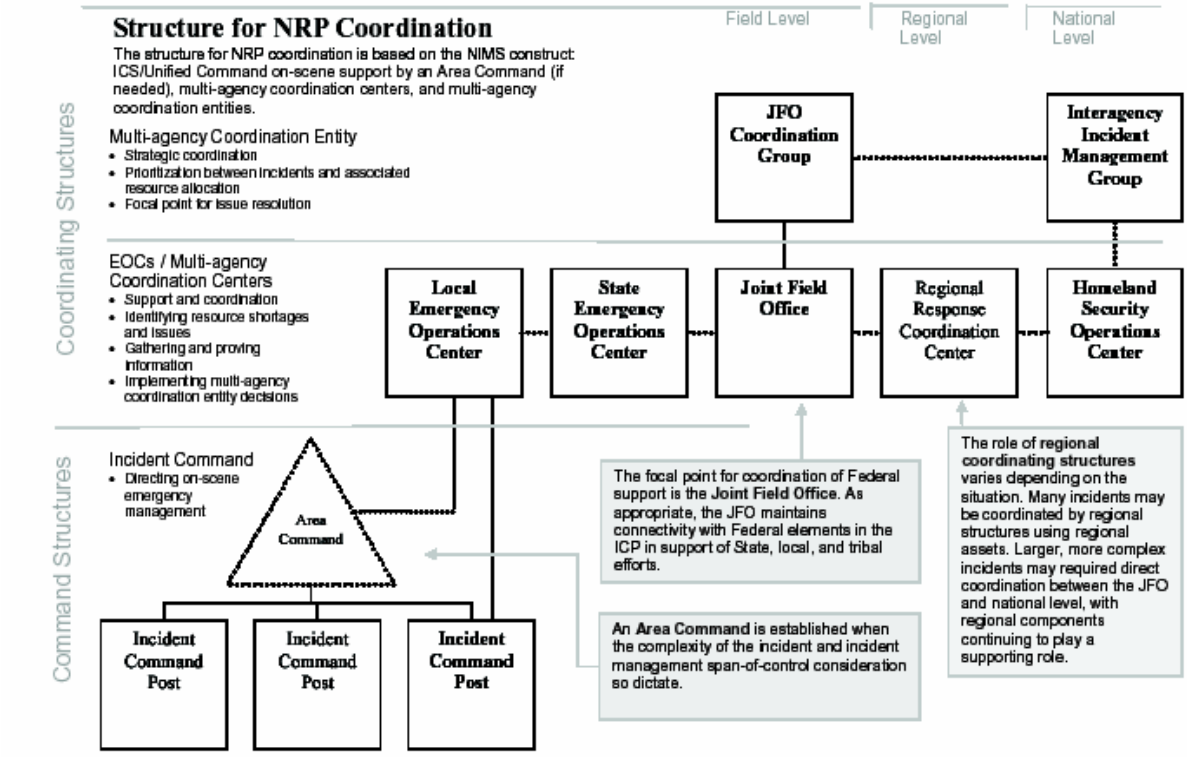

Figure 1 Coordinating structures from the National Response Plan

2006 GUIDANCE FOR SETTING RESPONSE OBJECTIVES

2006.01 Command Objectives

In the Clean Water Act, Congress declared "... it is the policy of the United States that there should be no discharges of oil or hazardous substance..., and that necessary actions shall be undertaken to remove discharges and eliminate the threat of imminent discharges." This policy is reiterated to serve as a guiding light for the flow of response decisions and allocation of resources.

In support of U.S. policy, the paramount response strategy that should be implemented by the Unified Command is to allocate resources to their optimum use; i.e. the most oil recovered, contained, or prevented from being discharged per expenditure of resources. The only variance from this strategy should be considerations of safety and the protection of critical environmentally sensitive or economically, culturally or archeologically significant resources that may demand protection even though manpower and equipment may be deployed elsewhere to more efficiently recover oil. Examples of the latter may include protecting a waterfront area that may be threatened by fire or explosion if impacted, and protecting a municipality's water supply. The priorities of strategic objectives must be carefully considered since they vary from case to case, but generally they are as follows:

2006.02 Region IX Incident Objectives

2006.02.1 Stop the Source

Stopping the source or shutting off the flow is typically the objective with the highest priority. Planning and implementing the intervention countermeasures necessary in order to quickly reduce or mitigate the size of the spill is of paramount importance. This is the logical first priority for a purely environmental threat.

2006.02.3 Prevent Ignition

All hydrocarbon fuels will catch fire and burn. Oils, crude, and heavy paraffins are typically not subject to easy ignition. However, light ends, refined light oils, and highly volatile hydrocarbon fuels can be highly susceptible to easy ignition. Extreme care must be taken during the planning phase to identify all possible sources of extraneous ignition, and implement steps to eliminate them. Local fire departments consider the prevention of ignition of a non-ignited fuel to be their highest priority. Further, the vapors of all hydrocarbon fuels, oils, crude, and paraffins are heavier than air, and will travel downward and outward seeking an ignition source.

2006.02.4 Contain the Spill

Methods to contain the spill should be the next planning objective. Only a small percentage of oil can be successfully skimmed and recovered from open water. Oil escaping areas of concentration contribute to an increase in oil loss and damage to the environment. Planning objectives must be identified to establish primary containment, secondary containment, methods of containment intervention, and selection of containment sites. Additional focus should direct attention to the prevention of the contaminant to escape containment efforts.

2006.02.5 Open Water Response

Operations directed to plan and manage open water recovery objectives follow the containment phase. The main objective is to intercede in a manner to minimize or prevent shoreline damage and reduce threat to wildlife. Planning these operations will necessitate an examination of the resources needed to intercept the spill before it impacts the shoreline, and prepare for removal.

2006.02.6 Shoreline Protection and Response

In the event that open water recovery objectives cannot be completely met, and the spill threatens to make land fall along shoreline, planning must direct immediate attention to shoreline recovery. Accomplishing these objectives will be affected by many factors, including shoreline topography, tidal backflow, eddies, currents, accessibility, and weather. Natural collection opportunities may be identified respective to the topography and terrain. Planning of each shoreline collection opportunity should be considered on a

case-by-case basis. Dedicating open water containment equipment to protecting these areas is not wise if oil that would otherwise have been recovered is merely free to strike other sensitive areas that have not been 'prohylactically' boomed. In general, planning must address objectives which includes tactics that do not weaken open water recovery operations; deployment of resources that are not needed in the open water operations; relocation of threatened wildlife by means such as capturing, or caring with propane noise-making cannons, and closing off narrow channels with sediment dikes, boom, siphon dams or other natural or man-made materials.

2006.02.7 Shoreline Cleanup

Shoreline cleanup should be undertaken only when the threat of recontamination from floating oil has been controlled. Objectives impacting the planning of shoreline cleanup may include: pre-cleaning the beaches of trash and debris prior to the impact of the oil; identification of access routes by water and land; locations for the staging and positioning of cleanup equipment; and examination of tidal change frequency and magnitude.

2006.03 General Response Priorities

In general, protection of the environmentally sensitive areas that could be impacted will receive a higher priority than economically significant sites. This hierarchy was established in the ranking of the environmentally sensitive sites as A, B & C and the economically significant sites as D, E, & F with the highest priority being A . However, as mentioned before, resources and sites determined to be critical to the preservation of human health and safety, such as drinking water intakes, power plant intakes and desalinization plants afford first priority, ahead of an environmentally sensitive site.

The Unified Command will make the final decision regarding protection priorities for the environmentally sensitive and economically significant areas. In order to further assist the UC, additional prioritization of equally categorized areas that could be impacted may, in the future, be included in this plan. This will allow the UC to determine which priority A sites are to be protected when initial resources will only allow the protection of a few of them.

The UC may utilize the predetermined response strategies for environmentally sensitive sites and economically significant sites. The UC must decide which sites are in jeopardy of being oiled and the response strategy should be implemented as indicated in the response strategy site summary sheets included in Appendix V. However, the UC and the responders should remain flexible and be receptive to additional information when instituting the booming plan or other countermeasures. Factors such as unusually high winds, strong tidal currents or freshets, equipment limitations, bottom conditions and the type of oil can have a significant effect on the proposed strategy. Modifications to the preplanned strategies should be expected.

In addition to the seasonal variances, the protection priority of an entire area could be changed. For example, if the SSC or a DFG biologist determine that a certain section of marshland or coastline, previously categorized as a lower priority (or not categorized at all), is currently a breeding ground for an endangered species, then protection of that site may be afforded the utmost priority even at the expense of a previously categorized A site located adjacent to it.

2006.03.1 Discharge or Release Control Responsibilities

Selection of appropriate spill protection, recovery, and cleanup techniques prior to and following a spill is a critical element affecting the ultimate environmental impact. To choose those techniques which most effectively prevent or minimize adverse ecological impact, it is important to identify techniques which have minimal intrinsic ecological impacts and are also effective in minimizing the impact. Furthermore, it is important that these response techniques be pre-planned so that in the event of a spill, minimal time be spent preparing for the response.

Refer to Section 3008 of this plan for details on disposal of recovered oil and contaminated materials.

As stated previously, the FOSC directs response efforts and coordinates all other efforts at the scene of a discharge. As part of this effort the FOSC should:

- Collect information about the discharge including source and cause;
- Identify responsible parties;
- Obtain technical data including amount, exposure pathways, and time of travel;
- Determine potential impact on human health and the environment;
- Determine whether spill poses a substantial threat;
- Assess impact on natural, cultural and historic resources and other properties;
- Determine protection priorities; and
- Document costs.

FOSCs shall consult with the natural resource trustees and appropriate Local, Tribal, State, and Federal response agencies on removal actions as appropriate. FOSCs may designate capable persons from Local, State, or Federal agencies to act as their on-scene representatives. FEMA should be notified of all potential major disaster situations.

Properly trained volunteers can be used for such duties during an incident as beach surveillance, logistical support, and bird and wildlife rehabilitation. Such use of volunteers must, however, be approved by the appropriate State, Federal, and Native American fish and wildlife officials. Unless specifically requested by the FOSC, these volunteers generally should not be used for physical removal or mitigative activities. If, in the judgment of the FOSC, dangerous conditions exist, these volunteers shall be restricted from on-scene operations.

All response actions shall be conducted in accordance with the NCP. Oil and hazardous materials recovered in cleanup operations and contaminated materials shall be disposed of in accordance with this RCP and Local contingency plans.

2007 TRUSTEE AGENCY AND STAKEHOLDER COORDINATION

The Regional Response Team is responsible for assisting the FOSC, who shall ensure that trustees for natural resources are promptly notified of discharges or releases. The FOSC shall coordinate all response

activities with affected natural resource trustees and shall consult with affected trustees on appropriate removal action to be taken. In accordance with the NCP, FOSCs are required to contact the Department of the Interior when a discharge may impact any natural resource including endangered species or their habitat.

2007.01 Federal Trustees

Pursuant to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), Federal Trustees are federal officials who are to act on behalf of the public as trustees for natural resources. Federal officials so designated will act pursuant to Section 107(f) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Section 311(f)(5) of the Clean Water Act (CWA), and Section 1006 of the Oil Pollution Act (OPA).

Natural resources mean land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled (hereinafter referred to as "managed or controlled") by the United States (including resources of the exclusive economic zone).

The following individuals shall be the designated trustee(s) for general categories of natural resources, including their supporting ecosystems. They are authorized to act pursuant to Section 107(f) of CERCLA, Section 311(f)(5) of the CWA, or Section 1006 of the OPA when there is injury to, destruction of, loss of, or threat to natural resources, including their supporting ecosystems, as a result of a release of a hazardous substance or a discharge of oil.

1. Secretary of Commerce - The Secretary of Commerce shall act as trustee for natural resources managed or controlled by DOC and for natural resources managed or controlled by other federal agencies and that are found in, under, or using waters navigable by deep draft vessels, tidally influenced waters, or waters of the contiguous zone, the exclusive economic zone, and the outer continental shelf. However, before the Secretary takes an action with respect to an affected resource under the management or control of another federal agency, he shall, whenever practicable, seek to obtain the concurrence of that other federal agency. Examples of the Secretary's trusteeship include the following natural resources and their supporting ecosystems: marine fishery resources; anadromous fish; endangered species and marine mammals; and the resources of National Marine Sanctuaries and National Estuarine Research Reserves.

2. Secretary of the Interior - The Secretary of the Interior shall act as trustee for natural resources managed or controlled by the DOI. Examples of the Secretary's trusteeship include the following natural resources and their supporting ecosystems: migratory birds; anadromous fish; endangered species and marine mammals; federally-owned minerals; and certain federally managed water resources. The Secretary of the Interior shall also be trustee for those natural resources for which an Indian tribe would otherwise act as trustee in those cases where the United States acts on behalf of the Indian tribe.

3. Secretary for the Land Managing Agencies - For natural resources located on, over, or under land administered by the United States, the trustee shall be the head of the department in which the land managing agency is found. The trustees for the principal

federal land managing agencies are the Secretaries of DOI, USDA (Forest Service), DOD, and DOE.

4. Head of Authorized Agencies - For natural resources located in the United States but not otherwise described in this section, the trustee shall be the head of the federal agency or agencies authorized to manage or control those resources.

2007.02 State Trustees

State trustees shall act on behalf of the public as trustees for natural resources, including their supporting ecosystems, within the boundary of a state or belonging to, managed by, controlled by, or appertaining to such state. The governor of a state is encouraged to designate a state lead trustee to coordinate all state trustee responsibilities with other trustee agencies and with response activities of the RRT and FOSC.

The state's lead trustee would designate a representative to serve as contact with the FOSC. This individual should have ready access to appropriate state officials with environmental protection, emergency response, and natural resource responsibilities. The EPA Administrator or USCG Commandant or their designees may appoint the state lead trustee as a member of the Area Committee. Response strategies should be coordinated between the state and other trustees and the FOSC for specific natural resource locations in an inland or coastal zone and should be included in the Fish and Wildlife and Sensitive Environments Plan annex of the ACP.

2007.03 Tribal Trustees

The tribal chairmen (or heads of the governing bodies) of Indian tribes, or a person designated by the tribal officials, shall act on behalf of the Indian tribes as trustees for the natural resources, including their supporting ecosystems, belonging to, managed by, controlled by, or appertaining to such Indian tribe, or held in trust for the benefit of such Indian tribe, or belonging to a member of such Indian tribe, if such resources are subject to a trust restriction on alienation. Such officials are authorized to act when there is injury to, destruction of, loss of, or threat to natural resources, including their supporting ecosystems as a result of a release of a hazardous substance.

2007.04 Foreign Trustees

Pursuant to the Oil Pollution Act, foreign trustees shall act on behalf of the head of a foreign government as trustees for natural resources belonging to, managed by, controlled by, or pertaining to such foreign government.

2008 INVESTIGATION REPRESENTATIVES

Reserved

2009 EVIDENCE COLLECTION ACTIONS

2009.01 Sample Collection Procedures

The FOSC must observe precautions when collecting and handling liquid samples for analyses, as the character of the sample may be affected by a number of common conditions. Standard agency protocols are to be followed in the collection and shipment of all samples. Reports of laboratory analyses will be forwarded to the appropriate RRT Co-Chair for transmittal to counsel.

2009.02 Photographic Records

Conditions should be photographed to show the source and the extent of oil or hazardous material, if possible using both color and black-and-white film. The following information should be recorded on the back of each photographic print: (a) name and location of vessel or facility; (b) date and time the photo was taken; (c) names of the photographer and witnesses; (d) shutter speed and lens opening; and (e) type of film used and details of film processing.

2009.03 Chain-of-Custody Record

All samples and other tangible evidence must be maintained in proper custody until orders have been received from competent authority directing their disposition. Precautions should be taken to protect the samples from breakage, fire, altering, and tampering. It is important that a chain-of-custody of the samples be properly maintained and recorded from the time the samples are collected until ultimate use at the trial of the case. In this regard, a record of time, place, and name and title of the person collecting the sample, and each person handling same thereafter, must be maintained and forwarded with the sample. Form No. l-EPA-3500-5-1 may be used. U.S. EPA Regional procedures for sample collection, transport and custody are to be used for all samples submitted to the Regional Laboratory

2010 NATURAL RESOURCES DAMAGE ASSESSMENT

Natural Resource Damage Assessment (NRDA) is the process of identifying and quantifying the resource impacts and evaluating the value of impacted resources for the purpose of restoration. Successful pursuit of NRDA actions, either by the trustees alone or in cooperation with the RP(s), is a complex process comprising numerous tasks involving the interaction of scientists, economists, lawyers, and administrators. The DOI Rules and NOAA rules reduce some of the complexity by establishing an assessment process and providing a mechanism for determining the merits of going forth with the assessment and claim. The process provides a record of the trustee's decisions.

The NRDA Representative is responsible for coordinating NRDA needs and activities of the trustee NRDA Teams with the ICS spill response operations. This includes close coordination with the Planning Section for obtaining timely information on the spill and injuries to natural resources. The NRDA Representative will coordinate with the Scientific Support Coordinator, the RP and Legal specialists for possible coordination of NRDA or injury determination activities.

- Attend appropriate planning meetings to facilitate communication between NRDA Team and ICS elements.
- Identify site access, transportation support, logistics requirements and staffing needs to the proper ICS elements.
- Interact with ICS elements to collect information essential to NRDA.
- Coordinate sampling requirements with Sampling Specialists and the Situation Unit.

- Coordinate with the Liaison Officer and the SSC to identify other organizations available to support NRDA activities.
- Ensure that NRDA activities do not interfere or conflict with response objectives.

As natural resource(s) trustees, agencies are responsible for assessing damages to resources under their jurisdictions occurring as a result of oil spills or the release of hazardous substances. Additionally, agencies are responsible for seeking recovery for losses from the responsible person(s) and for devising and carrying out rehabilitation, restoration, and replacement of injured natural resources.

Where more than one natural resource(s) trustee has jurisdiction over a resource, these agencies will coordinate and cooperate in carrying out the activities described above (reference NCP 300.600). Damage assessment is controlled by the designated natural resource(s) trustees and not response; however, it is important for natural resource(s) trustees to work with the FOSC to coordinate activities as necessary.

DOI is the Federal natural resource(s) trustee for migratory birds, certain marine mammals, certain anadromous fish, federally listed threatened and endangered species, and DOI-managed lands such as National Parks, National Recreation Areas, BLM-administered lands, and National Wildlife Refuges.

The DOI Office of Environmental Policy and Compliance manages the Department's natural resources trust and response programs for natural and technological incidents, such as oil spills, hazardous substance releases, radiological accidents, floods, hurricanes, and earthquakes, that may affect natural resources or Departmental lands or facilities.

This includes supervision of DOI's participation in contingency planning, response activities, technical assistance, and training exercises. In this regard it represents the Department in the NCP, the FRERP, and the National Plan for Federal Response to a Catastrophic Earthquake, and other Federal response plans for natural and technological hazards on national and regional response teams.

The DOI Office of Environmental Policy and Compliance is the initial contact for notification and for overall coordination of DOI's trustee activities. USFWS is the program manager for migratory birds, threatened and endangered species, anadromous fish, and lands in the National Wildlife Refuge system, and will likely be among those involved for DOI in spill incidents because of its responsibility for these resources.

Those agencies such as DOD, DOE, the Department of Agriculture/U.S. Forest Service, and DOC/NOAA may serve as co-trustees with DOI. At the time of a spill, the trustees of affected State and Tribal communities and Federal trustees will meet and select one agency to act as Lead Administrative Trustee (LAT) and will convene a trustee group to ensure the best possible coordination of natural resource trustee activities such as data gathering, damage assessment, and negotiations with responsible parties.

DOI and DOC/NOAA can also provide technical assistance to those agencies for the initiation of damage assessments. The Federal damage assessment regulations for oil discharges mandated under OPA were developed by NOAA and are now final (15 CFR Part 990). The regulations developed by DOI under CERCLA and CWA authorities apply to releases of hazardous substances, and are in effect and available for trustee guidance and use (43 CFR Part 11).

Specific natural resource trustee activities which may be expected to begin during a response include, but are not limited to, convening the trustee group; developing and implementing initial sampling plans; establishing the lead administrative trustee; developing initiation requests to the OSLTF; selecting appropriate assessment strategies; and implementing longer-term assessment studies.

2011 SONS

If a discharge occurs in either the coastal or inland zone, and due to its severity, size, location, actual or potential impact on the public health and welfare or the environment of the United States (40 CFR 300.320 (a)(2)), or the necessary response effort is so complex that it requires extraordinary coordination of Federal, State, Local, and responsible party resources to contain and clean up the discharge, the Commandant of the Coast Guard (coastal zone) or Administrator of the EPA (inland zone) may classify the incident as a Spill of National Significance (SONS) under the National Oil and Hazardous Substance Contingency Plan (NCP) (40 CFR 300.5). The NCP describes, in part, the Federal government's responsibility for strategic coordination and support of Federal On-Scene Coordinators (FOSC) when responding to SONS.

To meet these responsibilities, an "Area Command" organizational model used for major/multiple incident management within NIMS may be established. Other agencies or the RP may use different organizational structures (not based on the NIMS Area Command model) to carry out similar strategic coordination to support the IC or UC. In such instances, the Coast Guard or EPA will work with the affected State(s), RP, and other appropriate agencies to agree on an organizational structure that best ensures effective strategic coordination and support to the incident management team(s).

When a discharge is classified as a SONS, the Commandant or Administrator may name an Area Commander. The Area Commander will establish an Area Command organization. Pursuant to 40CFR300.323, the Area Command will support the FOSC(s) by assuming the role of:

- Communicating with affected parties and the public, and
- Providing strategic coordination of Federal, State, Local, and International resources at the National level.
- This strategic coordination will involve, as appropriate, the NRT, the RRT, the Governor(s) of the affected state(s), and the mayor(s) or other chief executive(s) of local government(s). In addition, the Area Command will coordinate with the senior corporate management of the RP(s).
- To ensure a clear line of succession, a Deputy Area Commander will be designated by the Commandant or appointed Area Commander.

The Area Command does not replace the on-scene Incident Command/Unified Command organization(s) or functions. Tactical operations continue to be directed at the on-scene IC/UC level. The Area Command will be established to include representatives of the RP and affected Federal, State, Local and International interests. Representatives to the Area Command should typically be at the highest executive levels of the RP and responding government agencies.

2011.01 Establishment of Command (TBD)

2011.02 Area Command

There shall be only one FOSC serving as Incident Commander at anytime during the course of a response operation to a single incident, regardless of whether the spill covers multiple areas, ACPs or Federal Regions (40CFR300.140). In the coastal zone, the primary consideration in determining which Captain of the Port (COTP) is to be the FOSC is based upon which area is the most vulnerable or is faced with the greatest threat. If a discharge or release moves from the area covered by one ACP into another area, the authority for response actions should likewise shift. In the inland zone, the FOSC should initially come from the EPA Region whose response jurisdiction is the most vulnerable or is faced with the greatest threat.

- When a discharge affects two or more areas with different lead agencies having response authority (for example EPA and Coast Guard), the FOSC to be assigned as Incident Commander should be assigned from the agency that maintains the most appropriate response expertise or whose area is vulnerable to the greatest threat. If the agencies cannot agree, the applicable Regional Response Team (RRT) or Teams will designate the FOSC.
- The National Response Team (NRT) will designate the FOSC if two or more RRTs are unable to agree on an FOSC designation within two or more adjacent RRT areas.
- The Area Command structure is intended to enhance the local response organization and will rely on the applicable ACP(s) as the basis for strategic direction of response actions.

2012 NATIONALLY SIGNIFICANT EVENT

The Secretary of Homeland Security, as the Principal Federal Official (PFO) for domestic incident management, declares Incidents of National Significance (INS) in consultation with other departments and agencies as appropriate. During an INS, the PFO provides:

- Coordination for Federal operations and/or resources,
- Establishes reporting requirements, and
- Conducts ongoing communications with Federal, State, local, tribal, private sector, and nongovernmental organizations to:
    - Maintain situational awareness,
    - Analyze threats,
    - Assess national implications of threat and operational response activities, and
    - Coordinate threat or incident response activities.

Incidents of National Significance are defined as situations related to the following four criteria set forth in HSPD-5:

1. A Federal department or agency acting under its own authority has requested the assistance of the Secretary of Homeland Security.
2. The resources of State and local authorities are overwhelmed and the appropriate State and local authorities have requested Federal assistance. Examples include:
    - Major disasters or emergencies as defined under the Stafford Act; and
    - Catastrophic incidents (see pages 43 and 63 of the NRP).
3. More than one Federal department or agency has become substantially involved in responding to an incident. Examples include:
    - Credible threats, indications or warnings of imminent terrorist attack, or acts of terrorism directed domestically against the people, property, environment, or political or legal institutions

of the United States or its territories or possessions; and

- Threats or incidents related to high-profile, large-scale events that present high-probability targets such as National Special Security Events (NSSEs) and other special events as determined by the Secretary of Homeland Security, in coordination with other Federal departments and agencies.

4. The Secretary of Homeland Security has been directed to assume responsibility for managing a domestic incident by the President.

Additional information regarding Incidents of National Significance under the National Response Plan can be found at: http://www.dhs.gov/interweb/assetlibrary/NRP_FullText.pdf

2013 INERNATIONAL RESPONSE(ALSO REFER TO 1009)

2013.1 Coastal-

The MEXUS Plan establishes a unified MEXICO and USA Joint Response Team (JRT). In Mexico, the OSC will be the Commander of the 1st Naval Zone (ZN-1) if MEXUSGULF is activated, and the Commander of the 2nd Naval Zone (ZN-2) if MEXUSPAC is activated. In the USA, the OSC will be appointed by the Chief of the Marine Safety Division of the CGD8 for MEXUSGULF; and by the Chief of the Marine Safety Division of the CGD11 for MEXUSPAC. The members of the Command Staff and the Advisory Liaison Coordinator (ALC) will be designated by their respective OSCs and will report to them. When the JRT meets in Mexico, the Mexican JRT Co-chair will preside and when it meets in the USA, the USA JRT Co-chair will preside. Figure 201-1 of the MEXUSPLAN establishes the lines of Command of the Mexico JRT and Figure 201-2 of the MEXUSPLAN those of the USA JRT.

The USA JRT Co-chair may deploy a U.S. Response Advisory Team at the request of the Mexico JRT Co-chair to a Mexico Unified Command (UC). This team will include RRT9 member agency representatives including USCG, USEPA, NOAA, USDOI, CA OSPR, with additional Federal agencies requested as needed to complement the team. The team would be tasked with providing response expertise to the Mexican UC, serve as a communication conduit between Mexican UC and U.S. JRT, address protection measures for potential threats to U.S. waters and facilitate requests for additional U.S. response resources.

2013.2 Inland -

The federal response structure that will provide the nucleus for coordinating a joint response to a polluting incident under the Inland Plan is summarized below. A detailed list of duties and responsibilities of federal entities can be found in Appendix I of the Inland Plan.

The national coordinators for the 1983 La Paz Agreement, to coordinate and monitor implementation of the La Paz Agreement are:

- The Environmental Protection Agency (EPA) for the United States; and
- The Secretariat of Environment, Natural Resources, and Fisheries (SEMARNAT) for Mexico.

The national coordinators are to be kept informed by their respective coordinating authorities for

this Inland Plan of all key activities and emergency activations conducted under the Inland Plan.

The inland Joint Response Team (JRT) is the policy and decision making body with overall responsibility for the maintenance and effective implementation of the Inland Plan. The Co-chairs of the JRT are EPA and SEMARNAP, who also serve as the coordinating authorities for implementation of this Inland Plan.

For the United States, the Co-chair will be a representative from US EPA Headquarters Chemical Emergency Preparedness and Planning Office (CEPPO). For Mexico, the Co-chair will be a representative from PROFEPA. Membership on the JRT is comprised of relevant supporting agencies from each country. The JRT co-chairs will assure coordination with the JRT support agencies.

The Issue/Incident-Specific Joint Response Team (ISJRT) is responsible for effective implementation of the Inland Plan on a regional level in the U.S. and on a state and local level in Mexico in accordance with the policies of the JRT. The Issue/Incident-Specific Joint Response Team may be composed of Regional, State, and local agencies of each country.

- Issue-Specific Team: The general function of the Issue-Specific Joint Response Team includes planning and preparedness prior to a polluting incident. This Issue-Specific Joint Response Team may be convened to resolve a preparedness issue that requires localized geographic action. The Issue-Specific Joint Response Team will be led by a representative from the U.S. and/or Mexico as designated by the JRT Co-chairs.
- Incident-Specific Team: The general function of the Incident-Specific Joint Response Team includes monitoring and support of response operations during a polluting incident. This Incident-Specific Joint Response Team may be convened when a polluting incident has occurred and coordination of response and follow-up is required or when there is a threat to a specific geographic area that requires coordination of appropriate personnel. The Incident-Specific Joint Response Team will be led by:
  • For the United States, the United States Regional Response Team (RRT) co-chairs of the appropriate EPA Regional area; and,
  • For Mexico, the State Civil Protection representative and the respective PROFEPA delegate.

The On-Scene Coordinator (OSC) is the official designated by each country to exercise the functions and responsibilities for coordinating joint response action at the site of a polluting incident in the inland border area of that country and providing information on the polluting incident to the ISJRT. The OSC may:

- Provide advice, assistance, and support to the local or state incident commander and as coordinator direct the federal government activities at the scene of a polluting incident; or,
- Direct the response to the polluting incident when it is under federal jurisdiction or in accordance with federal or state agreements, or when the polluting incident is beyond the capabilities of the local and state incident commander.

For the U.S., the On-Scene Coordinator shall be provided by the Regional EPA Office having jurisdiction over the incident location, and State and local participation will be coordinated through a Unified Command system, as identified in Appendix G of the Inland Plan.

For Mexico, the On-Scene Coordinator will be designated by the PROFEPA delegate within the

zone of the incident.

Initial responsibility for responding to incidents rests with local authorities unless otherwise identified as being under federal jurisdiction. Therefore, the Inland Plan anticipates that each country will encourage Sister Cities to have up-to-date contingency plans and information about potential hazards as well as adequate equipment and trained personnel for responding to potential incidents within the Sister City's jurisdiction. Whenever an incident exceeds local capabilities, local officials should seek the assistance of state agencies and should coordinate with nongovernmental organizations when appropriate. To ensure that authorities do not overlap during a polluting incident, the Inland Plan and its Annexes should be coordinated with the comprehensive emergency plans prepared for U.S. local emergency planning districts on the international border in compliance with the 1986 Superfund Amendments and Reauthorization Act (SARA) Title III (the Emergency Planning and Community Right-to-Know Act of 1986) as well as the Area Contingency Plans developed under the Oil Pollution Act of 1990, and equally with existing Mexican plans and arrangements. Nothing in this Inland Plan imposes formal obligations on state or local authorities.

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3000 OPERATIONS

3001 INTRODUCTION

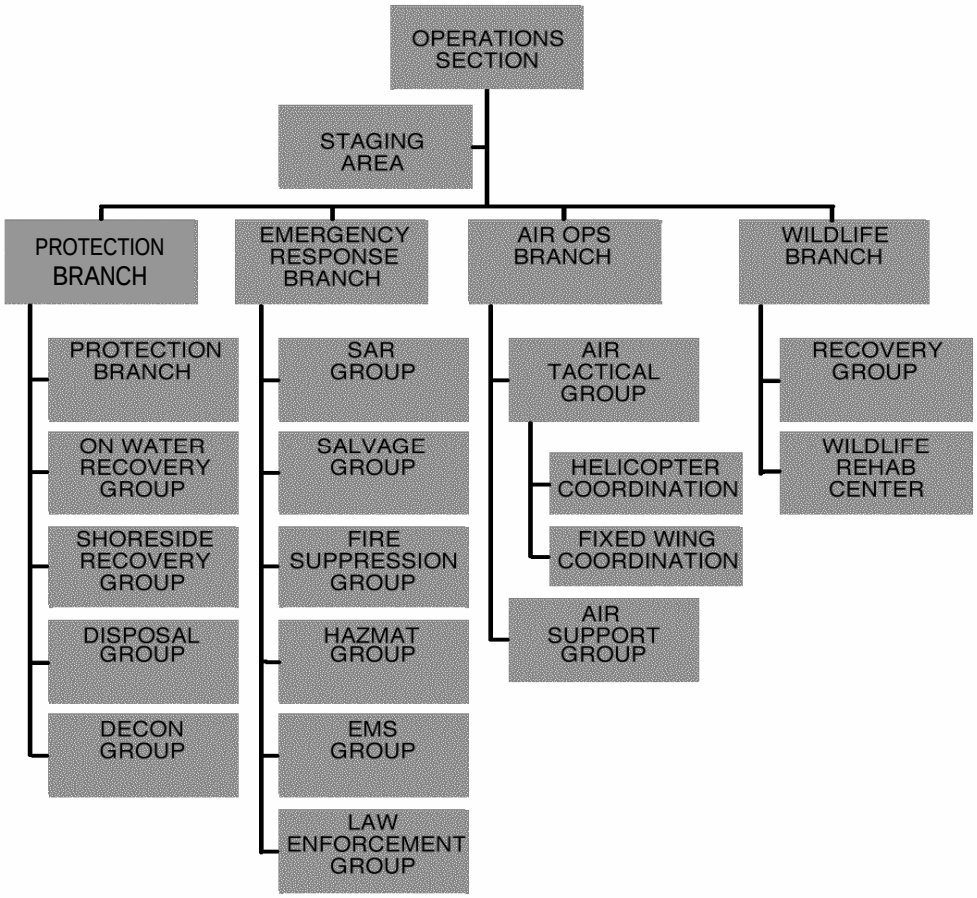
The Operations Section of ICS is responsible for all operations directly applicable to the primary mission. The section directs the preparation of unit operational plans, requests or releases resources, makes expedient changes to the Incident Action Plan as necessary and reports such to the Incident Commander (IC/UC). It includes the Recovery and Protection Branch, Emergency Response Branch, Air Operations Branch, and Wildlife Branch. The IC/UC will determine the need for a separate Operations Section at an incident or event. Until Operations is established as a separate Section, the IC/UC will have direct control of tactical resources.

3002 OPERATION SECTION

The Operations Section Chief is responsible for the management of all operations directly applicable to the primary mission. The Operations Chief activates and supervises elements in accordance with the Incident Action Plan and directs its execution; activates and executes the Site Safety Plan; directs the preparation of unit operational plans; requests or releases resources; makes expedient changes to the Incident Action Plans as necessary; and reports such to the Incident Commander.

There is only one Operations Section Chief for each operational period and is normally, but not always, from the jurisdictional or agency which has the greatest involvement either in terms of resources assigned or area of concern.

Figure 3000-A. Operations Section Diagram



3002.01 Organization Options

Reserved

3002.02 Roles and Responsibilities

Reserved

3003 OPERATIONAL RESPONSE OBJECTIVES

The priority response objective is protection of public health and safety including response personnel. Protection of the environment and public welfare (infrastructure) are also important response objectives, but are subordinate to public and responder safety.

3003.01 Emergency Response

3003.01.1 SAR

The Region 9 coastal area committees reference information pertaining to Search and Rescue in Chapter 13 of the USCG Incident Management Handbook (IMH).

3003.01.2 Vessel Salvage and Lightering

3003.01.2(a) Notification Of Marine Casualties

3003.01.2(a1) Requirements of 46 CFR 4

Regulations contained in 46 Part 4 of the Code of Federal Regulations require owners, agents, masters, operators, or persons in charge, immediately after addressing resultant safety concerns, to notify the nearest Marine Safety Office, Marine Inspections Office, or Coast Guard Group Office whenever a vessel is involved in a marine casualty. These casualties include:

1. An unintended grounding or an unintended strike of, or allision, with a bridge;
2. An intended grounding, or an intended strike of a bridge, that creates a hazard to navigation, the environment, or the safety of a vessel;
3. Loss of main propulsion, primary steering, or any associated component or control system that reduces the maneuverability of the vessel;
4. An occurrence that adversely affects the vessel's seaworthiness or fitness for service or route, including fire, flooding, or failure of or damage to fixed fire extinguishing systems, life saving equipment, auxiliary power generating equipment, or bilge pumping systems;
5. Loss of life;
6. An injury that requires professional medical treatment;
7. Any occurrence resulting in more than $25,000 of property damage, not including salvage cost.

3003.01.2(a2) Requirements of 33 CFR 160

33 Part 160.215 requires vessels carrying hazardous materials to notify the nearest Coast Guard Marine Safety Office whenever a hazardous condition exists, either aboard a vessel or caused by a vessel or its operation.

3003.01.2(b) Responsibilities Of The Responsible Party and FOSC

In the case of an incident, the Responsible Party (RP) must take adequate measures to mitigate and/or remove damage, or risk of damage, caused by the vessel or the release of any materials from the vessel. The RP will pay for all legitimate response measures, up to their limit of liability. If an RP cannot be identified, or the acting RP fails to adequately respond, it is the responsibility of the Captain of the Port or FOSC to take over control of a particular aspect of, or the entire response. In this case, funding will be provided by the federal government until an RP is identified and charged for the response.

3003.01.2(c) Types Of Marine Casualties

The primary objective in any salvage scenario, whether a single event casualty or combination of casualties, is to minimize the risk to human health, the environment, and property. The following six types of casualties are listed in order of frequency

3003.01.2(c1) Hull or Machinery Damage

A vessel's hull or machinery may be damaged by shifting cargo, storm damage, or other causes, and may render a vessel unable to maneuver. The greatest threats to the vessel, cargo, and environment exist when loss of maneuverability happens close to shore or hazards to navigation. Use of anchors or towing vessels may be the best defense in slowing the unintended movement of a vessel drifting towards a hazard.

3003.01.2(c2) Stranding or Grounding

Unintentional groundings may result from navigational error, anchor drag, loss of maneuverability, or for other reasons. Ground reaction, which is usually measured in long tons or metric tons, is the weight of the vessel that is being supported by the ocean bottom instead of the water. Ground reaction can cause a vessel to capsize, become holed, break apart, or become difficult to remove from ground. A salvor or naval architect can make a good estimate of ground reaction using the information gathered by the crew or response personnel including pre-casualty drafts, post-casualty drafts, tide cycle, location/depth of ground (usually determined with soundings), and the type of bottom. Once ground reaction is determined, it is fairly simple to estimate the force-to-free, which is the measure of the force needed to pull the vessel off the ground. Force-to-free is usually listed in short tons, which is equivalent to tug bollard pull. In order to float a vessel free or pull it off with tugs/ground tackle, ground reaction must usually be reduced in a controlled manner by deballasting, lightering, and/or tidal lifting.

3003.01.2(c3) Collision

The most common result of a collision at sea is hull damage and flooding. Collisions are sometimes accompanied by fire and explosions, as many ship's systems and/or cargo may be damaged upon impact. The general priorities after

a collision usually include damage assessment, flooding control, and firefighting. Typically, a vessel is not well-equipped to handle rapid flooding, and, when left unchecked, can lead to capsizing and foundering. Often vessel crews are not well-versed in damage control, requiring a prompt response to ensure professional salvors and marine inspectors are on scene as soon as possible.

3003.01.2(c4) Fire and Explosion

Fires of any size onboard a vessel should be treated with extreme caution as they may quickly turn into a conflagration. Most commercial vessels will be equipped with fixed fire fighting systems to contain fires started in the engine room (the most common source of shipboard fires). Large commercial vessel crews are generally trained to combat fires that originate in the engine room or accommodation spaces. Crews are generally not trained to fight fires originating in or spreading to the cargo. Most professional salvors offer shipboard firefighting capability - either with in-house resources or via subcontractor capabilities. Shore based fire fighters often do not have an appreciation for the special considerations for shipboard firefighting, especially fixed fire fighting systems or vessel stability, and therefore should be monitored closely when employed to extinguish a fire in port.

3003.01.2(c5) Allision

Allisions occur when a vessel strikes a fixed object. Most of the considerations are the same as a collision, with the addition of assessing the damage sustained by the object, especially if the object was a bridge or critical piece of infrastructure. Immediate notification should be made to the Army Corp of Engineers and Federal and State Departments of Transportation. Appropriate actions should be taken to ensure the object does not pose a risk to future transportation onshore or to other vessels.

3003.01.2(c6) Stress Fractures

Stress fractures are failures in the construction of the vessel and may be due to stresses imposed on a vessel because of a heavy seaway, improper loading or ballasting, or construction material fatigue. Cracks can lead to pollution or flooding incidents and, under extreme circumstances, total ship loss. Therefore, it is important to quickly assess the size, location, and orientation of the crack. Surveyors, shipyards, and Coast Guard Marine Inspectors are familiar with methods to arrest or repair cracks.

3003.01.2(d) Initial Response And Casualty Assessment

Common to all casualties is a need for the quick and substantial allotment of response resources. The Unified Command will set the objectives of a vessel casualty response. Early dissemination of an accurate assessment of the vessel's condition and deployment of appropriate response resources is essential.

3003.01.2(d1) Initial Actions to be taken by the Crew

A prudent vessel captain will take certain actions to mitigate the threat to the crew and vessel. Upon receiving notification of a marine casualty, the Incident Commander should verify that the vessel master, if possible and appropriate, has taken the following actions listed to the right:

Initial actions to be taken by vessel's crew	
	Have ship's personnel report to emergency stations
	Secure watertight fittings
	Take appropriate fire fighting actions
	Notify the ship's operations controller
	Obtain an accurate cargo storage plan
	Request shore personnel request salvage assistance
	Display day shapes & sound appropriate signals

3003.01.2(d2) Critical Information

There is certain information that is critical to planning a successful salvage operation. This information, essential to the response planning process, should be gathered from the vessel master or on-scene response personnel, as appropriate to the situation. The information gathered should be used to determine the "window of opportunity" - i.e., when the most factors align for a successful operation..

3003.01.2(d3) **Identify Response and Salvage Assets**

The RP should immediately contract and set into motion adequate response and salvage resources. Historically, there has been reluctance on behalf of the vessel's representatives to engage a professional salvor. A decision to attempt operations without a professional salvor should be examined critically by the FOSC. To assist the RP in contracting a professional salvor, the FOSC may share information of proven response and salvage resources as listed in Appendix 4. In addition to ensuring that the RP has contracted adequate response resources, the FOSC should identify and deploy appropriate Coast Guard resources to respond to the incident. These response teams should include unit Pollution Investigators, Casualty Investigators, and Vessel Inspectors. Furthermore, the SERT team at the Marine Safety Center should be engaged and, potentially, the Navy SUPSALV.

3003.01.2(e) Setting the First Operational Objectives

Once enough information has been gathered to proceed with a decisive action plan, the USCG Operational Commander, IC or UC will set forth the operational period objectives. These objectives *may* include but are not limited to:

1. Evacuate crew
2. Control vessel movement

3. Get response personnel and equipment on-scene
4. Extinguish shipboard fire
5. Stop/slow flooding
6. Stop/slow vessel movement toward potential hazards
7. Contain pollution
8. Identify suitable port of refuge
9. Create a salvage plan
10. Mitigate potential impacts of the casualty on other vessel traffic and port activities
11. Evaluate risk to public- i.e., hazardous material release, air quality, etc.
12. Prepare and approve press release
13. Establish a safety zone
14. Contact all appropriate Federal, State and local agencies, as well as foreign governments
15. Evaluate/mitigate the environmental impacts of incident
16. Identify an appropriate lightering vessel

3003.01.2(f) Oil/Hazardous Material Release Mitigation And Lightering

Oil spills or hazardous material releases are of the greatest potential during groundings and almost a certainty during a major collision or other event when there is a breach in the hull. There are several ways to establish if there is an oil spill or hazardous material release. The primary method may be observation of a sheen emanating from the damaged vessel. However, this method may be of limited usefulness at night and is not indicative of damages inboard of the hull structure. Bunker and cargo tanks should be immediately sounded and monitored closely for changes that would indicate a breach. Given the high correlation between major marine casualties and pollution incidents, it is prudent to provide, at a minimum, a containment boom to surround the vessel(s).

3003.01.2(f1) Lightering

One of the most effective ways to mitigate or prevent an oil spill or hazardous material release is to remove all remaining cargo and unnecessary bunker fuel from the vessel. This is particularly useful when the risk of a hull breach is increasing due to changing environmental or physical conditions on the vessel. Vessels may be lightered to another vessel, or lightered to mobile facilities ashore. Choosing which is most appropriate will depend on the location of the vessel and availability of each. Whichever is chosen, it is important to ensure the receiving vessel or facility is qualified to handle the lightered material and that any cargo/residue in hoses and holding tanks are compatible with lightered material. Furthermore, the effects on the stability of the vessel should be taken into account when lightering a vessel. While lightering may present benefits when attempting to re-float a vessel, it may also present additional structural stresses upon the vessel. It is important to work with naval architects as well as the person in charge of loading/offloading the vessel, who is frequently the Chief Officer or First Mate of the vessel.

3003.01.2(g) Vessel/Cargo Salvage Plan Review

A plan is essential to any successful salvage operation. Depending on the urgency and complexity of the operation, the quality of the plan may vary from a bound document approved by engineers to a sketch on a cocktail napkin. All involved parties must ensure that the plan provided is appropriate given the constraints of the operation. Given optimal conditions as well as time and resources available, a *complete* salvage plan will include the elements listed in Appendix 3.

When evaluating a salvage plan, it is essential to rely upon the resources available to an IC or UC for these particular incidents. The two major public resources are the Coast Guard's SERT and the Navy's SUPSALV.

3003.01.3 Marine Fire Fighting

The Region 9 coastal area committees reference information pertaining to Marine Fire Fighting in section 4760 of the Coastal Area Contingency Plan (ACP)

Coast Guard guidance on Marine Firefighting can be found in the Coast Guard Marine Safety Manual Volume 6 (COMDTINST M16000.1)Among the provisions of the Ports and Waterways Safety Act of 1972 (PWSA) (33 U.S.C. 1221 et seq.) is an acknowledgment that increased supervision of port operations is necessary to prevent damage to structures in, on, or adjacent to the navigable waters of the U.S., and to reduce the possibility of vessel or cargo loss, or damage to life, property, and the marine environment. Section 4202 of the Oil Pollution Act of 1990 (OPA 90) (Public Law 101-380) mandates that the Coast Guard maintain an Area Contingency Plan of pollution response equipment (including fire fighting equipment) within each port. These statutes, along with the traditional functions and powers of the Coast Guard to render aid and save property (14 U.S.C. 88(b)), is the basis for Coast Guard firefighting activities. 42 U.S.C. 1856-1856(d) provides that an agency charged with providing fire protection for any property of the United States may enter into reciprocal agreements with state and local fire fighting organizations to provide for mutual aid. This statute further provides that emergency assistance may be rendered in the absence of a reciprocal agreement, when it is determined by the head of that agency to be in the best interest of the United States.
B. Policy.
The Coast Guard has traditionally provided fire fighting equipment and training to protect its vessels and property. Commanding Officers of Coast Guard units (COTP's, Groups, Cutters, Stations) are routinely called upon to provide assistance at fires on board vessels and at waterfront facilities. Although the Coast Guard clearly has an interest in fires involving vessels or waterfront facilities, local authorities are principally responsible for maintaining the necessary fire fighting capabilities within U.S. ports and harbors. Additionally, a vessel/facility's owner and/or operator is ultimately responsible for the overall safety of vessels/facilities under their control, including ensuring adequate fire fighting protection. The Coast Guard traditionally renders assistance as available, commensurate with each unit's level of training and the adequacy of equipment. The Commandant intends to maintain this traditional "assistance as available" posture without conveying the impression that the Coast Guard is prepared to relieve local fire departments of their responsibilities. Paramount in preparing for vessel or waterfront fires

is the need to integrate Coast Guard planning and training efforts with those of other responsible agencies, particularly local fire departments and port authorities. COTPs shall work closely with other Coast Guard units, municipal fire departments, vessel and facility owners and operators, mutual aid groups, and other interested organizations to ensure an integrated response plan is developed. The COTP shall incorporate fire fighting contingency planning in each port's Area Contingency Plan (ACP) for the COTP zone in accordance with this chapter.

3003.01.4 Hazardous Materials

Under the direction of the Emergency Response Branch Director, the HAZMAT Group Supervisor is responsible for coordinating and directing all hazardous materials activities related to the incident.

1. Prioritize HAZMAT responses related to the incident.
2. Determine resource requirements.
3. Direct and coordinate HAZMAT responses.
4. Manage dedicated HAZMAT resources.
5. Brief Emergency Response Branch Director on activities.
6. Maintain Unit/Activity Log (ICS 214).

3003.01.5 EMS

Under the direction of the Emergency Response Branch Director, the EMS Group Supervisor is responsible for coordinating and directing all emergency medical services related to the incident.

1. Prioritize EMS responses related to the incident.
2. Determine resource requirements.
3. Direct and coordinate EMS responses.
4. Manage dedicated EMS resources.
5. Brief Emergency Response Branch Director on activities.
6. Maintain Unit/Activity Log (ICS 214).

3003.01.6 Law Enforcement

Under the direction of the Emergency Response Branch Director, the Law Enforcement Group Supervisor is responsible for coordinating and directing all law enforcement activities, related to the incident, which may include, but not limited to, isolating the incident, crowd control, traffic control, evacuations, beach closures, and/or perimeter security.

1. Determine resource needs.
2. Direct and coordinate law enforcement response.
3. Manage dedicated law enforcement resources.
4. Manage public protection action; e.g., evacuations, beach closures, etc.
5. Brief Emergency Response Branch Director on activities.

6. Maintain Unit/Activity Log (ICS 214).

3004 ASSESSMENT/CLASSIFICATION OF HAZARDOUS SUBSTANCE RELEASES

Reserved

3004.01 Incident of National Significance

Reserved

3005 ASSESSMENT/CLASSIFICATION OF OIL DISCHARGE

When the FOSC receives a report of a discharge, initial actions include investigating the report to determine the threat posed to human health or welfare of the United States or the environment, the type and quantity of polluting material, and the source of the discharge. The FOSC then officially classifies the size (i.e., minor, medium, major) and type (i.e., substantial threat, worst case discharge) of the discharge and determines the course of action to be followed.

3005.01 Spill Of National Significance (SONS)

A Spill of National Significance (SONS) is a spill that due to its severity, size, location, actual or potential impact on the public health and welfare or the environment. During a SONS, the necessary response efforts maybe so complex that it requires extraordinary coordination of Federal, State, Local, Tribal, and responsible party resources to contain and clean up the discharge.

A discharge may be classified as a SONS by the Administrator of U.S. EPA for discharges occurring in the inland zone and the Commandant of the USCG for discharges occurring in the coastal zone (See Appendix I for the corresponding jurisdictions.) For a SONS in the inland zone, the U.S. EPA Administrator may name a senior Agency official to assist the FOSC in communicating with the affected parties and the public and coordinating Federal, State, Local, Tribal, and international resources at the national level. This strategic coordination will involve, as appropriate, the NRT, RRT(s), the Governor(s) of affected State(s), and the mayor(s) or other chief executive(s) of Local government(s).

3005.02 Worst Case Discharge

CWA Section 311(d)(2)(J) requires ACPs to include procedures and standards for removing a worst-case discharge of oil, and for mitigating or preventing a substantial threat of such a discharge.

A "worst-case" discharge for the purposes of Inland ACPs will be the Catastrophic Release as identified in Facility Response Plans (FRPs) submitted to U.S. EPA. Since this is a requirement of OPA, only oil scenarios will be listed in the coastal ACPs.

3005.03 Discharge Or Release Control

3005.03.1 Actions to Lessen Impact

Intermittent actions should begin as soon as possible to prevent, minimize, or mitigate the threat to the public health or welfare or to the environment. Appropriate actions should be taken to recover the product or mitigate its effects. Of the numerous chemical or physical methods that may be used, the chosen methods should be the most consistent with protecting the public health and welfare and the environment. Sinking agents shall not be used. The following potential actions may be employed:

1. Analysis of water samples to determine the source and spread of the contaminants;

2. Control of the source of the discharge;

3. Source and spread control or salvage operations;

4. Placement of physical barriers to deter the spread of the oil or to protect sensitive environmental resources through coordination with resource agency specialists;

5. Control of the water discharged from upstream impoundments; and

6. If approved, the use of chemicals and other materials to restrain the spread of the product and mitigate its effects, in accordance with the NCP. Use of chemical agents is not pre-approved in Region 9.

A detailed review of response planning in Federal Region 9 can be found in Section 4000.

3006 DECONTAMINATION

Personnel responding to hazardous substance incidents may become contaminated in a number of ways, including contacting vapors, gases, or particulates in the air; being splashed by materials while sampling or opening containers; walking through puddles of liquids or on contaminated soil; or through using contaminated instruments or equipment. Decontamination consists of physically removing contaminants or changing their chemical nature to innocuous substances. How extensive decontamination must be depends on a number of factors, the most important being the type of contaminants involved.

A decontamination plan should be developed as part of the safety plan for an emergency response. The initial decontamination plan is based on a worst-case situation or assumes no information is available about the incident. Specific conditions (e.g. type of contaminant, amount of contamination, levels of protection required, type of protective clothing worn) are then evaluated, and the initial decontamination plan is modified to adapt as new information about site conditions becomes available. All materials and equipment used for decontamination must be disposed of properly.

In addition to routine decontamination procedures, emergency decontamination procedures must be established. In an emergency, the primary concern is to prevent the loss of life or severe injury to site personnel. If immediate medical treatment is required to save a life, decontamination should be delayed until the victim is stabilized. If decontamination can be performed without interfering with essential life-saving techniques or first aid, or if a worker has been contaminated with an extremely toxic or corrosive material that could cause severe injury or loss of life, decontamination must be performed immediately.

During an emergency, provision must also be made for protecting medical personnel and disposing of contaminated clothing and equipment.

3007 RESOURCE PROTECTION

3007.01 Wildlife Operations

FOSC and members of the RRT recognize that the contamination of wildlife by oil has a high public impact. Public interest, inquiries, criticism, and demands for the cleaning of affected wildlife can seriously hamper the FOSC's ability to proceed with mitigation of the spill. Early inspection of impacted or potentially impacted areas known to be wildlife habitat should be made by the FOSC, and at the first sign of wildlife involvement, the FOSC/RPM should contact the DOI representative to the RRT-IX, the Regional Environmental Officer, (see Appendix VIII and XVI) to request organization and supervision of the wildlife protection efforts. Funding will be required either from a responsible party or the pollution fund for these efforts.

The following brief synopsis outlines the three elements of a resource protection program:

1. Protection: Hazing devices and removal of dead impacted wildlife may be helpful in keeping other wildlife from impacted areas. Baiting clean areas is another method of protecting un-oiled wildlife.

2. Collection: Only trained collectors should be allowed to participate, due to safety considerations such as potential for contact with pollutants; physical hazards involved in handling of wildlife; and potential for additional stress placed on wildlife involved. Federal and State permits are required for collection of most wildlife.

3. Rehabilitation: These medical procedures should be done only under trained and permitted supervision. In addition to trained and permitted rehabilitators, considerable additional resources--including trained volunteers, supplies, and facilities--are critical to a timely and effective rehabilitation effort.

During response to a discharge or release, natural resource trustees and managers may provide technical assistance and expertise on potential effects on fish and wildlife and their habitats, or other sensitive environments that can be found in the affected area. They are familiar with the area or habitats affected and may be able to provide recommendations on the best locations for staging areas, access points, or anchorage. The natural resource trustees and managers may recommend specific habitats where protective measures should be taken and offer advice on response actions. They may assist in development of a response monitoring plan and subsequent collection of data. Finally, the USFWS and the state wildlife agency can be expected to direct or provide oversight for the protection, rescue, and/or rehabilitation of fish and wildlife.

Protective measures may include one or more of the following:

- Preventing oil from reaching areas where migratory birds and other wildlife are located by either containing or recovering the oil, or
- Deterring birds or other wildlife from entering areas affected by oil by using wildlife hazing devices or other methods.

If exposure of birds and other wildlife to oil cannot be prevented, an immediate decision will need to be made regarding whether to capture and rehabilitate oiled birds and other wildlife. The DOI has statutory responsibilities for protecting migratory birds and Federally-listed threatened and endangered species. These responsibilities are delegated to the USFWS. If animals other than migratory birds or Federally-listed threatened or endangered species are found injured, the responsible agency would typically be the state wildlife agency.

The decision to rescue and rehabilitate oiled wildlife must be made in consultation with the applicable state and Federal natural resource management agencies, since state and Federal permits are required by law. Any wildlife rescue and rehabilitation will be directed or overseen by the USFWS or the State, in consultation with USFWS.

3007.02 Cultural Sites

Cultural sites may be impacted during the response to a discharge or a release. The FOSC is responsible to ensure that these impacts are considered during the response and to avoid impacts, if possible. This requirement to consider and minimize impacts is not intended to interfere with the overall goal of the response to reduce the threat to human health and safety. Additional information can be found in Appendix XIX, Programmatic Agreement on Protection of Historic Properties During Emergency Response Under the National Oil and Hazardous Substances Pollution Contingency Plan.

3007.03 Water Intakes

Surface water intakes, and land areas near surface water sources should be managed to reduce the possibility of contamination. Where freshwater is involved in a contamination, the FOSC should contact the local drinking water authority to identify boundaries. The water systems operator must be notified to temporarily shut down the plant to prevent further contamination. The area should be soaked up with absorbent materials or the use of booms, rather than being washed away to drainage systems. Similarly, in the event of a fire it may be best to allow certain facilities to burn rather than have contaminated runoff that could pollute the community water supply.

Further operational instructions can be found locally in Emergency Management Plans.

3008 WASTE MANAGEMENT

3008.01 Federal Disposal – Hazardous Materials

In order to ensure proper treatment and disposal of hazardous substances recovered from CERCLA emergency response or removal sites, Section 300.65 of the NCP requires that off-site transport of hazardous substances use only facilities operating under appropriate Federal or State permits or authorization. Hazardous substances removed from such sites may be transferred only to facilities that are operating in compliance with RCRA, TSCA, and all applicable State requirements. These requirements also preclude the use of disposal units that have releases of hazardous wastes or hazardous constituents, and of disposal facilities that have releases which have not been addressed by corrective action.

U.S. EPA issued policies and procedures related to these requirements on November 13, 1987, entitled "Revised Procedures for Implementing Off-site Response Actions" (Office of Solid Waste and Emergency Response [OSWER] Directive 9834.11). Specific FOSC roles and responsibilities

for implementing the requirements can be found in Section IV of the *Superfund Removal Procedures Manual*, dated February 1988 (OSWER Directive 9360.03B).

The FOSC should coordinate closely with the Regional RCRA Off-site Coordinator (RROC), and/or TSCA personnel and the State, as appropriate.

3008.02 Federal Disposal – Oil

The NCP, Appendix E to Part 300, Oil Spill Response, Section 5.4, states that oil recovered in cleanup operations shall be disposed of in accordance with the RCP, ACP, and any applicable laws, regulations, or requirements. RRT and ACP guidelines may identify the disposal plans to be followed during an oil spill response and may address: the sampling, testing, and classifying of recovered oil and oiled debris; the segregation and stockpiling of recovered oil and oiled debris; prior State disposal approvals and permits; and the routes, methods (e.g. recycle/reuse, on-site burning, incineration, landfilling, etc.), and sites for the disposal of collected oil, oiled debris, and animal carcasses.

The Solid Waste Disposal Act as amended by the Used Oil Recycling Act (1980) and the Hazardous and Solid Waste Amendments (1984) provide the statutory authority for RCRA, as amended regulations applying to recovered oils and oily wastes. In 1992, U.S. EPA promulgated new used oil regulations at 40 CFR Part 279; these regulations incorporate the old used oil fuel requirements formerly codified at 40 CFR 266, Subpart E (1986 - 1992 CFRs). The new used oil management standards at 40 CFR Part 279 apply **only** to "used oil", defined as any oil that has been refined from crude oil, used, and, as a result of such use, contaminated by physical and chemical impurities. If used oil is destined for disposal, the 40 CFR Part 279 regulations reference the RCRA hazardous waste management standards. *Mixtures* of waste oil (i.e., spilled, unused product oils) and used oil are regulated as used oil. Waste oil and oily wastes are subject to the hazardous waste management regulations at 40 CFR Parts 124, 260-266, 268, and 270. Non-hazardous used oil may be disposed of in an industrial or a municipal solid waste landfill (each State may have additional, more stringent requirements), in accordance with 40 CFR 257 and 258.

It is Federal policy to recycle waste and used oils rather than dispose of them. Under the pre-1992 used oil regulations, used oil destined for recycling (in any way other than burning for energy recovery) is exempt from regulation as a hazardous waste. The 1992 used oil management standards do address all recycling activities. Recycling of waste oils and oily wastes is addressed by applicable hazardous waste management regulations.

Determining which used oil regulations apply to a particular spill is complicated by U.S. EPA's use of different statutory authority for the pre-1992 used oil fuel regulations than for the September 10, 1992, used oil management standards. The pre-1992 used oil regulations are Federally enforceable requirements in all U.S. Region 9 States. The 1992 used oil management standards will become Federally enforceable requirements as the individual States promulgate the regulations and become authorized for them. The relationship between 40 CFR 266 Subpart E and 40 CFR Part 279 was clarified in a May 3, 1993 *Federal Register* final rule (58 FR 26420-26426).

Call the RCRA Hotline at (800) 424-9346 for answers to spill cleanup questions.

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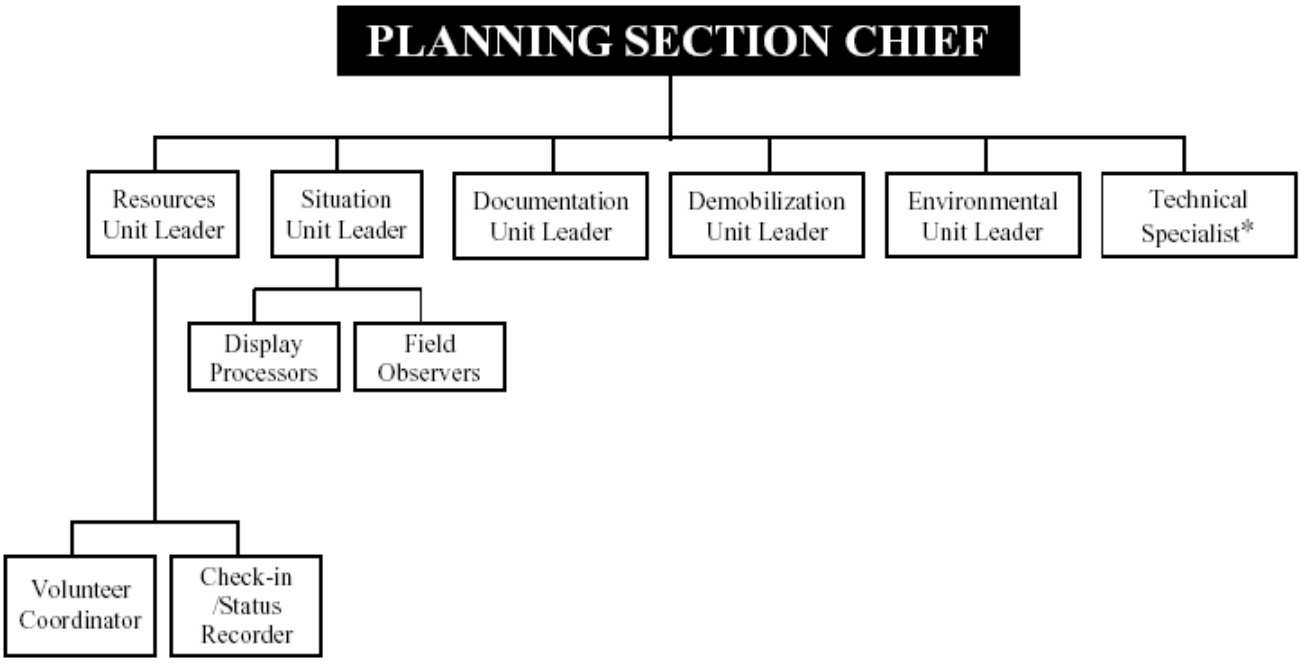
4000 PLANNING

4001 INTRODUCTION

The Planning Section is responsible for the collection, evaluation, and dissemination of tactical information related to the incident, and for the preparation and documentation of Action Plans. The section also maintains information on the current and forecasted situation, and on the status of resources assigned to the incident. Includes the Situation, Resource, Documentation, and Demobilization Units, as well as Technical Specialists.

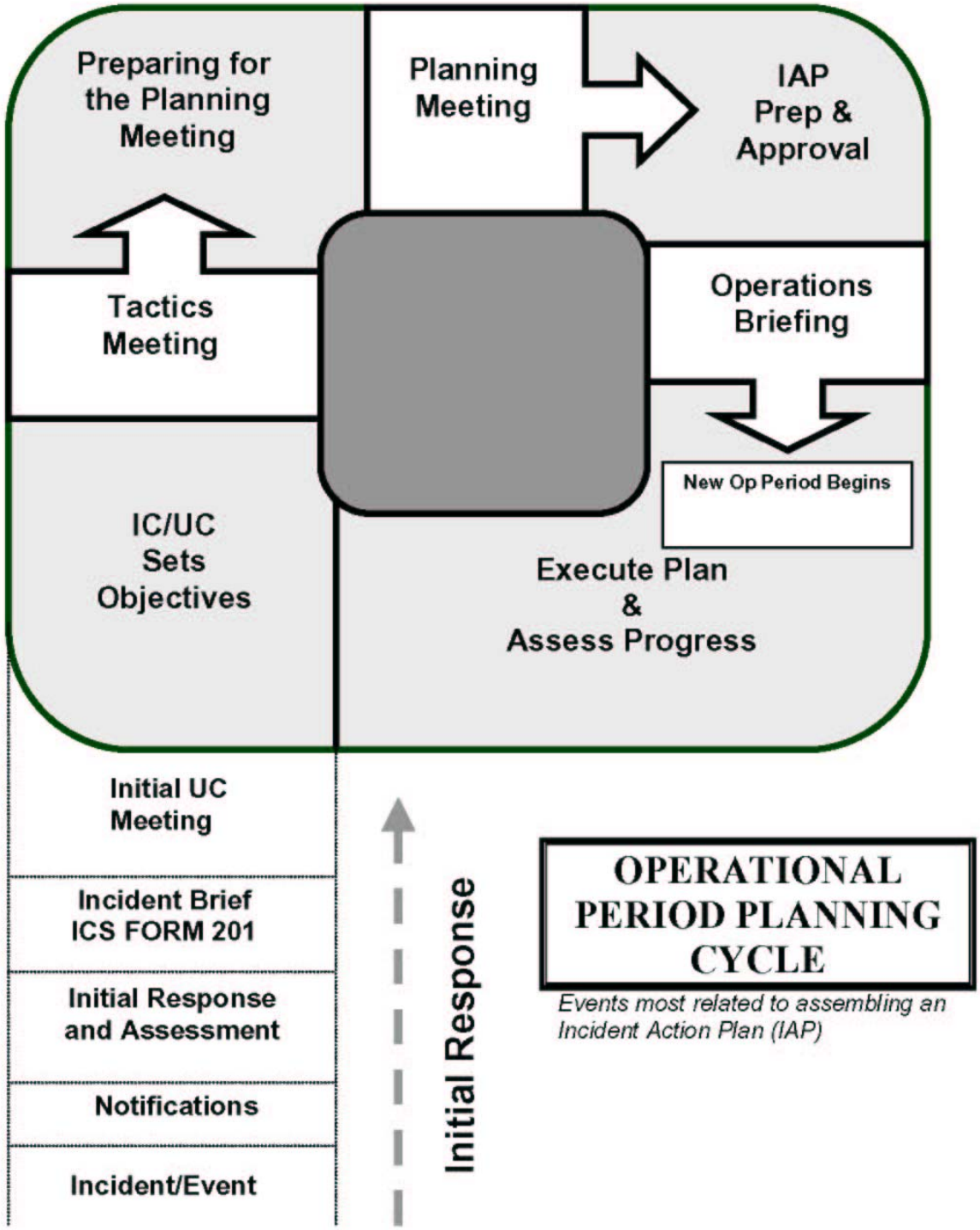
Several Planning Section Units may be established. Duties of each Unit are covered in Incident Management Handbook. Not all of the Units may be required, and they will be activated based upon need. Planning Section Units are shown in Figure 4000-A.

Figure 4000-A. Planning Section Diagram



4001.01 Planning Section Cycle Guide

Figure 4000-B: Planning Section Planning Cycle Guide



4002 PLANNING SECTION

4002.01 Planning Section

The Planning Section Chief, a member of the General Staff, is responsible for the collection, evaluation, dissemination and use of information about the development of the incident and status of resources. Information is needed to 1) understand the current situation, 2) predict probable course of incident events, and 3) prepare alternative strategies for the incident.

4002.02 Situation Unit Leader

The Situation Unit Leader is responsible for the collection and evaluation of information about the current and possible future status of the spill and the spill response operations. This responsibility includes the compilation of information regarding the type and amount of oil spilled, the amount of oil recovered, the oil's current location and anticipated trajectory, and impacts on natural resources. This responsibility includes providing information to the GIS Specialist(s) for the creation of maps to depict the current and possible future situation and the preparation of reports for the Planning Section Chief.

4002.03 Resources Unit Leader

The Resource Unit Leader (RESTAT) is responsible for maintaining the status of all resources (primary and support) at an incident. RESTAT achieves this through development and maintenance of a master list of all resources, including check-in, status, current location, etc. This unit is also responsible for preparing parts of the Incident Action Plan (ICS 203, 204 & 207) and compiling the entire plan in conjunction with other members of the ICS, (e.g., Situation Unit, Operations, Logistics) and determines the availability of resources.

4002.04 Environmental Unit Leader

The Environmental Unit Leader is responsible for environmental matters associated with the response, including strategic assessment, modeling, surveillance, and environmental monitoring and permitting. The Environmental Unit Leader prepares environmental data for the situation unit. Technical Specialists frequently assigned to the Environmental Unit may include the Scientific Support Coordinator and the Sampling, Response Technologies, Trajectory Analysis, Weather Forecast, Resources at Risk, Shoreline Cleanup Assessment, Historical/Cultural Resources, and Disposal Technical Specialists. The Environmental Unit Leader's tasks are:

a. Review Common Responsibilities (Page 2-1).
b. Review Unit Leader Responsibilities (Page 2-2).
c. Obtain a briefing and special instructions from the PSC.
d. Participate in Planning Section meetings.
e. Identify sensitive areas and recommend response priorities.
f. Following consultation with natural resource trustees, provide input on wildlife protection strategies (e.g., removing oiled carcasses, preemptive capture, hazing, and/or capture and treatment).
g. Determine the extent, fate, and effects of contamination.
h. Acquire, distribute, and provide analysis of weather forecasts.

i. Monitor the environmental consequences of cleanup actions.
j. Develop shoreline cleanup and assessment plans. Identify the need for, and prepare any special advisories or orders.
k. Identify the need for, and obtain, permits, consultations, and other authorizations including Endangered Species Act (ESA) provisions.
l. Following consultation with the FOSC's Historical/Cultural Resources Technical Specialist identify and develop plans for protection of affected historical/cultural resources.
m. Evaluate the opportunities to use various response technologies.
n. Develop disposal plans
o. Develop a plan for collecting, transporting, and analyzing samples.
p. Maintain Unit/Activity Log (ICS Form 214).

4002.05 Documentation Unit Leader

The Documentation Unit Leader is responsible for the maintenance of accurate, up-to-date incident files. Examples of incident documentation include: Incident Action Plan, incident reports, communication logs, injury claims, situation status reports, etc. Thorough documentation is critical to post-incident analysis. Some of these documents may originate in other sections. This unit shall ensure each section is maintaining and providing appropriate documents. Incident files will be stored for legal, analytical, and historical purposes. The Documentation Unit also provides duplication and copying services.

4002.06 Demobilization Unit Leader

The Demobilization Unit Leader is responsible for developing the Incident Demobilization Plan, and assisting Sections/Units in ensuring that an orderly, safe, and cost effective demobilization of personnel and equipment is accomplished from the incident.

4002.07 Technical Specialists

Technical Specialists are advisors with special skills needed to support the incident. Technical Specialists may be assigned anywhere in the ICS organization. If necessary, Technical Specialists may be formed into a separate unit. The Planning Section will maintain a list of available specialists and will assign them where needed. The following are example position descriptions for Technical Specialists that might be utilized during an oil spill response.

4002.07.1 NOAA Scientific Support Coordinator

The Scientific Support Coordinator (SSC), in accordance with the National Contingency Plan, will provide the federal On Scene Coordinator (OSC) scientific advice with regard to the best course of action during a spill response. The SSC will obtain consensus from the Federal Natural Resource Trustee Agencies and provide spill trajectory analysis data, information on the resources at risk, weather information, tidal and current information, etc. The SSC will be the point of contact for the Scientific Support Team from National Oceanic and Atmospheric Administration's (NOAA) Hazardous Material Response and Assessment Division.

4002.07.2 USEPA Environmental Response Team Support

Reserved

4002.07.3 Legal Specialist

The Legal Specialist will act in an advisory capacity during an oil spill response.

4002.07.4 Alternative Response Technologies Specialist

The Alternative Response Technologies Specialist is responsible for evaluating the opportunities to use ART, including dispersant or other chemical countermeasures, in-situ burning, and bioremediation. The specialist will conduct the consultation and planning required to deploy a specific ART, and articulate the environmental tradeoffs of using or not using a specific ART.

4002.07.5 Waste Management

The Waste Management Specialist (WMS) is responsible for providing the Planning Section Chief with a Waste Management Plan that details the collection, sampling, monitoring, temporary storage, transportation, and waste management of all anticipated waste streams generated as a result of the spill response.

Incident Action Plan (IAP)

Planning Section coordinates the development of the Incident Action Plan and presents it to the UC for comments and approval at the IAP Preparation Meeting. Every IAP is developed for the incident's next operational period. More detail on IAP development and roles within the ICS organization can be found in the United States Coast Guard Incident Management Handbook.

4003 REQUIRED CORRESPONDENCE, PERMITS AND CONSULTATION

4003.01 Administrative Orders

Reserved

4003.02 Notice of Federal Interest

Reference COMDTINST M16000.11, Coast Guard Marine Safety Manual, Volume VI, Chapter 7.B.3.a.

4003.03 Notice of Federal Assumption

Reference COMDTINST M16000.11, Coast Guard Marine Safety Manual, Volume VI, Chapter 7.B.3.d.

4003.04 Letter of Designation

Reference COMDTINST M16000.11, Coast Guard Marine Safety Manual, Volume VI, Chapter 7.

4003.05 Fish and Wildlife Permits

Most species of birds found in the United States are protected by the Migratory Bird Treaty Act (MBTA). The MBTA implements within the U.S. the protocols established by four international treaties between the U.S. and four other nations. Each treaty protects species of birds that occur in each of the signatory countries. In all, the MBTA protects over 800 species of birds native to the U.S. and makes it illegal (except for limited permit exceptions granted by regulation) to take, capture, kill, possess, sell, purchase, import, or export any species listed under the MBTA without a permit. Implementing regulations provide that permits may be issued for certain activities (e.g. scientific collecting, taxidermy, falconry). The regulation that provides for permits for activities associated with oil and hazardous waste spills is found at 50 CFR 21.31.

Eagles, both bald and golden, are listed under the MBTA, but they are also protected by an additional law, the Bald and Golden Eagle Protection Act (BGEPA). Like the MBTA, the BGEPA has implementing regulations that provide for permits to carry out specific types of activities. These regulations are codified at 50 CFR 22. In most cases, activities prohibited by the BGEPA may only be authorized by issuance of a permit under 50 CFR 22. However, one of the exceptions is for rehabilitation; special provisions apply that enable the Service to authorize the rehabilitation of eagles under the regulations that govern rehabilitation of other migratory birds at 50 CFR 21.31.

Rehabilitation Permit: 50 CFR 21.31. Permits issued under this regulation authorize capture, possession, transport, and disposition of sick, injured, or orphaned migratory birds. The regulation contains additional provisions that apply to oil and hazardous waste spills at 21.31(f). All entry to spill sites must be authorized by the Service Field Response Coordinator and the On-Scene Coordinator. The initial cleaning, emergency care, and triage of birds is usually performed by contracted permitted responders, although additional volunteers may be recruited quickly to provide assistance under the supervision of the permittee. The Service has oversight for all phases of the migratory bird rehabilitation effort. Oversight will be based on protocols found in *Best Practices for Migratory Bird Care During Oil Spill Response* (U.S. Fish and Wildlife Service, 2003). All activities conducted on site are subject to the authority of the On-Scene Coordinator. Subsequent off-site migratory bird rehabilitation must be with a permitted rehabilitator or subpermittee thereof.

Endangered Migratory Bird Species: Regulations provide that rehabilitation of species listed under both the MBTA and the Endangered Species Act may be authorized via a migratory bird rehabilitation permit issued under 50 CFR 21.31. The Service is party to a Memorandum of Agreement with the Environmental Protection Agency and the National Oceanic and Atmospheric Administration that addresses how threatened and endangered species should be addressed during an oil spill (Attachment ? to the R9 RCP).

It is important to note that the Federal Regulations for the Endangered Species Act include provisions that allow for handling of sick, injured and orphaned wildlife specimens by authorized individuals. 50 CFR 17.21(c) (3) & (4) describe this authority for endangered wildlife and 50 CFR 17.31(b) describes the authority available for threatened wildlife. In this section of the regulations, certain employees of the USFWS, other Federal land management agencies, NMFS and state conservation agencies are given the authority to aid wildlife species and are given specific steps that must subsequently be followed regarding disposition of these specimens. If an emergency permit is issued when the life and health of a specimen is threatened and there is no

alternative, a comment period must be announced within 30 days of issuance of the emergency permit.

Sources of Federal Permits:

Inquiries regarding **Federal Migratory Bird Permits** and criteria for qualified wildlife rehabilitators are to be directed to the following:

Region 1 (CA & NV)
Migratory Bird Permit Office
U.S. Fish and Wildlife Service
911 N.E. 11th Ave.
Portland, OR 97232-4181
Ph: (503) 872-2715

Region 2 (AZ)
Migratory Bird Permit Office
U.S. Fish and Wildlife Service
P.O. Box 709
Albuquerque, NM 87103
Ph: (505) 248-7882

Inquiries regarding **Federal Endangered Species permits** may be directed to:

Region 1 (CA & NV)
U.S. Fish and Wildlife Service
Ann Carlson
Recovery Dept.
911 N.E. 11th Ave., 4th Floor
Portland, OR 97232-4181

Ph: (503) 231-2374

Region 2 (AZ)
U.S. Fish and Wildlife Service
Stephanie Weagley
500 Gold Ave. S.W
Room # 4012
Albuquerque, NM 87102
Ph: (505) 248-6649

State Permits

State wildlife permits may be obtained through the applicable State agency office listed below:

Arizona Department of Game & Fish
Wildlife Division
2221 W. Greenway Rd.
Phoenix, AZ 85023-4399
Bruce Taubert
(602) 789-3301

California Department of Fish & Game (does not require permit under emergency circumstances)
1416 9th Street
Room # 1260
Sacramento, CA 95814
John Gustafson
(916) 654-4260

Nevada Division of Wildlife
1100 Valley Rd.
Reno, NV 89512
(775) 688-1500

Wildlife Deterrence, Capture, and Treatment

If exposure of birds and other wildlife to oil occurs, an immediate decision must be made concerning the capture and rehabilitation of oiled birds and other wildlife. That decision must be made in consultation with the appropriate State and Federal natural resource trustees, because State and Federal permits are usually required for such activities. The Department of the Interior (DOI) has statutory responsibilities (delegated to the USFWS) for the protection of migratory birds and Federally-listed threatened and endangered species. If wildlife other than migratory birds or Federally-listed species are found injured, the responsible agency would typically be the State wildlife agency.

4003.06 Disposal

Refer to 3008, 4006 and Appendix XXVII of this Plan

4003.07 Dredging

Refer to 3008, 4006 and Appendix XXVII of this Plan

4003.08 Decanting

Refer to 3008, 4006 and Appendix XXVII of this Plan

4003.09 ESA Consultation

During an oil or hazardous substance spill or release, the Endangered Species Act (ESA) [50 CFR 402.2] should be considered in developing the activities and actions that can be done during an oil spill response by federal agencies or agencies that are acting for or under a federal agency. As the spill response occurs, the On Scene Coordinator (OSC) is responsible for contacting an ESA specialist at the appropriate agency that is responsible for an endangered species or critical habitat that could be affected.

The OSC should consult with the ESA specialist informally to discuss the oil spill response activities and the measures that could be taken to minimize any damage to the endangered species or a designated critical habitat. Consultation communications, whether formal or informal, should be documented. The ESA specialist will advise the OSC regarding which response measure(s) will avoid or minimize impacts on listed

species and critical habitat and which response measure(s) are preferred. These recommendations must be considered, but shall not stand in the way of response efforts. The ESA specialist and the OSC jointly evaluate tradeoffs and sensitive area priorities.

After the emergency has ended, any of the following *may* be produced as a result of the consultation process: biological assessment, letters of concurrence, initiation package, and biological opinion including an incidental take statement.

Background:
In 2001, six Federal agencies signed an Interagency Memorandum of Agreement (MOA) (http://www.nrt.org/Production/NRT/NRTWeb.nsf/PagesByLevelCat/Level2ESAMOU?Opendocument) regarding Oil Spill Planning and Response Activities under the Federal Water Pollution Control Act's National Oil and Hazardous Substances Pollution Contingency Plan and the Endangered Species Act (ESA). The agencies participating in the MOA include the U.S. Coast Guard, the U.S. Environmental Protection Agency, the Department of the Interior's Office of Environmental Policy and Compliance and the U.S. Fish and Wildlife Service (USFWS), and the National Oceanic and Atmospheric Administration's – National Marine Fisheries Service and National Ocean Service (NOAA Fisheries).

In the MOA, NOAA Fisheries and USFWS determined that oil spill response activities qualify as an emergency action, as defined by regulations implementing the ESA in 50 CFR 402.2 which allow the oil spill response to occur. As such, the emergency continues to exist until the removal operations are completed and the case is closed in accordance with 40 CFR 300.320(b).

For USFWS species incident-specific consultations for ESA-listed species under their jurisdiction need to be done in accordance with the MOA.

Endangered Species Act Consultation Points of Contact:
• U.S. Fish and Wildlife Service
Arizona – (602) 242-0210 *Debra Bills*
California, Nevada – (503) 231-6232 *Larry Salata*
▪ NMFS
Arizona, California, Nevada – (707) 575-6093; Cell (707) 480-3496; Home for After Hours Emergency (707) 523-1319 *Joe Dillon*
Please note that NMFS does not have marine resources in AZ or NV.

4004 DOCUMENTATION

4004.01 Services Provided

The Documentation Unit Leader is responsible for the maintenance of accurate, up-to-date incident files. Examples of incident documentation include: Incident Action Plan, incident reports, communication logs, injury claims, situation status reports, etc.

Thorough documentation is critical to post-incident analysis. Some of the documents may originate in other sections. This unit shall ensure each section is maintaining and providing appropriate documents. The Documentation Unit will provide duplication and copying services for all other sections. The Documentation Unit will store incident files for legal, analytical, and historical purposes. The major responsibilities of the Documentation Unit Leader are:

a. Review Common Responsibilities (Page 2-1).
b. Review Unit Leader Responsibilities (Page 2-2).
c. Set up work area; begin organization of incident files.
d. Establish duplication service; respond to requests.
e. File all official forms and reports.
f. Review records for accuracy and completeness; inform appropriate units of errors or omissions.
g. Provide incident documentation as requested.
h. Store files for post-incident use.
i. Maintain Unit/Activity Log (ICS Form 214)

4005 DEMOBILIZATION

A Sample Demob Plan can be found in Appendix XXV.

4006 WASTE MANAGEMENT

Refer to Waste Management Appendix XXVII

One of the major problems associated with an oil spill response is the disposal of collected product and contaminated cleanup materials, soil, and debris. Each category of waste has it own type of response and management problem. The following discussion presents a general approach to the management of the various types of wastes collected during an oil spill.

4006.01 Hazardous Materials

Refer to Waste Management Appendix XXVII

4006.02 Oil and Petroleum Hydrocarbons

Refer to Waste Management Appendix XXVII

4006.02.1 Waste Minimization and Recycling Opportunities

Refer to Waste Management Appendix XXVII

4006.02.2 Temporary Storage

Refer to Waste Management Appendix XXVII

To expedite removal of spilled oil, refined products, and contaminated material from

marine waters during an emergency response, temporary storage sites may be erected at appropriate shore locations [CCR 66270.1(c)3]. The transportation of oil and contaminated material to temporary storage sites during the emergency response is exempt from handling and permitting requirements [Title 22, Sec. 66264.1(g)(8)]. The on-site California Environmental Protection Agency, Department of Toxic Substance Control (DTSC) representative or duty officer at (213) 255-2002 should be contacted for approval. If a Unified Command is established, OSPR will facilitate the contact with DTSC through their liaison function.

Temporary storage sites should be available at an onshore location convenient to the recovery operations to temporarily store recovered petroleum products and contaminated materials and debris. A temporary storage site may require an emergency permit from the California Coastal Commission. For information on temporary permits within the coastal zone, call the Emergency Resources Unit at (415) 904-5200.

Sitting of the temporary facility must be done with the concurrence of the USCG and state FOSC, DTSC, the local Regional Water Quality Control Board (RWQCB), and the local health, fire and emergency services departments. If a Unified Command is established, OSPR will facilitate the contact of the state and local government agencies through their liaison function.

Temporary storage facilities can include Baker tanks, tank trucks, oil drums, or empty fuel storage tanks. If suitable containers are not available, oily wastes may be temporarily stored in pits dug in the soil. These pits must be lined with plastic sheeting to prevent oil leakage and soil penetration.

A temporary storage site may require an emergency permit from the California Coastal Commission (CCC) or the San Francisco Bay Conservation and Development Commission (BCDC). For information on emergency permits within the coastal zone, call the Oil Spill Unit at (415)904-5200.

4006.02.3 Initial Treatment

Refer to Waste Management Appendix XXVII

Petroleum and petroleum contaminated cleanup materials can potentially be treated at a temporary storage site. One of the treatment process that may be used is Transportable Treatment Units (TTU). The most likely treatment process undertaken with a TTU will be separation of sea water from collected petroleum. Another method employed for separating water is decanting water from temporary storage tanks.

Any water generated through the separation of petroleum and sea water may be potentially discharged to a sanitary sewer system or back to marine waters. The sanitary sewer discharge will require a permit from the local sanitation district which will establish effluent requirements for the discharged water. Should a sanitation district not allow the discharge of water to its system, the recovered sea water would either be discharged back to the adjacent marine waters or transported off-site for disposal. The discharge of recovered sea water to state waters will require a NPDES permit from the local RWQCB.

A portable incinerator may be another type of TTU available during a spill response for use with contaminated material. The use of an incinerator will require a permit from the local air quality agency. The potential use of any TTU and regulatory standards must be discussed with DTSC.

4006.02.4 Characterization of Recovered Material

Refer to Waste Management Appendix XXVII

Recovered petroleum and contaminated debris not recycled must be characterized to determine their waste classification before the waste can be shipped to a proper waste management facility for final disposal. The actual testing may be conducted on representative samples of each type of waste by a State of California certified laboratory.

It is the responsibility of the generator/RP to have petroleum and contaminated material managed as waste accurately classified as hazardous or nonhazardous for proper disposition [22 CCR 66260.200(c)]. A generator who incorrectly determines and manages a hazardous waste is in violation of the hazardous waste requirements in 22 CCR and is subject to DTSC enforcement action.

Twenty-two CCR 66264.13 and 66265.13 states that before an owner or operator of a treatment, storage, or disposal facility transfers, treats or disposes of any hazardous waste, the owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the waste. Characterization of the waste must be provided to DTSC (via profile sheet). The DTSC then designates the waste acceptable prior to shipment. State criteria for characterizing a waste hazardous or nonhazardous is found in 22 CCR 66261.10 and 66261.20-66261.24 while federal criteria is presented in 40 CFR 261.30-261.33 (see Figure E.VI.2). These criteria can apply to any oily-water, sorbents, booms, and debris generated as a result of an oil spill clean up. Based on waste characterization, the wastes can be further defined as either a Federal Resource Conservation and Recovery Act (RCRA) waste (hazardous waste regulated under federal regulations), non-RCRA waste (hazardous waste regulated under California regulations), or nonhazardous waste. Nonhazardous waste in this instance is defined as designated waste per 23 CCR 25522. Once the waste is characterized, disposition options can then be selected. Removal of recovered material from temporary storage will require the authorization of the on-scene coordinator.

4006.02.5 Transportation

Refer to Waste Management Appendix XXVII

Recovered petroleum product not accepted at a refinery or recycling facility and contaminated material must be transported to an approved waste management facility. The type of waste management facility will be based on the results of the waste characterization performed.

4006.02.6 Waste Management Facilities

Refer to Waste Management Appendix XXVII

4007 APPLIED RESPONSE TECHNOLOGIES (ART)

4007.01 Introduction

Applied Response Technologies (ARTs) available to the Unified Command are discussed in this Section as well as applicable appendices. The primary objective of an oil spill response is to reduce the effect of spilled oil on the environment. Physical removal of the oil is the preferred method. However, conventional mechanical recovery and removal may be limited by equipment capability, weather and sea state conditions, the size and the remote location of the spill. The use of alternative response countermeasures; dispersants, *in-situ* burning, and other oil spill cleanup agents (OSCAs) including, bioremediants, shoreline cleaning agents, herding agents, and elasticizers shall be considered when the preferred recovery methods, cleanup or remediation techniques are inadequate and the environmental benefit of ART use outweighs any adverse effects.

The use of ARTs is governed by both federal and state requirements. The National Oil and Hazardous Substances Pollution Contingency Plan (National Contingency Plan - NCP) requires that any product considered for oil spill response must be listed on the NCP product Schedule, and California State law requires that products must be licensed by the State for use within State waters. The NCP further requires that the Regional Contingency Plan and Area Contingency Plans shall, as appropriate, include applicable authorization plans and address the specific contexts in which such products should and should not be used. (40 CFR ¤ 300.910). The use of dispersants and *in-situ* burning are governed by specific policies outlined in Section 4002.05 and 4002.06 respectively, as well as Appendices XII and XIlI. The use of all other ARTs and/or OSCA are must be approved on a case-by-case basis by the RRT at the time of a spill incident and are governed by policies outlined in Section 4002.04 as well as Appendix X.

4007.02 Authorities

Subpart J of the NCP provides that the FOSC may authorize the use of alternative response technologies, upon concurrence of the U.S. EPA and State of California representative to the Regional Response Team and in consultation with the U.S. Department of Commerce (DOC) and U.S. Department of the Interior (DOI), when practicable and subject to listing on the NCP Product Schedule. Pre-spill planning is subject to the concurrence of the five agencies listed above. The U.S. Environmental Protection Agency (EPA) has been delegated authority to maintain a schedule of chemical countermeasures that may be authorized for oil discharges in accordance with procedures set forth in Section 300.900 of the NCP.

Commander, Eleventh Coast Guard District, has pre-designated the three USCG Captain of the Port (COTPs) as the FOSCs for oil discharges in their respective COTP zones (as defined in 33 CFR Part 3 and subject to joint response boundary agreements with USEPA described in the appendix to the RCP and Section 1400 of the three California Area Contingency Plans), and has delegated to each COTP the authority and responsibility for compliance with the Federal Water Pollution Control Act (FWPCA).

California State Government Code Section 8670.7 provides that the Administrator of the Department of Fish and Game's Office of Oil Spill Prevention and Response (OSPR) has primary authority to direct prevention, removal, abatement, response, containment, and cleanup efforts

with regard to all aspects of any oil spill in the marine waters of the state, including the licensing and use of ARTs and OSCAs pursuant to Section 8670.13.1. The administrator shall cooperate with any federal on-scene coordinator, as specified in the NCP. The Governor of the State of California has designated the authority and responsibility for providing approval for the use of ARTs for control of oil spills in or affecting California waters and as State representative to the RRT.

4007.03 Policy

It is the policy of the Region IX Regional Response Team that ARTs are an integral part of spill response and ought to be available and utilized, as appropriate, in a timely and efficient manner. A quick response to an oil spill incident utilizing an appropriate ART may greatly reduce the need for mechanical recovery methods, storage, transportation and disposal, as well as greatly reduce the possibility and extent of shoreline impacts and greater environmental damage. The use of ARTs other than preapproved use of dispersants and *in-situ* burning are governed by the Incident-Specific RRT approval process, as is done on a case-by-case basis at the time of a spill. The sections below discuss the process for gaining approval for the use of ARTs or under what conditions, pre-approval of a specific technology is applicable.

4007.04 Applied Response Technologies and Oil Spill Cleanup Agents

This use of all ARTs must be approved in advanced by the RRT. At the time of an oil spill incident, The Incident Command/Unified Command can request the use of an OSCA. This is done through a formal request by the FOSC to the RRT. The process for this request as well as all the forms necessary can be found in Appendix XI. All products proposed for use must be listed in the NCP Product Schedule and if applicable, licensed by the appropriate State agencies. It is the policy of the Region IX RRT to provide "approval" or "denial" of an OSCA request within 2 hours of the request being made. Once approval is granted, a product can be used. A summary of findings must be prepared and subsequently submitted to the RRT. A Selection Guide has been developed to assist the FOS in matching the appropriate ART for a specific spill situation. The Selection Guide as well as a sample RRT request form can be found in Appendix X.
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4007.05 Dispersants

At the time of an oil spill incident, the FOSC is authorized to evaluate the use of chemical dispersants. This detailed evaluation is usually accomplished in the Planning Section. Currently all dispersant use in Region 9 is governed by either the pre-approval process; the pre approval with consultation process; or, the incident-specific RRT approval required process. For detailed information regarding implementation of this processes as well as all applicable policies, procedures and checklists, please refer to Appendix X. As of the publication of this document, no area within the Region IX are designated as preapproval with consultation zones.

4007.06 In-Situ Burning

At the time of an oil spill incident, the FOSC is authorized to evaluate the use of in-situ burning. This detailed evaluation is usually accomplished in the Planning Section. The use of in-situ burning should be considered when this technique will lessen the overall environmental impact of the spill and is permitted under specified circumstances. Detailed information regarding evaluation of in-situ burning as well as all applicable policies and procedures can be found in

Appendix XIII. Approval of in-situ burning within a designated pre-approval zone may be accomplished by the FOSC and without further concurrence or consultation with the RRT as outlined in Appendix XIII, Subpart A. All other use of in-situ burning requires the approval of the RRT as outlined in Appendix XIII, subpart B.

4008 RESOURCE PROTECTION

Mitigation and cleanup of spills requires knowledge of resources at risk. Because many source locations and pollutant paths are possible, a strict prioritization of protection strategies is difficult. However, identification of resources potentially at risk before an incident and discussion of their relative importance, are useful processes, both technically and form communications and human standpoints.

Sources of resource information are provided in this section as well as references to applicable appendices. Planning is the preferred means to identify protection strategies, as it reduces time required to implement effective protection measures and improves coordination through prior personal contact among responsible agencies. When planning has not been completed, early notification and coordination with appropriate agencies is critical. This section identifies types of resources to be considered for protection. Additional contacts for resource information are provided in Appendix XXI.

4008.01 Fish, Wildlife, and Sensitive Environments

Resource Protection and Fish and Wildlife Annex to the U.S. Region IX RCP located in Appendix XXI:

- Identifies and establishes priorities for fish and wildlife resources and their habitats and other important sensitive areas requiring protection from any direct or indirect effects from discharges
- Provides mechanisms for timely identification of protection priorities during a spill response

Sensitive areas include, but are not limited to, Federal- and State-managed natural resource areas, endangered species habitats, potable water intakes, marinas, and archeological and Tribal use areas.

Owners/operators, in the preparation of their FRPs, should also incorporate locally managed environmentally and economically sensitive area information for inclusion in the FRP.

The following agencies listed below can provide technical assistance and expertise on potential effects on fish and wildlife and their habitats, or other sensitive environments that can be found in the affected area.

USFWS Field Response Coordinators are the primary Federal contact for information about migratory birds, endangered and threatened species, and fish and wildlife at risk as a result of spills in the inland and coastal zones. The list of current USFWS personnel and their geographic areas of expertise and/or responsibility is provided in Appendix XXI.

Each State has Fisheries and Wildlife Biologists who may be assigned to a Department of Natural

Resources or other State agencies. These personnel are assigned to geographic areas within a State (district or region) and are listed in Appendix. They can also be identified through State emergency response agencies or USFWS Pollution Response Coordinators.

Each State has a Natural Heritage or Natural Features Inventory. These databases were initiated by The Nature Conservancy and have been turned over to States for management. These inventories incorporate observations of endangered, threatened, and otherwise specially designated species of fish, wildlife, and plants. The Inventory is generally housed in the State Department of Natural Resources. Telephone numbers for Region IX Inventories are listed in Appendix XVII. This information is generally available during business hours only.

Sea Grant Universities and Extension Agents may be a source of local knowledge outside the public sector. These agents have contact with local scientists, fishermen, environmental groups, and other sources that may supplement information provided by regulatory agencies. They may be contacted through the NOAA SSC.

A variety of protected areas such as forests, parks, preserves, reserves, management areas, etc., are managed by public or private organizations such as The Nature Conservancy/Heritage Foundation. Additional sources of this information include Federal or State land management agencies, which include the Departments of the Interior, USDA Forest Service and Commerce at the Federal level and their counterpart agencies at the state and local levels.

US Fish and Wildlife Services Field Response Coordinator* Region 1 (CA, NV)

National Park Service

NOAA Scientific Support Coordinator
NMFS
National Marine Sanctuaries

Arizona Ecological Services Field Office * Region 2 (CA, NV)

Arizona Game and Fish Department * WMHB-HDMS Program

California Department of Fish and Game * Wildlife Habitat Data Analysis Branch

Nevada Natural Heritage Program - Department of Conservation and Natural Resources

USDA Forest Service * Director of Natural Resource Manager

Sea Grant Universities and Extension Agents

4008.02 Cultural Sites

The Programmatic Agreement on Protection of Historic Properties During Emergency Response Under the National Oil and Hazardous Substances Pollution Contingency Plan (PA) establishes national policy and procedures for the protection of cultural resources during emergency response under the NCP. Under the PA, the FOSC, as the Federal official designated to coordinate and direct response actions, is responsible for ensuring that cultural sites are appropriately considered in planning and during emergency response. In depth information regarding the Programmatic Agreement on Protection of Historic Properties During Emergency Response under the National

Oil and Hazardous Substances Pollution Contingency Plan may be found at http://www.achp.gov/NCP-PA.html or in Appendix XIX.

Identification of culturally sensitive sites in the vicinity of a spill can be accomplished by contacting the State Historic Preservation Officer (SHPO) or the appropriate trustee agency, if the spill occurs on its land, especially for the Forest Service or the Bureau of Land Management. The SHPO is generally associated with the State Historic Preservation Office or Society, which may or may not be within a department of State government, and can act as liaisons with other agencies as can Forest Service personnel. A list of contacts for culturally sensitive sites in Region IX is provided in Appendix XIV. These contacts are generally available during business hours only.

4008.03 Drinking Water Intakes

One of the major differences between coastal marine spills and freshwater is the potential impact to drinking water supplies. In many cases users of surface waters do not have an alternate source of supply, nor do they have treatment or monitoring facilities for oil or chemical contamination.

Water intakes are surface sources of public drinking water with 15 service connections or regularly serve 25 individuals. Due to the scope and detail required to identify these areas, information on drinking water intakes will be provided in the specific area plans. Identification of drinking water authorities responsible for the water intakes in surface waters may be found in Area Contingency Plans, State Health Departments, and Locally in Emergency Management Plans.

Mitigation and cleanup of spills requires knowledge of resources at risk. Because many source locations and pollutant paths are possible, a strict prioritization of protection strategies is difficult. However, identification of resources potentially at risk before an incident, and discussion of their relative importance, are useful processes, both technically and from communications and human standpoints.

Sources of resource information are provided in this section. Planning is the preferred means to identify protection strategies, as it reduces time required to implement effective protective measures and improves coordination through prior personal contact among responsible agencies. Where planning has not been completed, early notification and coordination with appropriate agencies is critical. This section identifies types of resources to be considered for protection.

4009 NATURAL RESOURCES DAMAGE ASSESSMENT

NRDA is authorized by the Clean Water Act (CWA) and by the Oil Pollution Act of 1990 (OPA). Section 1006(b) of OPA directs natural resource trustees *(i.e.*, Federal landowners and natural resource managers [including DOI, DOD, DOA/USFS, DOC/NOAA and DOE], States, federally-recognized Indian tribes, and foreign governments) to: (1) determine whether injury to, destruction of, loss of, or loss of use of natural resources and services has resulted from a; release or threatened release; (2) assess, and if appropriate, present a claim for and recover damages for such injuries (including the reasonable costs of assessing the damages); and, (3) develop and implement a plan for the restoration, replacement, or acquisition of the equivalent of the injured natural resources and services under their trusteeship. All damages collected must be used solely for the above-stated purposes.

Under OPA, natural resource trustees may initiate NRDA activities during the spill response phase. NRDA initiation activities constitute a preliminary assessment, or preassessment, of spill-related natural resource injuries and lost services. When preassessment activities occur concurrently with removal actions, sampling and field work conducted by the natural resource trustees should be coordinated with the FOSC to minimize any interference with response operations and, if appropriate, to avoid duplication

of sampling and data collection efforts. This preassessment information is used to determine whether a NRDA and emergency restoration action is appropriate. Prior approval for OSLTF reimbursement of trustee NRDA initiation costs is provided by the National Pollution Funds Center.

Under certain circumstances, natural resource trustees may undertake emergency restoration efforts to prevent or reduce the immediate migration of oil onto or into a trust resource or to immediately restore injured natural resources. Emergency restoration activities by the natural resource trustees should be coordinated with the FOSC.

DOI is a Federal natural resource trustee for migratory birds, anadromous fish, certain federally-listed threatened and endangered species, certain marine mammals and DOI-managed lands such as National Parks, National Recreation Areas, National Wildlife Refuges and federally-managed public lands. The DOI Office of Environmental Policy and Compliance (OEPC) is the initial contact for notification and overall coordination of DOI activities.

Within the DOI, the U.S. Fish and Wildlife Service (USFWS) is the bureau with management responsibility for migratory birds, certain threatened and endangered species, anadromous fish, certain marine mammals and the lands and waters in the National Wildlife Refuge system. The USFWS will likely be among those involved in spill-related preassessment activities, however, other DOI bureaus such as Bureau of Indian Affairs, Bureau of Land Management, Bureau of Reclamation, Minerals Management Service and National Park Service might also be involved.

In instances where other Federal agency lands or natural resources are involved, those may also serve as natural resource trustees. At the time of a spill, the involved Federal natural resource trustees will agree upon one Federal agency to act as the Federal lead administrative trustee (FLAT), and will convene a trustee group in cooperation with other Federal, State, Tribal, and foreign trustees, as appropriate, to ensure the best possible coordination of natural resource trustee activities (such as coordination of collective trustee funding needs, data gathering, damage assessment, and negotiations with the responsible parties).

4010 FIELD SURVEY TECHNIQUES

(Section to be revised NOAA)

4011 TECHNICAL SUPPORT SECTION

4011.01 Special Teams

The Trajectory Analysis Team develops estimates that combine visual spill observations made from aircraft overflights or remote sensing platforms with computer model calculations that include observed, predicted, and statistical information on weather and ocean currents. Integrating and interpreting data from field observations and computer models, allows the Team to provide complex information in a form the On-Scene Coordinator can use. For hazardous materials spills, projections can be made for the pollutants' movement in water and air.

The Team gives the Scientific Support Coordinator information on a spill's projected movement and behavior in the water or air. There are often two or more team members at each spill scene: one team member is responsible for participating in aircraft overflights of the actual spin scene and for briefing the SSC, the Coast Guard, and other operational personnel on the slick

movement. Overflights by trained observers provide critical information to decision-makers about the location, quantity, and changes in the oil. The information also serves to verify and update data in trajectory models, which use statistical averages until actual observations are available. During these overflights, the Team member will direct the pilot's flight track and aircraft flight elevation in order to best measure the course of the spill in the water. This person often may deploy oil-tracking instrumentation, such as drogues or dye pills to mark the path of the pollutant and look for visual confirmation of the spill's movement and behavior.

The other on-scene Trajectory Analysis Team member usually works out of the on-scene command post. This Team member is responsible for interfacing with the "home team," the Seattle-based component of the Team that provides data from the spill model and literature searches to the on-scene team. The spill model uses information on the location and time of the spill and its rate of release, area tides, currents, any unique circulation features, both observed and forecasted weather conditions, and the pollutant's composition. The model takes this information and generates maps that graphically estimate the expected movement of the spill. The command post member analyzes data received from the home team and consults local experts on the physical and chemical properties of the oil and on the particular oceanography of the area to help them make informed, accurate recommendations.

Collectively, the Trajectory Analysis Team has about seventy-five years of experience in dealing with spills and their fate in the marine environment. (NOAA Scientific Support Team Reference Guide)

4012 WEATHER INFORMATION SECTION

NOAA's NWS offices are operated 24 hours a day and provide weather forecasting and warnings. In addition, many can provide hydrological information. The regional NWS Forecast offices provide weather information including raw data (i.e., wind speed and direction, temperature, barometric pressure, humidity, etc.). Appendix provides a list of the forecast offices as well as 24 hour phone numbers which connect to the lead forecaster or warning coordinator for the area. These numbers should not be provided to the public.

4013 MODELS

(Section to be revised NOAA)

4013.01 Surface water Trajectories

(Section to be revised NOAA)

4013.02 Atmospheric Plane Models

(Section to be revised NOAA)

4014 SITE CHARACTERISTICS

(Section to be revised NOAA)

4015 REFERENCE LISTS

(Section to be revised NOAA)

4015.01 Response Reference List

(Section to be revised NOAA)

4015.02 Technical Reference List

(Section to be revised NOAA)

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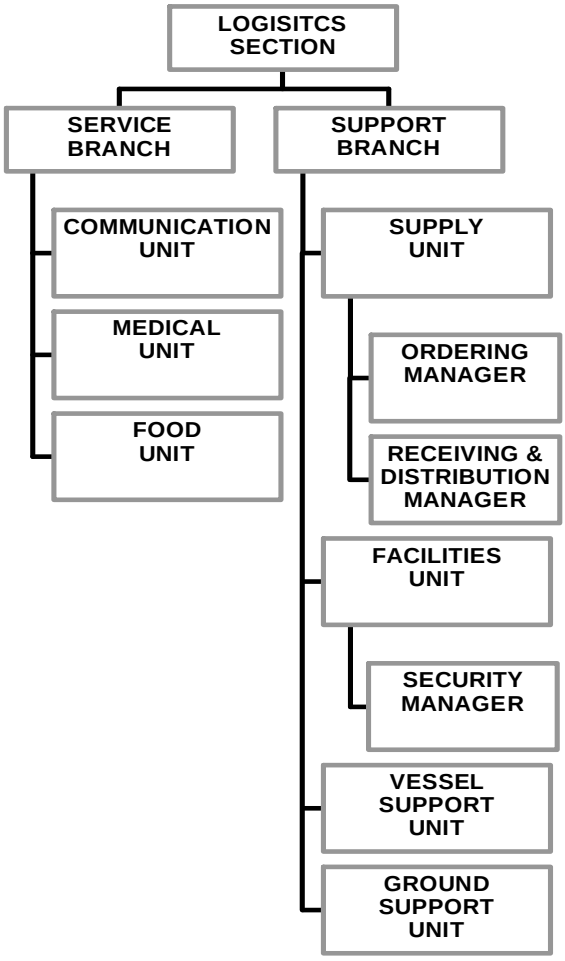
5000 LOGISTICS

5001 LOGISTICS SECTION ORGANIZATION

The Logistics Section is responsible for providing facilities, all services and materials needed for the incident. The FOSC acting as the Incident Commander will determine the need to establish a Logistics Section on the incident. This is usually determined by the size of the incident, complexity of support, and how long the incident may last. Once the IC determines that there is a need to establish a separate Logistics function, an individual will be assigned as the Logistics Section Chief.

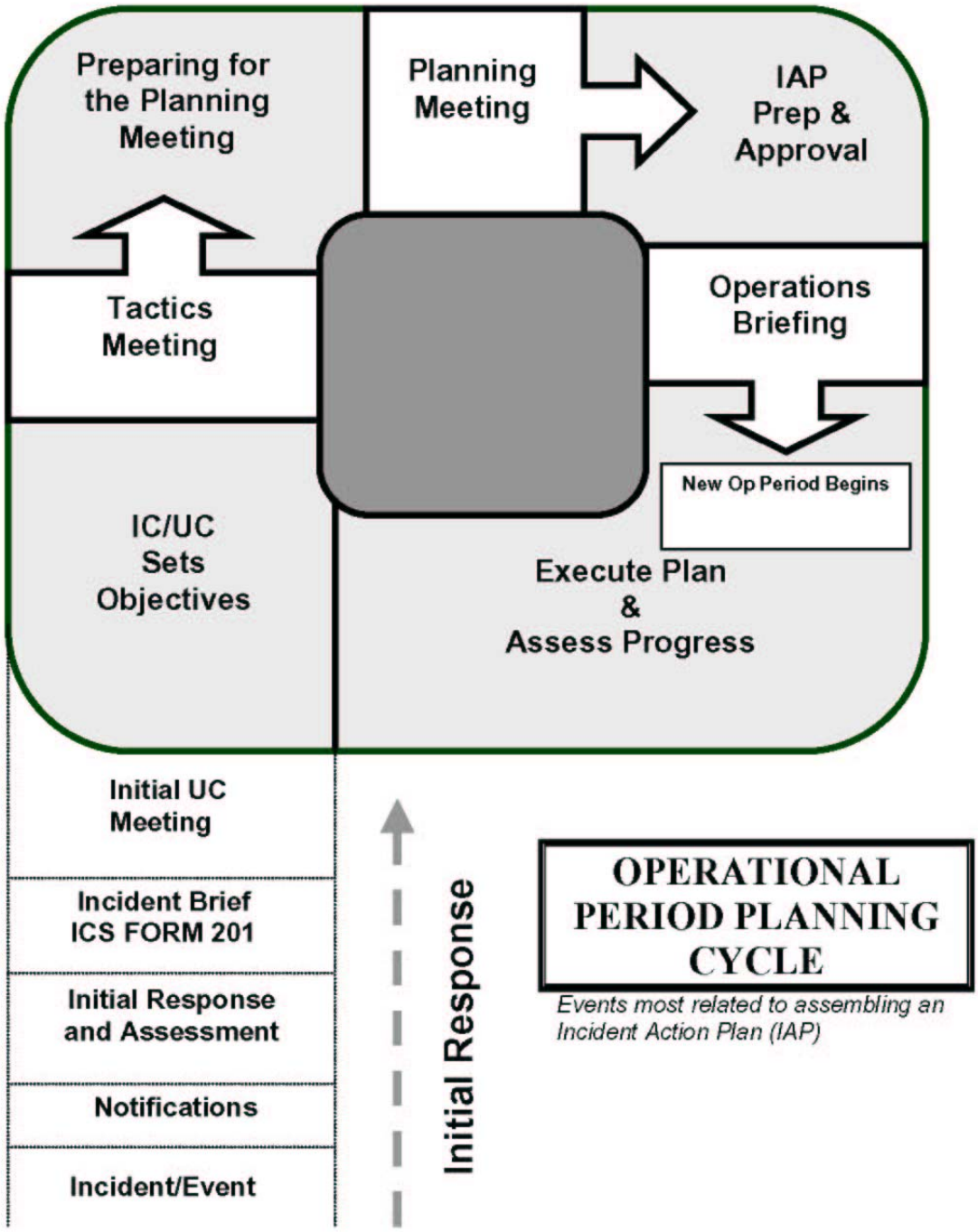
Six functional units can be established within the Logistics Section. If necessary, a two-branch structure can be used to facilitate span of control. The titles of the units are self descriptive. Not all of the units may be required, and they will be established based upon need. Branches and Units in the Logistics Section are shown in Figure 5000-A.

LOGISITCS SECTION DIAGRAM
FIGURE 5000-A



5001.01Logistics Section Planning 'P'

FIGURE 5000-B LOGISTICS SECTION Planning Cycle Guide



ABBREVIATIONS & ACRONYMS

Agency Admin. Rep.:	Agency Administrator Representative
Bus. Mgmt.:	Business Management
Comm. U.L.:	Communications Unit Leader
Demob. U.L.:	Demobilization Unit Leader
Finance/Admin:	Finance/Administration
Gen.:	General
I.A.P.:	Incident Action Plan
R.U.L.:	Resources Unit Leader
S.U.L.:	Situation Unit Leader
U.L.:	Unit Leader

5002 ROLES AND RESPONSIBILITIES

5002.01 Logistics Section Chief

The Logistics Section Chief, a member of the General Staff, is responsible for providing facilities, services, and material in support of the incident response. The Logistics Section Chief participates in developing and implementing the Incident Action Plan and activates and supervises Branches and Units within the Logistics Section.

5003 SITE SECURITY

Generally, Local law enforcement or the responsible party provide site security at the scene of a response. However, upon the recommendation of the Security Manager, the FOSC has the authority to provide for site security as necessary. When additional security is necessary, GSA can expeditiously arrange for contract guards.

5004 COMMUNICATIONS

The Communications Unit Leader serves in the Logistics section in an ICS structure. He or She is responsible for developing plans for the effective use of incident communications equipment and facilities; installing and testing of communications equipment; supervision of the Incident Communications Center; distribution of communications equipment to incident personnel; and the maintenance and repair of communications equipment. The major responsibilities of the Communications Unit Leader are:

a. Review Unit Leader Responsibilities (Page 2-2).
b. Determine Unit personnel needs.
c. Prepare and implement the Incident Radio Communications Plan (ICS Form 205).
d. Ensure the Incident Communications Center and the Message Center is established.
e. Establish appropriate communications distribution/maintenance locations within theBase/Camp(s).
f. Ensure communications systems are installed and tested.
g. Ensure an equipment accountability system is established.
h. Ensure personal portable radio equipment from cache is distributed per Incident Radio Communications Plan.
i. Provide technical information as required on:

- Adequacy of communications systems currently in operation.
- Geographic limitation on communications systems.
- Equipment capabilities/limitations.
- Amount and types of equipment available.
- Anticipated problems in the use of communications equipment.

j. Supervise Communications Unit activities.
k. Maintain records on all communications equipment as appropriate.
l. Ensure equipment is tested and repaired.
m. Recover equipment from Units being demobilized.
n. Maintain Unit/Activity Log (ICS Form 214)

5005 WEB SITES.

http://ens.ncs.gov

The Emergency Notification Service (ENS) is a 24/7 service to notify critical government personnel during emergencies using multiple communication channels, including telephone, Short Message Service (SMS), pager, and e-mail. Within minutes of receiving an Activation Order from an authorized representative of an organization, an automated process makes multiple attempts to reach intended Recipients until they confirm delivery or until a predetermined number of attempts have been made. After 30 minutes, a report detailing confirmation of delivery is returned to the originator of the Notification. Messages can be recorded in advance or when the notification is initiated, and can be sent as a General Notification or a Sensitive Notification. General Notification requires no authentication of identity from Notification Recipients before delivery of message content. Sensitive Notification requires positive authentication of identity from Notification Recipients identity before delivery of message content

5006 TELECONFERENCE SERVICES

The National Response Center is capable of establishing a teleconference of up to 60 participants. The system is intended for use in support of emergency response operations, but can be made available on a limited basis for routine matters. FOSCs and RRT chairmen may request establishment of a teleconference by contacting the NRC Duty Officer. They may request emergency conferences at any time, but should provide one-day advance notice whenever possible. NRC can be contacted at (800) 424-8802.

GSA can pre-arrange a teleconference system (Instant Meeting) capable of handling twenty participants. The cost is normal line charges. It must be used at least once a quarter or it is discontinued. In addition, FEMA has a dedicated teleconference system capable of handling ten participants.

5007 TRANSPORTATION (AIR, LAND, WATER)

Generally, government and/or personal vehicles or commercial airlines are utilized as transportation during response incidents. If necessary, charter services may be contracted.

5008 SPECIAL TEAMS AND OTHER ASSISTANCE AVAILABLE TO OSC

Different Federal agencies can provide special forces that a FOSC may call upon for assistance during an oil spill or hazardous substance release. These special forces are described below. They may be requested through the agency's RRT member.

5008.01 National Strike Force

NSFCC	(919) 331-6000
Pacific Strike Team	(415) 883-3311

The National Strike Force consists of the three USCG Strike Teams and the Public Information Assist Team (PIAT) and the National Strike Force Coordination Center (NSFCC). The National Strike Team and is available to assist FOSCs in both preparedness and response. The Strike Team provides trained personnel and specialized equipment to assist the FOSC in training, spill stabilization and containment, and monitoring or directing response actions. The NSFCC can provide coordination support to the FOSC and assist in locating spill response resources.

The Pacific Strike Team (PST) is a pollution control team equipped and trained to assist in the response to oil or chemical incidents. The PST has personnel on standby to respond to incidents occurring worldwide and can provide:

- Technical expertise;
- Supervisory assistance;
- Cost documentation;
- Deployment of salvage and pollution control equipment; and
- Training in pollution response techniques.

5008.02 U.S. EPA Scientific Support Center

U.S. EPA Scientific Support Center	(732) 321-6740
U.S. EPA Environmental Response Team (ERT)	(732) 321-6660 (24-hrs)

The U.S. EPA Environmental Response Team (ERT) provides access to special response equipment, including decontamination, sampling, and air monitoring equipment. The ERT can provide advice to the FOSC in hazard evaluation, safety, cleanup techniques and priorities, dispersant application, and training.

The ERT has expertise in treatment technology, biology, chemistry, hydrology, geology, and engineering, and can provide access to decontamination equipment for chemical releases. It can also advise the FOSC in the following areas:

- Hazard evaluation and risk assessment;
- Multimedia sampling and analysis;
- Water supply decontamination and protection;
- Degree of cleanup required.

5008.03 Radiological Emergency Response Team (RERT)

Radiological Emergency Response Team (800) 424-8802 (NRC)

Radiological Emergency Response Teams (RERTs) have been established by U.S. EPA Office of Radiation and Indoor Air (ORIA) to provide response and support for incidents or sites containing radiological hazards. Expertise is available in radiation monitoring, radionuclide analysis, radiation health physics, and risk assessment. RERTs can provide on-site support, including mobile monitoring laboratories for radiochemical sampling and analysis. Requests for support may be made 24 hours a day via the National Response Center or directly to the Regional U.S. EPA Radiation Program Manager in the Air and Radiation Division. Assistance is also available from the Nuclear Regulatory Commission, DOE, and other Federal agencies.

5008.04 ATSDR/CDC

ATSDR, the lead Federal agency for hazardous materials incidents, can provide the following experts for consultation and advice:

- Within 10 minutes - an emergency response coordinator;
- Within 20 minutes - a preliminary assessment team consisting of a toxicologist, chemist, environmental health scientist, physician, and other health personnel as required;
- Within 8 hours - an on-site response team (if the incident warrants).

5008.05 Navy Supervisor of Salvage

SUPSALV	(703) 602-7527
Emergency Activation (24 hour)	(703) 607-2578

The Navy Supervisor of Salvage and Diving, Office of the Director of Ocean Engineering (SUPSALV), maintains special equipment and trained teams for response to salvage-related oil and hazardous substance incidents. SUPSALV maintains an extensive inventory of oil pollution abatement equipment located primarily at Williamsburg, Virginia, and Point Hueneme, California, which is containerized for immediate deployment by air or truck.

5008.06 NOAA Scientific Support Coordinator

NOAA SSC (24 hour)	(206) 526-6317

The NOAA Scientific Support Coordinator (SSC) provides scientific support in environmental chemistry, oil spill trajectories, natural resources at risk, environmental tradeoffs of countermeasures and cleanup, and information management. FOSC requests for SSC support can be made directly to the SSC assigned to the area, to the NOAA HAZMAT program office in Seattle, or to the DOC RRT representative.

The SSC serves on the FOSC's staff and, at the request of the FOSC, lead the scientific team and be responsible for providing scientific support for operational decisions and for coordinating on-scene scientific activity. The SSC may also facilitate the FOSC's work with the lead

administrative trustee for natural resources to ensure coordination between damage assessment data collection efforts and data collected in support of response operations. The SSC can also support the RRTs and Area Committees in preparing regional and area contingency plans and in conducting spill training.

The NOAA SSC serving the Eleventh Coast Guard District is located at Eleventh Coast Guard District Headquarters in Alameda, California. The NOAA SSC serving the 14th USCG District is located at the USCG District Office in Alameda, California. The NOAA SSC can provide the following information:

- Weather forecasts, water levels, and currents;
- Spill trajectory forecasts;
- Oil observations and overflight maps;
- Information management;
- Natural resources at risk;
- Consensus from the natural resource trustee agencies;
- Environmental tradeoffs of countermeasures and cleanup;
- Environmental chemistry, including oil fingerprinting;
- Provide health and safety recommendations; and
- Support to RRTs and Area Committees in preparing regional and area contingency plans and in conducting spill training and exercises.

5008.07 USCG District Response Group

District 11 Marine Safety Division	(510) 437-3701

The USCG District Response Groups provide the FOSC with technical assistance, personnel, and equipment. The DRG comprises USCG personnel and equipment in the district, and an advisory team which coordinates movement of USCG resources.

5008.08 U.S. DOT Office of Pipeline Safety

Patricio Romero, US DOT RSPA, HazMat Safety	(909) 285-5200
Hossein Monfared, US DOT/RSPA, OPS.	(909) 225-1386
John Hess, DOT Office of Pipeline Safety	(202) 366-4595

The Regional Emergency Transportation Representative for U.S .DOT Region IX plans, coordinates, and implements region wide transportation emergency preparedness plans and programs, and serves as the primary contact point for emergency notification, response, and recovery operations within the region. When activated under the Federal Response Plan, the Regional Emergency Transportation Representative assists federal agencies, state, and local government entities and voluntary organizations requiring transportation capacity to perform response missions following a major disaster or emergency.

5008.09 General Services Administration

Refer to Appendix III for MOU and IAG detailing procedures to be used. Also, refer to Appendix XIII for contact information. U.S. EPA Region 9 has entered into an agreement with GSA Region 9 to provide initial funding of $50,000 to deploy these teams and fund their operations until additional funding becomes available.

- Real Estate (Leasing) Team - Expedited, emergency leasing can be performed by one or a team of Real Estate Specialists as necessary. Using "Unusual and Compelling Urgency", space including office, warehouse, and logistics facilities can be leased in as little as one day. The property becomes "Federal Property" with attendant rights and responsibilities.

- Contracting Team - Expedited, emergency contracting using "Unusual and Compelling Urgency" can be performed by one or a team of experienced Contracting Officers, including those with Unlimited Warrants as necessary.

- Telecommunications Team - The Telecommunications Representative will coordinate the communications assets and the fulfillment of communications and network requirements of all responding agencies in accordance with priorities established by the FOSC. In severe emergency circumstances, coordination with NCS and the Lead Federal Agency can be done to declare a telecommunications emergency.

5009 NON-FEDERAL CHEMICAL EXPERTISE

The technical and scientific information generated by the Local community, along with information from Federal, State, and Local governments, should be used to assist the FOSC in devising response strategies where effective standard techniques are unavailable. Additional support is available from the organizations listed below.

5009.01 Chemical Transportation Emergency Center

CHEMTREC 24-Hour Emergency Number (800) 424-9300

The Chemical Transportation Emergency Center (CHEMTREC), a service of the Chemical Manufacturers' Association, provides technical data, coordination of chemical manufacturers and emergency response information on chemical spills.

5009.02 American Petroleum Institute

American Petroleum Institute (business hours only) (202) 682-8000

The American Petroleum Institute (API) is an organization consisting of representatives of the petroleum industry. Technical and operational expertise is available.

5009.03 National Pesticide Telecommunication Network

National Pesticide Telecommunication Network (800) 858-7378

The National Pesticide Telecommunication Network provides information on pesticide-related health/toxicity/minor cleanup to physicians, veterinarians, fire departments, government agency personnel, and the general public.

5009.04 Association of Railroad, Bureau of Explosives

Bureau of Explosives (business hours) (202) 639-2222
CHEMTREC/Bureau of Explosives (24 hr.) (800) 424-9300

The Bureau of Explosives of the Association of Railroads can provide assistance in the area of accident assessment, classification of materials, environmental impacts, and methods of cleanup, and mechanical evaluations for incidents involving railroad trains.

5010 FEDERAL AGENCIES

Refer to Region 9's Regional Response team web site for an updated contact list of federal agencies: http://www.uscg.mil/d11/m/rrt9web/

5011 STATE ORGANIZATIONS

For services listed in this section, contact the appropriate State representative to the RRT.

5011.01 Arizona

AZ Dept of Environmental Quality
Michael W. Malone
(602) 771-4106
24-Hour: (602) 771-2330; (602) 390-7894
Fax: (602) 392-7528
MWM@ev.state.az.us

AZ Division of Emergency Management
Chuck McHugh
(602) 231-6242
24-Hour: 1-800-411-ADEM (2336)
Fax: (602) 392-7528
McHughC@dem.state.az.us

AZ Emergency Response Commission
Daniel Roe
(602) 231-6345
24-Hour: (602) 215-5718 (Pager)
Fax: (602) 392-7519
Roed@dem.state.az.us

5011.02 California

Inland Response and Coordination:

Governor's Office of Emergency Services
Trevor M. Anderson, Alternate
3650 Schriever Avenue
Mather, CA 95655
(916) 845-8788

Marine Oil Spill Response and Coordination

California Department of Fish and Game
Office of Spill Prevention and Response
Michael Sowby, State Representative
1700 "K" Street, Suite 250
Sacramento California 95814
(916) 324-7629
msowby@ospr.dfg.ca.gov

California Department of Fish and Game
Office of Spill Prevention and Response
Yvonne Najah Addassi, Alternate
1700 "K" Street, Suite 250
Sacramento California 95814
(916) 324-7626 office
yaddassi@ospr.dfg.ca.gov

5011.03 Nevada

Refer to the Nevada Hazardous Materials Emergency Response Plan for an updated list of state services: http://ndep.nv.gov/bca/hazmatplan.htm

5012 TRIBAL

Gila River Indian Community
Darrell Gerlaugh
(520) 562-2234
Fax: (520) 562-2245
darrellg@gilanet.net

5013 BASIC ORDERING AGREEMENT (BOA) CONTRACTORS

Refer to COMDTINST M4200.19H for further Guidance on BOA Contractors.

I. THE BASIC ORDERING AGREEMENT (BOA)
A. WHAT IS A BOA:

1. A BOA is not a contract and does not provide any contractual relationship between the Government and the Contractor.
2. A BOA is a written understanding that's already been negotiated between a contracting office and a contractor and is the preferred method of contracting for oil spill cleanup. (Refer to the JOTFOC.)
3. A BOA contains the terms and conditions that will apply to Delivery Orders that are issued against it. The terms and conditions contain i), fixed prices and a detailed description of the supplies or services to be provided, and ii), instructions on the procedures and authority for the issuance, administration and payment of Delivery Orders.
4. Every individual authorized to issue Delivery Orders against a BOA is responsible for reviewing and understanding the terms and conditions of each BOA.

B. WHY A BOA:

1. The Coast Guard and other Government Agencies have a need for an ongoing agreement with contractors that can provide services, supplies and equipment to contain, cleanup and/or mitigate the harmful effects of spilled petroleum products and hazardous substances.
2. The Contractor is on-call 24 hours a day, 365 days a year and usually has to respond on short notice.
3. CGAP Subchapter 1217.9203 (a) reads: "The nature of contracting for containment and clean-up of oil and hazardous substances makes full and open competition impossible; however, competition shall be obtained to the maximum extent possible as governed by the response time needed in any given emergency. These conditions are documented by Commandant (G-CPM) in a Class Justification for Other Than Full and Open Competition which Coast Guard contracting officers can use for all contracts and orders for oil and hazardous substance clean-up services." (Refer to CGAP Subchapter 1217.92)

C. CIRCUMSTANCES FOR USE:

1. BOAs are **strictly for emergency use** only. Under no circumstances may they be used for routine actions. A lack of planning does not justify using a BOA. Delivery Orders cannot be issued to order boom, sorbent pads, or take care of work that either could have, or should have, been done through normal procurement procedures.

D. HOW BOAs ARE PROCURED:

1. The Competition In Contracting Act (CICA) mandates that proposals be solicited to the fullest extent. In addition, the necessity for a quick response to an oil spill requires that we have as many BOAs in effect as possible. The BOAs must also provide for all of the personnel, supplies, equipment, etc., necessary for a cleanup.
2. The first step is to publicize the solicitation in the Commerce Business Daily (CBD). The CBD announces all Government solicitations and contract awards nationwide. A list of the firm's that have requested the solicitation is then compiled. Firms that presently have BOAs are not solicited because their BOAs do not expire.
3. During the announcement period the statement of work and list of items/services on the price schedule is sent to the (Sector) to be updated. The (Sector) then forwards their recommendations to (fcp), who in turn issues the solicitation.
4. Proposals are submitted and then evaluated by (fcp) for compliance with all of the solicitation requirements. The prices are entered into a spreadsheet which computes a competitive range for each line item based on the average offered price for the item. After this negotiations commence with each offeror. Please note that offerors are not required to submit prices on all of the items in the price schedule. (fcp) performs a preaward survey to determine that offerors are responsible. As part of the survey, the SECTOR may be asked to determine the response capabilities of some offerors.
5. In keeping with the requirements of paragraph 1, BOAs are awarded to all firms that fall within the competitive range, and distributed to all of the activities that are authorized to issue Delivery Orders against them.

E. KEY AREAS OF A BOA:

1. The Price Schedule. This is Attachment J.1 of the BOAs and lists the prices for all of the supplies, personnel and equipment that the contractor can provide.
2. Section C, Description/Specifications, contains definitions, the scope of work, contractor personnel and equipment requirements, and cleanup and disposal methods.
3. Section F, Deliveries or Performance, addresses response time, area(s) of response, contractor failure to respond, termination of Delivery Orders, annual reviews and termination of the BOA.
4. Section G, Contract Administration Data, states who can issue Delivery Orders, addresses

Government and Contractor obligations, documentation, how the Government will determine allowable billing costs, and payment.

5. Section H, Special Contract Requirements, stipulates that subcontracts may be approved only by the MLCPAC Contracting Officer.

F. WHO CAN USE THE BOAs:

1. Only authorized Contracting Officers and On-Scene Coordinators (OSCs) located at an Authorized Ordering Office may issue Delivery Orders under a BOA. This authority may not be delegated.

2. For the purposes of consistency other Government agencies are authorized to issue Delivery Orders against the BOAs.

3. The U.S. Coast Guard has a Memorandum Of Understanding (MOU) with the Environmental Protection Agency (EPA) which states that the Coast Guard will provide contracting support. There is no Coast Guard involvement for Delivery Orders issued by the Navy, Maritime Administration, Corps of Engineers, etc. Questions from these organizations must be directed to the MLCPAC (fcp) Contracting Officer -not the (mer)s or (Sector)s.

G. COAST GUARD ON-SCENE-COORDINATOR (OSC) AUTHORITY:

1. OSC's are not authorized to take any action, either directly or indirectly that could result in a change in the pricing, quality, established response time frames, or any other terms and conditions of the BOA; or, to direct the accomplishment of effort which would exceed the scope of the BOA. Whenever there is the potential that discussions may impact areas such as described above, the OSC must contact the MLCPAC (fcp) Contracting Officer.

2. The OSC is not required to superintend, in any manner, so as to relieve the contractor of any responsibility, or consequence of neglect by the contractor, his subordinates, subcontractors or suppliers.

II. THE JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION (JOTFOC)

A. The JOTFOC is a document approved by the Commandant of the U. S. Coast Guard that authorizes emergency procurement actions during an oil spill cleanup.

B. This authorization is a Class Justification which allows the use of BOAs, subcontracting procedures and the emergency procurement of supplies and services not covered under BOAs.

C. The JOTFOC is only for cleanup incidents handled by the Coast Guard, and does not apply to other Government agencies.

D. A copy of the JOTFOC is in each BOA, and a copy must be inserted in each individual Delivery Order file.

III. PROCUREMENT REQUEST (PR)

A. THE OSC OBTAINS INFORMATION AND PREPARES THE PR: (Note: 1 and 2 below do not apply to CG generated spills.)

1. The OSC obtains an FPN/Ceiling via CANAPS (www.nprf.gov/canaps). The District is automatically a recipient of the CANAPS-generated message.

2. The (Sector) creates the Document Number using DAFIS instructions and the (Sector) Document Number list.

3. The (Sector) prepares a PR consisting of the following information:

   a. Federal Project Number (FPN)

   b. Fund Citation (i.e. Document No., Accounting Data)

   c. Dollar amount of funds to be obligated under the PO/Delivery Order. (Don't include the full amount of funds issued by the NPFC for administrative support -travel,

personnel, etc. Include only the amount to be obligated under the Delivery Order.)
d. Date(s) the services and/or equipment are required
e. Suggested Contractor(s) and Phone Number(s)
f. BOA Number(s) (if applicable).
g. Coast Guard POC and Phone Number.
h. A brief description of the project.
i. Reasons for no competition or for going to a higher cost source. Brief determination or sole source statement of why the OSC has determined that the services or equipment can, or should, only be obtained from one source or may only be procured from one source due to response time requirements.

NOTE: SPACE OUT THE FUNDING *(DON'T USE UP ALL OF YOUR MONEY AT ONCE. IF SOMETHING'S NEEDED FOR A MONTH, OBLIGATE ENOUGH FUNDS FOR A WEEK. SCHEDULE FUNDING TO RUN OUT ON THURSDAYS–NOT FRIDAYS)*

B. USE OF CERCLA FUNDS FOR HAZARDOUS SUBSTANCE SPILLS INLAND:

1. CERCLA fund use is now basically the same as IIIA. above.
2. CERCLA project numbers are obtained via CANAPS (e.g., C02401).

IV. DELIVERY ORDERS

A. WHAT IS A DELIVERY ORDER:

1. The document that makes a definitized written commitment between the Contractor and the Government (CG).
2. Obligates funding to cover the Government cost and allows the contractor to get paid.

B. WHICH OFFICE ISSUES THE DELIVERY ORDER:

1. FPN UNDER $50K -If the FPN ceiling is expected to remain under $50,000.00 the OSC/SECTOR issues a Delivery Order. ***SECTOR DISTRIBUTES THE ORDER WITHIN 8 WORKING HOURS TO CONTRACTOR AND FINANCE CENTER. SEND A COPY TO MLCPAC (fcp-1) WITHIN 3 DAYS.***
2. FPN OVER $50K -If the FPN ceiling is expected to exceed $50,000.00 the MLCPAC (fcp) issues a Delivery Order. ***SECTOR FORWARDS PR TO MLCPAC (fcp) FOR ACTION.***

C. WHO CAN SIGN/ISSUE DELIVERY ORDERS:

1. Coast Guard On-Scene-Coordinators (OCSs) as limited Contracting Officers have the authority to place orders against existing BOAs for oil and hazardous substance response actions with a limit not to exceed $50,000 per incident. (i.e., This is the ceiling amount of the FPN.) This authority may not be delegated. (Refer to CGAP Subchapter 1217.9204(a))
2. Over $50K per incident must be issued by authorized Contracting Officers at MLCPAC (fcp).
3. During the initial stages of an incident the OSC may verbally authorize the BOA Contractor to commence performance provided a confirmation DO is issued within 8 hours.

D. CONTENT AND CEILING AMOUNT:

1. Each Delivery Order must:
   a. Specify the name and telephone number of the Ordering or Contracting Officer, amount of funds, payment office and the address of the office where the invoices are to be sent.
   b. Be for an emergency requirement for oil spill/hazardous waste cleanup within the Scope of the BOA.
   c. Contain:
      1) Federal Project No.

2) The BOA, Delivery Order, and Document Numbers.
3) Not To Exceed (NTE) ceiling price.
4) Contractor's name, address.
5) Name and signature of OSC.
6) Incorporate all provisions of the BOA.
7) Accounting data.

2. DO File documentation: (Refer to CGAP Subchapters 1217.9203 & 9207)
a. Copy of CANAPS e-mail confirmation.
b. Copy of the Authorization To Proceed (ATP), if one is issued.
c. Justification for award to other than small business.
d. Copy of class JOTFOC.
e. Copy of the determination from the individual issuing the Delivery Order (i.e., OSC or MLCPAC Contracting Officer) that the Service Contract Act applies.
f. Competitive documentation:
i. Action taken to obtain competition or why competition was not feasible.
ii. The name(s) and points of contact for contractors contacted.
iii. Rationale for awarding DO to successful offeror.
g. A copy of the DO and any modifications.
h. Copies of invoices with supporting documentation.

V. ITEMS OR SERVICES NOT COVERED UNDER A BOA

A. SUBCONTRACTING:

1. Basis for limitations and how it works (Mitigation of costs requirements, etc.).
2. Subcontracts for materials versus services.

B. NON-BOA (OPEN MARKET) CONTRACTS:

1. Why not just subcontract under the BOA.
a. Mitigation of costs.
b. Cheaper for CG to procure than pay Contractor handling or mark-up change.
2. Who can order off-BOA supplies or services.
a. The OSC only has authority for BOA items -all requirements for non-BOA cleanup services, equipment, materials and must be referred to the MLCPAC (fcp) Contracting Officer.
i. If the appropriate Contracting Officer cannot be contacted in a timely manner, the OSC is authorized to issue non-BOA purchase orders, on an emergency basis only, with a limit not to exceed $25,000 per incident. The OSC must contact the MLC (or the Contracting Officer to whom this responsibility has been delegated) within twenty-four (24) hours after exercising this emergency authority and provide documentation of competition.
b. If the FPN is under $25K only authorized Contracting Officer, i.e., MLCPAC or DRAT team KO, or District (a) office.
i. IAW COMMANDANT Instruction 16465.41, DRAT personnel shall include a KO with Level I Warrant and serve as a KO when requested by OSC. (Remember: MUST HAVE WARRANT FOR SERVICES = TO ORDERS ISSUED).
ii. District may have KO with warrant (again Warrant = to order $). If the FPN is over $25K only the MLCPAC Contracting Officer.

C. MIPRS:

1. Must be issued by the MLCPAC Contracting Officer, not OSC.
2. Payment -"The Agency" (e.g., Navy) submits billing and support documents to the OSC.

a. The OSC forwards the billing documents to NPFC case officer within 7 days.
b. NPFC case officer will arrange reimbursement to the Agency.

VI. COMPLETION
A. PAYMENTS:

1. Prompt Payment Act (FAR 52.232-25 applies)
   a. Total 30 days from receipt of correct invoice.
   b. Reject incorrect/incomplete invoice within 5 days.
   c. Date stamp invoice -FINCEN uses date of receipt by the OSC as the start date for interest payment.
2. On-Scene-Coordinator
   a. Receives and date-stamps invoice.
   b. Verifies that supplies/services have been authorized and received. Verifies hours, number of personnel, equipment, subcontract costs (supported by posted receipts) and that removal actions were performed properly.
   c. Forwards approved invoice with supporting documentation to cognizant KO within 7 days. Make sure invoice is marked partial or final -FINCEN will deobligate excess funds. (Refer to COMDT Message 021657Z Nov 95)
3. Contracting Officer
   a. Reviews invoice and insures prices are the prices set forth in the BOA.
   b. Forwards invoice to FINCEN for payment with copy to NPFC case officer within 10 days.

   (NOTE: MLCPAC MUST ALWAYS SEE AND APPROVE BOA ORDER INVOICES REGARDLESS OF $ VALUE).

B. DISPUTES:

1. All clarifications and discrepancies, must be directed to the BOA Contractor or their authorized representative. When there is a conflict between the OSC's interpretation of the BOA and that of the Contractor, the OSC shall refer the matter to the Contracting Officer. If the OSC is uncertain of the intent and interpretations of the BOA, he/she shall contact the MLCPAC (fcp) Contracting Officer for the governing interpretation.
2. The OSC shall attempt to resolve any disparities in the billing with the Contractor. The OSC must document any disputed hours, equipment, etc., and send the basis for the dispute to the Contracting Officer, who will then issue a written notification to the Contractor of the items under contention, and request the Contractor to either submit another invoice, or justification for the amount invoiced.

VII. MLCPAC (fcp) CONTRACTING SUPPORT:
A. WHEN TO CONTACT MLCPAC:

1. Always send MLCPAC (fcp) a copy of every POLREP.
2. Contact (fcp) as soon as you think the order will exceed $25,000.
3. Anytime you have questions regarding BOAs or Delivery Orders.

B. CONTRACTING SUPPORT:

1. Contracting Officers are always available to answer questions regardless of which office issues the Delivery Order.
2. A Contracting Officer, Primary Alternate and Secondary Alternate is assigned to each spill.
3. For a major spill the MLCPAC legal office is alerted to provide assistance if large dollar non-BOA contractual actions are necessary.

4. During a major spill a Contracting Officer will be sent TDY to the Incident Command Center.

C. MLCPAC CONTRACTING OFFICERS:

To reach an (fcp-1) Contracting Officer during non-duty hours, contact the PACAREA OPCEN at (510) 437-3700 or (510) 437-3708.

5014 MILITARY ORGANIZATIONS

Reserved

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6000 FINANCE AND ADMINISTRATION

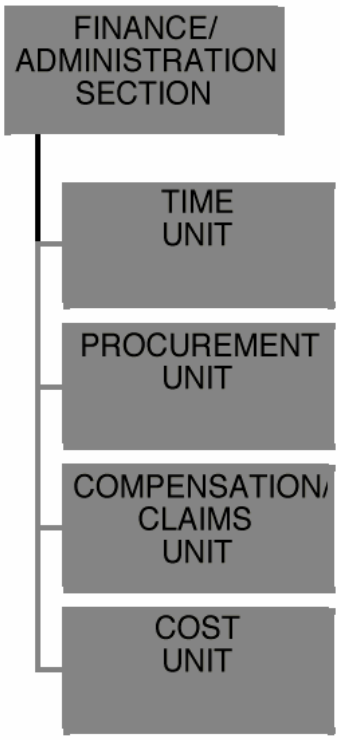
6001 FINANCE /ADMINISTRATIVE SECTION ORGANIZATION

The following is an organizational chart of the Finance/Administrative Section and its subordinate units. It serves as an example and is not meant to be all inclusive. The functions of the Finance/Administrative Section must be accomplished during an incident; however, they can be performed by one individual or can be expanded, as needed, into additional organizational units with appropriate delegation of authority. Information regarding the Finance/Administration Section and Staff positions within the command can be found in the Oil Spill Field Operations Guide (FOG) ICS-OS-420-1 dated June 2000.

6002 ROLES AND RESPONSIBILITIES

Finance is usually staffed in large-scale or complex incidents. Since most of the activities of Finance do not require face-to-face communication, these operations maybe located remote from the incident site. All functions not assigned by the Section Chief remain the responsibility of the Section Chief.

FINANCE/ADMIN SECTION DIAGRAM
FIGURE 6000-A



6002.01 Finance Section Chief

The Finance Section Chief must provide for the documentation of all incident costs and provide guidance to the IC on financial issues that may have an impact on incident operations. These responsibilities include:

- Future payments;
- Future budgeting;
- Payment of personnel costs;
- Cost recovery;
- Timely administration of contracts;
- Meet with assisting and cooperating company/agency representatives, as required;
- Maintain daily contact with company/ agency(s) administrative headquarters on finance matters;
- Ensure that all personnel time records are transmitted to home company/agency according to policy; and
- Ensure that all obligation documents initiated at the incident are properly prepared and completed.

The Finance Section Chief is responsible for all finance functions needed for an incident. This individual should establish functional Units when needed to maintain an acceptable workload and span of control. Subordinate Finance functions may be combined when workload permits.

The Finance Section Chief should be assigned before implementation of subordinate units to prevent an excessive span of control or information overload for the ICS.

6002.02 Time Unit / Leader

The Time Unit Leader is responsible for equipment and personnel time recording.

6002.03 Procurement Unit / Leader

The Procurement Unit Leader is responsible for administering all financial matters pertaining to vendor contracts.

6002.04 Compensation / Claims Unit/ Leader

The Compensation/Claims Unit Leader is responsible for the overall management and direction of all Compensation for Injury Specialist and Claims Specialists assigned to the incident.

6002.05 Cost Unit / Leader

The Cost Unit Leader is responsible for collecting all cost data, performing cost effectiveness analyses, and providing cost estimates and cost saving recommendations for the incident.

6002.06 Contracting Officer Authority

Refer to the USCG IMH for Contracting Officer Authority.

6003 RESPONSE FUNDING MEASURES

The person or persons responsible for discharges or releases are liable for costs of cleanup. The FOSC shall attempt to have the party responsible for the discharge or release voluntarily assume responsibility for containment, removal, and disposal operations. If the FOSC determines that the responsible party has caused the discharge of oil or release of hazardous substances, he/she may initiate appropriate response actions established by OPA, CWA, or CERCLA. Action will be initiated by the agency administering the funding mechanism to recover such expenditures from the party responsible for the discharge, if known. The FOSC may also issue an Administrative Order, either by consent or unilaterally, to require financially viable responsible parties to conduct the removal action.

Until new guidance is published, all incidents requiring funding must be screened by category: CWA Section 311(k) for oil releases only and CERCLA for any release or threat of release of a hazardous material as defined by CERCLA. A U.S. EPA and USCG Headquarters agreement states that response to any potentially hazardous material that is an oil and hazardous materials mixture shall be CERCLA-funded. This section addresses U.S. EPA and State access to OPA and CERCLA funding. USCG procedures can be found in the USCG's National Pollution Funds Center Reference Guide.

The Oil Spill Liability Trust Fund should not to be confused with the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Fund. The CERCLA fund, also known as the Superfund, is used for releases of hazardous substances into the environment and the cleanup of inactive hazardous waste disposal sites (i.e., 50 gallon drums on beaches or in water). The OSLTF is opened by the cognizant FOSC via the Ceiling and Numbering Assignment Processing system (CANAPS). The CERCLA fund is opened by an FOSC by contacting the National Pollution Fund Center (NPFC) directly.

6003.01 CERCLA-FUNDED RESPONSES

6003.01.1 Inland Zone

Two mechanisms exist for funding a response and response-related activities of another Federal agency other than U.S. EPA: an agency's Superfund budget and an interagency agreement (IAG) authorizing access to the CERCLA Superfund account. Response operations for hazardous substances or mixture of hazardous materials and oil may be funded from the CERCLA Superfund account. Removal actions shall not continue after $2 million has been obligated or twelve months have elapsed from the date of the initial response, unless U.S. EPA grants an exemption in accordance with Section 104(c)(1) CERCLA, as amended. Additionally, CERCLA-funded action may not be taken in response to a release or threat of a release:

a. Of a naturally occurring substance in its unaltered form or altered solely through naturally occurring processes or phenomena, from a location where it is naturally found;

b. From products which are part of the structure of, and result in exposure within, residential buildings or business or community structures;

c. Into public or private drinking water supplies as a result of system deterioration through ordinary use.

However, U.S. EPA may respond to any release or threat of release if it is determined that it constitutes a public health or environmental emergency and no other person with the authority and capability to respond to the emergency will do so in a timely manner.

Coast Guard FOSCs have direct access to CERCLA funds via the NPFC and the U.S. EPA Region 9 Superfund Division Director has been delegated the authority to approve actions costing up to $2 million. State and Local governments are not authorized to take actions that involve expenditures of CERCLA funds, unless an appropriate contract or cooperative agreement has been established.

The FOSC is responsible for identifying whether technical assistance from another agency is necessary, and for making arrangements for that assistance. In addition, FOSCs are responsible for initiating and processing any site-specific IAGs necessary for reimbursing Federal agency participation.

U.S. EPA FOSCs may develop, negotiate terms, and award IAGs for site-specific, U.S. EPA-led actions. For these IAGs, the FOSC:

a. Defines the scope of work to be performed; outlines the responsibilities of each agency; determines the performance period; identifies primary contacts in each agency; names contractors and the dollar amounts of any contracts, if applicable; and determines the overall reporting, invoicing, and amendment requirements;

b. Prepares four copies of the Interagency Agreement/Amendment (EPA Form 1610-1), and prepares the commitment notice and the transmittal/decision memorandum.

The FOSC then monitors accomplishment of work in accordance with the IAG scope of work.

6003.01.2 Coastal Zone

The Comprehensive Environmental Response, Compensation & Liability Act (CERCLA) is the CERCLA fund. The following procedures apply to FOSCs (either Coast Guard or EPA) who are performing hazardous substance response operations under the NCP and require funding support from the CERCLA Fund.

1) The FOSC contacts the NPFC Case officer and requests issuance of a CERCLA Project Number (CPN) and a corresponding ceiling amount. Additional information needed includes:
   a. SECTOR and OSC Point of Contact;
   b. Name of incident, location (city/county, state);
   c. Latitude and Longitude;
   d. Date incident occurred/discovered and date FOSC action commenced;
   e. Description of threat;
   f. Ceiling amount requested;
   g. Contractor(s) hired and amount obligated for each.

2) The NPFC will respond promptly to all requests, with confirmation by priority message no later than the next business day.

3) Initial CERCLA Ceiling requests are limited to $250,000

4) All messages, POLREPS, or others messages related to the incident where the CERCLA Fund has been accessed shall include the FOSC, NPFC, District (m), CG FINCEN, and cognizant MLC contracting branch as INFO addees, in addition to current reporting requirements.

5) There are special FOSC requirements for CERCLA incidents which place additional reporting requirements. See the NPFC User Guide for more information.

6003.02 OPA-FUNDED RESPONSES (OSLTF)

6003.02.1 National Pollution Fund Center (NPFC)

The National Pollution Funds Center (NPFC) is the fiduciary agent for the Oil Spill Liability Trust Fund (OSTLF) and CERCLA/Superfund manager for the funds provided by EPA for hazardous materials incident response.

OPA established the OSTLF to pay for oil spill cleanups and damages in cases where the responsible party cannot or will not pay for the cleanup. The NPFC currently administers the disbursement of the OSLTF money. The NPFC has several responsibilities, including:

1. Providing funding to permit timely removal actions;

2. Initiating Natural Resource Damage Assessments for oil spills;

3. Compensating claimants for damages caused by oil pollution;

4. Recovering costs owed by the responsible parties for oil pollution damages; and

5. Certifying the financial responsibility of vessel owners and operators.

OPA effectively permits other Federal agencies, the States and Native American Tribes access to the OSLTF for a variety of purposes. The OSLTF can be used following an incident for removal actions and actions necessary to minimize or mitigate damage to the public health or welfare and natural resources. Access to the OSLTF is partially governed by Section 6002 of OPA, 33 U.S.C. Section 2753. Federal, State, Local, or Tribal agencies may get funding for removal costs through the FOSC or by submitting a claim to the NPFC.

NPFC (703) 235-4700
4200 Wilson Blvd., Ste. 1000
Arlington, VA 22203-1804

6003.02.2 Access to the OSLTF (EPA and USCG)

FOSCs now access the OSLTF via the Ceiling and Numbering Processing System (CANAPS), an online fund request system that is intended to replace the manual fund requests via telephone or message traffic.

6003.02.2(a) Ceiling and Numbering Assignment Processing System (CANAPS)

CANAPS automates and centralizes the creation and management of project numbers and ceilings for Federally funded responses initiated by Federal On-Scene Coordinators (FOSCs). CANAPS is a Web-based tool available at: www.npfc.gov/canaps

CANAPS collects basic incident information via a user-friendly, Internet "wizard" and immediately assigns a project number and the requested spending ceiling – up to a preset limit. An email confirmation of the project number and ceiling is sent to the requesting FOSC. CANAPS then creates the required official message and releases it through the Coast Guard Messaging System (CGMS).

Ceiling and Project Limits

Federal Project Numbers (FPNs) can be opened by EPA and USCG FOSCs for the removal of oil using the Oil Spill Liability Trust Fund (OSLTF).

CERCLA Project Numbers (CPNs) can be opened by USCG FOSCs for the removal of hazardous substances using Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) funds. The EPA has its own process for opening Superfund projects outside of CANAPS.

The need to manage the respective funds requires limits to the amount of money that can be obligated automatically by the CANAPS system before having to speak to the National Pollution Funds Center (NPFC).

- The USCG can open FPNs up to $500K and CPNs up to $249,999.
- The EPA can open FPNs up to $250,000.

These thresholds are subject to change based on the availability of funds. Additional money is available. If the project is going to grow beyond these limits, contact the NPFC to request additional funding.

The NPFC duty officer can be reached at 800-759-7243 PIN: 2073906.

6003.02.2(b) State Access to OSLTF

In accordance with regulations promulgated under Section 1012(d)(1) of OPA, the President, upon the request of a Governor of a State, or the individual designated by the Governor, may obligate the OSLTF through the NPFC for payment in an amount not to exceed $250,000 for removal costs consistent with the NCP required for the immediate removal of a discharge, or the mitigation or prevention of a substantial threat of a discharge, of oil. Requests for access to the OSLTF must be made by telephone or other rapid means to the OSC.

In making a request to access the OSLTF, the person making the request must do the following:

1. Indicate that the request is a State access request under 33 CFR Part 133;
2. Give their name, title, department, and State;
3. Describe the incident in sufficient detail to allow a determination of jurisdiction, including at a minimum the date of the occurrence, type of product discharged, estimated quantity of the discharge, body of water involved, and proposed removal actions for which funds are being requested under this part; and
4. Indicate the amount of funds being requested.

To date, U.S. Region 9 has received designation notices from the Governors of the States of California, Arizona, Nevada, , , , and as follows:

For further information, refer to the USCG Technical Operating Procedures (TOPs) for State Access Under Section 1012 (d)(1) of OPA (NPFC Instruction 16451.1, November 1992), and the Flow Chart, State Access to OSLTF under Section 1012(d)(1) of OPA, 33 U.S.C. Section 2712. These documents are available through the NPFC.

6003.02.2(c) Trustee Access to OSLTF

Pursuant to Executive Order 12777, dated October 22, 1991, the authority to obligate funds from the OSLTF to initiate NRDA is delegated to the Secretary of the Department of Transportation. This authority has been delegated to the

NPFC. Federal trustees must obtain FOSC approval prior to expenditure of federal funds for removal costs incurred while responding to an oil and/or hazardous substance discharge under the direction of the FOSC. If a trustee believes that a Federal response action is necessary to protect natural resources, whether or not the response action has been Federalized, the trustee must notify the FOSC in order to assure that any response action taken is authorized and in accordance with the requirements of the NCP, located at 40 CFR Part 300. If a natural resource trustee wishes to access the OSLTF in order to undertake natural resource damages assessment, the trustee must work directly with the NPFC.

6003.02.2(d) Reimbursable Expenses

OPA authorizes payment of removal costs, including the costs of monitoring removal actions, consistent with the National Contingency Plan. This allows payment of incident-specific costs authorized by a FOSC, including costs of monitoring a responsible party's cleanup, as well as actual Federal cleanup activities. The fund may pay:

1. Costs of containment and removal of oil from water and shorelines;
2. Costs to prevent, minimize, or mitigate oil pollution where there is a substantial threat of discharge of oil; and
3. Costs of taking other related actions necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, damage to fish, shellfish, wildlife, public and private property, shorelines, and beaches.

Examples of incident-specific Federal removal costs payable from the fund include out-of-pocket expenses (e.g. per diem, travel, vehicle mileage costs; replication, transmission, and delivery of reports; rental cars, and field consumable costs), contracted costs, costs of U.S. EPA technical assistance teams, specific salary costs for temporary government employees hired or activated for the duration of the spill response, and specific salary costs for Federal employees not ordinarily available for oil spill response.

6003.02.2(e) Procedures for Reimbursement

To seek reimbursement from the Federal Pollution Fund, Federal agencies must submit their reimbursable expenses on Form SF 1080, "Voucher for Transfer between Appropriations and/or Funds," to the FOSC for certification. The FOSC will submit certified requests for reimbursements to NPFC within 60 days after completion of the cleanup action (33 CFR 153.417). The USCG will effect transfer of funds to the agency requesting reimbursement, and prepare a billing for the discharger from information on recoverable expenditures on the USCG form, "Personnel Vehicle and Miscellaneous Cost Accounting Sheet" (available from USCG). State agencies that do not have a formal agreement must submit a letter to the FOSC requesting reimbursement. This letter must include a detailed itemized statement of reimbursable expenditures. Please refer to the USCG Marine Safety Manual for additional information.

6003.02.2(f) Cost Recovery Action

All agencies participating in a Federal response must submit an itemized account of all recoverable costs to the FOSC within 60 days of the completion of a cleanup operation.

6003.02.2(g) Recoverable Costs

The discharger incurs liability, up to the discharger's legal limit of liability, for all actual costs associated with the Federal removal following the Federal assumption of response activities. Recoverable costs include:

1. Direct expenditures from the fund (i.e., payment of contractors or vendors);
2. All reimbursable agency expenses;
3. All personnel costs, including salaries of response personnel;
4. Equipment costs, including depreciation and maintenance;
5. Administrative overhead; and
6. Pollution removal damage claims.

6003.02.2(h) Liability Limits

OPA sets limits of liability that apply to all removal costs and damages sought under the Act. The limits may be adjusted for inflation every 3 years, based upon the consumer price index. The limits set by OPA are:

1. Tank vessels: $1,200 per gross ton; $10 million if 3,000 gross tons or greater; $2 million if less than 3,000 gross tons.
2. Any other vessel: $600 per gross ton or $500,000.
3. Offshore facility except Deep Water Ports: $75,000,000.
4. Onshore facility and Deep Water Port: $350,000,000.

There are certain exceptions to these limits of liability. The limits do not apply:

1. If the incident was caused by gross negligence or willful misconduct;
2. If the incident was a result of a violation of applicable Federal safety, construction, or operating regulations; or
3. If the responsible party fails to report the incident, provide all reasonable cooperation and assistance required by a response official or comply with an order issued by the Federal OSC.

In addition, OPA does not pre-empt State laws regarding liability, so in areas where State law places a higher limit, compensation for damages up to the liability limit established by the State law may be pursued.

6003.03 Coastal Zone

6003.03.1 Oil Spill Liability Trust Fund (OSLTF)

The Oil Spill Liability Trust Fund (OSTLF) is the Fund established under Section 9509

of the Internal Revenue Code of 1986 (26 USC 9509). FOSCs (either Coast Guard or EPA) who are performing oil removal operations under the NCP and require funding support from the OSTLF shall submit fund requests via CANAPS (refer to section 6003.02.2).

6003.04 State Access to the Oil Spill Liability Trust Fund (OSLTF) - Direct and Indirect (Reference 33 CFR 133)

Information about state access to the Fund is found in 33 CFR 133 and 33 CFR 136 with additional guidance in the National Pollution Funds Center's User Reference Guide. Information from the User Guide can be obtained by contacting the Eleventh Coast Guard District Marine Safety Division Office at phone number (510) 437-2940/2959. For additional information regarding these procedures or related subjects, State representatives, FOSCs, and other interested parties are urged to contact the NPFC at (703) 235-4767.

6003.05 Local Access to the State Oil Spill Response Trust Fund (OSRTF)

If the Oil Spill Liability Trust Fund is opened to provide funds for a spill incident, local agencies should seek reimbursement through the FOSC. If federal funds are not available or will not be available in an adequate period of time, and a responsible party does not exist or is unable or unwilling to provide adequate and timely cleanup and to pay for the damages resulting from a marine oil spill, then the State of California Oil Spill Response Trust Fund shall be used to pay necessary costs for responding to, containing, and cleaning up the oil spill. Information regarding these procedures can be obtained from the State of California Office of Oil Spill Prevention and Response Cost Recovery Unit at phone number (916) 327-9407.

6003.06 Lead Administrative Trustee Access to the OSLTF

Executive Order 12777 (October 22, 1991) requires the federal natural resource trustees to select a representative as the federal lead administrative trustee (LAT). In general, the LAT serves as the federal contact for all aspects related to damage assessment, resource restoration, and federal funding for NRDA activities. Depending on the resources affected and other relevant factors, it might be appropriate for most administrative duties to be undertaken by a lead trustee from a non-federal agency. In such cases, a LAT would still be selected to work with the representatives of the OSTLF to secure federal funds to initiate the damage assessment. All other administrative duties regarding damage assessment activities would be coordinated by the non-federal lead trustee. This lead trustee or trustee agency shall be selected by consensus of all participating trustees. The trustees will notify the Coast Guard of the LAT and, when applicable, non-federal lead trustee as soon as possible after an oil spill.

The trustees intend to execute a general Memorandum of Agreement (MOA) to coordinate their damage assessment and restoration activities. Among other things, the MOA will identify trustees, establish criteria for selecting the LAT, and provide procedures for decision making and monetary recoveries.

The LAT will contact the FOSC or his/her representative to secure money to initiate the assessment of natural resource damages following an oil spill. The LAT will provide an outline of studies jointly agreed upon by the participating trustees for which funding is sought and how such funds will be allocated among the trustees. Each participating trustee will provide documentation of all expenditures, costs and activities. The LAT is responsible for coordinating

all such documentation to the representatives of the OPA Fund.

6003.07 Claims Against the Fund (Reference 33 CFR 136, Subpart C)

Information about claims against the Fund can be found in 33 CFR 133 and 33 CFR 136 with additional guidance in the National Pollution Funds Center's User Reference Guide. A full copy of the User Guide can be obtained by contacting the Eleventh Coast Guard District Marine Safety Division Office at phone number (510) 437-2940. For additional information regarding these procedures or related subjects, State representatives, FOSCs, and other interested parties are urged to contact the NPFC at (703) 235-4767.

6003.08 Cost Recovery & Documentation Procedures (Reference 33 CFR 136, Subpart B)

Information about Cost Recovery and Documentation and cost recovery/documentation forms are in 33 CFR 133 and 33 CFR 136 with additional guidance in the National Pollution Funds User Reference Guide. Information from the User Guide can be obtained by contacting the Eleventh Coast Guard District Marine Safety Division Office at phone number (510) 437-2940, or the local Marine Safety Office. For additional information regarding these procedures or related subjects, State representatives, FOSCs, and other interested parties are urged to contact the NPFC at (703) 235-4767.

6004 REIMBURSEMENT TO LOCAL GOVERNMENTS FOR EMERGENCY RESPONSE

Section 123 of CERCLA and Section 1002 (b)(2)(F) of OPA authorize U.S. EPA to reimburse local governments for some and (in rare cases) possibly all of the expenses incurred in carrying out temporary emergency measures in response to hazardous substance threats or releases. These measures or operations are necessary to prevent or mitigate injury to human health or the environment.

The intent of this provision is to reduce any significant financial burden that may have been incurred by a local government (city, county, municipality, parish, township, town, Federally recognized Native American Tribe, or other official political subdivisions designated by a particular State) that takes the above measures in response to hazardous substance threats. Traditional local responsibilities, such as routine fire fighting, are not eligible for reimbursement. States are not eligible for this program and may not request reimbursement on their own behalf or on the behalf of a political subdivision within a given State (40 CFR Parts 310.20 and 310.30).

The following criteria must be met before a request for reimbursement is to be considered:

1. Local government must have had a Title III plan by October 1, 1988.
2. Response occurred after the effective date of this rule (October 17, 1986).
3. Local government informed U.S. EPA or the NRC as soon as possible, but not more than 24 hours after initiating response.
4. Response actions were consistent with CERCLA, the NCP, and EPCRA.
5. The request contains assurances that the response reimbursement does not supplant Local funds normally provided for such activities.
6. The applicant must have first attempted to recover the costs from all known potentially responsible parties (PRPs) and any other possible sources of reimbursement (State funds, insurance companies, etc.). Sixty (60) days must be allowed for the above responsible party to respond by making payment, expressing intent to pay, or demonstrating willingness to negotiate payment.

CERCLA limits the amount of reimbursement to $25,000 per single response. If several agencies or departments are involved in a response, they must determine among themselves which agency will submit the request for reimbursement. Any request must be received by U.S. EPA within six months of the related response action.

Some of the allowable costs may include, but are not limited to, the following:

1. Disposable materials and supplies acquired and used specifically for the related response.
2. Employee compensation for response work that is not provided in the applicant's operating budget.
3. Rental or leasing of equipment.
4. Replacement costs of equipment contaminated to the extent that it is beyond reuse or repair.
5. Decontamination of equipment.
6. Special technical services needed for the response, such as those provided by experts or specialists.
7. Other special services, such as utilities.
8. Laboratory analysis costs related to the response.
9. Costs associated with supplies, services, and equipment procured for a specific evaluation.

A review panel will evaluate each request and will rank the requests on the basis of financial burden. Financial burden is based on the ratio of eligible response costs to the Locality's per capita income adjusted for population. If a request is not reimbursed during the review period for which it is submitted, the U.S. EPA reimbursement official has the discretion to hold the request open for a one-year reconsideration.

An application package can be obtained by contacting the RCRA/Superfund Hotline at U.S. EPA Headquarters at (800) 424-9346. The application package contains detailed, line-by-line instructions for completing the application.

States can access the OSLTF in three ways:

1. Direct Access

States must request direct access through the FOSC. State access must be approved by the FOSC. The request must come only from the official designated by the Governor.

A proposal must be submitted to the FOSC and include anticipated funding and scope of work to be taken at the site. Ceiling increases and changes in the scope of work must be approved by the FOSC.

2. Pollution Removal Funding Authorization (PRFA)

The State acts as a contractor to the FOSC on site and can oversee site activities. The State can oversee Federal contractors under a PRFA.

The FOSC will prepare cost documentation and submit to the NPFC. State and other agency rates can be developed in conjunction with the NPFC.

Each agency involved in the spill must have a separate PRFA.

3. Claims

Costs for spill cleanup can be submitted to the NPFC after the incident if direct access or a PRFA was not used. An FOSC is not involved in the claims process.

The NPFC will determine whether all actions taken at the site were consistent with the NCP.

6005 FEDERAL RESPONSE PLAN/EMERGENCY SUPPORT FUNCTION #10

The Federal Response Plan was developed under the Disaster Relief Act of 1974, as amended by *The Robert T. Stafford Act Disaster Relief Act and Emergency Assistance Act of 1988 and the Disaster Mitigation Act 2000.* The Federal Response Plan established a foundation for coordinating Federal assistance to supplement State and Local response efforts to save lives, protect public health and safety, and protect property in the event of a natural disaster, catastrophic earthquake, or other incident declared a major disaster by the President.

The delivery of Federal assistance is facilitated through twelve annexes, or Emergency Support Functions (ESFs), which describe a single functional area of response activity: Transportation, Communications, Public Works and Engineering, Fire Fighting, Information and Planning, Mass Care, Resource Support, Health and Medical Services, Urban Search and Rescue, Hazardous Materials, Food, and Energy. The Hazardous Materials annex, ESF #10, addresses releases of oil and hazardous substances that occur as a result of a natural disaster or catastrophic event and incorporates preparedness and response actions carried out under the NCP. U.S. EPA serves as the Chair of ESF #10 and is responsible for oversight of all preparedness and response actions associated with ESF #10 activities, only if assigned it by FEMA. All NRT/RRT departments and agencies serve as support agencies to ESF #10.

6006 DOCUMENTATION FOR ENFORCEMENT AND COST RECOVERY

6006.01 Introduction

The FOSC in charge at the scene of a release may be from any one of several agencies. It is necessary, therefore, to establish uniform procedures for notification of counsel and for collection of samples and information consistent with the several phases in Federal response situations. Necessary information and sample collection must be performed at the proper times during Federal involvement in a spill for the purpose of later use in identifying the party responsible for cost recovery. Time is of great importance, as wind, tide, and current may disperse or remove the evidence and witnesses may no longer be available. Thus, during the response phases, the FOSC must take the necessary action to ensure that information, records, and samples adequate for legal and research purposes are obtained and safeguarded for future use. Detailed guidance on preferred procedures can be found in "Enforcement Considerations for Evaluations of Uncontrolled Hazardous Waste Disposal Sites by Contractors," U.S. EPA, National Enforcement Investigation Center, April 1980.

Section 300.335 of the NCP outlines the types of funds which may be available to address certain oil and hazardous substances discharges. For releases of oil or a hazardous substance, pollutant, or contaminant, the following provisions apply:

a) During all phases of response, the lead agency shall complete and maintain documentation to support all actions taken under the ACP and to form the basis for cost recovery. In

general, documentation shall be sufficient to provide the source and circumstances of the release; the identity of responsible parties; the response action taken; accurate accounting of Federal, State, or private party costs incurred for response actions; and impacts and potential impacts to the public health and welfare and the environment. Where applicable, documentation shall state when the NRC received notification of a release of a reportable quantity.

b) The information and reports obtained by the lead agency for OSLTF-financed response actions shall, as appropriate, be transmitted to the NPFC. Copies can then be forwarded to the NRT, members of the RRT, and others as appropriate.

6006.02 Notification

The FOSC is responsible for coordinating with counsel in his/her agency. Counsel for the RRT member furnishing the FOSC is responsible for notifying other RRT member counsel, as appropriate, of potential enforcement or cost recovery matters related to an incident. The FOSC and his/her counsel are responsible, following review and consultation with other RRT members involved in an incident, for notifying a responsible party of any determination under the CWA or CERCLA that the party is not properly accomplishing any response action.

The information and reports obtained by the FOSC are to be transmitted to the applicable RRT Co-chair. Copies will then be forwarded to members of the RRT and others, as appropriate. The representative of the agency on the RRT having cost recovery authority will then refer copies of the oil or hazardous materials reports to that agency's respective counsel.

6006.03 Legal Notice to Suspected Releaser

The owner, operator, or other appropriate responsible person shall be notified of Federal interest and potential action in an oil or hazardous materials release by the agency furnishing the FOSC. This notice shall include advice of the owner or operator's potential liability for proper response to the release; the need to perform removal in accordance with existing Federal and State statutes and regulations, this Plan, and the NCP; and identification of the FOSC.

6006.04 Oil or Hazardous Materials Release Report

The appropriate information for each oil or hazardous material release should be obtained by the FOSC and reported in the appropriate format established by the Emergency Response Division, Washington, DC. Statements of witnesses, photographs, analyses of samples, and related documentation will be retained by the FOSC for possible use in enforcement actions. In all major spills, the oil or hazardous material incident report should be completed and forwarded to the RRT Chair.

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