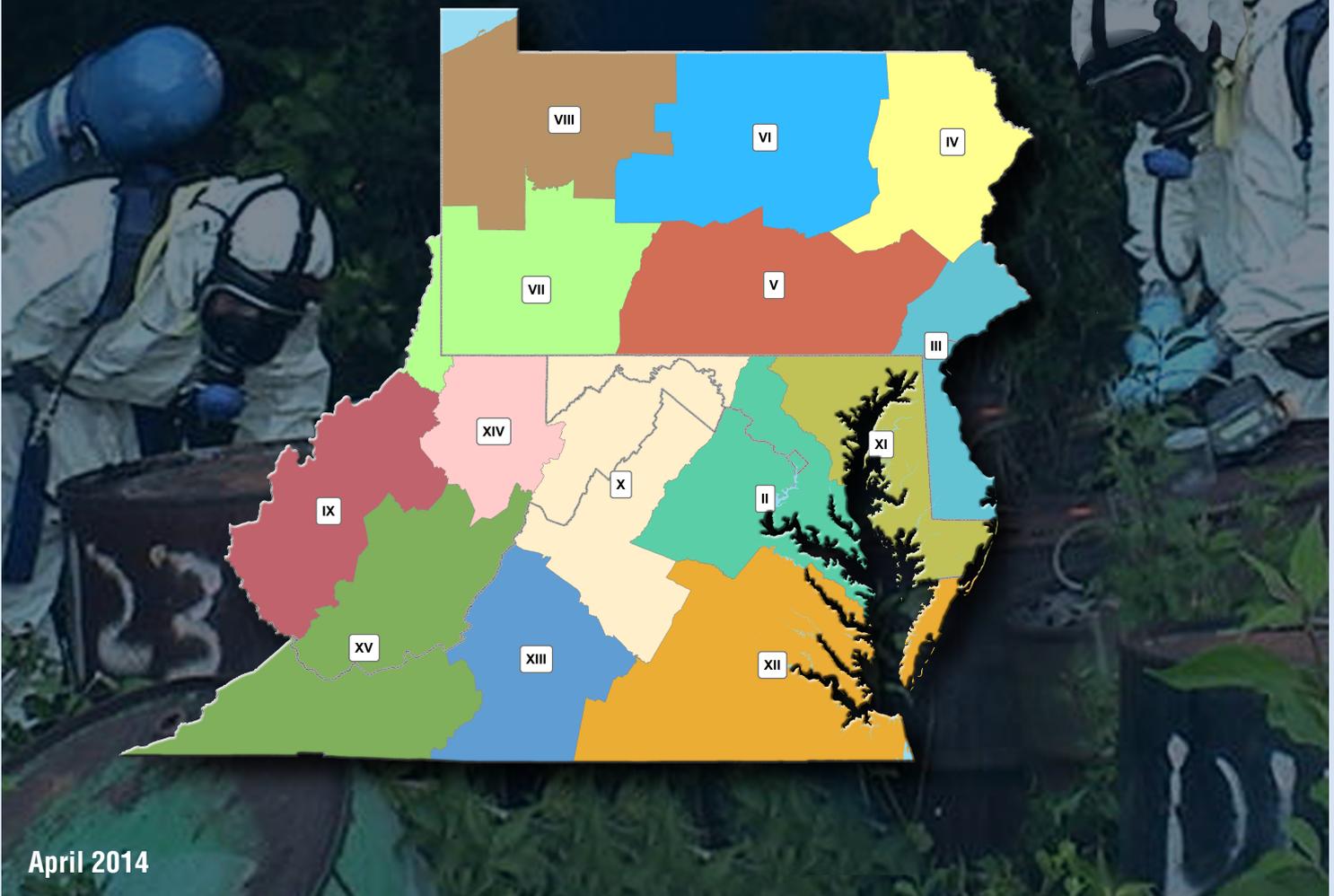




Region III – Inland Area Contingency Plan (IACP)

Volume I, Introduction

Federal and State/Commonwealth Response for U.S. EPA Region III



April 2014



United States Environmental Protection Agency (USEPA) Region III Inland Area Contingency Plan (IACP)

To Report Spills Call the National Response Center

24-hour phone: (800) 424-8802
(202) 267-2675

Or on-line at <http://www.nrc.uscg.mil>

National Response Center
United States Coast Guard Headquarters
Washington, DC

Regional Response Centers & Emergency Response 24-Hour Emergency Numbers

(215) 814-3255

U.S. Environmental Protection Agency
Region III
Hazardous Site Cleanup Division
Office of Preparedness and Response
Planning and Preparedness, Western and
Eastern Response Branches
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

(757) 398-6390

U.S. Coast Guard
Fifth District
431 Crawford Street
Portsmouth, Virginia 23704-5004

(504) 589-6225

U.S. Coast Guard
Eighth District
Hale Bogs Federal Building
500 Poydras Street
New Orleans, Louisiana 70130

(216) 902-6118

U.S. Coast Guard
Ninth District
1240 East 9th Street
Cleveland, Ohio 44199-2060



United States
Environmental Protection
Agency

Oil and Hazardous Substances/All-Hazards
Region III Inland Area Contingency Plan



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EPA Region III Inland Area Plan

Letter of Promulgation – April 1, 2014

In accordance with the provisions of Subsection (j) of Section 311 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. 1321 (j)) as amended by Section 4202 of the Oil Pollution Act of 1990 (OPA 90), this Region III Inland Area Contingency Plan (IACP) was developed under the direction of the designated EPA Region III Federal On-Scene Coordinator and supporting EPA Region III Sub-Area On-Scene Coordinators. Specific Volumes of the IACP for promulgation under this action are:

Volume I - United States Environmental Protection Agency (USEPA) Region III Inland Area Contingency Plan. This volume includes: Introduction, Federal Response and State/Commonwealth Response sections. (IACP)

Volume II - Washington D.C. Extended Sub-Area Contingency Plan

Volume IV - Northeast Pennsylvania (NEPA) Sub-Area Contingency Plan

Volume VII - Southwest Pennsylvania/Wheeling Sub-Area Contingency Plan

The area of coverage (Area) for this Area Contingency Plan is the inland area of the U.S. EPA Region III RRT, including inland waters of the Commonwealths of Pennsylvania and Virginia; the States of Delaware, Maryland, and West Virginia; and the District of Columbia. Richard M. Fetzer is the current designated Area Federal On-Scene Coordinator.

The Plan is in effect upon signature approval by the Director of the Hazardous Site Cleanup Division. The Plan will be updated on an annual basis. Any comments and recommendations regarding this Plan should be addressed to: Mr. Richard M. Fetzer, FOOSC, 100 Gypsum Road, Stroudsburg, PA 18360. Changes, additional information, or corrections will be promulgated as necessary.

Recommended by:

Richard M. Fetzer, FOOSC Chairman
Region III Inland Area Committee

3/31/14

Date

Approved by:

Cecil A. Rodrigues

Director, Hazardous Site Cleanup Division

4/28/2014

Date



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3C – Commonwealth of Pennsylvania

3D – Commonwealth of Virginia

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3F – District of Columbia

APPENDIX 1 LIST OF ABBREVIATIONS AND ACRONYMS

APPENDIX 2 DESIGNATION OF FEDERAL ON-SCENE COORDINATOR AND REGION III INLAND AREA COMMITTEE MEMO

Note: Volumes II through XV will contain the 14 Sub-Area Contingency Plans for Region III.



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1.0 INTRODUCTION

1.1 BACKGROUND

The Federal On-Scene Coordinator (FOSC) is the link between local and state/commonwealth emergency response communities and federal response efforts. This United States Environmental Protection Agency (USEPA) Region III Inland Area Contingency Plan (IACP) is intended for use by the FOSC and federal emergency response personnel as a tool for identifying and mobilizing 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 state/commonwealth or local emergency response plans, but rather it is intended to provide a structure for coordination with state/commonwealths and local responders and complement the resources set forth in both state/commonwealth and local plans.

For USEPA Region III, the IACP document is consistent with the USCG Area Contingency Plans (ACPs). As described in Section 1.4, the Region III IACP is divided into 14 sub-areas for ease of response management. Volumes II – XV of this document contain the sub-area specific information relating to each designated sub-area planning component.

This IACP outlines:

- The types of assistance available to the FOSCs from Regional Response Team (RRT) member agencies during response actions;
- The cooperative response activities/actions that should be carried out by the FOSCs during response actions; and
- Resource information from governmental, commercial, and other sources that may be utilized during a response.

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 90) and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), there is significant overlap in the type and scope of relevant information for oil and hazardous substances planning and planning for response to other natural and man-made hazards. In order to minimize confusion and maximize resources, the IACP incorporates elements of disaster and all-hazard planning herein. The IACP further focuses on response incident management, resources at risk and potential/significant threats in separate geographic response plans (referred to as Sub-Area Contingency Plans [SACPs]). These SACPs are prepared by the Sub-Area FOSC Leads and are the product of the appropriate Sub-Area Committee (if established). The boundaries of each sub-area of the IACP have been chosen based on geo-political boundaries determined in consultation with the respective state/commonwealth and local jurisdictions. Although developed separately, the SACPs are incorporated into this plan as chapters and



support this IACP by providing the detailed information required for area planning in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP); 40 Code of Federal Regulation (CFR) Part 300.

The Region III IACP consists of fifteen volumes that are organized as two parts:

Volume I - Area-wide contingency plan that transitions from the National and Regional Contingency plans addressing the statutory requirements of the OPA 90 and the all-hazards tenants of the National Incident Management System (NIMS) and National Response Framework (NRF); and

Volumes II-XV - Fourteen separate geographic SACPs that focus on the relationships and capabilities of the federal, state/commonwealth, and local responders, identification of the jurisdiction's sensitive areas, resources at risk, regulated facilities, and the potential threats identified in each geo-political sub-area.

1.2 PURPOSE AND OBJECTIVE

The purpose of this IACP is to provide an action plan to respond to a release and to promote timely and effective coordination among the entire spill community, including federal, state/commonwealth, tribal, local, and private entities in response to a threat of or actual discharge of oil or release of hazardous substances, pollutants, and contaminants.

This combined IACP and all-hazard contingency plan fulfills the requirements of the NCP 40 CFR §300.210(b) and (c), and Section 311(j)(4) of the Clean Water Act of 1977 (CWA), as well as relevant portions of the NRF, particularly Emergency Support Function (ESF) #10 – Oil and Hazardous Materials.

The objective is to provide for a timely and effective response among:

- Local, tribal, and state/commonwealth officials;
- Private industry;
- FOSCs;
- Remedial Project Managers (RPMs)¹;
- Various federal agencies; and
- Other organizations to minimize damage resulting from releases of oil or hazardous substances, pollutants, or contaminants.

This plan provides information to state/commonwealth and local planners and regulated facilities concerning response protocols and policies to assist in providing timely and coordinated response capability in the event of a release or discharge that poses a

¹ Refer to Section 1.8 for RPM responsibilities under this IACP.



threat to the environment or to human health and welfare. The initial actions taken by the FOSC and/or other appropriate personnel should be to determine whether proper local and state/commonwealth response actions have already been initiated.

In general, if the party or parties responsible for the release or discharge do not take appropriate actions, the party or parties responsible for the release or discharge are unknown, or if the scope or magnitude are beyond the resources of the local response community or state/commonwealth agencies, the FOSC shall respond and implement provisions of the NCP and applicable agency guidance, and coordinate activities as outlined in this Region III IACP.

To accomplish the coordinated planning structure envisioned under OPA 90, Section 4202(a) of the Act requires the President to designate specific areas for which Area Committees are established. Each Area Committee, under the direction of a FOSC, must prepare and submit to the President for approval an IACP that, in conjunction with the NCP, is adequate to remove a worst case discharge from a vessel or facility operating in or near that area.

1.3 STATUTORY AUTHORITY

This IACP is required by Title IV, Section 4202 of the OPA 90, which amends Subsection (j) of Section 311 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. 1321 (j)), as amended by the CWA (33 U.S.C. 1251 et seq.).

This IACP is written consistent with the NCP (40 CFR Part 300) and the CERCLA (42 U.S.C. 9601 et seq.), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) and incorporates changes required by the NIMS and NRF as it relates to All-Hazards Planning and Response.

Through Executive Order 12777 as amended², the President delegated to the Administrator of the USEPA responsibility for designating the Areas and appointing the committees for the inland zone as dictated in the NCP. The Administrator further delegated this authority to the USEPA Regional Administrators, and designated the pre-existing RRT areas as the Areas for OPA 90 planning purposes.

1.4 GEOGRAPHIC BOUNDARIES AND DESCRIPTION

1.4.1 Region III Inland Area

The Regional IACP details the geographic boundaries of Region III and includes a detailed description of the inland/coastal boundary as defined by a memorandum of agreement (MOA) between USEPA Region III and the Fifth Coast Guard District.

² Refer to <http://www.archives.gov/federal-register/executive-orders/1991.html#12777> for details about how Executive Order 12777 supersedes/amends/revokes other Executive Orders.



This plan is effective for the inland area and waters of the United States within standard federal Region III as defined above. The USEPA is the pre-designated FOSC within this area.

The western bank of the Ohio River forms the boundary between USEPA Region III and Region V. USEPA Region III will respond to spills into or on the Ohio River. USEPA Region V will respond to spills involving fixed facilities west of that boundary (Ohio). The Big Sandy River, along the southern border of West Virginia, forms the boundary between the USEPA Region III and Region IV. USEPA Region IV will respond to spills into or on the Big Sandy River. USEPA Region III will respond to spills involving fixed facilities on the West Virginia side of the Big Sandy River.

1.4.2 Sub-Area Descriptions

The establishment of sub-areas provides greater involvement from local officials, industry and private organizations. Sub-Area Committees have been and will continue to be established as necessary to prepare SACPs that have a smaller geo-political focus. These Sub-Area Committees are in turn chaired by USEPA Region III FOSCs who are responsible for working with state/commonwealth and local officials to prepare a plan for joint response efforts.

The following Sub-Areas have been established and are listed by Volume Number:

Volume II – Washington DC Extended: District of Columbia; MD counties: Charles, Calvert, Frederick, Montgomery, Prince Georges, and St. Marys; VA counties: Alexandria, Arlington, Culpeper, Fairfax (City), Fairfax, Falls Church, Fauquier, Fredericksburg (City), Greene, King George, Loudoun, Madison, Manassas, Manassas Park, Northumberland, Orange, Prince William, Rappahannock, Spotsylvania, Stafford and Westmoreland. This Sub-Area coincides with USCG Sector Baltimore and Sector Hampton Roads, Washington DC Council of Governments (COG), Military District of Washington (MDW), Capitol Police Board, and the Supreme Court.

Volume III - Southeast PA/DE: PA counties: Bucks, Chester, Delaware, Montgomery and Philadelphia; DE counties: Kent, New Castle, Sussex and Wilmington (City). This Sub-Area coincides with USCG Sector Delaware Bay and Southeast PADEP regional office.

Volume IV - Northeast PA: PA counties: Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne and Wyoming. This Sub-Area coincides with USCG Sector Delaware Bay and Northeast PADEP regional office.

Volume V - Southcentral PA: PA counties: Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry, and York. This Sub-Area coincides with USCG Sector Delaware Bay and Southcentral PADEP regional office.

Volume VI - Northcentral PA: PA counties: Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga



and Union. This Sub-Area coincides with USCG Sector Delaware Bay and Northcentral PADEP regional office.

Volume VII - Southwest PA/Wheeling, WV: PA counties: Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland; and WV counties: Brooke, Hancock, Marshall, Ohio and Wetzel. This Sub-Area coincides with USCG Marine Safety Unit (MSU) Pittsburgh and Sector Ohio Valley, and Southwest PADEP regional office.

Volume VIII - Northwest PA: PA counties: Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren. This Sub-Area coincides with USCG Sector Buffalo and MSU Pittsburgh, and Northwest PADEP regional office.

Volume IX - Huntington/Central WV: WV counties: Boone, Braxton, Cabell, Calhoun, Doddridge, Gilmer, Jackson, Kanawha, Lincoln, Logan, Mason, Mingo, Pleasants, Putnam, Ritchie, Roane, Tyler, Wayne, and Wood. This Sub-Area coincides with USCG MSU Huntington and Sector Ohio Valley.

Volume X - Shenandoah Valley: MD counties: Allegany, Garret, and Washington; VA counties: Albemarle, Augusta, Buckingham, Charlottesville (City), Clarke, Fluvanna, Frederick, Highland, Nelson, Page, Rockingham, Shenandoah, Staunton (City), Warren, Waynesboro (City) and Winchester (city); and WV counties: Berkley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, and Pendleton. This Sub-Area coincides with USCG Sector Ohio Valley, Sector Baltimore and Sector Hampton Roads.

Volume XI - Upper Chesapeake: MD counties: Anne Arundel, Baltimore (City), Baltimore, Caroline, Carroll, Cecil, Dorchester, Harford, Howard, Kent, Queen Annes, Somerset, Talbot, Wicomico and Worcester. This Sub-Area coincides with USCG Sector Baltimore.

Volume XII - Southeast VA: VA counties: Accomack, Amelia, Brunswick, Caroline, Charles County City, Charlotte, Chesapeake (City), Chesterfield, Colonial Heights (City), Cumberland, Dinwiddie, Emporia (City), Essex, Franklin (City), Gloucester, Goochland, Greensville, Halifax, Hampton, Hanover, Henrico, Hopewell (City), Isle of Wight, James City, King & Queen, King William, Lancaster, Louisa, Lunenburg, Mathews, Mecklenburg, Middlesex, New Kent, Newport News (City), Norfolk (City), Northampton, Nottoway, Petersburg (City), Poquoson (City), Portsmouth (City), Powhatan, Prince Edward, Prince George, Richmond, Southampton, South Boston (City), Suffolk (City), Surry, Sussex, Virginia Beach (City), Williamsburg (City), and York. This Sub-Area coincides with USCG Sector Hampton Roads.

Volume XIII - Southcentral VA: VA counties: Alleghany, Amherst, Appomattox, Bath, Bedford, Bedford City, Botetourt, Buena Vista (City), Campbell, Clifton Forge (City), Covington (City), Craig, Danville (City), Franklin, Henry, Highland, Lexington (City), Lynchburg (City), Martinsville (City), Patrick, Pittsylvania, Roanoke, Roanoke City, Rockbridge and Salem (City). This Sub-Area coincides with USCG Sector Hampton Roads.



Volume XIV – Northcentral WV: WV counties: Barbour, Harrison, Lewis, Marion, Monogalia, Preston, Randolph, Taylor, Tucker and Upshur. This Sub-Area coincides with USCG Sector Ohio Valley and MSU Pittsburgh.

Volume XV - Southwest VA/WV: WV counties: Fayette, Greenbrier, McDowell, Mercer, Monroe, Nicholas, Pocahontas, Raleigh, Summers, Webster and Wyoming, VA counties: Bland, Bristol (City), Buchanan, Carroll, Dickenson, Floyd, Galax (City), Giles, Grayson, Lee, Montgomery, Norton (City), Pulaski, Radford (City), Russell, Scott, Smyth, Tazewell, Washington, Wise and Wythe. This Sub-Area coincides with USCG Sector Ohio Valley and Sector Hampton Roads.

The designated FOSC of the Inland Area Committee maintains a map of the geographic sub-area planning areas along with a listing of the FOSC Leads and backup FOSCs (deputies) for each sub-area. Those non-designated assignments may change at the recommendation of the designated FOSC and approval by USEPA management. Maps depicting the Inland/Coastal Zone boundary MOA between USEPA and USCG and the sub-area descriptions and FOSC assignments in Region III are available in the electronic version of this plan online at the [USEPA OSC Region III Inland Area Committee Website](#), or the Region III [USEPA IACP Viewer](#)³ (an interactive geographic information system [GIS]).

1.5 SCOPE

This IACP applies to, and is in effect for (the area defined above in Section 1.4 “Geographic Boundaries and Description”):

1. Discharges or threats of discharges of oil into or on the navigable waters⁴, on the adjoining shorelines to the navigable waters, into or on the waters of the exclusive economic zone, or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (OPA 90 Section 4201);
2. Releases or substantial threats of release (as defined by the NCP) into the environment; and
3. Releases or substantial threats of release of hazardous substances, and pollutants or contaminants that may present an imminent and substantial harm to public health or welfare.

This IACP expands upon the OPA 90 requirements set forth in the NCP to all-hazards planning, augments coordination with state/commonwealth and local authorities, and

³ Due to sensitive data layers, the USEPA IACP Viewer is a secure site that requires a username and password. To request site access, contact Richard Fetzer at fetzer.richard@epa.gov.

⁴ Navigable waters are defined as waters of the United States, including the territorial seas that are used in interstate or foreign commerce and include waters subject to the ebb and flow of the tide (40 CFR §110.1).



integrates existing tribal, state/commonwealth, local, and private sector plans for the USEPA Region III Inland Zone.

The USEPA Region III IACP has been developed in coordination with the NCP and the USCG ACPs which cover parts of USEPA Region III.

- The Fifth Coast Guard District has three ACPs in Region III. Each plan covers the coastal zone of the corresponding Sector.
- The Ninth Coast Guard District has one ACP in Region III that covers the inland waters and international boundary of Sector Buffalo.
- The Eighth Coast Guard District has two area inland ports and harbors plan in Region III. Each plan covers the navigable waters of Sector Ohio Valley.

Each USCG ACP is developed by an area committee chaired by the respective Coast Guard Captain of the Port (COTP). Each USCG Port security plan is developed by an area committee chaired by the respective Coast Guard COTP. ACPs and COTPs are discussed in more detail in Section 2.3.2.3.

The IACP is an all-hazards plan applicable to responding to all-hazards (i.e., natural disasters and terrorism) in addition to oil and hazardous materials discharges. The IACP, when implemented in conjunction with other provisions of the NCP, shall be adequate to remove a worst case discharge and to mitigate or prevent a substantial threat of such a discharge.

1.6 UPDATING

Section 311(j)(4)(C)(viii) of CWA requires that the IACP be updated periodically by the Area Committee. This current update will include an electronic version of this plan with access by FOSCs and state/commonwealth, local, and public users. It is anticipated that the users will continually update the plan as new information is available. An on-going process for this continual update will be established by the Region III Inland Area Committee.

1.7 CONSISTENCY WITH STATE/Commonwealth, TRIBAL, AND FEDERAL STATUTES

Planning and response protocols and decisions may be subject to existing statutes (e.g., radiological emergencies that involve response by various agencies; disposal restrictions for oiled debris; compliance with the Endangered Species Act (ESA); or state/commonwealth, tribal, and federal authorities to protect cultural and historic resources). The NCP provides direct links/access to the National Response Team (NRT) and RRT representatives to assist the FOSC by involving the appropriate Department and Agency staffs.

This Plan has been reviewed by the individual state/commonwealth partners in relation to state/commonwealth planning requirements:



Delaware - This plan satisfies requirements contained in the State of Delaware Oil and Hazardous Substance Incident Contingency Plan.

District of Columbia - This plan is consistent with the District of Columbia Comprehensive Hazardous Materials Emergency Response Plan, October 1988, rev. ed., January 1992, and with the relevant annexes of the District of Columbia Emergency Operations Plan.

Maryland - This plan satisfies requirements stated in the State of Maryland's Health-Environmental Article, Title 7, Subtitle 2 and Title 4, Subtitle 4.

Pennsylvania - This plan satisfies requirements stated in the Commonwealth's Emergency Operation Plan, which derives its authority from Emergency Management Services Code, (35 PA C.S.), as amended; Article I, Section 27 of the Pennsylvania Constitution; Air Pollution Control Act; Clean Streams Law; Oil and Gas Act; Pennsylvania Coal Mine Acts; Solid Waste Management Act; Hazardous Sites Cleanup Act; and Land Recycling Act.

Virginia - For the Commonwealth of Virginia, this plan is consistent with requirements set forth in the Commonwealth of Virginia Oil and Hazardous Materials Emergency Response Plan, an annex to Volume II of the Commonwealth of Virginia Emergency Operations Plan - Peacetime Disasters, promulgated by Executive Order Number 24(86), Office of the Governor, September 2, 1986.

West Virginia - This plan is consistent with the requirements set forth in the "State of West Virginia Emergency Operations Plan" and Chapter 22 (Environmental Resources) of the West Virginia Code.

As per the National Conference of State Legislatures and information provided by the Bureau of Indian Affairs there are no federally recognized Tribal Nations currently located in Region III; however, there are federally recognized tribes (from other regions) who do have interest within Region III. There are several state recognized tribes located within Delaware, Maryland, and Virginia.

1.8 GENERAL AREA RESPONSIBILITIES

Each county within the District (DC), States (DE, MD, WV) and Commonwealths (PA, VA) of USEPA Region III has an emergency management agency (EMA) that administers emergency actions within the county and serves as a hub for coordination and communication activities. County 911 Centers are typically co-located with these county EMA offices and are either closely managed or coordinated by the EMA. The EMA also coordinates with the Local Emergency Planning Committee (LEPC) required by the Environmental Protection Conservation and Recovery Act (EPCRA) of 1986.

The Incident Commander (IC) is the first arriving official with the authority and jurisdiction to make decisions regarding the immediate actions needed to protect the public. The first official arriving may be the Fire Chief, Law Enforcement, or other legal entity based on the nature of the incident. Traditionally, significant spills will be handled in accordance with the NCP and this IACP, as well as the CWA (33 U.S.C. §1251 et



seq.), as amended by the OPA 90. Oil spills must be promptly⁵ reported by the responsible party to the National Response Center (NRC) at 1-800-424-8802. Should the responsible party fail to report or not be available the USEPA requests that local and state/commonwealth officials, or any person or entity that has knowledge of the release, notify the NRC directly. The state/commonwealth agency is typically contacted by local officials, either directly or through the county EMA. The state/commonwealth then assists the local responders as necessary and assume the lead agency position, if warranted. The USEPA responds based upon the assessment of the facts transmitted by the incident notification and/or upon request by a Fire Chief, EMA or state/commonwealth agency.

In the case of a significant oil discharge or hazardous substance release the continued involvement of the local government should be coordinated with the state/commonwealth government and the USEPA FOSC. Local governments have Emergency Operations Centers (EOC) that are either permanently staffed or use volunteers. Local government can be a source of information regarding:

- Local geographic information,
- Knowledge of local infrastructure systems,
- Local media and public relations,
- Socioeconomic issues,
- Local access and evacuation,
- Firefighting and law enforcement manpower,
- Emergency medical assistance,
- Logistical assistance.

Note: Although the NCP often uses the FOSC and RPM titles interchangeably, in the functional areas of contingency planning and emergency response, the RPM has virtually no role to play. The NCP references the RPM as the prime contact for remedial or other response actions being taken (or needed) at sites on the proposed or promulgated National Priorities List (NPL), and for sites not on the NPL but under the jurisdiction, custody, or control of a federal agency. For purposes of this document, the RPM title will only be used where the connection to NPL site management is in the proper context. There should be no expectation that USEPA RPMs will perform either contingency planning or emergency response.

1.9 RESPONSE SYSTEMS AND POLICIES OVERVIEW

1.9.1 Duties Delegated by the President to Federal Agencies

Under Executive Order 12777 as amended, the President has delegated certain functions and responsibilities vested in him by the OPA 90 to the Administrator of the USEPA for the Inland Zone and the Commandant of the USCG through the Secretary of Homeland Security for the coastal zone. These functions and responsibilities include

⁵ As soon as the person in charge has knowledge of any discharge (40 CFR §300.300).



designating Areas, appointing Area Committee members, determining the information to be included in ACPs, and reviewing and approving ACPs. For the coastal zones and inland zones respectively, the USCG and USEPA shall assign a FOSC to each designated Area to carry out these functions and responsibilities. For the Inland Zone, that designated area is the entirety of USEPA Region III.

1.9.2 General Organization Concepts

The Area Committees, in conjunction with the NRT and the RRTs, serve a spill planning and preparedness role within the National Response System (NRS). Each Area Committee shall be comprised of federal, state/commonwealth, and local officials. Under the direction of the FOSC, each Area Committee for its assigned Area shall:

- Prepare and submit an ACP for approval;
- Work with state/commonwealth and local officials to enhance the contingency planning of those officials and to assure pre-planning of joint response efforts, including appropriate procedures for mechanical recovery, dispersal, shoreline cleanup, protection of sensitive environmental areas, and protection, rescue, and rehabilitation of fisheries and wildlife; and
- Work with state/commonwealth and local officials to expedite decisions for the use of dispersants and other mitigating substances and devices.

1.9.2.1 National Response System (NRS) and Policy

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. It 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/commonwealth, and federal actions to remove a discharge; and if necessary; and
- Destroy by whatever means are available a vessel discharging, or threatening to discharge.

This authority in the Inland Zone is delegated to the Administrator of the USEPA, who has delegated it to the Regional Administrators of the USEPA, who then delegates that authority to FOSCs. If a discharge or threat of discharge poses a substantial threat to public health or the welfare of the United States, the FOSC shall direct all private, local,

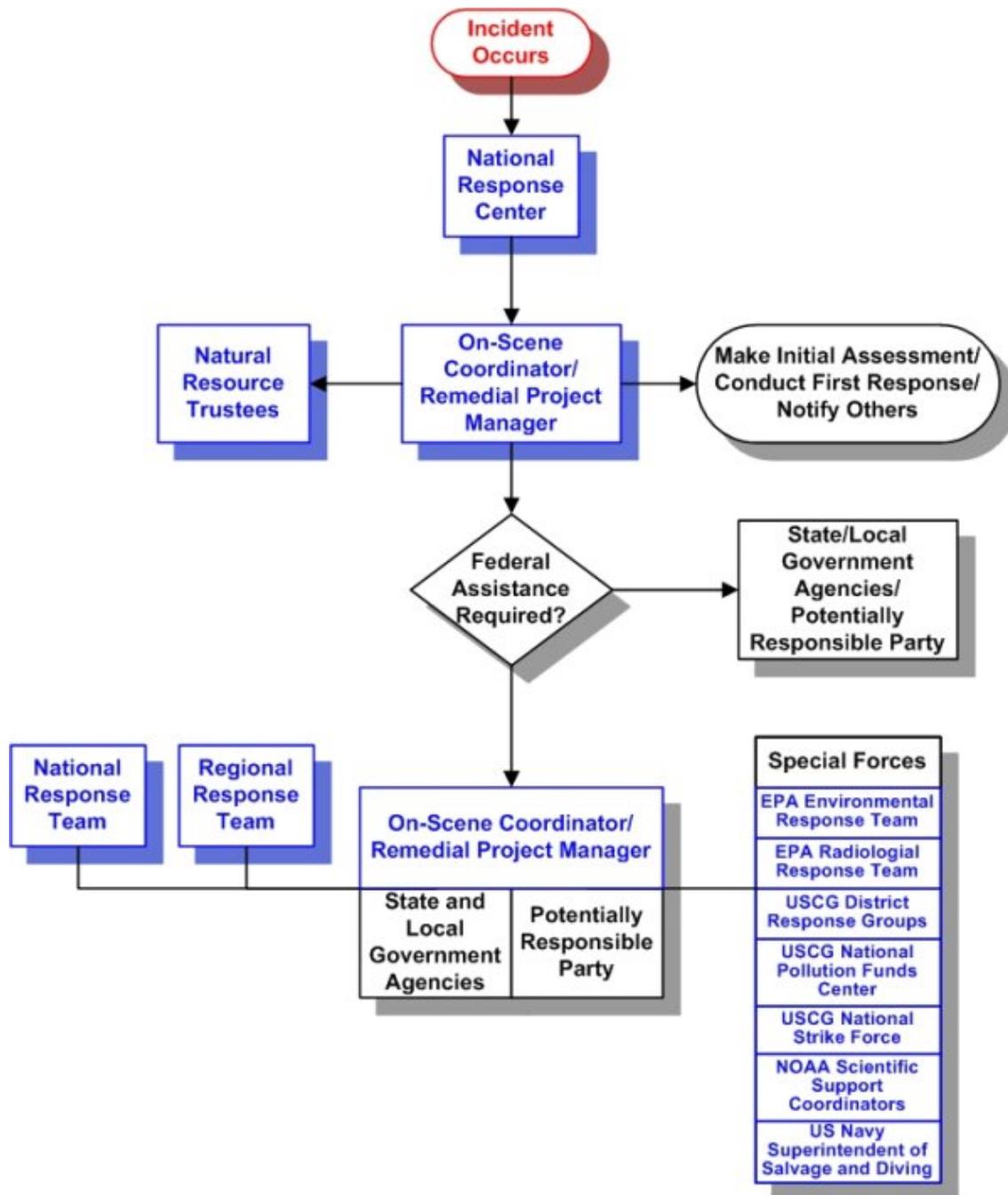


state/commonwealth, and federal actions to remove the discharge or to mitigate or prevent the threat of discharge.

The NRS was developed to coordinate all government agencies with responsibility for environmental protection, in a focused response strategy for the immediate and effective cleanup of an oil or hazardous substance discharge. The NRS is a three-tiered response and preparedness mechanism that supports the pre-designated FOSC in coordinating national, regional, local government agencies, industry, and the responsible party during a response.

The NRS is used routinely to respond to a wide range of oil and hazardous substance releases. It is a multi-layered system of individuals and teams from local, state/commonwealth, and federal agencies, industry, and other organizations that share expertise and resources to ensure that oil spill control and cleanup activities are timely and efficient, and that they minimize threats to human health and the environment. The NCP establishes three high level organizations and four special force components which are shown in Figure 1.

Figure 1 National Response System Flowchart



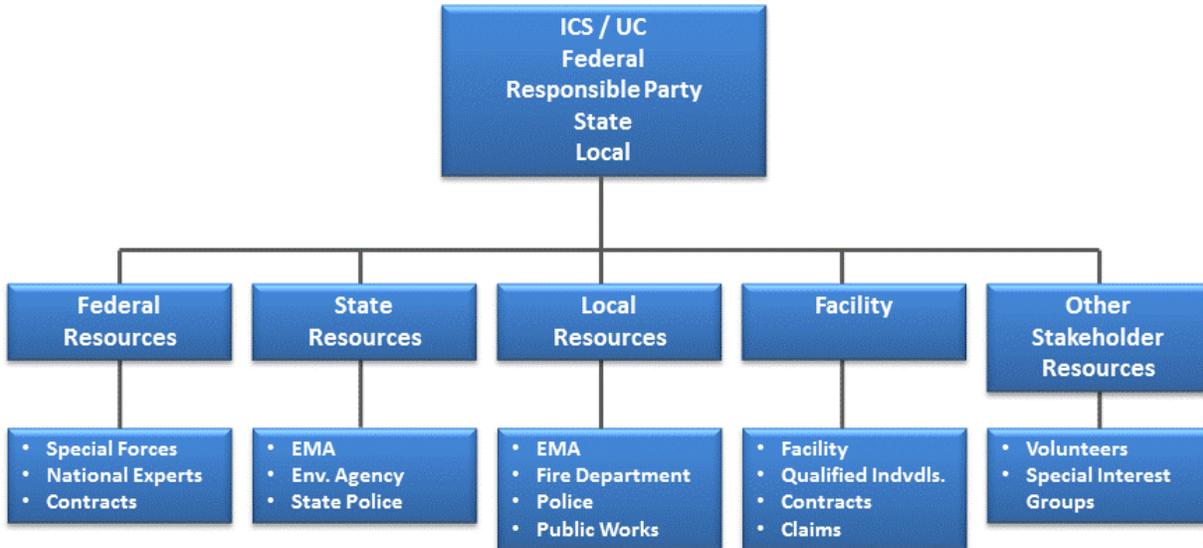
Additional information about the NRS is provided in Section 2.2.

1.9.2.2 Response Management Systems

Federal law requires implementation of a site-specific response management system lead by a senior emergency response official at all emergencies involving hazardous substances (29 CFR 1910.120 (q)(3)). The specific regulatory language suggests a seniority hierarchy increasing from local to state/commonwealth to federal levels. Often the senior local or state/commonwealth official assumes command because they are

most familiar with the resources immediately available. At the same time, it must be recognized that local, tribal, state/commonwealth, and federal responders are charged by law with specific authorities and responsibilities in certain emergency situations that cannot be subsumed. Figure 2 provides an organizational flowchart of a response management system. This protocol concurs with the federal law⁶ requiring the use of the Incident Command System (ICS) for federal response in the United States.

Figure 2 – Response Management System



An ICS shall be established at all incidents involving spills of oil or hazardous substances by the senior on-scene official of the first response organization to arrive at an incident. The ICS should be based on the organization, terminology, and procedures recommended by the National Fire Academy and FEMA and applied in a broad sense to include all-hazard control and mitigation response organizations, including responsible parties; private responders; and local, tribal, state/commonwealth, and federal agencies. Each participating entity is required by federal law to implement an intra-organizational ICS and integrate it with the overall ICS (29 CFR §1910.120).

Additional information about the ICS structure is provided in Section 2.2.7.

1.9.2.3 State/Commonwealth Response

The Governor of each state/commonwealth in Region III is requested to designate a lead agency that will direct state/commonwealth-lead response operations. This agency is responsible for designating the lead state/commonwealth response actions and coordinating/communicating with any other state/commonwealth agencies, as

⁶ Homeland Security Presidential Directive – 5: Management of Domestic Incidents requires that a comprehensive National Incident Management System or NIMS be established to provide a response management system for all types of incident management in the US.



appropriate (NCP 40 CFR §300.180). Each Governor will also designate a representative for the state/commonwealth to the RRT. Each state/commonwealth representative may participate fully in all activities of the RRT. The state/commonwealth RRT representatives are expected to coordinate with the State/Commonwealth Emergency Response Commissions in their state/commonwealths in order to communicate and coordinate preparedness and pre-response planning activities between the state/commonwealth and the RRT. State/commonwealth and local government agencies are encouraged to interact with:

- State/commonwealth contingency planning efforts for response to oil and hazardous material events;
- This plan; and
- Requirements of SARA Title III.

Section 311(j)(4) of CWA calls for inclusion of local, tribal, and state/commonwealth representatives on the Area Committee. In USEPA Region III, this requirement is in part addressed by local representative on the Area Committee nominated by the Governors of each state/commonwealth and wider local participation in Sub-Area response planning.

Each state/commonwealth in Region III has a state/commonwealth disaster plan and laws that specify that state/commonwealth's authority and organization for a technical response to environmental emergencies. All state/commonwealths in USEPA Region III can provide technical expertise to assess environmental and public health threats and damage, as well as to advise local responders. In specific circumstances, state/commonwealths may provide additional response capabilities in the form of contractors and funding.

Once USEPA is notified of a discharge or release, a determination is made by an FOSC whether the response is adequate and whether any USEPA action is required. Responses by both state/commonwealth and locals are considered prior to any USEPA response action is taken. If there is a state/commonwealth response to the incident, USEPA generally does not respond additionally, unless requested by that local community or if the USEPA FOSC determines that the response is less than adequate.

Information pertaining to the emergency preparedness measures for each state/commonwealth in Region III is provided in Section 3.0 of this IACP.

1.9.2.4 Local Response System and Policy

Response capabilities vary within Region III, depending upon the local community. Larger communities generally have more capability and do not require either state/commonwealth or USEPA response or assistance. As stated above, once USEPA is notified of a discharge or release, a determination is made by an FOSC whether the response made is adequate and whether any USEPA action is required. Responses by both state/commonwealth and locals are considered prior to any USEPA response action is taken. If there is a response to the incident, USEPA may not respond



additionally, unless requested or if the USEPA FOSC determines that a response is necessary.

Refer to the list of contacts for local coordinators in the local fact sheets found in the respective volume of the SACP.

1.9.2.5 Responsible Party Response

Under the CWA and Section 1001 of OPA 90, USEPA holds those owner/operators of vessels, onshore facilities and pipelines, whether operational or abandoned, responsible for a discharge or release. As stated above, once USEPA is notified of a discharge or release, the FOSC must determine whether the response is adequate and whether any USEPA action is required. Response actions taken by state/commonwealth and local responders are considered prior to any response action taken by USEPA and may occur using a variety of mechanisms.

Under the statutory requirements of 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 NCP and the applicable response plan required. Section 4202 of OPA 90 states that these response plans shall:

1. *"Be consistent with the requirements of the NCP and ACPs;*
2. *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);*
3. *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;*
4. *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;*
5. *Be updated periodically; and*
6. *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. Non-transportation-related onshore facilities, marine transportation-related facilities, and tank



vessel response plan regulations, including plan requirements, are located in 40 CFR §112.20 and 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 ACP, and the applicable response plan required by OPA 90 (e.g., Facility Response Plan [FRP] or Vessel Response Plan [VRP]). If directed by the FOSC 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 CERCLA (42 U.S.C. 9601 et seq.).

1.9.2.6 Other Stakeholders

Under Unified Command (UC)⁷, other stakeholders, such as volunteer or private organizations, may participate in a response. While not a part of the UC, they are integral players and should be encouraged to participate through appropriate liaisons.

1.9.2.7 Native American Response

<http://www.epa.gov/indian/>

Tribes are designated natural resource trustee for Native American communities. As per the National Conference of State Legislatures and information provided by the Bureau of Indian Affairs (BIA) there are no federally recognized Tribal Nations currently located in Region III; however, there are federally recognized tribes (from other regions) who do have interest within Region III. There are several state/commonwealth recognized tribes located within Delaware, Maryland, and Virginia.

If Tribal representation is unclear, the [BIA](#) should be consulted and/or USEPA American Indian Environmental Office (AIEO), within the USEPA [Office of International and Tribal Affairs \(OITA\)](#). Contact with BIA can be facilitated by notifying the Department of the Interior (DOI) RRT representative and contact with USEPA OITA can be facilitated by notifying the USEPA RRT representative.

⁷ Unified Command (UC) is defined as application of the ICS when there is more than one agency with incident jurisdiction or when incidents cross political jurisdictions. UC allows all agencies with geographical or functional responsibility for an incident, to assign an IC to a UC organization and to establish a common set of objectives and strategies for the incident. UC is a structure that brings together the ICs from all major organizations involved in the incident in order to coordinate an effective response, while at the same time allowing each to carry out their own jurisdictional, legal, and functional responsibilities.



2.0 FEDERAL RESPONSE

This section of the plan is organized to address the needs of an Inland response with a logical progression from understanding the regulatory requirements, roles and responsibilities of the assisting agencies, through the needs of an actual response. Primary topics for Section 2 include:

1. Area of Responsibility
2. The National Response System
3. Planning and Preparedness
4. Response (All-hazards)
 - a. Oil and Hazardous Substances
 - b. Natural Disasters
 - c. Terrorism
5. Notifications and Communications
6. Worker Health and Safety
7. Documentation and Cost Recovery
8. FOSC Report Requirements

2.1 AREA OF RESPONSIBILITY

USEPA Region III inland area (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia) is divided into fourteen sub-areas and/or response areas. See Section 1.4.2 for sub-area designations and descriptions.

The NCP designates the USEPA FOSC as the federal official responsible for contingency planning for response to discharges/releases of oil and hazardous substances. The USEPA Region III IACP designates the entire region as its area and has established sub-areas and/or response areas to which USEPA FOSCs are assigned responsibility.

2.2 NATIONAL RESPONSE SYSTEM (NRS)

The NRS is the federal government's mechanism for emergency response to discharges of oil and the release of chemicals into the navigable waters or environment of the United States and its territories. Initially, this system focused on oil spills and selected hazardous polluting substances discharged into the environment. It has since been expanded by other legislation to include hazardous substances and wastes released to all types of media. Figure 2 in Section 1.9.2.2 provides a flowchart showing



how the various level organizations are activated and interact during an incident response.

The NRS supports the responsibilities of the FOSC, under the direction of the CWA federal removal authority. The FOSC plans and coordinates the response strategy on scene, with support from the NRT, RRT, local response structure, and the 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.

The NRS is used for all spills, including a Spill of National Significance (SONS).⁸ When appropriate, the NRS is designed to incorporate a UC and control support mechanism consisting of the FOSC, the State/Commonwealth's Incident Manager, and the responsible party's Incident Manager. The UC structure allows for a coordinated response effort which takes into account the federal, state/commonwealth, local, and responsible party concerns and interests when implementing the response strategy.

In most state/commonwealths, the role of the state/commonwealth agencies in public safety response during the early stages of an incident is to provide technical advice to local commanders as soon as possible. During major incidents, state/commonwealth and federal authorities may be able to provide additional assistance to the local commander at the spill scene by:

- Conducting sampling and analysis of chemicals;
- Providing specialized contractors or equipment; or
- Providing detailed advice or other supporting functions.

Seldom will state/commonwealth or federal authorities assume command from a local fire or police commander for short-term, on-site, public-safety-related issues.

National response policy as stated in Section 4201 of OPA 90, which amended Subsection (c) of Section 311 of the CWA, requires the FOSC to "in accordance with the NCP and any appropriate ACP ensure effective and immediate removal of a discharge, and mitigation or prevention of a substantial threat of a discharge, of oil or a hazardous substance:

1. *"Into or on the navigable waters;*
2. *On the adjoining shorelines to the navigable waters; into or on the waters of the exclusive economic zone; or*
3. *That may affect natural resources belonging to, pertaining to, or under the exclusive management authority of the United States."*

In carrying out these functions, the FOSC may:

⁸ For more information on SONS, refer to Section 2.2.7.5 in this volume.



1. *“Remove or arrange for the removal of a discharge, and mitigate or prevent a substantial threat of a discharge, at any time;*
2. *Direct or monitor all federal, state/commonwealth, and private actions to remove a discharge; and*
3. *Recommend to the Commandant that a vessel discharging or threatening to discharge, be removed and, if necessary, destroyed.”*

If the discharge or substantial threat of discharge of oil or hazardous substance is of such size or character as to be a substantial threat to the public health or welfare of the United States (including but not limited to fish, shellfish, wildlife, other natural resources, and the public and private beaches and shorelines of the United States), the FOSC shall direct federal, state/commonwealth, and private actions to remove the discharge or to mitigate or prevent the threat of the discharge.

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

Under the NCP, planning is divided into several levels: national, regional, area, state/commonwealth, local, and vessel and facility. Each level requires the development of a plan, all of which must be consistent with the NCP and other higher level plans.

OPA 90 Section 4201 states that the President, in accordance with the NCP and any appropriate ACP, shall ensure (1) effective and immediate removal of a discharge and (2) mitigation or prevention of a substantial threat of a discharge of oil or hazardous substance. In carrying out this mandate, the President may direct or monitor all federal, state/commonwealth, and private actions to remove a discharge. The NCP at 40 CFR §300.130 states that USEPA or USCG is authorized to act for the United States to take response measures deemed necessary to protect public health or welfare or the environment from discharges of oil or releases of hazardous substances, pollutants, or contaminants except with respect to such releases on or from vessels or facilities under the jurisdiction, custody, or control of other federal agencies. The assigned FOSC may initiate and direct appropriate response activities; in the case of a discharge posing a substantial threat to public health or welfare, the FOSC is required to do so.

2.2.2 National Response Team (NRT)

Planning, preparedness and coordination at the National level for pollution incidents is accomplished through the NRT. The NRT consists of representatives from the USCG, USEPA, Federal Emergency Management Agency (FEMA), Department of Defense (DOD), Department of Energy (DOE), United States Department of Agriculture (USDA), Department of Commerce (DOC), Department of Health and Human Services (DHHS), DOI, Department of Justice (DOJ), Department of Labor (DOL), Department of Transportation (DOT), Department of State (DOS), General Services Administration (GSA), and Nuclear Regulatory Commission. For details on these agencies, see the NCP at 40 CFR §300.175 (b). Other agencies may request membership on the NRT by forwarding such requests to the chairman of the NRT. The NRT is commissioned to:



- Ensuring national preparedness to respond to a major discharge of oil or release of a hazardous substance, pollutant, or contaminant that is beyond regional capabilities;
- Developing procedures to build cooperation between all federal, state/commonwealth and local governments, and private organizations with regard to pollution response;
- Coordinating a national program to assist member agencies in planning and response and enhancing coordination of member agency preparedness programs;
- Monitoring national response-related research and development, testing, and evaluation activities of NRT agencies to enhance coordination and facilitate research in support of response activities; and
- Monitor response planning efforts of RRTs. The NRT will be activated in accordance with §300.110(j) of the NCP. Generally, activation will occur when a spill crosses regional boundaries or involves significant population hazards and/or national policy issues. During response activities, it acts primarily to coordinate and oversee the response activities of the RRTs.

2.2.3 Regional Response Team (RRT)

The RRT is a key component of the U.S. federal government's commitment to ensure effective preparedness and response to oil and chemical incidents affecting human health and safety, as well as the environment. As described in the NCP (40 CFR §300.115), the RRTs are responsible for planning and coordination of regional preparedness, as well as planning and coordination of response actions in support of the FOSC.

The RRT agency membership parallels that of the NRT but also includes state/commonwealth and local representations. Select the RRT Directory from Section 4 of the RCP to see the membership of the RRT:

<http://www.rtt3-rcp.nrt.org/production/NRT/RRT3-RCP.nsf/AllPages/HomePage.html>

RRTs function in two ways – as a standing team and as an incident-specific team. The roles and responsibilities of the RRTs are described in more detail below and outlined in 40 CFR §300.115 of the NCP.

The Region III Standing RRT members include representatives from the following agencies:

- U.S. Department of Agriculture
 - Forest Service
- U.S. Department of Commerce
 - National Oceanic and Atmospheric Administration
- U.S. Department of Defense



- United States Army Corps of Engineers (USACE)
- U.S. Navy On Scene Coordinator
- First Army Commanding General
- Army North Commanding General
- U.S. Department of Energy
 - Brookhaven Lab
 - Oak Ridge National Laboratory Emergency Operations Center
- U.S. Department of Health and Human Services
 - Agency for Toxic Substances and Disease Registry (ATSDR)
- U.S. Department of the Interior
- U.S. Department of Justice
- U.S. Department of Labor
 - Occupational Safety and Health Administration
 - U.S. Department of Transportation
- U.S. Department of Homeland Security
 - USCG Fifth District – Co-Chair of the Region III RRT
 - USCG First District, USCG Seventh District, USCG Eighth District, and USCG Ninth District (not standing RRT members)
 - FEMA
- Federal Highway Administration
- General Services Administration
- USEPA Region III – Chair of the Region III RRT
- District of Columbia
 - *DC Homeland Security and Emergency Management Agency
 - *Government of the District of Columbia – District Department of the Environment
- Delaware
 - *DEMA – Delaware Emergency Management Agency
 - *DE DNREC – Delaware Department of Natural Resources and Environmental Control
 - *DAWM – Division of Air and Waste Management
- Maryland
 - *MDE – Maryland Department of the Environment
 - Baltimore City Fire Department
- Commonwealth of Pennsylvania
 - *PADEP – Pennsylvania Department of Environmental Protection



- *PEMA – Pennsylvania Emergency Management Agency
- Commonwealth of Virginia
 - *VDEM – Virginia Department of Emergency Management
 - *VDEQ – Virginia Department of Environmental Quality
- West Virginia
 - *WVDHSEM – West Virginia Division of Homeland Security and Emergency Management
 - *WVDEP – West Virginia Department of Environmental Protection

*Indicates nomination from the Governor or Mayor.

2.2.3.1 Standing RRT

Standing RRTs are planning, policy, and preparedness coordinating bodies. They provide a regional mechanism for the development and coordination of preparedness activities before a response action is taken. They meet regularly at varying locations within the region to develop working relationships, exchange information, and develop regional policies and procedures for response. Meetings provide a forum for adopting policies, considering whether to request and review FOSC reports on incidents in the region, and discussing lessons learned from responses. RRTs also typically maintain work groups where representatives focus on specific priority tasks.

2.2.3.2 Incident-Specific RRT

While the standing RRT provides the regional mechanism for development and coordination of preparedness activities before a response action is taken, the incident-specific RRT is available for coordination of assistance and advice to the FOSC during incident response. The incident-specific RRT is chaired by the representatives from USEPA, and consists of the RRT members from the USCG, the affected (and likely to be affected) state/commonwealths, tribal, and federal natural resource trustees.

The role of the incident-specific RRT is determined by the specifics of the response. However, key responsibilities of the incident-specific RRT generally include:

- Supporting the FOSC;
- Monitoring the response;
- Coordinating on issues of concern that cannot be resolved within the response organization;
- Providing communications support;
- Making recommendations to the FOSC consistent with the RRT's expertise;
- Providing advice to the FOSC on the use of chemical countermeasures (e.g., dispersants and in situ burning), which have not been pre-authorized for use in the response area of concern; and



- Assisting the FOSC in mobilizing resources available from RRT members in the region.

If the assistance requested by a FOSC exceeds an RRT's capability, the RRT may request assistance from the NRT.

In the event a UC response structure is established during an incident, and a consensus cannot be reached within the UC, the incident-specific RRT can be used by the FOSC as a mechanism to provide support and conflict resolution from the leadership of his or her own agency, other federal agencies, and local, state/commonwealth, and tribal governments. If the RRT cannot provide this support, the FOSC retains ultimate decision-making authority.

Activation of an incident-specific RRT typically comes at the request of a FOSC. One or more RRT members may also request activation of the RRT. One or both of the Co-Chairs of an RRT may also decide to activate an incident-specific RRT based on the guidelines in the NCP, which state/commonwealth that an RRT can be activated when a discharge or release:

- Exceeds the response capability available to the FOSC in the place where it occurs;
- Transects state/commonwealth boundaries;
- May pose a substantial threat to the public health or welfare of the United States or the environment, or to regionally significant amounts of property; or
- Is a worst case discharge as described in the 40 CFR §300.5 of the NCP.

When an incident-specific RRT is activated, it may be convened either by telephone or in person. Meetings may be convened at the scene of an incident or at any mutually agreeable location.

2.2.3.3 Regional Contingency Plan (RCP)

Each standing RRT is responsible for developing and maintaining a RCP. The purpose of the RCP is to ensure that the roles and responsibilities of federal, state/commonwealth, local, and other responders at an incident site are clearly defined in advance of the incident, and to ensure that the RCP is in compliance with NRT, Area, and local planning documents.

The RCP describes the policies and procedures for a quick and effective response to pollution and other "all-hazards" incidents within the region. It defines and communicates the roles of RRT members in support of the FOSC in planning or in response to oil and chemical spills in the region. Oil and chemical spill planning can also include spills or releases during natural emergencies such as floods or hurricanes. The RCP contains regional plans that outline the complex interactions and funding mechanisms required during implementation of disaster plans. The RCP does not duplicate other plans at the area or local level. Instead, the RCP documents the methods and criteria used by the RRT to evaluate an oil response.



The Region III RCP is designed to be consistent with the NCP and is divided into four sections based on the needs of the response community:

1. Subpart A – Introduction,
2. Subpart B – Responsibilities and Organization for Response,
3. Subpart C – Planning and Preparedness,
4. Subpart D – RRT Agency Support Member Contact Information.

The RRT Region III Regional Contingency Plan is available at: <http://www.rrt3-rcp.nrt.org/>.

2.2.3.4 Area and Sub-Area Contingency Plans

As part of their planning process, RRTs and Area Committees identify resources at risk that need to be considered in the event of an incident. In addition, RRTs and Area Committees address the use of appropriate dispersants, surface washing agents, surface collecting agents, bioremediation agents, or miscellaneous oil spill control agents listed on the NCP Product Schedule, as well as the use of burning agents or in situ (controlled) burning for the removal of spilled oil. Within the Region III Area of Responsibility, the planning components of the region are divided into two distinct bodies to address the specific needs of each:

- USEPA IACP – has planning jurisdiction over inland areas; and
- USCG ACPs – has planning jurisdiction for navigable waters in the coastal zone/open ocean.

In the same way that RRTs develop RCPs, Area Committees and Inland Area Committees develop contingency plans. The FOSC responsible for each area oversees the process and works with the standing RRT and state/commonwealth, local, and tribal representatives throughout the plan's development and subsequent updates. The standing RRT should review the plan to provide feedback and guidance to Area Committees and Inland Area Committees to ensure:

1. RRT member agencies' resources and issues are addressed appropriately; and
2. Inter-area consistency and consistency of individual area plans with the RCP and the NCP.

More detailed planning documents have been developed for the sub-regional level using both the inland area plans and the Area Committees.

2.2.3.5 Region III Memorandums of Agreement (MOAs) and Memorandums of Understanding (MOUs)

Memorandums of Agreement (MOAs) and Memorandums of Understanding (MOUs) are written plans that establish the nature and extent of interaction between USEPA and



other federal, state/commonwealth, and local agencies (including Indian tribes) during emergency response actions under the NCP. These MOA/MOUs are also referred to as interagency agreements (IAGs).

When operating as the lead agency for a response action, USEPA shall enter into MOA/MOU discussions if requested by a state/commonwealth or local government. The USEPA, USCG, other federal agencies, or state/commonwealth (or political subdivision) agencies may operate pursuant to a contract or cooperative agreement executed under Section 104(d)(1) of CERCLA, or pursuant to a Superfund Memorandum of Agreement (SMOA) entered into under Subpart F of the NCP. The SMOA is not a site-specific document although attachments may address specific sites. The SMOA generally defines the role and responsibilities of both the lead and the support agencies. Refer to [40 CFR §300.505](#) for a discussion about SMOA.

There are various IAGs for Region III. [Subparts B and C of the RCP on the Region III RRT website](#) include the following regional agreements:

- **Inter-agency Memorandum of Agreement Regarding Oil Spill Planning and Response Activities Under the National Oil and Hazardous Substances Pollution Contingency Plan and the Endangered Species Act** (July 2001). The Parties to this agreement are the USCG, the USEPA, the DOI Office of Environmental Policy and Compliance, the United States Fish and Wildlife Service (USFWS), and the National Oceanic and Atmospheric Administration's (NOAA's) - National Marine Fisheries Service (NMFS) and National Ocean Service.
- **Programmatic Agreement on Protection of Historic Properties During Emergency Response Under the National Oil and Hazardous Substances Pollution Contingency Plan** (April 2002). Provides an alternative process to ensure appropriate consideration of historic properties is given during emergency response efforts.
- **The Inter-Regional Emergency Response and Removal Support, Regions III, IV, & V of USEPA** (April 2000). This agreement establishes cross-regional support between USEPA Regions III, IV, and V during emergency incidents and other removal actions, primarily for large emergency/removal actions where the magnitude is overwhelming to the resources of the lead region. However, a cross-boundary response can be performed where the closest FOSC is from another region. This agreement encompasses responses under the NCP, and the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (Stafford Act) and amendments as further defined under the NRF.
- **MOU Addressing In-Situ Burn Within Region III** (December 1997). This interagency MOU between USCG District 5, USEPA, DOI, DOC/NOAA, Delaware DNREC, MDE and VDEQ discusses the policy/steps under which pre-authorized use of In-Situ Burn is accepted as a method for controlling discharged oil under Subpart J of the NCP.
- **MOU Addressing Use of Dispersants Within Region III** (December 1997). This interagency MOU between USCG District 5, USEPA, DOI, DOC/NOAA,



Delaware DNREC, MDE and the Commonwealth of Virginia Secretary of Natural Resources. This MOU establishes criteria under which chemical countermeasures listed on the NCP Product Schedule may be used in waters of the COTP HR and COTP PHI zones. No biological agents will be used as a primary response measure.

In addition to the MOA/MOUs discussed in the RCP and in Section 3 of this IACP addresses state/commonwealth MOU/MOAs, various MOAs/MOUs and IAGs between RRT member agencies are available on the USEPA OSC [Region III Inland Area Committee Website](#):

- USCG Fifth District/USEPA Region III Boundary MOA (January 2010),
- Response Coordination MOA Between DOC/NOAA and the USEPA (April 2011),
- Corporation of National and Community Service MOU (March 2011),
- MOA Between the Bureau of Safety and Environmental Enforcement – US Department of the Interior and the USCG – US Department of Homeland Security Regarding Oil Discharge Planning, Preparedness, and Response (April 2012),
- MOA Between the Department of Natural Resources and Environmental Control for the State of Delaware and Region III USEPA Regarding NPDES Roles and Responsibilities (May 1983),
- Commonwealth of Virginia’s Voluntary Remediation Program MOA (January 2002),
- Guidance Document for the Interagency MOA 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 (2002),
- MOA Between The Department of the Environment State of Maryland and Region III USEPA Regarding NPDES Roles and Responsibilities (May 1989),
- MOA Between the Commonwealth of Pennsylvania Department of Environmental Protection and Region III USEPA Regarding the One Cleanup Program (April 2004),
- MOU Between USEPA and USCG for Collaboration on Compliance Assistance, Compliance Monitoring, and Enforcement of Vessel General Permit (VGP) Requirements on Vessels (December 2008),
- Voluntary Remediation Program MOA Between the Region III USEPA and the West Virginia Department of Environmental Protection (February 2010).

2.2.4 Inland Area Committee

Area planning and coordination of preparedness and response actions are accomplished through the Area Committees. There is only one Inland Area Committee for the entirety of USEPA Region III. This Inland Area Committee membership includes federal, state/commonwealth, and local representation. Members of the Inland Area Committee are appointed by the Region III Inland Area Committee Administrator. In



addition to the standing Inland Area Committee membership, active participation by other interested parties is encouraged for all planning activities under the authority of the Inland Area Committee. Current Inland Area Committee members include:

- USCG – Fifth District,
- USCG – Eighth District,
- USCG – Ninth District,
- DOI,
- DOC – NOAA,
- DHHS – ATSDR,
- DOD – USACE,
- FEMA,
- VDEM,
- VDEQ,
- PADEP,
- PEMA,
- MDE,
- MEMA,
- DE DNREC,
- DEMA,
- WVDEP,
- WVDHSEM,
- DC Homeland Security and Emergency Management Agency,
- DC Department of the Environment.

2.2.4.1 Standing Inland Area Committee

Like the Standing RRT, the Standing Inland Area Committee is a planning, policy, and preparedness coordinating body for response in the Inland Zone of Region III. They provide a mechanism for the development and coordination of preparedness activities before a response action is taken. The Committee meets regularly at varying locations within the Region to develop working relationships, exchange information, and develop regional policies and procedures for response.

2.2.4.2 Incident-Specific Stakeholders

Incident-specific stakeholders are not members of the Standing Inland Area Committee. Incident-specific stakeholders are individuals representing local, state/commonwealth, or federal agencies that have a vested interest in the outcome of an incident that normally would not respond under an emergency incident occurring within their area. However, these stakeholders may be called in by the Inland Area Committee to assist with incident-specific emergency response planning.

2.2.5 Multi-Area Responses

In the event that an actual or threatened discharge or release expands between geopolitical areas covered by different area contingency plans, the authority to initiate pollution control actions may shift. In the event that an actual or potential incident affects



areas covered by two or more area plans, the response mechanisms called for by both plans shall be activated. There shall be only one FOSC at any time during the course of a response operation. Should a discharge or release affect two or more areas, the lead agency shall give prime consideration to the area most vulnerable to the greatest threat, to determine which agency should provide the FOSC. If there is disagreement as to the area most impacted or vulnerable, then the RRT will decide who the FOSC should be.

The NRT will be notified in the event of a discharge which transcends regional boundaries and if necessary, the NRT will be activated to support the pre-designated FOSC in coordination of cleanup efforts, personnel and equipment in the affected regions.

2.2.6 Federal On-Scene Coordinators (FOSC) for USEPA, USCG, or DOD

The FOSC is defined as the federal official pre-designated by USEPA (inland areas) or the USCG (coastal areas) to coordinate and direct responses under Subpart B of the NCP (40 CFR §300.120), or the government official designated by the lead agency to coordinate and direct removal actions under Subparts D and E of the NCP.

2.2.6.1 Roles and Responsibilities of FOSC

The FOSC is the federal official responsible for monitoring or directing responses to all oil spills and hazardous substance releases reported to the federal government. The FOSC coordinates all federal efforts with, and provides support and information to, local, state/commonwealth and regional response communities. The FOSC is an agent of either USEPA or the USCG, depending on the incident location. USEPA FOSCs have primary responsibility for spills and releases to inland areas and waters, while USCG FOSCs have responsibility for coastal waters and the Great Lakes. In general, the FOSC has the following key responsibilities during and after a response to a hazardous substance release or an oil spill: (1) assessment; (2) monitoring; (3) response assistance; and (4) evaluation.

The FOSC (40 CFR §300.120):

- Protects human health and the environment;
- Responds to releases of oil and hazardous substances;
- Is responsible for assessment and management of USEPA removal activities under CERCLA and OPA 90;
- Coordinates or directs on-scene response resources and efforts during a pollution incident;
- Coordinates between local planning authorities and the resources of the state/commonwealth and federal governments;
- Monitors the responsible party's cleanup activities. If the responsible party is either unwilling or unable to adequately address the situation, the FOSC has the authority to step in and assume command of the spill-response efforts;



- Provides equipment and technical assistance for federal agencies during national disasters and terrorism incidents as well as state/commonwealth and local emergency response agencies;
- Completes actions which may include sampling and monitoring, controlling the source of the release, on-site treatment, and off-site waste disposal; and
- Oversees area planning, provides access to the expertise of the NRS federal member agencies, and is a valuable source of support and information to the local response community.

USEPA shall provide FOSCs for discharges or releases into or threatening the Inland Zone and shall provide RPMs for federally funded remedial actions, except in the case of state/commonwealth-lead federally funded response and as provided in the NCP. USEPA will also assume all remedial actions at National Priorities List (NPL) sites in the coastal zone, even where removals are initiated by the USCG, except as provided in the NCP.

The FOSC is responsible for overseeing development of the ACP in the area of the FOSC's responsibility. ACPs shall, as appropriate, be accomplished in cooperation with the RRT, and designated state/commonwealth and local representatives. In contingency planning and removal, the FOSC coordinates, directs, and reviews the work of other agencies, Area Committees, responsible parties, and contractors, assuring compliance with the NCP, decision documents, consent decrees, administrative orders, and lead agency-approved plans applicable to the response.

The lead agency should provide appropriate training for its FOSCs and other response personnel to carry out their responsibilities under the NCP. FOSCs should ensure that persons designated to act as their on-scene representatives are adequately trained and prepared to carry out actions under the NCP, to the extent practicable.

The federal official designated as the FOSC for the Region III Inland Area and serves as the Chairperson for the Inland Area Committee, is identified in the RRT Directory located in Section 4 of the RCP:

<http://www.rtt3-rcp.nrt.org/production/NRT/RRT3-RCP.nsf/AllPages/HomePage.html>

The RRT Directory includes a listing of the other USEPA and USCG pre-designated FOSCs. An up to date list of FOSCs is available through the USEPA Region III Regional Response Center (RRC), (215) 814-9016.

2.2.6.2 Roles and Responsibilities of Deputy FOSC

Under the ICS (for more information, refer to Section 2.2.7.1 in this document), deputy positions may be established for many of the General Staff positions. A deputy FOSC is an individual who is fully qualified and equally capable to assume the FOSC position.

The three primary reasons to designate a Deputy IC are to:

1. Perform specific tasks as requested by the FOSC;



2. Perform the incident command function in a relief capacity (e.g., to take over for the next operational period). In this case, the Deputy will assume the primary role; and
3. Represent an assisting agency that may share jurisdiction or have jurisdiction in the future.

2.2.6.3 Roles and Responsibilities of Sub-Area FOSCs

USEPA has made a conscious decision to designate sub-areas as part of this plan to manage response contingency planning activities. The following FOSC positions have been created and defined by USEPA to provide response coverage in the 14 sub-areas within Region III.

Sub-Area FOSC Lead

The Sub-Area FOSC Lead position pertains to the individual who has overall authority and responsibility for conducting USEPA authorities within the specified USEPA Region III Sub-Area. The Lead must be knowledgeable regarding state/commonwealth and local officials, major activities, and sites within their respective sub-area. They are responsible for attending meetings those officials attend in order to establish a rapport with the USEPA Sub-Area FOSC Lead and inform the officials about USEPA's capabilities and responsibilities as a FOSC. They should also be assisting in the preparation, review, and maintenance of the Region III IACP and their respective Sub-Area Plan (which is part of the IACP). Finally, the Sub-Area FOSC Lead will handle, or coordinate with the Sub-Area Deputy FOSC, any spill report follow-up needed.

Sub-Area Deputy FOSC

The Sub-Area Deputy FOSC is a person assigned the duties of the Sub-Area FOSC who is fully qualified⁹ and equally capable of fulfilling the Sub-Area FOSC Lead duties. This individual is considered knowledgeable of the sub-area and most likely known to many of the stakeholders in the region.

Sub-Area FOSC Alternate

The Sub-Area FOSC Alternate position is filled by USEPA personnel who may not be qualified to hold a Sub-Area Lead or Deputy FOSC position or may be filling a Lead or Deputy FOSC position in another sub-area. The Alternate FOSCs are individuals who have agreed to assist with individual assignments within a sub-area under the direction of the Sub-Area FOSC Lead.

⁹ The term "qualified" is defined as being fully trained to possess the skills, knowledge and experience for the role being assigned.



2.2.7 National Incident Management System (NIMS)

The National Incident Management System or NIMS is dictated to all US response capabilities through the [Homeland Security Presidential Directive \(HSPD\)-5](#), which is designed to coordinate emergency preparedness and incident management among various federal, state/commonwealth, and local agencies. The intent of NIMS is to be applicable across a full spectrum of potential incidents, regardless of size or complexity and to improve the coordination and cooperation between public and private entities during an incident. [NIMS guidance](#) is specified by FEMA.

NIMS provides a uniform nationwide approach to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents no matter what the cause, size or complexity, including catastrophic acts of terrorism and disasters. It is a system that is commonly used in United States. NIMS provides guidance for planning, preparedness and response to incidents through:

- Standards for planning, training and exercising;
- Personnel qualification standards;
- Equipment acquisition and certification standards;
- Interoperable communications processes, procedures and systems;
- Information management systems with a commonly accepted architecture;
- Supporting technologies - voice and data communications systems, information systems, data display systems, specialized technologies; and
- Publication management processes and activities.

When responding to incidents within the region and sub-areas, each response will function using the NIMS system.

2.2.7.1 Incident Command System (ICS)

As a result of emergency management organizations collaborating on how to implement NIMS, ICS was developed provides an organizational structure for responding to large-scale emergency events, including, but not limited to, oil spills and releases of hazardous substances emergencies. The ICS enables integrated communication and planning by establishing a manageable span of control. USEPA follows established ICS procedures in the *Incident Management Handbook: Incident Command System, 2007 Edition* (digital copy available at the USEPA OSC [Region III Inland Area Committee Website](#)).

The ICS divides an emergency response into five manageable functions: command, operations, planning, logistics, and finance. These five functions are essential for successful response operations. Traditionally, the command function has been handled by a single IC (supported by a command staff) who directs the efforts and receives input from the four remaining supporting areas. Very often in oil and hazmat responses, the IC is the senior jurisdictional fire official at the scene. The FOSC is the pre-designated Federal IC responsible for ensuring immediate and effective federal response to a



discharge or threatened discharge of oil or a release or potential release of a hazardous substance. The USCG pre-designates FOSCs for the United States coastal zones, while the USEPA pre-designates FOSCs for the United States inland zones. The NCP (40 CFR §300.175) also identifies additional federal agencies having specific federal coordination responsibility.

The ICS is typically implemented at the local level by first responders (fire, police, and emergency management agencies). The modular organization of the ICS allows responders to scale their efforts to the needs of the incident. In responses involving responders from a single jurisdiction, the ICS establishes a format for comprehensive response management. The response must be conducted in accordance with the NCP, the appropriate IACP, and the facility/vessel/pipeline response plan. Under the NCP, the responsible party is part of the response and they are expected to conduct the response under the oversight and/or direction of the FOSC with the participation of state/commonwealth and local representatives.

The Liaison Officer is the prime representative of the federal, state/commonwealth, or local agency supporting response actions. Responsibilities of the Liaison Officer may include: providing and reviewing data and documents as requested by the lead agency during planning, design, and cleanup activities of the response action and providing other assistance as requested.

2.2.7.2 Unified Command (UC)

Although a single IC normally handles the command function, an ICS organization may be expanded into a UC. The UC is a structure that brings together the "Incident Commanders" of all major organizations involved in the incident (including the responsible party) in order to coordinate an effective response while at the same time carrying out their own jurisdictional responsibilities. UC is a larger accommodating structure that ensures that responsibilities are defined, efforts and resources are combined, and maximum efficiency is achieved within a cooperative environment. The UC links the organizations responding to the incident and provides a forum for these entities to make consensus decisions. Under the UC, the various jurisdictions and/or agencies and non-government responders may blend together throughout the operation to create an integrated response team.

The UC is responsible for overall management of the incident. The UC directs incident activities, including development and implementation of overall objectives and strategies, and approves ordering and releasing of resources. Members of the UC work together to develop a common set of incident objectives and strategies, share information, maximize the use of available resources, and enhance the efficiency of the individual response organizations. The functions of a UC are to (1) provide overall response direction, (2) coordinate effective communication, and (3) coordinate resources.

The UC may be used whenever multiple jurisdictions are involved in a response effort. These jurisdictions could be represented by:



- Geographic boundaries (such as two state/commonwealths or Indian Tribal Lands);
- Governmental levels (such as local, state/commonwealth, and federal);
- Functional responsibilities (such as fire-fighting, oil spill, and Emergency Medical Services [EMS]);
- Statutory responsibilities (such as federal land or resource managers, responsible party under OPA 90 or CERCLA); or
- Some combination of the above.

The actual UC makeup for a specific incident will be determined on a case-by-case basis taking into account: (1) the specifics of the incident; (2) determinations outlined in existing response plans; or (3) decisions reached during the initial meeting of the UC. The makeup of the UC may change as an incident progresses in order to account for changes in the incident situation. In general, the UC may consist of a pre-designated FOSC (as discussed in Section 2.2.7.1), the state/commonwealth OSC, the IC for the responsible party, and the local emergency response ICs. A UC structure is preferred when complex responses require multi-agency resources on the federal, state/commonwealth, and local levels. The UC is a team effort, for oil and hazardous materials response, there is still one lead federal authority¹⁰ (USEPA or USCG) with overall responsibility for the incident under the NCP.

Frequently, the first responders to arrive at the scene of an incident are emergency response personnel from local fire and police departments. The majority of local responders are familiar with NIMS and are likely to establish one immediately. As local, state/commonwealth, federal, and private party responders arrive on-scene for multi-jurisdictional incidents, responders would integrate into the ICS organization and establish a UC to direct the expanded organization. Although the role of local and state/commonwealth responders can vary depending on state/commonwealth laws and practices, local responders will usually be part of the ICS/UC.

Members in the UC have decision-making authority for the response. To be considered for inclusion as a UC representative, the representative's organization must:

- Have jurisdictional authority or functional responsibility under a law or ordinance for the incident;
- Have an area of responsibility that is affected by the incident or response operations;
- Be specifically charged with commanding, coordinating, or managing a major aspect of the response; and
- Have the resources to support participation in the response organization.

¹⁰ Under the NCP (40 CFR §300.120(c)), DOE or DOD has been identified as the FOSC for releases of hazardous substances, pollutants, or contaminants (but not oil) when the release is on, or the sole source of the release is from any facility or vessel, including vessel bareboat chartered and operated under the jurisdiction, custody or control of DOE or DOE. In this instance, DOE shall provide the FOSC responsible for taking all response actions



In addition, UC representatives must also be able to:

- Agree on common incident objectives and priorities;
- Have the capability to sustain a 24-hour-a-day, 7-day-a-week commitment to the incident;
- Have the authority to commit their agency or company resources to the incident;
- Have the authority to spend their agency or company funds;
- Agree on an incident response organization;
- Agree on the appropriate Command and General Staff position assignments to ensure clear direction for on-scene tactical resources;
- Commit to speak with “one voice” through the Information Officer or Joint Information Center (JIC), if established;
- Agree on logistical support procedures; and
- Agree on cost-sharing procedures, as appropriate.

UC members bring their authorities and regulatory responsibilities to the UC, as well as their agency/organization resources to carry out their responsibilities. The UC members may change as the response transitions out of emergency response and into long-term cleanup. Members in a UC have a responsibility to the UC, and also to their home agency or organization. These individuals in the response management system do not relinquish agency authority, responsibility, or accountability. The addition of a UC to the ICS enables responders to carry out their own responsibilities while working cooperatively within one response management system.

Generally, for spills on federal lands or resources, federal land and resource managers have authority and responsibilities comparable to those of local and state/commonwealth responders and federally recognized Indian tribes. For this reason, federal land and resource managers should be invited to participate in the UC for spills on federal lands and resources under their control. Similarly, for incidents on tribal lands of federally recognized Indian tribes, a representative from the Indian tribe must be invited to participate in the UC.

Under OPA 90, the responsible party is responsible for the cleanup of a discharge, and must submit appropriate response plans defining the structure to accomplish this task, to the maximum extent practicable. OPA 90 further requires that certain owners/operators prepare tank vessel or facility response plans defining their response structure to respond to the maximum extent practicable, to a worst case discharge, and to the substantial threat of such a discharge of oil. The responsible party representative or qualified individual is responsible for implementing the vessel/facility response plan.

Single Jurisdictional Area Affected: When an incident involves and affects only a single geographical jurisdiction (e.g., within the boundaries of a city or county), the organizational structure of the ICS will be determined by the established local



contingency plan. It may involve one or more agencies. In all situations, one person shall act as IC or other command role under UC.

In such instances, responding state/commonwealth and federal officials who might otherwise be considered the senior competent emergency response official at the site shall:

1. Identify themselves to the IC and integrate themselves into the established ICS per the IC's direction, usually as a technical specialist to assist in operations;
2. Join the existing UC or request that the IC establish a UC; or
3. Assume the IC role (when required by federal or state/commonwealth law, when an existing IC agrees to such a transition, or when no ICS has been established).

The protocols for ICS transfer of command¹¹ or initial assumption of command shall be used.

Multiple Jurisdictional Areas Affected: When the incident involves and affects multiple local geographical jurisdictions or areas not covered by local emergency response organizations, the state/commonwealth or federal competent senior official at the site shall:

1. Preferably join an existing ICS or UC as in (above); or
2. Establish a UC as an encompassing ICS if none exists; or
3. Assume incident command and establish an ICS incorporating existing local efforts as operations section branches or as otherwise appropriate.

Local, Tribal, State/Commonwealth, and Federal Interaction: When not specifically prescribed, a UC consisting of local, tribal, state/commonwealth, and federal emergency response officials at the site shall be the preferred approach to integrating several levels of government into an ICS.

2.2.7.3 Area Command (AC)

An Area Command (AC) is used to manage multiple incidents or an Incident of National Significance (INS) or SONS. The purpose of an AC is to oversee the management of the incident(s), focusing primarily on strategic assistance and direction and resolving competition for scarce response resources. This organization does not supplant the ICs, but supports and provides strategic direction. Execution of tactical operations and coordination remains the responsibility of the on-scene incident command structure.

¹¹ A Transfer of Command is defined as the process of moving the responsibility for incident command from one IC to another.



Activation Criteria: The USEPA Regional Removal Manager, IC, or UC can determine when an incident(s) is of such magnitude, complexity or operational intensity that it would benefit from the activation of an AC. Factors to consider when deciding to activate an AC include but are not limited to:

- Complex incident overwhelming regional assets;
- An incident that impacts more than one USEPA Region;
- An incident that crosses international borders; and
- More than one active incident where incidents are competing for the same resources or an incident spread over a wide geographic area.

For additional information on AC see Chapter 13 of the *USEPA Incident Management Handbook, Incident Command System (ICS), 2007 Edition* (digital copy available at the [USEPA OSC Region III Inland Area Committee Website](#)).

2.2.7.4 Trustees for Natural Resources

Natural Resource Trustees are federal, state/commonwealth, or tribal officials who act on behalf of the public for resources under their trusteeship. As defined in Section 1001 of the OPA 90 (33 U.S.C. §2701), natural resources are:

“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 by the United States (including the resources of the exclusive economic zone), any state/commonwealth or local government, Indian Tribe, or any foreign government.”

Trustees have roles in preparedness, response and restoration. During an incident, trustees can assist with the following:

- Identification of sensitive resources;
- Evaluation of protection strategies;
- Endangered Species Act (ESA) Consultations;
- Wildlife recovery and rehabilitation;
- Shoreline Cleanup and Assessment Technique (SCAT) surveys;
- Trustee notification;
- Determination of Jurisdiction;
- Ephemeral data collection;
- Initiation of the Administrative Record;
- Potentially Responsible Party/Trustee coordination; and
- Emergency Restoration.

Trustees are essential to oil spill response because they have special knowledge and technical expertise about areas and resources that may be affected by spilled oil and have the authority and jurisdiction to protect these areas. Trustees also cooperate with the FOSC in coordinating assessments, investigations, planning, and response.



The FOSC shall ensure that the trustees for natural resources are promptly notified of discharges. The FOSC shall coordinate all response activities with the affected natural resource trustees and shall consult with the affected trustees on the appropriate removal action to be taken. Where the FOSC becomes aware that a discharge may affect any endangered or threatened species, or their habitat, the FOSC shall consult with the appropriate natural resource trustee.

Pursuant to Section 1006 of the OPA 90 (33 U.S.C. §2706), designation of natural resource trustees are as follows:

- **State/Commonwealth** – The Governor of each state/commonwealth shall designate state/commonwealth and local officials who may act on behalf of the public as trustee for natural resources and shall notify the President of the designation. State/commonwealth trustees are discussed in their respective part of Section 3 (parts A through F).
- **Indian Tribes** – The governing body of any Indian Tribe shall designate tribal officials who may act on behalf of the tribe or its members as trustee for natural resources and shall notify the President of the designation. Indian Tribes may be recognized by federal and/or state/commonwealth governments. In Region III there are no federally recognized tribes; however, there are federally recognized tribes (from other regions) who do have interest within Region III and should be notified during an incident. There are state/commonwealth recognized tribes in Delaware, Maryland, and Virginia (discussed in Sections 3A, 3B, and 3D, respectively).
- **Foreign** – The head of any foreign government may designate the trustee who shall act on behalf of that government as trustee for natural resources.
- **Federal** – Designation of federal trustees is discussed below.

Designation of Federal Trustees

The President is required to designate in the NCP those 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 CERCLA, Section 311(f)(5) of the CWA, and Section 1006 of the OPA 90 (33 U.S.C. §2706).

The following agency authorities shall be the designated trustee(s) for general categories of natural resources:

- Secretary of Commerce (delegated to NOAA);
- Secretary of for the principal federal land managing agencies:
 - Secretary of the Interior;
 - Secretary of Agriculture;
 - Secretary of Defense (includes military bases and the USACE);
 - Secretary of Energy; and



- Heads of agencies authorized for the management or protection of natural resources located in the United States but not otherwise described in this section or in the NCP.

40 CFR §300.600 of the NCP designates the natural resources for which each federal trustee is responsible, and is incorporated herein by reference.

Functions of Federal Trustees

Under Section 1006(c) of the OPA 90 (33 U.S.C. §2706), natural resource trustees shall:

- Assess natural resource damages for the natural resources under their trusteeship;
- Develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent, of the natural resources under their trusteeship; and
- Upon request of and reimbursement from a state/commonwealth or Indian Tribe, federal trustees may assess damages for the natural resources under the state/commonwealth's or tribe's trusteeship.

Refer to NCP 40 CFR Subpart G, §300.600-615 (Trustees for Natural Resources) for a discussion of federal and state/commonwealth trustees. Federal and state/commonwealth trustees are identified in the RRT Directory located in Section 4 of the RCP:

<http://www.rrt3-rcp.nrt.org/production/NRT/RRT3-RCP.nsf/AllPages/HomePage.html>.

Regulations Guiding the Federal Trustees

Regulations guiding the federal trustees include the following and are discussed in further detail in Section 2.3.7.

- Endangered Species Act,
- Essential Fish Habitat,
- Marine Mammal Protection Act,
- Migratory Bird Treaty Act,
- Bald and Golden Eagle Protection Act,
- National Historic Preservation Act.

2.2.7.5 Spill of National Significance (SONS)

A SONS is a spill that exceeds the response capability at the local and regional levels, and due to its severity, size, location, actual or potential impact on the public health and welfare of the environment, or the response effort, is so complex it requires extraordinary coordination between federal, state/commonwealth, local, tribal, and responsible party resources to contain and clean up the discharge. It is a rare, catastrophic spill event which captures the nation's attention due to its actual damage or significant potential for adverse environmental impact.



Only the Commandant of the USCG or the Administrator of the USEPA can declare a SONS. Classifying an oil spill as a SONS provides additional support to the FOSC to manage national, political, and policy level issues that result from a catastrophic spill or release. Once a SONS is designated, the USEPA Administrator or USCG Commandant may designate a National Incident Commander (NIC) pursuant to 40 CFR §300.323(c), which states:

"...a NIC who will assume the role of the FOSC in communicating with affected parties and the public, and coordinating federal, state/commonwealth, local and international resources at the national level. This strategic coordination will involve, as appropriate, the NRT, RRTs, the Governors(s) of affected state/commonwealth(s), and the mayor(s) or other chief executive(s) of local government(s)."

The following factors, alone or in combination, may justify declaring a spill a SONS:

- The actual or potential worst case discharge in the ACP is met or exceeded;
- Multiple FOSC areas/regions or international borders may be affected;
- Significant impact or substantial threat to public health and welfare, wildlife, population, economy and/or property over a broad geographic area;
- Protracted period of significant or substantial discharge and/or expected cleanup;
- Significant public concern and demand for action by associated parties;
- The existence of, or the potential for, an usually high level of national political, media and public interest; and/or,
- Additional ongoing incidents or disasters seriously degrading response capability.

For more information on the SONS declaration refer to the NCP (40 CFR Subpart D) and the 2012 USCG Commandant Instruction (COMDTINST) 16465.6.¹²

2.2.7.6 Coordination with Other Federal Response Planning

[Presidential Policy Directive \(PPD\) 8: National Preparedness](#) was released in March 2011 with the goal of strengthening the security and resilience of the United States through systematic preparation for the threats that pose the greatest risk to the security of the Nation. PPD-8 defines five preparedness mission areas—Prevention, Protection, Mitigation, Response, and Recovery—and mandates the development of a series of policy and planning documents to explain and guide the Nation's approach for ensuring and enhancing national preparedness.

The National Planning Frameworks, which are part of the National Preparedness System, set the strategy and doctrine for building, sustaining, and delivering the core capabilities identified in the National Preparedness Goal. They describe the

¹² As of this publication date, USEPA does not have any specific agency guidance on their roles and responsibilities as the lead federal agency for a SONS incident.



coordinating structures and alignment of key roles and responsibilities for the whole community and are integrated to ensure interoperability across all mission areas. The frameworks address the roles of individuals; nonprofit entities and nongovernmental organizations (NGOs); the private sector; communities; critical infrastructure; governments; and the Nation as a whole. These are all applicable to disaster response. USEPA plays a significant role in the NRF, serving as the ESF #10 – Coordinator for Oil and Hazardous Materials Response as well as providing agency support to many other ESFs with the NRF.

The National Planning Frameworks are part of the [National Preparedness System](#). There is one framework for each of the five preparedness [mission areas addressed in PPD-8](#):

1. [National Prevention Framework](#) – which is associated with preventing terrorism and covers the capabilities necessary to avoid, prevent or stop a threatened or actual act of terrorism. Though the other frameworks focus on all-hazards, including natural disasters, the National Prevention Framework focuses solely on terrorist activities—and specifically on imminent acts of terrorism on United States soil. Imminent means intelligence or information that warns of a credible, specific, and impending terrorist threat or an ongoing attack on the United States.
2. National Protection Framework - (not yet released)
3. [National Mitigation Framework](#) - covers the capabilities necessary to reduce the loss of life and property by lessening the impact of disasters. This Framework focuses on understanding the risks faced, as well as empowering communities to strengthen their resilience—actions taken that put communities in the best position to bounce back quickly and effectively when disasters occur. This focus on risk and resilience is why the National Mitigation Framework permeates all other areas of national preparedness—from prevention to recovery.
4. [National Response Framework](#) (second edition) - The NRF covers the capabilities necessary to stabilize the situation. This focus is designed to save lives, protect property and the environment, and meet basic human needs after an incident has occurred. Response activities typically take place immediately before, during, and in the first few days after a major or catastrophic disaster. Then, recovery efforts begin to help the community get back on its feet.
5. [National Disaster Recovery Framework](#) - While the Response and Recovery Frameworks are related, they involve different activities. Recovery efforts focus on how best to restore, redevelop, and revitalize the health, social, economic, natural, and environmental fabric of the community and often begins while response is still occurring. The Framework also emphasizes pre-disaster and post-disaster planning.

USEPA's role under PPD-8 is to participate in the development and execution of the Interagency Planning Frameworks, response activities and training and exercises, as well as to contribute to the National Preparedness Report annually.



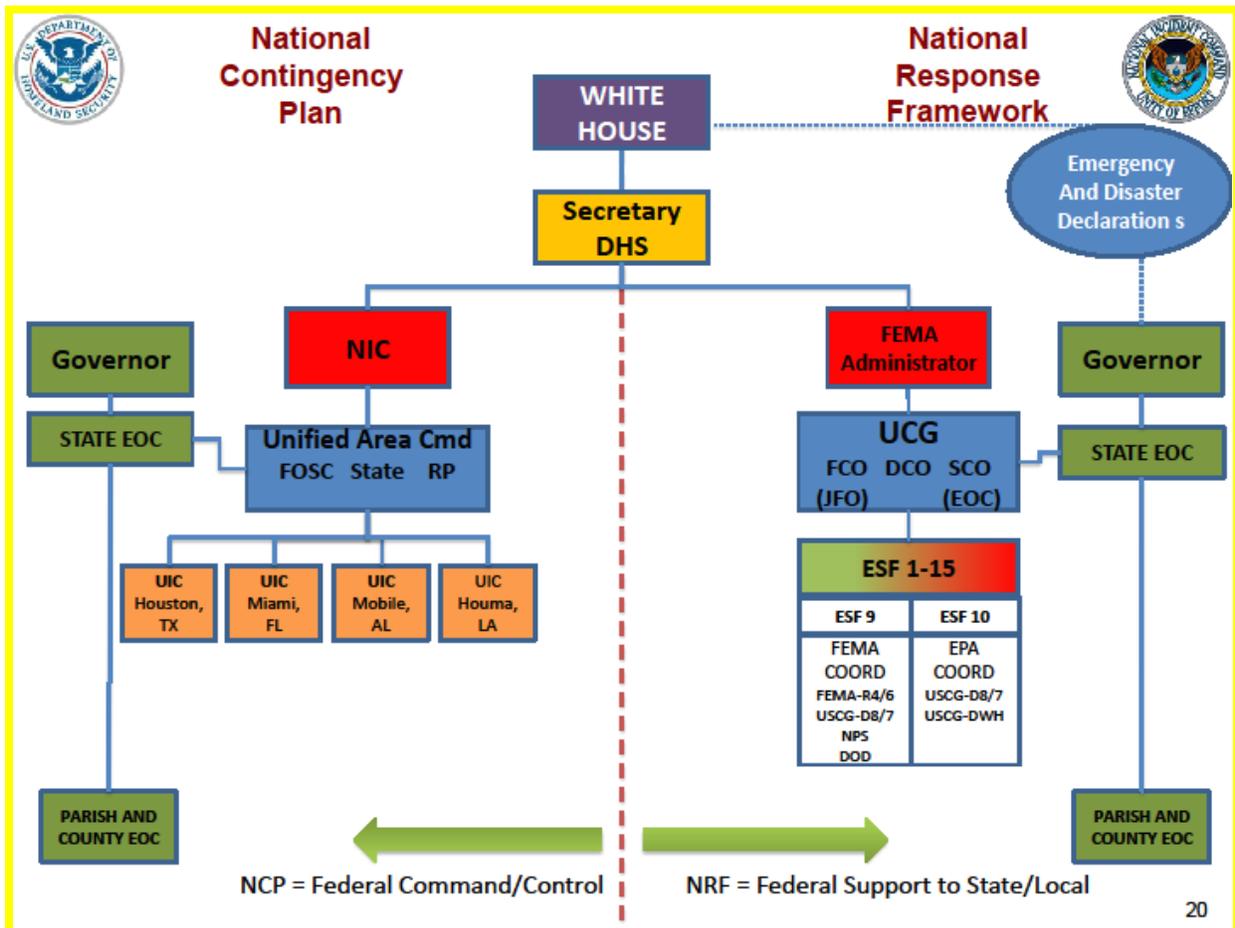
Three major differences between the National Frameworks and the NCP are summarized in Table 1.

Table 1 Comparison Between NCP and National Frameworks

	NCP	NRF
Overview	<p>Regulatory in nature and is specific to oil and hazardous substances pollution response;</p> <p>Designates the federal authority and responsibility to respond to oil and hazardous substance incidents;</p> <p>Responsibilities in response are pre-defined; and</p> <p>Federal Command with coordination with state/commonwealth, local, tribal, and responsible party (see Figure 3).</p>	<p>NRF dictates how all federal agencies will coordinate and execute domestic response operations in support of the state/commonwealths (see Figure 3 below);</p> <p>Takes an all-hazards approach and addresses incidents of natural and man-made disasters (e.g., terrorism);</p> <p>Provides the framework for FOSCs to operate under the Stafford Act;</p> <p>Provides another mechanism to act when requested by the state/commonwealth; and</p> <p>FEMA initiates Mission Assignments (MA) – MAs are not contracts or IAGs; MAs are issued only for assistance under the Stafford Act, not for assistance provided that would normally fall under an agency’s independent authorities or responsibilities.</p>
Funding Source	Funded by the Oil Spill Liability Trust Fund (OSLTF)/Responsible Party	Funded by the Stafford Act; and 25% cost-share required by state/commonwealth for disaster declaration.
Responsible Party	Provides interaction and a “place at the table” for the responsible party.	Typically no responsible party or potentially responsible party is designated.

For more information on the various frameworks, refer to <http://www.fema.gov/library/viewRecord.do?id=7361> for an overview document on the National Planning Frameworks.

Figure 3 Comparison of NCP vs. NRF Responses



2.3 PLANNING AND PREPAREDNESS

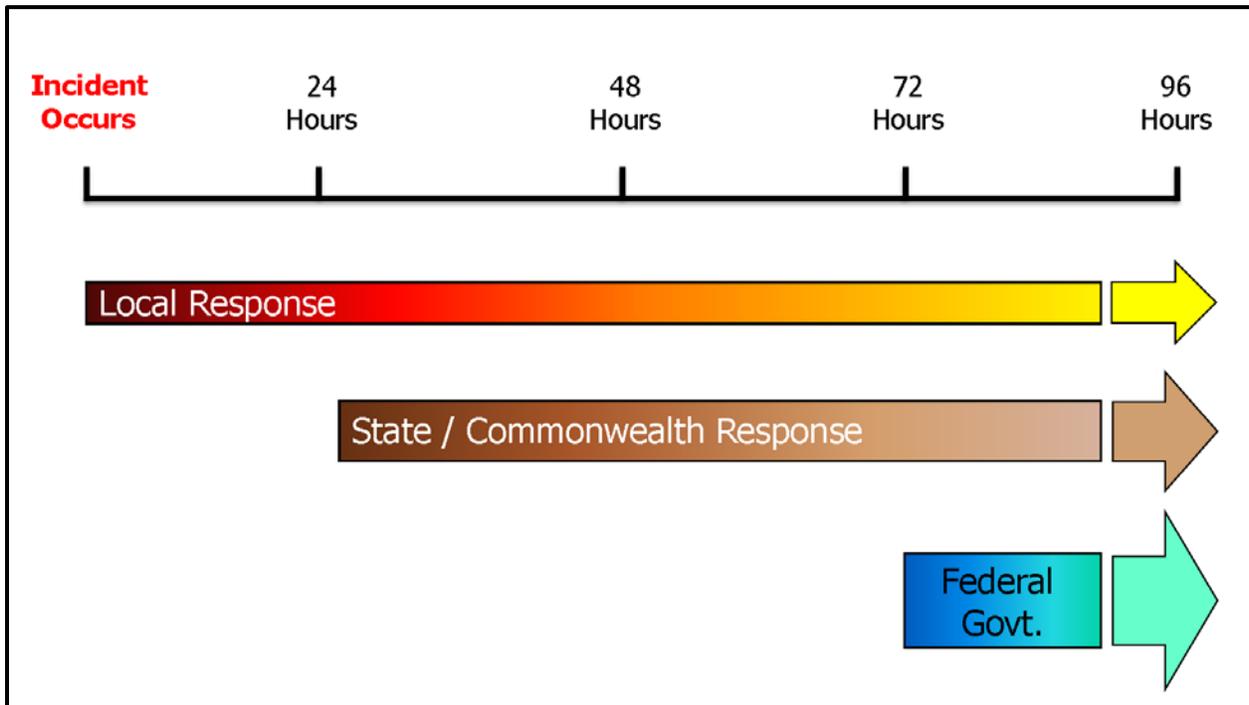
Planning and preparedness is done at the local, state, regional, and national levels for oil and hazardous materials. Flow charts and diagrams of the descriptions of planning and coordination structure, federal contingency plans, and Title III local emergency response plans are located in the NCP. The Area Committee should be added to the flow charts and diagrams where appropriate. The Area Committee serves as a planning and preparedness body to support the federal FOSC and is encouraged to include membership from federal, state/commonwealth, and local governments and private entities (as ex-officio members). Area Committees are not response support bodies, and are not required to participate in response efforts, but should be comprised of response personnel.

2.3.1 Planning and Coordination Structure

A basic premise of NIMS is that all incidents begin and end locally (see Figure 4). NIMS does not take command away from state/commonwealth and local authorities. NIMS simply provides the framework to enhance the ability of responders, including the private sector and NGOs, to work together more effectively. The federal government

supports state/commonwealth and local authorities when their resources are overwhelmed or anticipated to be overwhelmed. Federal departments and agencies respect the sovereignty and responsibilities of local, tribal and state/commonwealth governments while rendering assistance. The intention of the federal government in these situations is not to command the response but, rather, to support the affected local, tribal, and/or state/commonwealth governments.

Figure 4 Timeline for Agency Response Requirements



2.3.1.1 Local

Local Responders are organized around a pre-designated organizational structure when responding to oil and hazardous material responses which includes:

- First Responders¹³ (i.e., fire, police, EMS);
- Emergency management, public health, clinical care, public works and other skilled support personnel are trained to provide immediate support services during an incident;
- Elected and appointed officials – these officials are responsible for ensuring the public safety and welfare of the people of that jurisdiction. Specifically, these

¹³ The definition of “First Responder” as outlined in Homeland Security Presidential Directive (HSPD)-8 includes those individuals who, in the early stages of an incident, are responsible for the protection and preservation of life, property, evidence, and the environment. First Responder responsibilities include overseeing emergency response providers, as well as emergency management, public health, clinical care, public works, and other skilled support personnel (such as equipment operators) that provide immediate support services during prevention, response, and recovery operations.



officials provide strategic guidance and resources during preparedness, response and recovery efforts. Elected or appointed officials must have a clear understanding of their roles and responsibilities for successful emergency management and response. At times, these roles may require providing direction and guidance to constituents during an incident but their day-to-day activities do not focus on emergency management and response. Their awareness of NIMS is critical to ensuring cooperative response efforts and minimizing the incident impacts;

- LEPCs - One of the primary local planning and coordination mechanisms is through the use of LEPCs. As provided by Section 301 and 303 of SARA Title III, emergency planning districts are designated by the State/Commonwealth Emergency Response Commission (SERC) in order to facilitate the preparation and implementation of emergency plans. Each LEPC prepares a local emergency response plan for the emergency planning district and establishes procedures for receiving and processing requests from the public for information generated by Sara Title III reporting requirements. The LEPC appoints a chairperson and establishes rules for the LEPC. The LEPC designates an official to serve as coordinator for information.

2.3.1.2 State/Commonwealth

As provided by Sections 301 and 303 of SARA Title III, the SERC of each state/commonwealth, appointed by the Governor, is to designate emergency planning districts, appoint LEPCs, supervise and coordinate their activities, and review local emergency response plans. The SERC is also to establish procedures for receiving and processing requests from the public for information generated by SARA Title III reporting requirements and to designate an official to serve as coordinator for information.

2.3.1.3 Area Committees

Section 4202(a) of OPA 90 amends Section 311(j) of the CWA to require that Area Committees, under the direction of an FOSC for its Area, shall be responsible for:

- Preparing an ACP for its Area;
- Working with state/commonwealth and local officials to enhance the contingency planning of those officials and to assure preplanning of joint response efforts; and
- Working with state/commonwealth and local officials to expedite decisions for the use of dispersants and other mitigating substances and devices.

The primary role of an Area Committee is to act as a preparedness and planning body. Area Committees are made up of experienced environmental/response representatives from federal, state/commonwealth and local government agencies with definitive responsibilities for the area's environmental integrity. Each member is empowered by their own agency to make decisions on behalf of the agency and to commit the agency to carrying out roles and responsibilities as described in this plan. The pre-designated FOSC for the area will serve as chairman of the committee. He/she will designate the



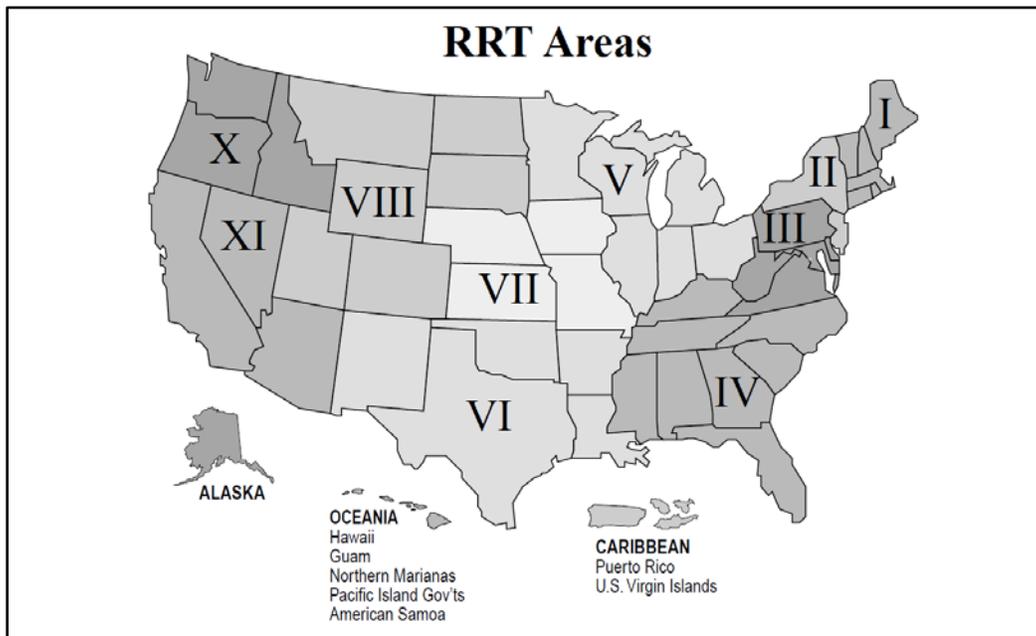
vice-chairman, select the Area Committee members, and provide general direction and guidance for the committee. The FOSC should solicit the advice of the RRT to determine appropriate representatives from federal and state/commonwealth agencies. The Area Committee is encouraged to solicit advice, guidance, or expertise from all appropriate sources and establish subcommittees as necessary to accomplish the preparedness and planning tasks. Subcommittee participants may include facility owner/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 the subcommittee members. The FOSC directs the Area Committee's development and maintenance of the ACP.

Specifically in the Region III Inland Area Committee, Sub-Area Committees have been established to enhance the Area Committees (see Section 1.4). The function of the Sub-Area Committees is to enhance the involvement of local officials and geographic specific federal/state/commonwealth agencies in area planning.

2.3.1.4 Regional Response Team (RRT)

As described in 40 CFR §300.115 of the NCP, the RRTs are responsible for regional planning and coordination. There are 13 RRTs (see Figure 5), one for each of the 10 federal regions, Alaska, the Caribbean and the Pacific Basin. Each RRT has federal and state/commonwealth representation. USEPA and the USCG co-chair each RRT. RRTs are planning, policy and coordinating bodies, and do not respond directly to incidents. The RRTs develop RCPs for their regions. These plans address region-specific issues and provide guidance to the FOSCs for developing their area plans. The RRTs also provide one level of review for the ACPs. The RRTs may be activated for specific incidents when requested by the FOSC. If the assistance requested by an FOSC exceeds an RRT's capability, the RRT may request assistance from the NRT. During an incident the RRT may either be alerted by telephone or convened. The cognizant¹⁴ RRTs will also be consulted by the FOSC on the approval/disapproval for the use of chemical countermeasures when pre-authorization has not been granted.

¹⁴ Cognizant is defined as "having knowledge or being aware of; related through personal experience" (Online Merriam-Webster Dictionary).

Figure 5 Regional Response Team Areas

2.3.1.5 National Response Team (NRT)

As described in 40 CFR §300.110 of the NCP, the NRT is responsible for national planning and coordination. The NRT's membership consists of 15 federal agencies with responsibilities, interest and expertise in various aspects of emergency response to pollution incidents. The USEPA serves as chairman and the USCG serves as vice-chairman of the NRT, except when activated for a specific incident. The NRT does not respond directly to incidents; rather it provides policy guidance prior to an incident and assistance as requested by an FOSC 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.

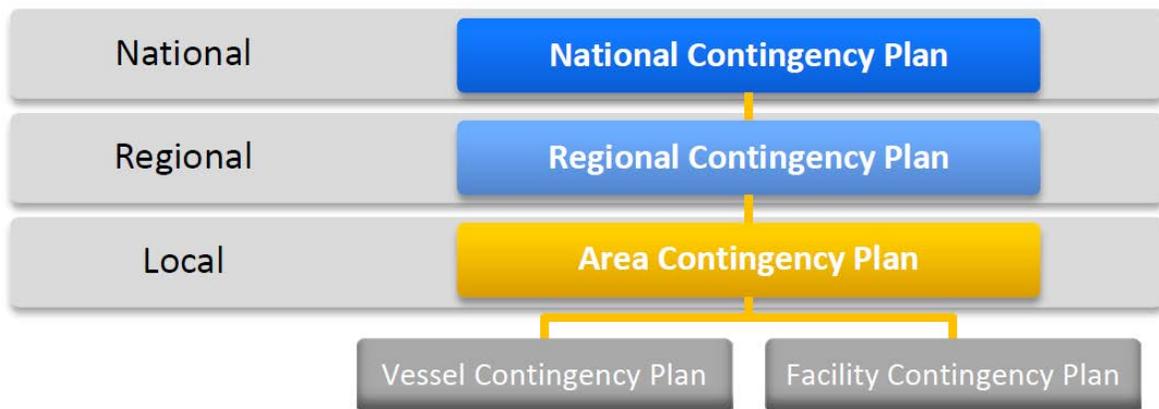
The NRT ensures that the roles of federal agencies on the team for oil spill emergency response are clearly outlined in the NCP. After a major spill event, the effectiveness of the response is carefully assessed by the NRT. The NRT may use information gathered from the assessment to make recommendations for improving the NCP and the NRS. The NRT may be asked to help RRTs (see below) develop RCPs. The NRT also reviews these plans to ensure that they comply with federal policies on emergency response.

The NRT supports RRTs by reviewing RCPs and ensuring that they are consistent with national policies on oil spill cleanup. The NRT also supports RRTs by monitoring and assessing RRT effectiveness during an oil spill cleanup activity. The NRT may ask an RRT to focus on specific lessons learned from an incident and to share those lessons with other members of the NRS. In this way, an RRT can improve their own RCPs while helping to solve problems that might occur elsewhere within the NRS.

2.3.2 Federal Contingency Plans

There are three levels of federal contingency plans: the national, regional, and area planning documents (see Figure 6) with individual facility and vessel contingency plans. Each of these plans are available for inspection at USEPA regional offices or USCG district offices. Addresses and telephone numbers for these offices may be found in the United States Government Manual, issued annually, or in local telephone directories.

Figure 6 Integration and Interaction of Federal Contingency Plans for Oil Spill Response



The individual contingency plans are summarized in the following subsections.

2.3.2.1 The National Contingency Plan (NCP)

The NCP is the federal government’s blueprint for responding to oil discharges and hazardous substances releases. It documents the national response capabilities and is intended to promote overall coordination among responders at the regional, area, and local level contingency plans. The authority for the NCP is in the FWPCA/CWA and the OPA 90, both of which serve as the primary federal statutes governing the federal response to oil spills.

The NRT oversees the national planning and coordination and recommends changes to the NCP. The NRT is charged with maintaining national preparedness for response to a major oil spill. The NCP provides a federally controlled approach for oil spill response, but with the opportunity for participation and input by the states, responsible party, and other key stakeholders. The NCP is often referred to as having a top-down approach.

An overview of the NCP is provided at:

<http://www.epa.gov/osweroe1/content/lawsregs/ncpover.htm>

2.3.2.2 Regional Contingency Plans (RCPs)

The RRTs, working with the state/commonwealths, shall develop federal RCPs for each standard federal region, Alaska, Oceania in the Pacific, and the Caribbean to coordinate



timely, effective response by various federal agencies and other organizations to discharges of oil or releases of hazardous substances, pollutants, or contaminants. Each RRT is charged with maintaining its regional preparedness for response to a major oil spill by developing and updating their RCP. The RCP follows the format of the NCP and outlines an effective regional response and coordinates with State/Commonwealth Emergency Response Plans, ACPs (described in 40 CFR §300.210 of the NCP), and SARA Title III local emergency response plans (described in 40 CFR §300.215 of the NCP).

RCPs include information on all useful facilities and resources in the region, from government, commercial, academic, and other sources. Such coordination should be accomplished by working with the SERCs in the region covered by the RCP. The RCPs shall contain lines of demarcation between the inland and coastal zones, as mutually agreed upon by USCG and USEPA.

2.3.2.3 Area Contingency Plans (ACPs)

Area Contingency Plans are developed and maintained by Area Committees, in coordination with RRTs. In order to provide for a coordinated, effective federal, state/commonwealth, and local response, each FOSC shall direct the Area Committee to develop an ACP for response in their respective Area. ACPs shall be developed for all Areas because FOSC responsibilities for discharges and releases within their designated Area often exceed the jurisdictional boundaries and capabilities of responders. Boundaries for Areas are determined by USEPA Regional Administrators for the inland zones. COTP areas are the Areas for the coastal zone. In Region III, the USCG COTP Area Plans include:

- Sector Delaware Bay (Philadelphia Area Committee);
- Sector Baltimore (Upper Chesapeake Bay Estuary Area Committee)
- Sector Hampton Roads (Virginia and Coastal Maryland Area Committee)
- Sector North Carolina (Coastal North Carolina Area Committee)
- Sector Buffalo (Lake Erie Area Committee)
- MSU Huntington
- MSU Pittsburgh (Port of Pittsburgh Area Committee)
- Sector Ohio Valley

Jurisdictional boundaries of local emergency planning districts established by state/commonwealths, described in 40 CFR §300.205(c) of the NCP, shall, as appropriate, be considered in determining geographical boundaries of the designated Areas. The designated Areas may include several such local emergency planning districts, or parts of such districts. In developing the ACP, FOSCs shall direct the Area Committees to coordinate with SERCs and LEPCs in the affected Area.

The ACP shall provide for a well-coordinated response that is integrated and compatible with all appropriate response plans of state/commonwealth, local, and other non-federal entities, and especially with local emergency response plans, or in the Area Committee's area of responsibility. The ACP shall, as appropriate, identify the probable locations of discharges or releases; the available resources to respond to multi-media



incidents; where such resources can be obtained; waste disposal methods and regulated facilities consistent with local and state/commonwealth plans developed under the Solid Waste Disposal Act, 42 U.S.C. 6901 et seq.; and a local structure for responding to discharges or releases.

The federal lead agency, USEPA or USCG, shall periodically conduct drills of removal capability, without prior notice, in areas for which ACPs are required and under relevant tank vessel and facility response plans. Exercising the IACP is addressed in Section 2.3.8.1.

2.3.2.4 SARA Title III Local Emergency Response Plans

The regulations that implement SARA Title III are codified at 40 CFR Part 355 and §300.215.

Each LEPC is to prepare an emergency response plan in accordance with Section 303 of SARA Title III and review the plan once a year, or more frequently as changed circumstances in the community or at any subject facility may require. Such SARA Title III local emergency response plans should be closely coordinated with applicable area contingency plans and State/Commonwealth Emergency Response Plans. To assure coordination with the SARA Title III program, it is recommended that the Area Committee include appropriate LEPC or other local representation.

2.3.3 Other Federal Regulatory Requirements

The OPA 90 improved the nation's ability to prevent and respond to oil spills by establishing provisions that expanded the federal government's ability, and provided the money and resources necessary to respond to oil spills. In addition, OPA 90 provided new requirements for contingency planning both by government and industry. The [NCP](#) was expanded in a three-tiered approach:

- The federal government is required to direct all public and private response efforts for certain types of spill events;
- Area Committees, composed of federal, state/commonwealth, and local government officials, must develop detailed, location-specific ACP; and
- Owners or operators of vessels, pipelines, and facilities that transport, handle, or store oil in certain quantities must prepare their own response plans (i.e., FRPs, Vessel Response Plans [VRPs], Pipeline Plans, etc.).

2.3.3.1 National Response Framework (NRF)

<http://www.fema.gov/national-response-framework>

The NRF is discussed in detail in Section 2.2.7.6.



2.3.3.2 National Disaster Recovery Framework

<http://www.fema.gov/national-disaster-recovery-framework>

The National Disaster Recovery Framework is discussed in detail in Section 2.2.7.6.

2.3.3.3 Facility Response Plans

<http://www.epa.gov/oem/content/frps/index.htm>

A FRP demonstrates a facility's preparedness to respond to a worst case oil discharge. Under the CWA, as amended by the [OPA 90](#), certain facilities that store and use oil are required to prepare and submit these plans. As part of the [Oil Pollution Prevention Regulation](#), the FRP rule addresses:

- [Who must prepare and submit an FRP](#);
- [What must be included in an FRP](#); and
- [Potential to cause "substantial harm" in the event of a discharge](#).

The FRP rule was published on July 1, 1994, and codified at 40 CFR §112.20 and §112.21, including Appendices B through F. Several revisions to the FRP rule were considered or finalized, including differentiated requirements for animal fats and vegetable oils in 2000.

FRPs are regulated in the following manner:

- [USEPA only](#) – **Non-transportation Related (NTR) Facilities** – facilities that do not conduct over water transfers but that have a total oil storage capacity greater than 1,000,000 gallons;
- [USCG only](#) – **Marine Transportation Related (MTR) Facilities** – facilities that conduct over the water oil transfers to or from vessels and a total storage capacity exceeding 42,000 gallons; and
- [USEPA and USCG](#) – **Complex Facilities** – have both marine and non-marine components and are regulated under both NTR and MTR facilities.

According to the CWA, as amended by the OPA 90, certain facilities that store and use oil are required to prepare and submit plans to respond to a worst case discharge of oil and to a substantial threat of such a discharge. USEPA has established regulations that define who must prepare and submit an FRP and what must be included in the plan. An FRP is a plan for responding, to the maximum extent practicable, to a worse case discharge, and to a substantial threat of such a discharge of oil. An FRP also requires planning for response to small and medium discharges as appropriate.

The FRP helps an owner or operator develop a response organization and ensure the availability of response resources (i.e., response equipment, trained personnel) needed to respond to an oil discharge. An FRP also demonstrates that the response resources are available in a timely manner, thereby reducing a discharge's impact and severity. The FRP also helps a facility owner or operator improve discharge prevention measures



through the early identification of risks at the facility. In addition, FRPs aid local and regional response authorities to better understand the potential hazards and response capabilities in their area.

2.3.3.4 Pipeline Response Plans

Pipeline and Hazardous Materials Safety Administration (PHMSA) and USEPA have regulatory authority over pipeline safety and spill response plans pursuant to the Pipeline Safety, Regulatory Certainty, and Job Creation Act (or Pipeline Safety Act [PSA]), CWA, and the OPA 90. The PSA grants the DOT regulatory authority over the safety of hazardous liquid pipelines, including those pipelines that transport petroleum and petroleum products; PHMSA assumes primary responsibility for prescribing safety standards for interstate pipelines. The regulations applicable to hazardous liquid pipelines¹⁵, which include both crude and petroleum product lines are found at:

- 49 CFR Part 194 – Response Plans for Onshore Oil Pipelines¹⁶; and
- 49 CFR Part 195 – Transportation of Hazardous Liquids by Pipelines.

Beyond operation and maintenance of pipelines, operators must develop plans to define how they will respond to spills and must report spills when they occur. Operators must comply with two sets of response planning requirements in federal law:

- First, under the PSA, operators must develop “an emergency response plan describing the operator’s procedures for responding to and containing releases.”
- Second, under the OPA 90, operators must create a response plan to address a worst case discharge of oil into navigable waters or the adjoining shoreline.

Onshore facilities, such as pipelines, are only required to develop plans if a discharge poses a threat to navigable waters and the adjacent shoreline. Facility plans must be consistent with the national plan and applicable area plans, detail a chain of authority for incidents, identify personnel and equipment capable of resolving a worst case discharge, and describe training, testing, and drilling procedures.

For onshore pipelines in areas under the authority and jurisdiction of USEPA’s regulatory authority for response as designated by the NCP, USEPA will assume the FOSC role to coordinate and direct the federal, state/commonwealth, and local agencies response to a release or discharge. To clarify USEPA’s role, an MOU was signed by DOI, DOT and USEPA in late 1993/early 1994. Appendix B of 40 CFR Part 112 contains this MOU. If a discharge occurs from a pipeline, then the USEPA would typically get involved because the discharge may be a violation of the CWA as amended by OPA 90. Furthermore, USEPA’s definition of “facility” in 40 CFR §112.2 includes pipelines.

¹⁵ 49 CFR §195.2 defines a pipeline as: “Pipeline or pipeline system means all parts of a pipeline facility through which a hazardous liquid or carbon dioxide moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks.

¹⁶ USEPA does not regulate offshore pipelines.



2.3.3.5 Spill Prevention, Control and Countermeasure (SPCC) Planning

<http://www.epa.gov/oem/content/spcc/>

Spill Prevention, Control, and Countermeasure (SPCC) plans are required by USEPA's SPCC regulations for thousands of facilities that store oil. USEPA requires regulated facilities to develop and implement an SPCC plan to avoid oil spills and minimize impacts of spills on public health and the environment. SPCC-regulated facilities are subject to USEPA inspections. The plans must include provisions for oil spill prevention, spill response, and SPCC training.

As defined in the SPCC regulations [40 CFR Part 112](#), regulated facilities are NTR facilities with an aboveground oil storage capacity greater than 1,320 gallons or underground tanks with an oil storage capacity greater than 42,000 gallons that can be reasonably expected to discharge oil into navigable United States waters or shorelines.

For the prevention of oil spills (including a worst case discharge), the SPCC Program, administered through USEPA, requires all NTR facilities to develop plans necessary to contain a discharge of oil and prevent it from reaching navigable waters. The Program requires applicable facilities to develop design and engineering plans that include the installation of secondary containment systems, such as dikes, barriers, and diversionary flow paths, to prevent spills from entering into waters of the United States.

When such design and engineering controls are not practicable for a facility, the owner must provide a detailed contingency plan following the criteria outlined in 40 CFR Part 109. Some of these criteria include the establishment of notification procedures, identification of resources, and provisions for specific actions. For MTR, on-shore and off-shore facilities, such as vessels, the DOT issues regulations concerning the safe handling of hazardous materials. The DOI's Bureau of Safety and Environmental Enforcement (BSEE; formerly Minerals Management Service) is also responsible for certain off-shore fixed facilities.

2.3.3.6 Integrated Contingency Plans (ICPs)

The NRT had issued an Integrated Contingency Plan (ICP) Guidance Notice (June 5, 1996) which is intended to be used by facilities to prepare emergency response plans. The guidance provides a mechanism for consolidating multiple plans that facilities may have prepared to comply with various regulations into one functional emergency response plan or integrated contingency plan.

An ICP or "One-Plan" allows a facility to comply with multiple federal planning requirements by consolidating them into one functional emergency response plan. This one-plan approach was designed to minimize duplication of effort and unnecessary paperwork burdens.

The following federal regulations are addressed when building a One-Plan:

- CWA (as amended by the OPA 90) and FRP Regulations (USEPA, USCG, DOT, DOI's Bureau of Safety and Environmental Enforcement [BSEE]);



- USEPA's Risk Management Program Regulation, Oil Pollution Prevention Regulation, and the Resource Conservation and Recovery Act (RCRA) Contingency Planning Requirements; and
- Occupational Safety and Health Administration's (OSHA) Emergency Action Plan Regulation, Process Safety Management Standards, and the Hazardous Waste Operations and Emergency Response (HAZWOPER) Regulation.

2.3.3.7 Risk Management Plans (RMPs)

<http://www.epa.gov/oem/content/rmp/>

Under the authority of Section 112(r) of the [Clean Air Act](#) (42 U.S.C. §7401), the [Chemical Accident Prevention Provisions](#) require facilities that produce, handle, process, distribute, or store certain chemicals to develop a Risk Management Program, prepare a Risk Management Plan (RMP), and submit the RMP to the USEPA.

2.3.4 Non-Regulatory Plans

There are various planning organizations in the region that address both quantity and quality of water. Example of these entities include: Susquehanna River Basin Commission ([SRBC](#)), Delaware River Basin Commission ([DRBC](#) – has regulatory authority), Ohio River Valley Water Sanitation Commission ([ORSANCO](#)), Interstate Commission on the Potomac River Basin ([ICPRB](#)), [Chesapeake Bay Foundation](#), etc.

Generally, planning coordination with the entities will be performed by Sub-Area FOSCs.

2.3.5 Relationship to Other Plans and Planning Requirements

The Region III IACP is mandated by the NCP as an integral part of local preparedness to respond effectively to oil spills and releases of hazardous substances. It is referenced as a supporting plan to the RCP of USEPA Region III.

The Region III IACP does not stand alone, but establishes response actions and resources in conjunction with the planning documents of other entities expressly involved with pollution incident response, including:

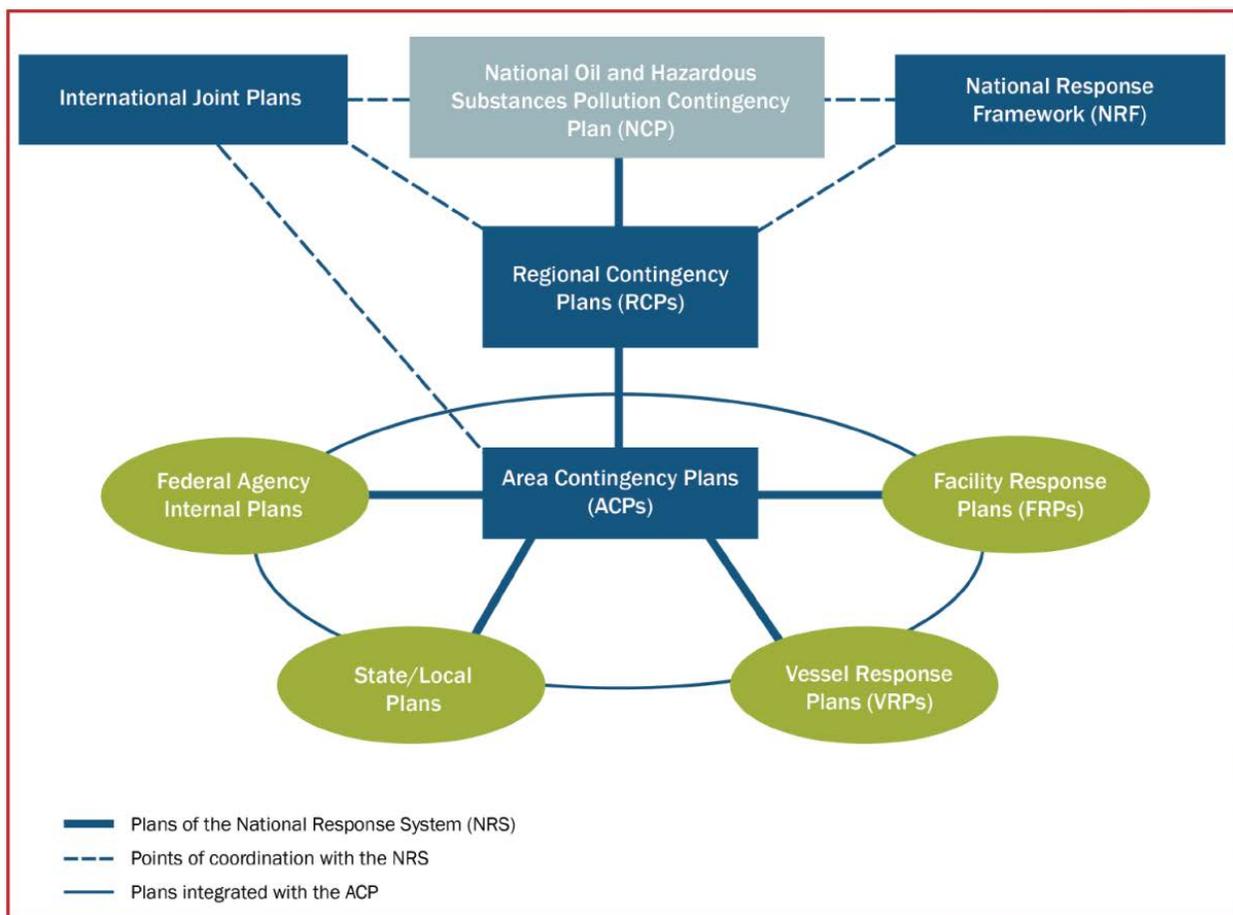
- COTP plans of the First, Fifth, Seventh, Eighth and Ninth USCG Districts;
- USCG District Standard Operating Procedures for all RRT III Districts;
- USCG Marine Safety Manual and other appropriate directives and notices within the USCG;
- NOAA Oil and Hazardous Substances Planning and Response Coordination Guide;
- State of Ohio Pollution Contingency Plan;
- Region III State and Commonwealth Emergency Operations Plans;

- USFWS Region V Response Plan for Discharges of Oil and Hazardous Substances; and
- Federal Facility Emergency Response Plans.

Plan Integration

There are three levels of contingency plans under the NRS: the NCP, RCPs, and ACPs. Section 2.3.2 and Figure 7 summarize the relationships between these plans and other planning instruments.

Figure 7 Relationship of Regulated Planning Efforts for Oil and Hazardous Substances Pollution Response



The NCP is the regulatory foundation for interagency contingency planning. The NCP (40 CFR §300.210) requires that the federal planning documents within the NRS (Figure 7) be coordinated and compatible with state/commonwealth emergency plans, local emergency plans, as well as other non-federal response plans (including those of vessels, facilities, and pipelines).

The RCPs extend the NCP model to a narrower regional focus, bringing in state/commonwealths and other entities as participants to deal with region-specific



concerns. The ACPs directly interface with plans developed by state/commonwealth and local authorities and by private sector facilities, as well as other ACPs in bordering jurisdictions, such as those developed by the USCG.

2.3.6 Executive Orders and Presidential Directives

United States Presidents have the authority to issue Executive Orders¹⁷ to help officers and agencies of the executive branch manage the operations within the federal government itself. Executive Orders have the full force of law, since issuances are typically made in pursuance of certain Acts of Congress, some of which specifically delegate to the President some degree of discretionary power, or are believed to take authority from a power granted directly to the Executive Branch by the Constitution.

Executive Orders having specific implications for the IACP include the following:

- [Executive Order 11738](#) – *Providing for Administration of the Clean Air Act and the Federal Water Pollution Control Act with respect to Federal Contracts, Grants, or Loans* (September 10, 1973);
- [Executive Order 12580](#) – *Superfund Implementation* (January 23, 1987, amended by 12777);
- **Executive Order 12777**¹⁸ – *Implementation of Section 311 of the Federal Water Pollution Control Act of October 18, 1972, as Amended, and the Oil Pollution Act of 1990* (October 18, 1991, amended by E.O.13638). The President delegated the authority to delegate to DOI, DOT, and USEPA various responsibilities identified in the CWA, as amended by the OPA 90 (Public Law 101-380). Executive Order 12777 assigned the responsibilities associated with oil-spill prevention and control, contingency planning, and response equipment inspection for offshore facilities to DOI. Furthermore, it appointed Area Committee members, determine the information to be included in ACPs, and review and approve plans for the inland zone to the USEPA Administrator;
- **Executive Order 13175** – *Consultation and Coordination With Indian Tribal Governments* (November 6, 2000). In addition, the *Native American Graves Protection and Repatriation Act* (43CFR Part 10) requires consultation when Native American burial sites, human remains, funerary objects, sacred objects, or items of cultural patrimony are identified on Federal or tribal lands during a response.; and
- [Executive Order 13638](#) – *Amendments to Executive Order 12777* (March 15, 2013).

¹⁷ For a complete list of Executive Orders, by president, refer to: <http://www.archives.gov/federal-register/executive-orders/disposition.html> or <http://www.archives.gov/federal-register/codification/>.

¹⁸ To review the original Executive Order 12777, as signed by President George H. Bush on October 18, 1991, access online from: <http://www.presidency.ucsb.edu/ws/index.php?pid=20119>. The 2013 amendment (signed by President Barak Obama) can be accessed online from: <http://www.whitehouse.gov/the-press-office/2013/03/15/executive-order-amendments-executive-order-12777>.



The USEPA Administrator, through Delegation of Authority 2-91, initially designated thirteen geographic areas already covered by RRTs, and the RRTs as the initial Area Committees. The USEPA Administrator also delegated Regional Administrators the authority to designate different geographic areas within their Regions and appoint different Area Committee members. For this reason, an RCP may function as an ACP, if the designee determines that there is no need for formally defining multiple ACPs within a region. Sub-regional concerns can be addressed by SACPs, which focus on specific response strategies and tactics for more narrowly-defined areas.

Presidential directives are considered a form of executive order issued by the President of the United States with the advice and consent of a major agency or department found within the Executive Branch of government. Types of directives include:

- Presidential Decision Directives (PDDs),
- Presidential Policy Directives (PPDs),
- National Security Directives (NSDs),
- Homeland Security Presidential Directives (HSPDs).

Presidential directives having specific implications for the IACP include:

- **HSPD-5: Management of Domestic Incidents** – (February 28, 2003) covers incident management and requires the establishment of the NIMS. It was issued to improve the management of domestic incidents. Furthermore, HSPD-5 recognizes the roles that state, tribal, and local governments as well as the private sector play in managing incidents. The initial responsibility for managing domestic incidents generally falls on state and local authorities. When their resources are overwhelmed, or when federal property is involved, the federal government provides assistance.
- **HSPD-7: Critical Infrastructure Identification, Prioritization, and Protection**¹⁹ – (December 17, 2003) addresses the protection of the nation's critical infrastructure. It establishes the national policy for federal departments and agencies to identify and prioritize critical infrastructure and key resources by sector²⁰ and to protect them from terrorist attacks.

HSPD-7 also requires DHS to develop a comprehensive integrated National Plan for Critical Infrastructure and Key Resources Protection.²¹ USEPA is designated as the Sector-Specific Agency²² for drinking water and water treatment systems, in addition to being responsible for collaborating across

¹⁹ For the complete summary of HSPD-7, access online from: <http://emilms.fema.gov/IS700aNEW/NIMS0102040t1.htm>.

²⁰ A sector is defined in HSPD-7 as a logical collection of assets, systems, or networks that provide a common function to the economy, government, or society. There are a total of 18 critical infrastructure sectors, identified by the criteria set forth in HSPD-7.

²¹ For a complete summary of the various agency roles and responsibilities assigned under HSPD-7, refer to the Critical Infrastructure and Key Resources Support Annex under the NRF. A copy of this Annex can be obtained online from: <http://www.fema.gov/pdf/emergency/nrf/nrf-support-cikr.pdf>. Additional information can be gathered from the DHS Critical Infrastructure Resource Center website <http://training.fema.gov/EMIWeb/IS/is860a/CIRC/index.htm>.

²² A Sector-Specific Agency is the federal department and agencies identified in HSPD-7 as responsible for critical infrastructure protection activities in specified critical infrastructure sectors.



all levels of government, assessing vulnerabilities, and promoting the use of risk management strategies. USEPA works with the water sector to reduce the consequences of catastrophic failures not caused by terrorism and collaborate with the private sector to continue the development of information sharing and analysis mechanism.

- **PPD-8: National Preparedness** – (March 30, 2011) focuses on improving the overall preparedness of the nation to respond to emergencies. The purpose and objectives, authority, and scope of the PPD are described in Section 2.2.7.6 of this volume.

Additional information about presidential directives, executive orders, and laws relating to the protection of United States waters is available at: <http://water.epa.gov/lawsregs/lawsguidance/>

2.3.7 Potentially Impacted Resources

Sensitive Areas (Environmental, Historical, and Economical)

In describing areas of special economic and environmental importance, several factors should be considered. The factors include, but are not limited to: the presence and proximity of natural resources, environmentally sensitive areas, endangered species habitats, population concentrations, drainage basins and appropriate geographic and/or topographic features, water supplies, beaches, ports, recreational areas, areas of seasonal significance, and migratory bird flyways. Trustees are responsible for designating and managing sensitive areas within their jurisdiction. Trustees are discussed in Section 2.2.7.4.

2.3.7.1 Environmentally Sensitive Areas and Resources

An environmentally sensitive area is defined as a place that is vulnerable to a negative environmental impact, such as a flood plain, a wetland, an area where noise levels are excessively high, or a USEPA-designated plant, fish, and animal habitat or can be easily harmed.²³ These areas refer to environments that may be considered habitat to fish and wildlife or contain significant biological resources other than fish and wildlife. Environmentally sensitive areas are broken down into three separate categories: habitat, management areas and biological resource areas.

Habitat is defined as:

- Marshes – tidal or fresh,
- Swamps – tidal or fresh.
- Riverine – tidal or fresh, small or large,
- Intertidal flats – both exposed and sheltered,
- Sheltered sand/mud flats,

²³ McGraw-Hill Dictionary of Architecture and Construction, 2003.



- Sheltered vegetated low banks,
- Muddy unvegetated substrates,
- Vegetated low banks,
- Submerged aquatic vegetation,
- Sheltered man-made structures,
- Sheltered rocky shores,
- Sheltered scarps in bedrock,
- Mixed sand and gravel beaches,
- Soft bottom subtidal areas,
- Fine grained sand beaches,
- Eroding scarps in unconsolidated sediments,
- Exposed eroding banks in unconsolidated sediments,
- Exposed muddy vegetated low bank,
- Exposed rocky bank,
- Exposed rocky cliff,
- Gravel beach,
- Lakes – large,
- Small lakes/ponds,
- Rip rap structure,
- Shelving bedrock shore,
- Solid vertical man-made structure,
- Stream riffle/pool,
- Vegetated steeply sloping bluff,
- Wave cut platforms in bedrock,
- Wetlands.

Management Areas are defined as:

- National/state/commonwealth forests,
- National/state/commonwealth conservation areas,
- Federal/state/commonwealth/local preserves,
- Wildlife refuges,
- Federal/state/commonwealth land designated for protection of natural ecosystems,
- Proposed wildlife areas,
- Federal/state/commonwealth sanctuaries,
- Federal/state/commonwealth wilderness areas,
- National estuary program areas,
- Federal/State/Commonwealth Management Act designated areas,
- Clean lakes program critical areas,
- Federal/state/commonwealth designated scenic or wild rivers,
- Federal/state/commonwealth waterfowl and game management areas,



- State/commonwealth lands,
- Private conservation areas,
- National/state/commonwealth/local park not water dependent,
- Near coastal waters program area.

Biological Resource Areas are defined as:

- Spawning grounds, breeding grounds or nesting areas,
- Migratory pathways and feeding areas,
- Critical habitat or habitat used by federal/state/commonwealth designated or proposed endangered species,
- Sensitive benthic communities and aquatic vegetation,
- Marine mammal haulouts, and concentration areas,
- Terrestrial mammal concentration areas,
- Shellfish seed beds, abundant beds, leased mussel beds, endangered freshwater mussel beds, nursery areas, concentration areas,
- Reptile/amphibian nursery areas, concentration areas,
- Animals and plants that fall into endangered species.

2.3.7.1.1 Wetlands Sensitive Areas

<http://water.epa.gov/type/wetlands/index.cfm>

Wetlands are areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

The CWA Section 404 establishes a permit program to regulate discharges of dredged or fill material into waters, including wetlands, of the United States. Section 404 outlines specific and coordinated responsibilities for both USEPA and the USACE. USEPA is required, in conjunction with the USACE, to establish environmental standards for reviewing Section 404 permit applications for activities that would fill wetlands for residential development, roads, levees, and other projects. The USACE is charged with administering the Section 404 permit program, processing applications in accordance with USEPA's standards, and issuing permits, where appropriate, after notice and an opportunity for public comment. Both USEPA and the USACE have enforcement responsibility and routinely coordinate the review of Section 404 permit applications to ensure that permit decisions are made in a timely manner, while providing effective protection for human health and environmental quality. State/commonwealths can assume the Section 404 program for some waters and, as of 1999; New Jersey and Michigan had done so. Many state/commonwealths administer other programs to protect wetlands, some of which are recognized through CWA general permits.



2.3.7.1.2 Fish and Wildlife Response

The NCP (40 CFR §300.210) requires the ACP to include a fish and wildlife response plan as an appendix to the ACP, developed in consultation with the USFWS, NOAA, and other interested parties (including state/commonwealth fish and wildlife conservation officials), for the immediate and effective protection, rescue, and rehabilitation of, and the minimization of risk of damage to, fish and wildlife resources and their habitat that are harmed or that may be jeopardized by a discharge. The information required, as described above, will be incorporated directly in the Region III IACP through the Region III [USEPA IACP Viewer](#). There will be no separate Fish and Wildlife Annex, but the requirement for the information will be met through this GIS format.

For more information about the USFWS area contingency requirements, go to: http://www.fws.gov/contaminants/FWS_OSCP_05/fwscontingency/6-SensitiveEnvironments-05.htm.

The United States has several laws that make it illegal to harm protected wildlife (see the following subsections below).

2.3.7.1.3 Endangered Species Act (ESA)

<http://www.fws.gov/Endangered/>

Congress passed the ESA in order to protect and recover imperiled species and the ecosystems upon which they depend. The USFWS and NOAA's NMFS Office of Protected Resources (OPR) share responsibility for implementing the ESA. Generally, USFWS manages the terrestrial and freshwater species while NOAA manages marine and anadromous species. The ESA requires all federal agencies to carry out programs for the conservation of threatened and endangered plants and animals and their habitats. The ESA:

- Authorizes the determination and listing of species as endangered and threatened;
- Prohibits unauthorized taking, possession, sale, and transport of endangered species;
- Provides authority to acquire land for the conservation of listed species, using land and water conservation funds;
- Authorizes establishment of cooperative agreements and grants-in-aid to state/commonwealths that establish and maintain active and adequate programs for endangered and threatened wildlife and plants;
- Authorizes the assessment of civil and criminal penalties for violating the ESA or regulations; and
- Authorizes the payment of rewards to anyone furnishing information leading to arrest and conviction for any violation of the ESA or any regulation issued there under.



A summary of the ESA sections and with links providing overviews of those sections is available at: <http://www.fws.gov/endangered/laws-policies/esa.html>.

Section 7 Consultation Process under ESA

ESA Section 7 – Interagency Cooperation requires federal agencies to insure that any action authorized, funded or carried out by a federal agency is not likely to jeopardize the continued existence of listed species or modify their critical habitat. During an oil spill response, the FOSC conducts the response operations in accordance with the NCP and the agreements established in the ACP. In addition to the spilled oil, listed species and/or their critical habitat may be affected. The Section 7 emergency consultations require the FOSCs to coordinate with natural resource trustees and efforts must be made to ensure the protection of endangered species and their critical habitats, to the extent practicable. Endangered species protection should be addressed during planning stages as well as actual responses.

The USFWS and NMFS have developed an *Endangered Species Consultation Handbook* (1998) that defines the Section 7 Consultation process and requirements. A copy of this handbook is available on the USEPA OSC [Region III Inland Area Committee Website](#).

For an oil spill or hazardous materials response, the handbook provides guidance for an expedited or Emergency Consultation (Chapter 8). An Emergency Consultation is appropriate where emergency actions are required that may affect listed species and/or critical habitats. Emergency consultations should be handled with as much understanding of the action agency's critical mission as possible while ensuring that anticipated actions will not violate Sections 7(a)(2) or 7(d) of the ESA. Emergency consultation procedures allow action agencies to incorporate endangered species concerns into their actions during the response to an emergency. The Services representative cannot obstruct an emergency response decision made by the action agency where human life is at stake.

The Region III RCP has adopted the national [Interagency MOA](#) regarding Oil Spill Planning and Response Activities under the NCP and the ESA.

2.3.7.1.4 Essential Fish Habitat (EFH) and Its Requirements

<http://www.habitat.noaa.gov/protection/efh/index.html>

The Magnuson-Steven Act of 1976, as amended, provides for the conservation and management of the nation's fishery resources through the preparation and implementation of fishery management plans (FMPs). One of the required provisions of FMPs specifies that essential fish habitat (EFH) be identified and described for the fishery, adverse fishing impacts on EFH be minimized to the extent practicable, and other actions to conserve and enhance EFH be identified. NOAA Fisheries works with the regional fishery management councils to identify the essential habitat for every life



stage of the federally managed species. Using the best available scientific information, EFH and habitat areas of particular concern²⁴ (HAPCs) have been described for approximately 1,100 managed species to date²⁵.

Whenever federal agencies authorize, fund, or carry out actions that may adversely modify or destroy EFH critical habitat, they must consult with NOAA Fisheries. Through EFH consultations, NOAA works with federal agencies to conserve and enhance EFH.

2.3.7.1.5 Migratory Bird Treaty Act (MBTA)

Many bird species protected under the Migratory Bird Treaty Act (MBTA) may be affected by oil discharges/hazardous material spills and/or the associated incident response efforts. The statute makes it unlawful to pursue, hunt, take, capture, kill or sell birds listed therein ("migratory birds"). Over 800 species are currently on the list. The statute does not discriminate between live or dead birds and also grants full protection to any bird parts including feathers, eggs and nests.

USEPA FOSCs will need to address these issues with the USFWS, who is responsible for administering this Act. More information about the MBTA is available at: <http://www.fws.gov/migratorybirds/RegulationsPolicies/mbta/mbtintro.html>

2.3.7.1.6 The Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act, originally passed in 1940 (16 U.S.C. 668) was repealed in 2007, removing bald eagles from the federal list of threatened and endangered species. However, the birds remain protected under the Bald and Golden Eagle Protection Act (which is codified and regulated by 50 CFR Part 22). As amended, the Act prohibits anyone, without a permit issued by the Secretary of the Interior, from "taking" bald eagles, including their parts, nests, or eggs. The Act provides criminal penalties for persons who "take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof." The Act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb."

For purposes of these guidelines, "disturb" means: "to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior." Disturbances may result as part of the response efforts to an incident. USEPA FOSCs will need to address these issues with the USFWS, who is responsible

²⁴ HAPCs are considered high priority areas for conservation, management, or research because they are rare, sensitive, stressed by development, or important to ecosystem function.

²⁵ EFH critical habitats are primarily located in nearshore and marine waters but some freshwater critical habitats have been identified for anadromous fish species.



for administering this Act. More information about the Act to protect bald and golden eagles is available at <http://www.fws.gov/midwest/eagle/protect/laws.html>.

2.3.7.2 Economically Sensitive Resources

2.3.7.2.1 Economically Sensitive Areas

An economically sensitive area refers to environments that may be considered habitat to fish and wildlife or contain significant biological resources other than fish and wildlife. Environmentally sensitive areas are broken down into three separate categories: habitat, management areas and biological resource areas.

Water Dependent Commercial Areas are defined as:

- Drinking water intakes,
- Industrial intakes,
- Aquaculture,
- Marinas,
- Commercial fishing areas,
- Shellfish,
- Federal/state/commonwealth and private fish hatcheries,
- Federal/state/commonwealth irrigation agricultural channels and water projects,
- Specially designated residential, commercial, and industrial areas,
- Cooling water intakes,
- Agricultural areas,
- Locks and Dams.

Water Dependent Recreational Areas are defined as:

- Boating,
- Public recreational areas,
- Sport fishing,
- National/state/commonwealth/Local parks and beaches,
- National seashore recreational areas,
- National lakeshore recreational areas,
- National river reach designated as recreational.

Anthropological Areas are defined as:

- Native lands,
- Historic landmarks,
- Archeological sites,
- Heritage program sites,
- Historical sites,
- Land trust areas,
- Human use areas.



2.3.7.3 *Historic and Archaeological Resources*

2.3.7.3.1 National Historic Preservation Act (NHPA) – Archeological State Historic Preservation Officers (SHPO), and Requirements

<http://www.achp.gov/index.html>

With passage of the [National Historic Preservation Act \(NHPA\) in 1966](#), Congress made the federal government a full partner and a leader in historic preservation. While Congress recognized that national goals for historic preservation could best be achieved by supporting the drive, enthusiasm, and wishes of local citizens and communities, it understood that the federal government must set an example through enlightened policies and practices. The federal government's role is to provide leadership for preservation, contribute to and give maximum encouragement to preservation, and foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony.

The goal of NHPA is to have federal agencies act as responsible stewards of our nation's resources when their actions affect historic properties. The Advisory Council on Historic Preservation (ACHP) is the only entity with the legal responsibility to encourage federal agencies to factor historic preservation into federal project requirements.

The federal government, led by the National Park Service (NPS) as the agency with the longest and most direct experience in studying, managing, and using historic resources, provides funding assistance, basic technical knowledge and tools, and a broad national perspective on America's heritage.

The state/commonwealths, through State Historic Preservation Officers (SHPOs) appointed by the Governor of each state/commonwealth, provide matching funds, a designated state/commonwealth preservation program tailored to state/commonwealth and local needs that is designed to support and promote state/commonwealth and local historic preservation interests and priorities.

Section 106 of the NHPA seeks to accommodate historic preservation concerns with the needs of an emergency spill response through consultation with parties with an interest in the effects of the undertaking on historic properties; however, immediate rescue and salvage operations conducted to preserve life or property are exempt from the provisions of Section 106. The regulations implementing Section 106 provide flexibility in emergency situations and allow agencies to take necessary actions in a timely manner to address public health and safety.

The USEPA FOSC is to coordinate and direct response actions and is responsible for ensuring that historic properties are appropriately considered in the planning for, and during, emergency response actions. This includes the use of all recovery and response operations. Careful consideration and strategic operational requirements should be identified by the response decision-makers in consultation with the resource trustees to ensure that the preservation of these assets are considered when utilizing the many response countermeasures used. A [Programmatic Agreement \(PA\) on the Protection of Historic Properties During Emergency Response Under the National Oil and Hazardous](#)



[Substances Pollution Contingency Plan](#) has been incorporated as official language for the Region III RRT.

2.3.7.4 Identification and Mapping of Sensitive Areas

In describing areas of special economic and environmental importance, several factors were considered. The factors include, but are not limited to: the presence and proximity of natural resources, environmentally sensitive areas, endangered species habitats, population concentrations, drainage basins and appropriate geographic and/or topographic features, water supplies, beaches, ports, recreational areas, areas of seasonal significance, and migratory bird flyways.

The OPA 90 requires the Area Committee to identify areas of environmental and economic importance. The Area Committee relies on the Natural Resource Trustees, State/Commonwealth Trustees and local officials to designate sensitive areas for inclusion in the ACP. Collection of sensitive area information falls into two main efforts: first, raw data collection and database development; second, use of existing USEPA GIS environmental and economic coverage (map data layers).

Information on Sensitive Areas can be obtained from FRPs and other information provided to USEPA by various industries and state/commonwealth, local and private agencies. The FRPs identify sensitive area locations primarily by latitude and longitude coordinates and provide data sheets describing these areas. Sensitive areas information obtained from state/commonwealth, local and private agencies is primarily in the form of databases and located by nearest town and/or county. The information gathered from both the FRPs and agencies can be organized into a Sensitive Areas database that:

1. Identifies locations of fish, wildlife, their habitats, and other sensitive environments;
2. Identifies and establish priorities for protection of these sensitive environments;
3. Provides a mechanism to be used during a spill response for timely identification of sensitive areas and prompt implementation of protection measures;
4. Identifies potential environmental effects on fish and wildlife, their habitat, and other sensitive environments;
5. Provides guidance for pre-approval of application of specific countermeasures or removal actions, that, if expeditiously applied, will minimize adverse spill-induced impacts to sensitive areas;
6. Provides monitoring plan(s) to evaluate the effectiveness of different countermeasures or removal actions in protecting the environment;
7. Identifies and provide for the acquisition and utilization of necessary response capabilities for protection, rescue, and rehabilitation of fish and wildlife resources and habitats;



8. Identifies appropriate federal and state/commonwealth agency contacts and alternates responsible for coordination of fish and wildlife rescue and rehabilitation and protection of sensitive environments;
9. Identifies the means for providing, if needed, the minimum required OSHA training for volunteers, including those who assist with injured wildlife; and
10. Evaluates the compatibility between this IACP and non-federal response plans on issues involving sensitive areas.

A current list of available GIS coverage is provided in the Region III [USEPA IACP Viewer](#) located on the USEPA OSC [Region III Inland Area Committee Website](#). The primary coverage areas used in sensitive area mapping are:

- National Wetlands Inventory,
- Drinking Water Intake (surface water),
- Public Water Supplies (well),
- Public Lands (National/State/Commonwealth Parks & Forests),
- Hydrology (streams & rivers),
- Nature Conservancy Data.

2.3.8 Prevention

The best protection of the public health and environment is through the prevention of a discharge or release of oil or hazardous substances. Prevention requires the assessment of operations relative to risk and an identification of measures to reduce the risk of spills. For a vessel, this would include a review of the routes that the vessel takes on a normal basis, and should address compliance with any applicable regulations on vessel equipment and safety plus appropriate manning, training and communications designed to reduce the risk of a spill. For a facility, it would be an analysis of the most likely discharge locations, as specifically determined by a hazard and operability study and the implementation of programs designed to reduce the identified risk.

The OPA 90 requires that the ACP "when implemented in conjunction with the National Contingency Plan be adequate to remove a worst-case discharge, and to mitigate or prevent a substantial threat of such a discharge. Facilities that have submitted FRPs pursuant to Section 4202 of OPA 90 are identified in the Region III [USEPA IACP Viewer](#). The lists include a description of each facility's worst-case discharge. At this time the Area Committee will only consider these volumes in evaluating its ability to respond as required in OPA 90.

2.3.8.1 Exercise and Drill Requirements

There are several ways to test emergency response policies and procedures *before* an event occurs. Exercises allow personnel, from first responders to senior officials, to validate a wide range of training and practice strategic and tactical prevention, protection, response, and recovery capabilities in a risk-reduced environment. Drills are



also coordinated, supervised activities, but they are typically only used to test a single specific function.

Exercises are the primary tool for assessing preparedness and identifying areas for improvement in existing plans and policies, while demonstrating community resolve to prepare for major incidents. Exercises aim to help entities within the community gain objective assessments of their capabilities so that gaps, deficiencies, and vulnerabilities are addressed prior to a real incident.

Well-designed and well-executed exercises are the most effective means of:

- Assessing and validating policies, plans, procedures, training, equipment, assumptions, and interagency agreements;
- Clarifying roles and responsibilities;
- Improving interagency coordination and communications;
- Identifying gaps in resources;
- Measuring performance; and
- Identifying opportunities for improvement.

Region III utilizes the following exercise programs for various components of response.

2.3.8.1.1 Preparedness for Response Exercise Program (PREP)

<http://homeport.uscg.mil/exercises>

The National Preparedness for Response Exercise Program (PREP) is designed to facilitate the periodic testing of oil spill response plans of certain vessels and facilities. The USCG, USEPA, DOT's PHMSA, and DOI's BSEE work together to revise the PREP Guidelines to reflect changes to regulations, agency reorganizations, and lessons learned from past preparedness activities and recent response activities²⁶.

The exercise and drill requirements under PREP include three components: internal, external, and triennial exercises of the facility plan.

1. The **Internal Exercises** for plan holders are:
 - Qualified Individual Notification Exercises – designed to ensure that the qualified individual (or designee) can be reached in a spill response emergency to carry out the required duties;
 - Emergency Procedures Exercises – this optional exercise evaluates the emergency procedures for the facility to mitigate or prevent any discharge or a substantial threat of such discharge of oil resulting from facility operational activities;

²⁶ The PREP Guidelines were last revised in 2002.



- Spill Management Team (SMT) Tabletop Exercises – exercise the emergency procedures for the facility to mitigate or prevent any discharge or a substantial threat of such discharge of oil resulting from facility operational activities; and
 - Equipment Deployment Exercises – deploy and operate facility-owned and operated response equipment identified in the response plan; all of the facility personnel involved in equipment deployment operations must be included in a comprehensive training program and all facility equipment must be included in a comprehensive maintenance program. (**Note:** If a facility with facility-owned and operated equipment also identifies Oil Spill Response Organization [OSRO] equipment in its response plan, the OSRO equipment must also be deployed and operated in accordance with the equipment deployment requirements for OSRO-owned equipment).
2. The **External Exercises** for plan holders include:
- Unannounced Exercises – when the exercise participants do not have prior knowledge of the exercise, as would be the situation in an actual spill event. Annually, one of the following exercises is conducted unannounced:
 - Emergency procedures exercise for facilities (optional);
 - Spill management team tabletop exercise; or
 - Equipment deployment exercise.
 - Government-Initiated Unannounced Exercises (GIUE) – initiated and designed to by either USEPA or USCG to allow plan regulators to evaluate, on a random basis, the response preparedness of a plan holder.
3. **Triennial Exercise** of the Entire Response Plan includes 15 core components to ensure that all plan components function adequately for response to an oil spill:

Core Components of the Response Plan		
Organizational Design	Operational Response	Response Support
1. Notifications	4. Discharge Control	10. Communications
2. Staff Mobilization	5. Assessment of Discharge	11. Transportation
3. Ability to operate within the response management system described in the plan	6. Containment of Discharge	12. Personnel Support
	7. Recovery of Spilled Material	13. Equipment Maintenance and Support
	8. Protection of Economically, Politically, Socially, and Environmentally Sensitive Areas	14. Procurement
	9. Disposal of Recovered Products	15. Documentation

Plan Holders can also obtain credit for addressing their PREP requirements for the response plans for the following:

- For internal exercises conducted in response to actual spills;

- Proper documentation for self-certification; and
- LEPC Drill Credit – plan holders should coordinate their exercises with the LEPCs, whenever possible, and should take credit, as long as the PREP exercise objectives are met.

PREP Exercise Documentation Requirements

There are specific documentation requirements necessary to meet the PREP components for the plan holder. All completed exercise forms are to be kept for a period of 5 years and should be made available upon request by the regulatory agencies.

2.3.8.1.2 Homeland Security Exercise and Evaluation Program (HSEEP)

https://hseep.dhs.gov/pages/1001_HSEEP7.aspx

The Homeland Security Exercise and Evaluation Program (HSEEP) is a capabilities and performance-based exercise program that provides a standardized methodology and terminology for exercise design, development, conduct, evaluation, and improvement planning. It provides common exercise policy and program guidance that constitutes a national standard for exercises. HSEEP includes consistent terminology that can be used by all exercise planners, regardless of the nature and composition of their sponsoring agency or organization. The volumes also provide tools to help exercise managers plan, conduct, and evaluate exercises to improve overall preparedness.



The HSEEP constitutes a national standard for all exercises. Through exercises, the National Exercise Program supports organizations to achieve objective assessments of their capabilities so that strengths and areas for improvement are identified, corrected, and shared as appropriate prior to a real incident. HSEEP also reflects lessons learned and best practices from existing exercise programs and can be adapted to the full spectrum of hazardous scenarios and incidents (e.g., natural disasters, terrorism, technological disasters).

The HSEEP is maintained by FEMA's National Preparedness Directorate, Department of Homeland Security.

2.3.9 Feedback

To build an effective and efficient response system requires that the responders thoroughly critique the response, identify weaknesses and recommend changes strengthening the individual, or organization response capabilities. Training is an important step toward broadening the response organizations' corporate experience. Evaluation is the cornerstone of an effective exercise and exercise program that must be considered throughout all phases of a response. An effective evaluation assesses performance against the exercise objectives, and identifies and documents strengths and areas of improvement relative to core capabilities.



The Area Committee believes it is appropriate to classify worst-case scenarios in broad terms such as derailments, tank collapse, pipeline rupture, and vessel loss. The tactics and strategies for response to any class of worst-case scenario are fundamentally the same. The FOSC should prepare a shortfall analysis of response capability based on the worst-case scenarios as listed in the SACPs.

2.4 RESPONSE

Emergency response and planning efforts involve a number of federal, state/commonwealth, and local agencies and/or trustees. Table 2 – USEPA Region III NRT and RRT Member Agencies indicates in what capacity the agencies are represented and involved in the NCP response and planning process.

The following subsections on response are divided by regulatory requirements and each regulation is addressed separately. Many of the federal, state/commonwealth, and local interactions are duplicative and will only be repeated in each Section where differences are noteworthy. The response topics being addressed include:

- Section 2.5: Oil and Hazardous Substances – as regulated by the NCP;
- Section 2.6: Natural Disasters – as regulated by the NRF and National Disaster Recovery Framework; and
- Section 2.7: Terrorism – as regulated by the NRF.

Note: The contact information (point of contacts, emails, and phone numbers) for the agencies and resources available to support response efforts are provided on the USEPA OSC [Region III Inland Area Committee Website](#).

2.4.1 Technical Support Available to FOSCs

Under the NRS, during a response, the pre-designated FOSC for the response has an established reach-back capability to access experts, resources and other assets to assist in a response. The following pertain to accessing assets and resources from the established procedures for an oil or hazardous materials response as directed under the NCP and OPA 90.



Table 2 USEPA Region III NRT and RRT Member Agencies

#	Agency	NRT	RRT	Standing RRT	Inland Area Committee	Incident-Specific RRT	OSLTF Access Authority	Federal Natural Resource Trustee	State Natural Resource Trustees
Federal Members									
1	US Environmental Protection Agency (USEPA)	Chair	Chair	x	Chair	x	x		
2	US Coast Guard (USCG) / Department of Homeland Security (DHS)	Co-Chair	Co-Chair	x	x	x	x		
3	US Department of Agriculture (USDA) – Forest Service	Member	Member	x					
4	Department of Commerce (DOC) • National Oceanographic and Atmospheric Administration (NOAA)	Member	Member	x	x	x		Marine Mammals, Sea Turtles, T/E Species, MMPA	
5	Department of Defense (DOD) • US Army Corps of Engineers (USACE) • US Navy • First Army Commanding General • Army North Commanding General • Supervisor of Salvage (SUPSALV)	Member	Member						
				x	x	1			
				x		1			
						1		For DOD lands and resources on those lands (T/E)**	
						1			
6	Department of Energy (DOE) • Brookhaven Lab (for DE, MD, PA) • Oakridge Operations Office (for DC, VA, WV)	Member	Member	x		1			
				x		1			
7	Department of Health and Human Services (DHHS) • Centers for Disease Control and Prevention (CDC) / Agency for Toxic Substances and Disease Registry (ATSDR) • National Institute for Occupational Safety and Health (NIOSH)	Member	Member	x	x	1			



#	Agency	NRT	RRT	Standing RRT	Inland Area Committee	Incident-Specific RRT	OSLTF Access Authority	Federal Natural Resource Trustee	State Natural Resource Trustees
8	Department of the Interior (DOI)	Member	Member	x	x	1		T/E Species, Sea Turtles (on land), Marine Mammals (on land)	
9	Department of Justice (DOJ)	Member	Member	x					
10	Department of Labor (DOL) • Occupational Safety and Health Administration (OSHA)	Member	Member	x		1			
11	Department of Transportation (DOT) • Pipeline and Hazardous Materials Safety Administration (PHMSA)	Member	Member	x		1			
	• Federal Highway Administration (FHWA)		Member			1			
12	Department of Homeland Security • Federal Emergency Management Agency (FEMA)	Member	Member	x	x	?			
	• USCG (<i>see line 2 above</i>)								
13	General Services Administration (GSA)	Member	Member	x		?			
14	Nuclear Regulatory Commission	Member				?			
15	Department of State (DOS)	Member				?			
State / Commonwealth Members									
1	District of Columbia								
	• Homeland Security and Emergency Management Agency (DCHSEMA)		Member	x	x	x			
	• Government of the District of Columbia – District Department of the Environment (DDOE)		Member	x	x	x			x
2	Delaware								
	• Emergency Management Agency (DEMA)		Member	x	x	x			
	• Department of Natural Resources & Environmental Control (DE DNREC)		Member	x	x	x	x		x



#	Agency	NRT	RRT	Standing RRT	Inland Area Committee	Incident-Specific RRT	OSLTF Access Authority	Federal Natural Resource Trustee	State Natural Resource Trustees
	<ul style="list-style-type: none"> Department of Natural Resources & Environmental Control – Division of Water Resources (DAWM) 		Member*	x		x			
3	Maryland								
	<ul style="list-style-type: none"> Department of the Environment (MDE) 		Member	x	x	x	x		x
	<ul style="list-style-type: none"> Baltimore City Fire Department 		Member*			x			
	<ul style="list-style-type: none"> Emergency Management Agency (MEMA) 				x				
4	Commonwealth of Pennsylvania								
	<ul style="list-style-type: none"> Department of Environmental Protection (PADEP) 		Member	x	x	x	x		x
	<ul style="list-style-type: none"> Emergency Management Agency (PEMA) 				x				
5	Commonwealth of Virginia								
	<ul style="list-style-type: none"> Department of Emergency Management (VDEM) 		Member	x	x	x			x
	<ul style="list-style-type: none"> Department of Environmental Quality (VDEQ) 		Member*	x	x	x			
	<ul style="list-style-type: none"> Secretary of Natural Resources 								x
6	West Virginia								
	<ul style="list-style-type: none"> Department of Environmental Protection (WV DEP) 		Member	x	x	x			x
	<ul style="list-style-type: none"> Division of Homeland Security and Emergency Management (WVDHSEM) 				x				

KEY:
 x = member status
 1 = may be a member of the incident-specific RRT, based on incident conditions
 ? = unknown
 [Grey Box] = not a participant

T/E = Threatened and Endangered
 MMPA = Marine Mammal Protection Act
 * = Governor appointed RRT Member
 ** = Only DOD landholders who manage land are trustees



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2.4.2 National Response Team (NRT) Member Agencies

The NRT is composed of representatives from 15 federal member agencies of the NRS, each with responsibilities and expertise in various aspects of emergency response to pollution incidents, have been given the nationwide responsibility for interagency planning, policy, and coordination. The NRT ensures that the most valuable tool in an emergency — readiness — is available for pollution incidents of all sizes and kinds. Prior to an incident, the NRT provides policy guidance and assistance. During an incident, the NRT may be activated to provide national-level advice and assistance, as well as access to member agency resources that could not be provided at the RRT level. The USEPA serves as chair of the NRT, and the USCG serves as vice chair.

Refer to Section 2.2.2 for more information on the NRT as a component of the overall federal response to oil and hazardous substances instances. The list of NRT member agencies include:

- USEPA,
- USCG,
- FEMA,
- DOD,
- DOE,
- USDA,
- DOC,
- DHHS,
- DOI,
- DOJ,
- DOL,
- DOT,
- DOS,
- GSA,
- Nuclear Regulatory Commission.

2.4.3 Regional Response Team (RRT) Member Agencies

Refer to Section 2.2.3 for more information on the RRT as a component of the overall federal response to oil and hazardous substances instances. The list of RRT member agencies and their special teams (those named in the NCP and others that are pertinent are included for each RRT member agency) are provided in the following subsections. Additionally, Region III RRT has developed fact sheets on the specific roles and responsibilities of each RRT member agency. The agency fact sheets are provided on the USEPA OSC [Region III Inland Area Committee Website](#).

2.4.3.1 U.S. Environmental Protection Agency (USEPA)

The USEPA is the lead federal agency to respond to oil spills and reported releases of a hazardous substance(s) within the inland area. USEPA will consider responding releases or discharge for which they are notified, including spill reports called into the NRC, staffed and maintained by the USCG. The NRC notifies a Watchstander in the RRC. During the day, that Watchstander may or may not be an FOSC. An FOSC reviews all release or discharge notifications made to the USEPA to determine USEPA's action to be taken. If an action is required, as determined by the FOSC, then an FOSC will be dispatched to the scene. An availability list is maintained by the RRC to assist in the dispatching of an FOSC to the scene as quick as possible. Generally for responses within this response area, an FOSC will be dispatched from one of the USEPA Region III offices located in Philadelphia, PA, Snyder'sville, PA, Ft. Meade, MD,



Richmond, VA, or Wheeling, WV and a response time of up to two to three hours can be expected. However, if an FOSC happens to be working in the area at the time of the incident, the response time may be shorter.

FOSCs have limited monitoring, sampling, and response equipment, but have the authority to activate the resources of the federal government as necessary. USEPA Region III FOSCs are delegated funding authority to authorize a Removal Action as defined in the NCP.

2.4.3.1.1 Region III Assets

Superfund Technical Assessment and Response Team (START) – USEPA

The Superfund Technical Assessment and Response Team (START) is contracted by USEPA to be available to provide technical expertise for response to oil and hazardous substance incidents. The team has personnel trained in health and safety, multimedia field monitoring and sampling, incident documentation, cost monitoring, cleanup restoration, and disposal techniques during oil and hazardous substance incidents. If the FOSC responds to an incident and takes action to provide oversight or technical assistance, he/she will likely task the START to respond. START has monitoring and sampling equipment available and a limited amount of containment equipment. Response time for START is estimated to be two to three hours with sampling and monitoring equipment.

START also provides emergency response support to the USEPA 24 hours a day, 7 days a week. The contact number is supplied to the USEPA Duty Officer at the beginning of each weekly shift.

Emergency Response and Rapid Remediation Services Contracts (ERRS) - USEPA

The Emergency Response and Rapid Remediation Services (ERRS) contracting network provides support for all federally-funded emergency cleanup operations of oil or hazardous substance releases. The ERRS contractor operates 24 hours a day, 7 days a week to accept and implement delivery orders needed to maintain response capabilities including trained personnel and equipment to control, stabilize, cleanup, and subcontract transportation and waste disposal. Response time for ERRS is estimated to be 2 hours with limited response equipment (such as backhoe and vacuum truck). Additional equipment is likely to be available within 12 hours of notification of the incident, if requested.

Region III Response Support Corps (RSC)

The Response Support Corps (RSC) is made up of USEPA employees who provide critical support during USEPA emergency response efforts, but whose everyday/core responsibilities do not require routine emergency response duties. USEPA employees who join the RSC stand ready to provide support during major emergency response efforts based on their technical knowledge, skills, training, and experience. A variety of skills may be necessary to support response efforts, including: financial, GIS,



communications, data entry, document/word processing, answering phones, fluency in a foreign language, and technical knowledge. In addition to participating during real emergencies and other time-critical actions, RSC members participate in readiness exercises conducted throughout the year.

The RSC program is managed by the Regional Incident Coordination Team (RICT) that was established to coordinate regional response actions and communication during extraordinary emergency situations of regional, national, or international significance, including any significant non-routine events that require cooperation and coordination of cross and multi-program issues. RSC members are activated by the RICT Chair/Co-Chair, who sends out an activation message requesting assistance. RSC members report into the RRC/EOC to be briefed on the situation prior to deployment.

2.4.3.1.2 USEPA Headquarters

There are a number of special team assets available to the FOSC which are managed by USEPA Headquarters. The following subsections provide a description of these assets.

2.4.3.1.3 Scientific Support Coordinator (SSC) – USEPA or NOAA

Scientific support to the USEPA FOSCs and RPMs, and USCG FOSCs is provided by Special Teams specified in the NCP (40 CFR §300.145). The Duties of a Scientific Support Coordinator (SSC) include:

- An SSC may be provided by either USEPA or NOAA. The primary differences between an USEPA SSC and NOAA SSC center on their respective areas of expertise. Other differences exist due to the agency's specific authorities.
- USEPA SSCs are a component of the USEPA Special Teams and assist with responses to actual and potential hazardous substance releases. USEPA Special Teams have a history of being part of USEPA response and recovery operations. Special Teams, to a large part through the role of the SSCs, provide training, review and develop contingency plans, support the FOSC and Command Staff, and respond to incidents collaboratively with the USEPA response team within an ICS. The USEPA SSC is generally utilized as a technical specialist in the Planning Section of the ICS.
- Provide support at the request and direction of the incident specific FOSC, and performed in order to promote effective coordination and communication among the scientific community during a response. An SSC may be designated by the FOSC as the principal advisor for scientific issues, including communicating with the scientific community and coordinating requests for assistance from state/commonwealth and federal agencies regarding scientific studies.
- USEPA SSCs provide technical expertise in treatment technologies, biology, chemistry, hydrology, geology, engineering, radiation, decontamination science, analytics, veterinary science, emergency data management, bioremediation, phytoremediation, health and safety, toxicology, hazardous materials' response



training, hazard evaluation, environmental sampling, site assessment, oil spill response, and hazardous waste disposal.

- The SSC strives for a consensus on scientific issues affecting the response, but ensures that differing opinions within the community are communicated to the FOSC.
- During a response, the SSC serves on the FOSC's staff and may, 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. Depending on the nature and location of the incident, the SSC integrates expertise from governmental agencies, universities, community representatives, and industry to assist the FOSC in evaluating the hazards and potential effects of releases and in developing response strategies.
- The SSC's role as an objective scientific advisor or "trusted agent" has been developed over many years of working with response personnel on routine removal actions and emergency responses, attending conferences and participating in drills and exercises. The benefits provided by an SSC are critical to the overall mission of national pollution planning and response.

SSCs support the RRTs and the Area Committees in preparing regional and area contingency plans and in conducting spill training and exercises. For area plans, the SSC provides leadership for the synthesis and integration of environmental information required for spill response decisions in support of the FOSC.

2.4.3.1.4 Environmental Response Team (ERT) – USEPA

<http://www.ert.org/>

The Environmental Response Team (ERT) is a special team of USEPA. The ERT has expertise in treatment technology, biology, chemistry, hydrology, geology, and engineering.

The ERT can provide access to special decontamination equipment for chemical releases; advice to the FOSC in hazards evaluation; risk assessment; a multimedia sampling and analysis program; on-site safety, including development and implementation plans; cleanup techniques and priorities; water supply decontamination and protection; application of dispersants; environmental assessments; degree of cleanup required; and disposal of contaminated material.

The ERT also provides both introductory and intermediate level training courses to prepare response personnel.

FOSC or RRT requests for ERT support should be made directly to the [Edison, NJ office](#). The 24-hour phone number for ERT is (732) 321-6660.



2.4.3.1.5 Chemical, Biological, Radiological, and Nuclear Consequence Management Advisory Team (CBRN CMAT) – USEPA

<http://www.epa.gov/osweroe1/content/partners/cbrncmat.htm>

The Chemical, Biological, Radiological, and Nuclear Consequence Management Advisory Team (CBRN CMAT) is located in five geographic locations, providing 24/7 scientific and technical expertise to the FOSC or response customer for all phases of consequence management, including sampling, decontamination, and clearance. With a focus on operational preparedness, the CBRN CMAT facilitates the transition of the latest science and technology to the field response community in order to provide tactical options for screening, sampling, monitoring, decontamination, clearance, waste management, and toxicological exposure assessment during the decontamination of buildings or other structures in the event of an incident involving releases of radiological, biological, or chemical contaminants. Specialized expertise, such as biochemistry, microbiology and medicine, health physics, toxicology, HVAC engineering, and industrial hygiene, is available to assist local, national, and international agencies supporting hazardous substance response and remedial operations, including Nationally Significant Incidents. CBRN CMAT maintains critical partnerships with USEPA's National Homeland Security Research Center and USEPA's special teams, as well as other federal partners including the DHS, Federal Bureau of Investigation (FBI), DOD, and Centers for Disease Control and Prevention (CDC)/DHHS, as well as international partners.

General requests for CBRN CMAT support should be made to the CBRN CMAT Director. After-hours emergency requests should call USEPA's EOC at 202-564-3850.

2.4.3.1.6 Radiological Emergency Response Team (RERT) – USEPA

<http://www.epa.gov/radiation/rert/rert.html>

Radiological Emergency Response Teams (RERTs) have been established by USEPA's Office of Radiation Programs (ORP) 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. RERT can provide on-site support including mobile monitoring laboratories for field analyses of samples and fixed laboratories for radiochemical sampling and analyses. Requests for support may be made 24 hours a day via the NRC or directly to the USEPA Radiological Response Coordinator in the USEPA Office of Radiation Programs. Assistance is also available from DOE and other federal agencies.

2.4.3.1.7 Remote Sensing Imagery Analysis Service (RSIAS) – USEPA

<http://ofmpub.epa.gov/rsig/rsigserver?index.html>

The Remote Sensing Imagery Analysis Service (RSIAS) provides web access to users allowing them to integrate selected datasets into a unified visualization by overlaying the datasets on a map of a selected region and automatically aligning the information. Currently, RSIG focuses on atmospheric data, but it can be extended to support other



types of geospatial data. A list of available datasets is provided at the website link above. A copy of the Performance Work Statement for the RSIAS contract services is available on the [USEPA OSC Region III Inland Area Committee Website](#).

2.4.3.1.8 Critical Incident Stress Management Team (CISMT) – USEPA

The Critical Incident Stress Management Team (CISMT) is a specialized group of responders throughout USEPA who will provide professional on-scene critical incident stress management support to USEPA responders and employees that have been exposed to traumatic incidents or situations. The CISMT is part of the Area Command or Incident Command staff and reports directly to the Area Commander and/or IC when activated.

2.4.4 U.S. Department of Agriculture (USDA)

www.usda.gov

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

The **U.S. Forest Service** has responsibility for protection and management of national forests and national grasslands. The Forest Service has personnel, laboratory, and field capability to measure, evaluate, monitor, and control as needed, releases of pesticides and other hazardous substances on lands under its jurisdiction.

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

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



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

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

2.4.5 U.S. Department of Commerce (DOC)

2.4.5.1 National Oceanic and Atmospheric Administration (NOAA)

<http://www.noaa.gov/>

The DOC, through the NOAA, has multiple roles in a spill response, both as a component of the response (spill response and damage assessment) and as a steward of the NOAA trust resources. NOAA provides scientific support for resources and contingency planning in coastal and marine areas including hazard assessment and spill trajectory (direction) monitoring to predict movement and dispersion of oil and other hazardous substances. NOAA contributes information about sensitive coastal environments, and furnishes data about actual and predicted meteorological, hydrological, ice, and oceanographic conditions.

NOAA contains many components (including the National Ocean Service, National Weather Service, and the NMFS), which may assist in the cleanup of a major oil spill. NOAA's network of SSCs (refer to Section 2.4.3.1.3 for more information on this position), located within the National Ocean Service's Office of Response and Restoration (OR&R), responds to hundreds of oil spills annually, primarily in the coastal zone. These SSCs are the primary scientific advisors to the USCG FOSC. Their technical assistance ranges from expertise on living marine resources and their habitats, including endangered species, marine mammals and National Marine Sanctuary ecosystems, to providing information on meteorological and oceanographic conditions and estimated oil spill trajectories.

There is an SSC in each USCG district who collects and synthesizes scientific information and translates this information into layman's language. The SSCs' work includes providing 24- to 48-hour spill trajectory predictions, oil chemistry, and environmental effects analysis. The SSCs can also model spills, assess the environmental risk posed, and advise the FOSC on appropriate cleanup and mitigation strategies. NOAA's spill model for projecting the trajectory of oil has been developed and refined over the past 35 years. In addition to oil spill modeling, the OR&R maintains information management systems (including software development) for on-site response or planning, chemical analysis and evaluation (e.g., oil weathering, "fingerprinting" oil, environmental unit support for on-scene activities, including management of Special Monitoring of Applied Response Technologies (SMART) teams



for, in situ burn and dispersant efficacy testing, bioremediation and oceanography/estuarine expertise (on the fate of oil, the behavior of spills, the environmental effects of oil cleanup methods, and sensitivity to oil of marine/estuarine animals and environments).

NOAA has developed extensive operational experience in oil spill response and sophisticated tools to support the planning for and response to such spills.

NOAA also serves as the natural resource trustee for the living marine resources and their environment, and is required to assess the injuries which result from an oil spill, to determine and recover monetary compensation and, using those sums, to restore, rehabilitate or recover the equivalent of the damaged resources. NOAA is responsible for the issuance and implementation of regulations and guidelines governing oil spill natural resource damage assessments and works closely with other federal and state/commonwealth resource trustees to ensure consistent NRDA activities.

2.4.6 U.S. Department of Defense (DOD)

The DOD includes both U.S. military (Air Force, Army, National Guard, Navy, and Marines) and nonmilitary (civilian) personnel dedicated to protecting the security of our Nation. Primarily, DOD acts when oil or hazardous substances are released from a facility or vessel under its jurisdiction. As a member of the NRT and RRT, DOD assets can be activated through the RRT for a response. During contaminant release incidents, DOD's Supervisor of Salvage and Diving (SUPSALV), USACE, and the Chemical Biological Radiological Nuclear and High-Yield Explosives Consequence Management Response Force (CCMRF) bring extensive expertise in containment, collection, and mitigation. This is in addition to DOD's National Guard capabilities, which can include a Weapons of Mass Destruction (WMD) Civil Support Team (CST) and a Chemical, Biological, Radiological, Nuclear, High-Yield Explosive (CBRNE) Enhanced Response Force Package (CERFP).

2.4.6.1 U.S. Army Corps of Engineers (USACE)

www.usace.army.mil

The USACE equipment and expertise is available for removing navigational obstructions and performing ship structural repairs. Under the NRF, the USACE is assigned as the primary agency for ESF #3 – Public Works and Engineering. The USACE assists the DHS/FEMA by coordinating federal public works and engineering-related support, as well as providing technical assistance, engineering expertise, and construction management to prevent, prepare for, respond to, and/or recover from domestic incidents.

The USACE is comprised of nine divisions and 45 districts covering the entire United States and more than 91 foreign countries. The USACE is divided into eight regional divisions; each division is further divided into subordinate districts. Division and district boundaries, for the most part, are determined by watersheds. The districts are the operational level of the USACE, seeing to the day-to-day activities in all of the mission areas.

The USACE has three separate regional business centers that cover the areas within the Region III RRT area of responsibility:

- The **North Atlantic Division** – that covers Delaware, Maryland, and the District of Columbia, and eastern parts of Pennsylvania, West Virginia, and Virginia from the Baltimore, Philadelphia and Norfolk Districts;
- The **South Atlantic Division** – which addresses the southern areas of Virginia from the Wilmington, NC District; and
- The **Great Lakes and Ohio River Division** – that covers western/southern parts of Pennsylvania, West Virginia and Virginia with their Buffalo, NY, Pittsburgh, PA, Huntington, WV, and Nashville, TN Districts.

Figure 8 USACE Regional Business Centers



The USACE has specialized equipment and personnel for use in ship salvage, shipboard damage control, and diving. The USACE is a member of the Standing RRT in Region III and will respond to Incident-specific RRT activations within the Region. Under



the NCP, the USACE responds to requests from the FOSC/RRT to provide general engineering and construction support to that body.

2.4.6.2 U.S. Navy Supervisor of Salvage and Diving (SUPSALV)

<http://www.supsalv.org/>

The U.S. Navy (Navy) is the federal agency most knowledgeable and experienced in ship salvage, shipboard damage control, and diving. The Navy has an extensive array of specialized equipment and personnel available for use in these areas as well as specialized containment, collection, and removal equipment specifically designed for salvage related and open sea pollution incidents. During a response (oil and hazardous materials are managed under the NCP, presidentially declared disasters or emergencies under the NRF with funding from the Stafford Act) the SUPSALV plays a primary strategic role to provide technical, operational, and emergency support in the ocean engineering disciplines of marine salvage, pollution abatement, and diving services.

SUPSALV is located at Cheatham Annex outside of Williamsburg, VA, and maintains an inventory of ready cleanup equipment. In the event of a medium or major spill, they can provide pollution response equipment within 14 hours. These resources are available to the FOSC on a cost reimbursable basis; this includes pollution control equipment, complete with operators and maintenance support, is available to federal FOSCs. Either the responsible party or the FOSC can fund SUPSALV operations. Formal requests for SUPSALV assistance must be made through the Chief of Naval Operations, Navy Command Center, Washington, DC. All non-Navy requests for emergency assistance should be directed through the RRT in accordance with the NCP.

SUPSALV can also provide the FOSC with phone consultations, evaluations of proposed salvage plans, and salvage engineers available for dispatch to the scene upon request.

2.4.6.3 Civil Support Teams (CSTs)

The National Guard consists of citizen-soldiers and airmen who serve our Nation and state/commonwealths. The National Guard has units in communities in all 50 state/commonwealths, the District of Columbia, Guam, Puerto Rico and the U.S. Virgin Islands. The National Guard may only be activated at the *state level* by the Governor or Adjutant General of that state/commonwealth/territory. The National Guard units can be mobilized for federal active duty to supplement regular armed forces during times of war or national emergency as declared by Congress, the President, or the Secretary of Defense.

National Guard units are organized, trained, and equipped to the same standards as the U.S. Army and the U.S. Air Force. The National Guard has two roles—one as part of the nation's entire military force and the other to the respective state/commonwealths for emergency response and community support missions. Serving these roles creates three missions: to participate in global security for the United States, to provide



emergency response at the state/commonwealth level, and to give support to local community needs.

Within each CST, there is a Weapons of Mass Destruction Team (WMD-CST) that is designed to augment terrorism response capabilities in events known or suspected to involve WMD. The CST will assess a suspected CBRNE event in support of a local IC; advise civilian responders regarding appropriate response actions; and assist in expediting arrival of additional state/commonwealth and federal assets to help save lives, prevent human suffering, and mitigate property damage.

The following link provides a listing of the WMD-CST units:
<http://www.globalsecurity.org/military/agency/army/wmd-cst.htm>

2.4.6.4 U.S. Army Defense Coordinating Officer/Element (DCO/DCOE)

The Army has co-located a principle DOD official within each FEMA regional director to be responsible for planning, coordinating, and integrating DOD's homeland defense and support with local, tribal, state/commonwealth, and federal agencies throughout the region. The assets of the Defense Coordinating Officer/Element (DCO/DCOE) can be activated through the RRT under the Stafford Act. DCO/DCOE falls under the National Disaster Recovery Framework and can only be activated by DOD.

2.4.7 U.S. Department of Energy (DOE)

<http://energy.gov/>

Under the NCP – 40 CFR §300.120, DOE has been identified as the FOSC for releases of hazardous substances, pollutants, or contaminants (but not oil) when the release is on, or the sole source from any facility or vessel, including any bareboat vessel²⁷ chartered and operated under the jurisdiction, custody or control of DOE. DOE is one of only four agencies that have FOSC authority in accordance with the NCP and will provide FOSCs for oil or chemical spill response actions when the source of the spill is from any facility or vessel under its jurisdiction, custody, or control. DOE shall provide the FOSC responsible for taking all response actions.

The DOE National Laboratories and Technology Centers are a system of facilities and laboratories overseen by DOE for the purpose of advancing science and technology to fulfill the DOE mission. National Laboratory activities include Research and Development (R&D) in the areas of biological methods, remote sensing, dispersion technology, expert systems, risk assessment, contingency/emergency planning, oil characterization, environmental monitoring and modeling. DOE also maintains an

²⁷ A **bareboat charter** is an arrangement for the chartering or hiring of a ship or boat, whereby no crew or provisions are included as part of the agreement; instead, the people who rent the vessel from the owner are responsible for taking care of such things. In a bareboat charter no administration or technical maintenance is included as part of the agreement. The charterer obtains possession and full control of the vessel along with the legal and financial responsibility for it. The charterer pays for all operating expenses, including fuel, crew, port expenses and protection, indemnity, and hull insurance.



Emergency Operations Center in Washington, D.C., as well as various scientific and non-scientific facilities across the nation that may be helpful to responding agencies.

The DOE is principally a national security agency and all of its missions flow from this core mission to support national security. For a response in Region III, the DOE has seven major radiological Emergency Response assets that they can tap to bring to an incident upon request:

- Accident Response Group,
- Aerial Measuring System,
- Atmospheric Release Advisory Capability,
- Federal Radiological Monitoring and Assessment Center,
- Nuclear Emergency Search Team,
- Radiation Emergency Assistance Center/Training Site,
- Radiological Assistance Program.

DOE's role is to provide advice and radiological assistance to the RRT when an event occurs that involves radioactive materials. DOE's primary roles include:

- Facilitate the availability of resources to other federal agencies, state/commonwealth, local, and tribal agencies, private organizations, or private persons to assist in resolving incidents involving radioactive materials. Assistance may be in the form of advice or field deployment of specialized assets;
- Coordinating the initial offsite federal radiological monitoring and assessment assistance during the response to a radiological emergency; and
- Assuming the role of the lead federal agency for radiological emergencies at facilities owned or operated by DOE or involving materials shipped by or for DOE.

The DOE member of the Region III RRT provides assistance and resources at the request of the regional RRT to support incident specific responses. Requests for DOE support are made through the appropriate Regional Coordinating Office or the EOC Headquarters. Although DOE will respond to major radiological emergencies using the NRF, access to the DOE Emergency Response Assets does not require NRF activation. When responding to radiological emergencies without a Stafford Act declaration, DOE will use existing funding resources.

2.4.8 U.S. Department of Health and Human Services (DHHS)

2.4.8.1 Agency for Toxic Substances and Disease Registry (ATSDR)

<http://www.atsdr.cdc.gov/>

The ATSDR, as an agency of the DHHS, serves the public by using the best science, taking responsive public health actions, and providing trusted health information to prevent harmful exposures and disease related to toxic substances. ATSDR serves as a member of the Region III RRT; the CDC takes the lead during petroleum releases



regulated under the CWA and OPA 90 while ATSDR takes the lead during chemical releases under CERCLA. Both agencies are mutually supportive.

ATSDR is directed by congressional mandate to perform specific functions concerning the effect on public health of hazardous substances in the environment. These functions include public health assessments of waste sites, health consultations concerning specific hazardous substances, health surveillance and registries, response to emergency releases of hazardous substances, applied research in support of public health assessments, information development and dissemination, and education and training concerning hazardous substances.

During a response for oil and hazardous materials under the NCP, for presidentially declared disasters or emergencies under the Stafford Act, or other responses under the NRF, ATSDR plays a significant role in the federal response. Their primary strategic roles include:

- Providing assistance on all matters related to the assessment of health hazards at a response and protection of response workers and the public health;
- Determining whether illnesses, diseases, or complaints may be attributable to exposure from a hazardous material;
- Establishing disease / exposure registries and conducting appropriate clinical testing; and
- Developing, maintaining, and providing health information on the effects of toxic substances.

The ATSDR maintains appropriate disease/exposure registries, provides public health assessments and consultation to individuals during public health emergencies, develops, maintains, and informs the public concerning the effects of toxic substances, maintains a list of restricted or closed areas due to contamination, conducts research examining the relationship between exposure and illness, and conducts health assessments at contaminated sites. The ATSDR also assists the USEPA in identifying most hazardous substances at CERCLA sites, develops guidelines for toxicological profiles of hazardous substances, and develops educational materials related to the health effects of toxic substances. ATSDR resources are an important tool for the FOSC to use in assessing the possible effects of an environmental emergency on the public's health. A response team consisting of an emergency response coordinator, toxicologist, chemist, physician, and an environmental health scientist are available.

2.4.9 U.S. Department of the Interior (DOI)

<http://www.doi.gov/>

DOI protects, manages, and provides access to our Nation's natural and cultural resources that are located on over 507 million acres across America, approximately one-fifth of the land in the US. DOI accomplishes its mission through its many member bureaus holding direct responsibility for specific resources, including land, water, recreation, and cultural opportunities, Native American lands and needs, domestic energy needs, scientific research, and fish and wildlife stewardship and management.



The point of contact for the DOI in Region III is the DOI Regional Environmental Officer in Philadelphia, who can be reached at (215) 597-5378 during business hours or (215) 266-5155 after hours (24/7). Current alternate contact information will be maintained on the voicemail messages on these numbers when the DOI Regional Environmental Officer is unavailable. <http://www.doi.gov/pmb/oepec/philadelphia.cfm>

Numerous agencies within the DOI, as shown in 40 CFR §300.175(a)(9), are available to coordinate with the FOSC during an incident response:

- BIA,
- Bureau of Land Management (BLM),
- NPS,
- Office of Surface Mining Reclamation and Enforcement (OSMRE),
- USFWS, and
- U.S. Geological Survey (USGS).

These agencies are discussed in further detail in the following subsections.

2.4.9.1 Bureau of Indian Affairs (BIA)

<http://www.doi.gov/bureau-indian-affairs.html>

The Bureau of Indian Affairs has the responsibility to protect Native American trust resources and to facilitate an active role in planning and response for Tribal governments. BIA can assist with coordination, communication, and access to Indian lands and Tribal officials.

2.4.9.2 Bureau of Land Management (BLM)

<http://www.blm.gov/wo/st/en.html>

BLM has expertise in minerals, soils, vegetation, habitat, archeology, and hazardous materials.

2.4.9.3 National Park Service (NPS)

<http://www.nps.gov/>

The Park Service can provide expertise on historical, archaeological, and recreational sources as well as sites on the National Historic Register. They can also provide information on National Parks, lakeshores, monuments, historic sites, Wild and Scenic rivers and recreation areas.

2.4.9.4 Office of Surface Mining Reclamation and Enforcement (OSMRE)

<http://www.osmre.gov/>

OSMRE works with states and tribes to ensure that citizens and the environment are protected during coal mining and that the land is restored to beneficial use when mining



is finished. OSM and its partners are also responsible for reclaiming and restoring lands and water degraded by mining operations before 1977.

2.4.9.5 U.S. Fish and Wildlife Service (USFWS)

<http://www.fws.gov>.

A detailed description of the roles and responsibilities of the USFWS can be found in the [USFWS Spill Response Roles and Responsibilities](#). The USFWS can provide the FOSC information on the location of migratory birds, endangered species, and wildlife habitats. They deal with problems such as dispersal of birds and coordination of wildlife habitats. They also manage and can provide information on wildlife refuges within the region. The USFWS can assist the FOSC in other aspects of response, such as shoreline assessments, compiling background information on and developing criteria for countermeasures use, assessing spill impacts, and developing restoration plans. USFWS involvement is determined on a case by case basis.

Within DOI, USFWS is the primary Service that responds to oil spills, provides information and advice on safeguarding sensitive habitats and protected species (including advice on use of dispersants and other chemicals), and oversees the rescue and the rehabilitation of oiled birds and certain marine mammals and maintains expertise in mitigating the effects of oil spills and hazardous materials. USFWS has trustee responsibility for migratory birds, endangered species, certain marine mammals, anadromous fish, and national wildlife refuges. It works closely with state fish and wildlife agencies to ensure the protection of potentially affected fish and wildlife and takes an active role in protecting USFWS lands, such as national wildlife refuges.

The USFWS works with USEPA and USCG FOSCs in order to ensure compliance with the ESA during any response to an oil spill. The ESA is a means for conserving the ecosystems upon which endangered and threatened species depend and a program for the conservation of such species. The ESA directs all federal agencies to participate in conserving these species via a Section 7 consultation (discussed in Section 2.3.7.1.3).

Additionally, the USFWS, in its role as trustee, is also the Service within DOI that is primarily involved in NRDA activities. USFWS has trained professional who provide scientific and technical advice, information, and assistance to prevent or minimize injury to natural and cultural, and historic properties. In addition to civil actions, USFWS may also pursue criminal violations of the MBTA, MMPA, and the ESA. USFWS research centers are strategically located across the United States to determine the biological effects of chemical contamination on fish and wildlife resources and their habitats.

2.4.9.6 U.S. Geological Survey (USGS)

<http://www.usgs.gov>.

The USGS can provide expert advice in geology, geochemical data, GIS and mapping, groundwater hydrology, and ground and surface water data.



2.4.10 U.S. Department of Justice (DOJ)

<http://www.justice.gov/>

The DOJ can provide expert advice on complicated legal questions arising from discharges or releases, and federal agency responses. In addition, the DOJ represents the federal government, including its agencies, in litigation relating to such discharges or releases. Other legal issues or questions shall be directed to the federal agency counsel for the agency providing the FOSC for the response.

DOJ's Environment and Natural Resources Division, which is organized into ten sections, has primary responsibility for litigation on behalf of the United States regarding prevention and cleanup of pollution, environmental challenges to federal programs and activities, stewardship of public lands and natural resources, acquisition of property for federal needs, wildlife protection, and Indian rights and claims.

2.4.11 U.S. Department of Labor (DOL)

2.4.11.1 Occupational Safety and Health Administration (OSHA)

<http://www.osha.gov/>

Through the OSHA, DOL conducts safety and health inspections of hazardous waste sites to ensure that onsite employees are protected from hazards and to determine if a site is in compliance with safety and health standards and regulations. OSHA will provide the FOSC with advice, guidance, and assistance regarding hazards to personnel involved in removal or control of oil discharges and hazardous substance releases, and in the precautions necessary to prevent hazards to their health and safety. Typically, OSHA does not need to be called except where specific guidance is needed; they respond to large or lengthy response efforts to evaluate the on-scene safety precautions and make recommendations directly to the responsible party and the FOSC or UC. The liaison with OSHA for the Philadelphia Area (Region III) is listed in the [RRT Directory](#).

2.4.12 U.S. Department of Transportation (DOT)

The DOT provides response expertise pertaining to transportation of oil or hazardous substances by all modes of transportation. DOT offers expertise in the requirements for packaging, handling, and transporting regulated hazardous materials. DOT also establishes oil discharge contingency planning requirements for pipelines, transport by rail and containers or bulk transport of oil.

2.4.12.1 Pipeline and Hazardous Materials Safety Administration (PHMSA)

<http://www.phmsa.dot.gov/>

PHMSA is the federal safety authority for the transportation of hazardous materials by air, rail, highway, and water. They can provide information on guidance documents, hazmat carriers' special permits and approvals information, reports and incidents



summaries, penalty action reports, registration information and forms, the Emergency Response Guidebook for First Responders, Freedom of Information Act requests, and the Hazardous Materials Emergency Preparedness grants program.

PHSMA's **Pipeline Safety Office** is the federal safety authority for the nation's natural gas and hazardous liquid pipelines. They can provide information regarding pipeline regulations, proposed and final rulemakings, pipeline statistics, Common Ground Alliance and One Call programs, request procedures under Freedom of Information Act guidelines, reports on major pipeline accidents/incidents and corrective action orders, pipeline mapping systems information, training and publications, and online library of Pipeline Safety forms and public information files.

PHMSA operates the Hazardous Materials Information Center to provide clarification of the Hazardous Materials Regulations (49 CFR Parts 100-185), including: transportation, reporting violations, training materials, and formal letters of interpretation.

2.4.12.2 Federal Highway Administration (FHWA)

<http://www.fhwa.dot.gov/>

The Federal Highway Administration (FHWA) is an agency within the DOT that supports state and local governments in the design, construction, and maintenance of the Nation's highway system and various federally and tribal owned lands. Through financial and technical assistance to State and local governments, the FHWA is responsible for ensuring that America's roads and highways continue to be among the safest and most technologically sound in the world.

2.4.13 U.S. Department of Homeland Security (DHS)

2.4.13.1 Federal Emergency Management Agency (FEMA)

<http://www.fema.gov/>

During a response effort, FEMA advises and aids lead agencies in coordinating the response of federal agencies to disasters, typically under the Stafford Act. The agency provides guidance, policy, and technical assistance in emergency preparedness planning, training, and exercising activities for state/commonwealth and local governments. [Executive Order 12316 \(Response to Environmental Damage\)](#) delegated to FEMA the responsibility for temporary emergency evacuation and housing of individuals threatened by a hazardous substance release, and permanent relocation of residents, businesses, and community facilities under CERCLA activation, if needed. FEMA also assists state/commonwealth and local organizations by providing training and funding for emergency management, contingency planning, and exercises.

2.4.13.2 U.S. Coast Guard (USCG)

The USCG's mission is to protect the public, the environment, and U.S. economic interests – in the nation's ports and waterways, along the coast, on international waters, or in any maritime region as required to support national security. Within the NRS, the



USCG has been designated as a lead agency for oil and hazardous substance pollution incidents occurring within the coastal zone of the United States. As the Co-Chair of the RRT, the USCG coordinates the regional RRT decisions and actions necessary to support an incident specific discharge or release.

The USCG provides pre-designated FOSCs for pollution incidents occurring within the USCG's area of response authority within the coastal zone. For spills in the Inland Zone, there will be notification and coordination between the USEPA Sub-Areas and the USCG Sectors to ensure an effective response for incidents.

The USCG manages the NRC²⁸ and maintains a National Strike Force, specially trained and equipped to respond to major marine pollution incidents. The USCG's Strike Teams are based on the Atlantic, Pacific and Gulf Coasts. The U.S. Commandant of the Coast Guard also serves as fund manager for the Oil Pollution Liability Trust Fund set up under the CWA.

2.4.13.2.1 National Strike Force

<http://www.uscg.mil/hq/nsfweb/>

The National Strike Force (NSF) provides highly trained, experienced personnel and specialized equipment to USCG and other federal agencies to facilitate preparedness for and response to oil and hazardous substance pollution incidents in order to protect public health and the environment. In this way, the NSF supports the NRS and Homeland Security by minimizing the adverse impact to the public and reducing environmental damage from weapons of mass destruction events, hazardous substance releases and oil discharges.

The NSF's area of responsibility covers all USCG Districts and Federal Response Regions. The NSF includes the National Strike Force Coordination Center (NSFCC); the Atlantic Strike Team; the Gulf Strike Team; the Pacific Strike Team; and the Public Information Assist Team (PIAT). The USCG NSFCC, located in Elizabeth City, NC, coordinates the three USCG Strike Teams (Atlantic, Gulf and Pacific), providing oversight and strategic direction. The three Strike Teams provide trained personnel and specialized equipment to assist the FOSC in training for spill response, stabilizing and containing the spill, and in monitoring or directing the response actions of the responsible parties and/or contractors. The NSFCC can provide the following support to the FOSC:

- Technical assistance, equipment and other resources to augment the FOSC staff during a spill response (e.g., site safety, hazard mitigation/source control, ICS, monitoring, communications, etc.);

²⁸ The primary function of the NRC is to serve as the sole national point of contact for reporting all oil, chemical, radiological, biological, and etiological discharges into the environment anywhere in the United States and its territories.



- Assistance in coordinating the use of private and public resources in support of the FOSC during a response to, or a threat of, a worst case discharge of oil or hazardous substance;
- Review of the ACP, including an evaluation of equipment readiness and coordination among responsible public agencies and private organizations;
- Assistance in locating spill response resources for both response and planning, using the NSFCC's national and international computerized inventory of spill response resources;
- Coordination and evaluation of pollution response exercises; and
- Inspection of district pre-positioned pollution response equipment.

The Strike Teams are equipped with specialized containment and removal equipment and have rapid transportation (i.e. aircraft, trucks) available or at their disposal.

The NSFCC maintains a national logistics network using the Response Resource Inventory (RRI), coordinates the USCG OSRO classification program, administers the National Maintenance Contract (NMC) for the USCG's thirty million dollar inventory of pre-positioned spill response equipment, and coordinates NIMS ICS programs for the NSF and other federal agencies.

2.4.13.2.2 Public Information Assist Team (PIAT)

<http://www.uscg.mil/hq/nsfweb/piat/piatdefault.asp>

The PIAT is another component of the NSF. The PIAT provides crisis media relations support to the FOSC during oil spills or hazmat incidents, but is also available for other incidents such as natural disasters (e.g. hurricanes, floods, or other disasters). The team maintains a response standard of mobilizing two members within six hours of activation and, if needed, two additional members within 12 hours. Members deploy with a response kit that includes all the equipment necessary to meet the public and media's information needs, and enables the PIAT to be self-sufficient during the initial response.

2.4.13.2.3 USCG Basic Ordering Agreements (BOA)

Another significant resource that the USCG can bring to a response is the access to commercial oil pollution response assets through Basic Ordering Agreements (BOAs) pre-negotiated by the USCG. The USCG maintains an extensive commercial capability for pollution response using a standing "time and materials" contract for equipment and personnel from commercial firms that may be activated principally for emergency response. A BOA permits the rapid and efficient activation of the qualified, experienced BOA response contractors in cases when the responsible party is unwilling or unable to meet its commitments under applicable laws and regulations, or when the responsible party simply cannot be identified. USEPA OSCs can access BOA resources through the USCG or the RRT; but, BOA contractors may also be employed by other federal agencies. BOAs are maintained with salvage operators, firefighters, oil spill removal organizations, and other response contractors. The two means by which an FOSC can contract for services, supplies and equipment for cleanup, and/or mitigate the harmful



effects of spilled petroleum products and hazardous substances include: (1) a BOA, or (2) a non-BOA purchase order/contract.

Each BOA contractor is on-call 24-hours a day, 365 days a year and usually has to respond on short notice. BOAs are **strictly for emergency use**:

- Task orders **cannot be issued** against a BOA **solely for replenishment** of booms, sorbent pads, or routine work except during an actual response incident. (National Pollution Funds Center (NPFC) User Reference Guide, Chapter 3); and
- Before purchasing any services, supplies, or equipment from a BOA contractor that is not listed on a BOA contract, contact the appropriate Maintenance Logistics Command (MLC) contracting officer.

When a spill occurs FOSCs may verbally authorize a BOA contractor to commence response efforts at a cost not to exceed \$25K. (NPFC User Reference Guide, Chapter 3)²⁹.

2.4.14 U.S. General Services Administration (GSA)

<http://www.gsa.gov>.

The GSA's primary strategic role during a response is to provide logistic and telecommunications support to federal agencies; this includes oil and hazardous substances responses under the NCP and presidentially declared disasters or emergencies under the NRF with funding from the Stafford Act.

During an emergency situation, GSA quickly responds to aid state/commonwealth and local governments as directed by other federal agencies. The type of support provided might include leasing and furnishing office space, setting up telecommunications and transportation services, and advisory assistance. In November 2006, GSA established the Office of Emergency Response and Recovery to better assist the country during national disasters and promote planning and coordination of disaster mitigation, preparedness, response and recovery against natural or man-made incidents.

The office, comprised of four divisions and one team, reports directly to GSA's Chief of Staff:

- **Policy and Plans Division** develops and implements agency-wide policies, plans and procedures, performance standards and measures related to GSA's roles and responsibilities;
- **Training and Exercise Division** develops and implements agency-wide disaster readiness programs and also serves as the lead for the coordination of agency

²⁹ The National Pollution Funds Center User Reference Guide (eURG) is designed to be a reference tool during an oil or hazardous materials spill incident for USCG and USEPA FOSCs. It includes all relevant federal regulations, technical operating procedures (TOPs), forms and sample letters, and other documentation designed to make funding of recovery operations and recovery of federal expenditures as efficient and easy as possible. The eURG is available for review from: <http://www.uscg.mil/npfc/urg/>.



participation in international, national, state/commonwealth and local disaster exercise programs;

- **Disaster Support Division** provides emergency acquisition support, emergency real property management and on-the-ground liaison between GSA field organizations and headquarters during disasters;
- **Communications and Security Division** coordinates internal, interagency and external communication regarding planning, response and recovery and develops strategic security plans and policies; and
- **Historic Preservation Team** integrates emergency historic preservation requirements in all response and recovery plans and operations.

2.5 RESPONSE TO OIL AND HAZARDOUS SUBSTANCES SPILLS

Response refers to the activities necessary to address the immediate and short-term effects of an incident, focusing primarily on the actions necessary to save lives, to protect property and the environment, and to meet basic human needs. Life-saving and life-protecting activities take precedence over other critical actions.

OPA 90 Section 4201 states that the President shall, in accordance with the NCP and any appropriate ACP, ensure effective and immediate removal of a discharge, and mitigation or prevention of a substantial threat of a discharge of oil or hazardous substance. In carrying out this mandate, the President may direct or monitor all federal, state/commonwealth, and private actions to remove a discharge. The NCP at 40 CFR §300.130 states that USEPA or the USCG is authorized to act for the United States as the FOSC to take response measures deemed necessary to protect public health or welfare or the environment from discharges of oil or releases of hazardous substances, pollutants, or contaminants except with respect to such releases on or from vessels or facilities under the jurisdiction, custody, or control of other federal agencies. The assigned FOSC may initiate, or in the case of a discharge posing a substantial threat to public health or welfare is required to initiate and direct appropriate response activities. Upon approval by the federal FOSC, state/commonwealth or local governments may initiate a government response. Response operations may also include law enforcement, investigative, and security activities conducted to address any criminal aspects of the incident.

The NCP (40 CFR Subpart D, §300.300-315) outlines the phases of operational response for oil: (1) discovery and notification; (2) preliminary assessment and initiation of action; (3) containment, countermeasures, cleanup, and disposal; and (4) documentation and cost recovery. The relationship of the federal agencies (RRT) is described in the RCP. A detailed description of the relationships between federal, state/commonwealth, and local responding organizations is included in each area response plan.

The NCP (40 CFR Subpart E, §300.400-440) establishes methods and criteria for determining the appropriate extent of response authorized by CERCLA and CWA Section 311(c). In general, the OPA 90 fund is available primarily for the cleanup



actions of an oil spill. The purposes of the fund are outlined in Section 1012 of the OPA 90. CERCLA funds are available for the payment of removal costs for incidents involving hazardous substances, contaminants or pollutants.

2.5.1 FOSC Responsibilities During Response Operations

General FOSC responsibilities are provided in Section 2.2.6. The NCP uses the term FOSC as the federal official pre-designated by USEPA or the USCG to coordinate and direct responses under 40 CFR Subpart D, §300.300-335 (Operational Response Phases for Oil Removal), or the government official designated by the lead agency to coordinate and direct removal actions under 40 CFR Subpart E, §300.400-440 (Hazardous Substance Response). The OPA 90 provides additional authority for carrying out a response. Under Section 4201 of the OPA 90, the FOSC as the President's designate may:

1. Remove or arrange for the removal of a discharge, and mitigate or prevent a substantial threat of a discharge, at any time;
2. Direct or monitor all federal, state/commonwealth, and private actions to remove a discharge; and
3. Remove and, if necessary, destroy a vessel discharging, or threatening to discharge, by whatever means are available.

Furthermore, if a discharge results in a substantial threat to the public health or welfare of the United States (including but not limited to fish, shellfish, wildlife, other natural resources, and the public and private beaches and shorelines of the United States), the FOSC shall direct all federal, state/commonwealth, and private actions to remove the discharge or to mitigate or prevent the threat of the discharge.

To the extent practicable, response operations shall be consistent with federal, state/commonwealth, and local plans, including ACPs and FRPs. The FOSC, consistent with 40 CFR §300.120, §300.125, and §300.135 of the NCP, shall direct response operations and coordinate all other efforts at the scene of a discharge or release.

The first federal official affiliated with an NRT member agency to arrive at the scene of a discharge or release should coordinate activities under the IACP and is authorized to initiate, in consultation with the FOSC, 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 FOSC or, if the FOSC is unavailable, the authorized representative of the lead agency.

The FOSC's efforts shall be coordinated with other appropriate federal, state/commonwealth, local and private response agencies. FOSCs may designate capable persons from federal, state/commonwealth, or local agencies to act as their on-scene representatives. However, state/commonwealth and local governments are not authorized to take actions under Subparts D and E of the NCP (40 CFR Part 300) that involve expenditures of CWA Section 311(k) or CERCLA funds, unless an appropriate contract or cooperative agreement has been established.



The FOSC shall, to the extent practicable, collect pertinent facts about the discharge or release, such as: its source and cause; the identification of potentially responsible parties; the nature, amount, and location of discharged or released materials; the probable direction and time of travel of discharged or released materials; the pathways to human and environmental exposure; the potential impact on human health, welfare, and safety and the environment; the potential impact on natural resources and property which may be affected; priorities for protecting human health and welfare and the environment; and appropriate cost documentation.

The FOSC should consult regularly with the RRT in carrying out the NCP and ACP and keep the RRT informed of activities under the NCP and ACP. The FOSC shall submit pollution reports to the RRT and other appropriate agencies as significant developments occur during response actions, through communications networks or procedures agreed to by the RRT and covered in the RCP.

The FOSC shall advise the support agency(ies) as promptly as possible of reported releases. The FOSC shall immediately notify FEMA of situations potentially requiring evacuation, temporary housing, or permanent relocation. In addition, the FOSC shall evaluate incoming information and immediately advise FEMA of potential major disaster situations.

The FOSC shall promptly notify the trustees for natural resources of discharges or releases that are injuring or may injure natural resources under their jurisdiction. The FOSC shall seek to coordinate all response activities with the natural resource trustees. Where the FOSC becomes aware that a discharge or release may adversely affect any endangered or threatened species, or result in destruction or adverse modification of the habitat of such species, the FOSC should consult with the DOI or DOC (NOAA).

In those instances where a possible public health emergency exists, the FOSC should notify the DHHS representative to the RRT. Throughout response actions, the FOSC may call upon the DHHS representative for assistance in determining public health threats and call upon the Occupational Safety and Health Administration (OSHA) and DHHS for advice on worker health and safety problems. The FOSC is responsible for addressing worker health and safety concerns at a response scene, in accordance with 40 CFR §300.150 of the NCP (see Section 2.9).

FOSCs should ensure that all appropriate public and private interests are kept informed and that their concerns are considered throughout a response, to the extent practicable, consistent with the requirements of 40 CFR §300.155 of the NCP (see Section 2.8.4).

2.5.2 Responsible Party or Potentially Responsible Party in Oil and Hazardous Substance Responses

Refer to Section 1.9.2.5 – Responsible Party Response Policy for complete information on the responsible party or potentially responsible party interaction and policies governing their inclusion in a response to oil and hazardous substances under the regulatory authorities designated by the NCP.



Under federal and state/commonwealth law, the responsible party is responsible to contain, control, and clean up any oil or hazardous substance spilled. The responsible party must notify the federal, state/commonwealth, and local authorities of the spill incident and initiate an effective response. The responsible party is expected to respond to an incident using their own resources and securing additional contractual expertise and equipment when necessary. The FOSC and the State OSC have the authority to oversee the responsible party's activities, and both are authorized to take over or supplement the responsible party's response activities if they determine those activities to be inadequate. During a response lead by the responsible party, if the vessel or facility has a contingency plan, it will serve as the primary guidance document for the spill response and the responsible party will designate the IC. If there is no responsible party, or if the responsible party does not have a government-approved contingency plan, the Unified Plan and the Area Plan or Sub-Area Plan will become the guiding document during the spill response.

2.5.3 Federal Agency Participation in Oil and Hazardous Substance Responses

Federal agencies listed in the NCP at 40 CFR §300.175 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. Federal agencies may be called upon by an FOSC during response planning and implementation to provide assistance in their respective areas of expertise. Refer to the NCP at 40 CFR §300.170 and 40 CFR §300.175 for a description of agency capabilities and authorities.

2.5.4 State/Commonwealth and Local Participation in Oil and Hazardous Substance Responses

The NCP at 40 CFR §300.180 describes, generally, state/commonwealth and local participation during response efforts. Appropriate local and state/commonwealth officials will be identified and participate as part of the response structure as provided in the SACPs. See Section 3.0 of this IACP for specific state/commonwealth and local participation in response.

Subpart F of 40 CFR Part 300 describes the state/commonwealth involvement in hazardous substances responses.

State and commonwealth lead agencies along with the local responders will sit in the UC with the FOSC sharing in decision-making and oversight responsibilities of a response. As long as there is an immediate threat to public safety, the local response authorities will serve as the ultimate command authority for the public safety issues, while the remaining UC members work with local responders to ensure mitigation of the situation.



2.5.5 Non-Governmental Participation in Oil and Hazardous Substance Responses

This plan anticipates and encourages representation from industry, landowners, volunteer groups, and other stakeholders. These participants and their interactions with the response are further defined in 40 CFR §300.185. Non-governmental participants will have an ex-officio role in the Area Committee (see OPA 90, Section 4202(a)).

Industry groups, academic organizations, and others are also encouraged to participate in response operations. Specific commitments (MOAs or other mutual aid agreements) are listed on the [USEPA OSC Region III Inland Area Committee Website](#) (for regional agreements).

2.5.5.1 Responding Agencies

- American Red Cross <http://www.redcross.org/>,
- Salvation Army www.salvationarmyusa.org,
- Corporation for National and Community Service: <http://www.nationalservice.gov/>,
- Other Voluntary Organizations Active in Disaster (VOAD) <http://www.nvoad.org/>,
- Tri-state Bird Rescue & Research (<http://www.tristatebird.org/>) and other organizations under national permits,
- Stranding Networks.

2.5.5.2 Contracted Resources

2.5.5.2.1 Technical/Scientific Experts (Technical Specialists)

Certain incidents or events may require the use of technical/scientific expertise that is outside of the typical response organization. These individuals are incorporated into the response to bring their specialized knowledge and expertise into the Operations or Planning Sections or may be assigned whenever their services are required.

40 CFR §300.185(b) states that technical and scientific information generated by the local community, along with information from federal, state/commonwealth, and local governments, should be used to assist the FOSC in devising response strategies where effective standard techniques are unavailable. Such information and strategies will be incorporated into the ACP, as appropriate. The SSC may act as liaison between the FOSC and such interested (contracted) organizations.

The 2013 (draft) Incident Management Handbook Chapter 8—Planning provides a detailed overview of the roles and responsibilities of the Technical Specialists in response.



2.5.5.2.2 Oil Spill Response Organizations (OSROs)

Oil Spill Response Organizations (OSROs) are companies that specialize in cleaning up oil spills. They often serve as contractors or subcontractors for spill response efforts and play an important role in assisting with the initial containment and cleanup operations as well as the long-term cleanup capabilities. OSROs generally have access to large inventories of spill equipment and personnel resources. OSROs may be under contract to the responsible party or may be contracted by the FOSC or state OSC through the USCG's BOA (see Section 2.4.13.2.3 for more information).

In 1997, to address the needs of facility and vessel response planning requirements, the USCG developed and continues to administer a system of "classifying" OSROs based on their response capability. The program is completely voluntary and its purpose is to assist oil-handling facilities and vessels in writing spill response plans. By listing a USCG-classified OSRO in a response plan, the plan holder is exempted from providing and updating extensive lists of response resources. This exemption remains the only regulatory benefit that plan holders receive from using a classified OSRO. The program is a tool that helps plan holders meet statutory requirements set forth in [33 CFR Part 154](#) and [33 CFR Part 155](#). An OSRO that does not have a USCG classification may still be employed by a plan holder and may be listed in the plan, but must be listed along with its entire emergency response resource inventory.

The RRI is an extensive OPA 90 mandated database maintained by the USCG to provide a centralized listing of the national and international spill response capabilities. The RRI contains the OSRO classification information along with its other response resource data. All classified OSRO resources are automatically input into the database, but any emergency response company or local/state/commonwealth/federal entity may elect to have its resources listed. Various government agencies, scientific organizations, or civilians may request this information from the USCG by submitting a Freedom of Information Act request.

2.5.5.2.3 Chemical Transportation Emergency Center (CHEMTREC®)

<http://www.chemtrec.com/>

CHEMTREC® provides information to organizations that are involved in chemical or hazardous material emergencies. It is a public service of the Chemical Manufacturers Association located in Washington, DC. CHEMTREC® can be contacted toll-free at (800) 424-9300 and will provide immediate advice on the nature of the product and recommended steps for handling the early stages of the problem. In addition to providing information from their own database, CHEMTREC® will contact other resources for assistance.

2.5.5.2.4 TRANSCAER®

www.transcaer.com

TRANSCAER® (Transportation Community Awareness and Emergency Response) is a voluntary national outreach effort which assists communities that have major



transportation routes within their jurisdiction and addresses potential community concerns about the transportation of hazardous materials.

The TRANSCAER[®] mission is to:

- Promote safe transportation and handling of hazardous materials;
- Educate and assist communities near major transportation routes about hazardous materials; and
- Aid community emergency response planning for hazardous material transportation incidents.

In meeting their mission, TRANSCAER[®] offers the following:

- Assistance in the development and evaluation of community emergency response plans for hazmat transportation.
- Sponsored by the chemical manufacturing and transportation industries, TRANSCAER[®] is an inter-industry effort comprised of representatives who reach out to communities and assist them in their hazardous materials transportation emergency preparedness activities.
- A partnership between all those involved in the transportation of hazardous materials and the community.
- Provides a coordinated industry effort for communities along hazmat transportation routes. TRANSCAER[®] participants are organized at the state level, and work with communities within the state that have hazmat transportation routes.
- Provides high-quality training at **no expense to the participant**. All training expenses and costs are covered by TRANSCAER[®] member companies.

2.5.5.3 Participation by Other Persons

2.5.5.3.1 Stakeholders

For oil and hazardous substances pollution response, stakeholders are defined as individuals, groups of individuals, or organizations that are affected or could be affected by spill response activities and actions/lack of actions during an incident. These stakeholders have a vested interest in the response and should be engaged by the FOSC/response organization to identify, understand and respond to issues of concern for these groups. Examples of Other Persons/Stakeholders include:

- Local Government,
- Environmental groups – Nature Conservancy, Pew Environmental, Sierra Club, Greenpeace, etc.,
- Water Keeper Associations,
- Shore Keeper Associations,
- Fishing Community – sport, recreational, aquaculture, commercial,



- Academia – researchers, extension agents,
- Industry,
- Qualified Wildlife rehabilitators – Veterinarians,
- Congressional Staff.

2.5.5.3.2 Volunteers

Volunteers are defined as individuals who offer to support communities affected by an incident without receiving financial reward or remuneration. Volunteers can be either affiliated with other organizations involved in supporting communities affected by an incident or be unaffiliated volunteers. For additional information on the use of volunteers during an oil or hazardous materials response, FOSCs should consult the “*Use of Volunteers Guidelines for Oil Spill*” (2012)³⁰ developed by the NRT and the MOU between USEPA, USCG, and Corporation for National and Community Service (CNCS)³¹.

2.5.6 Response Countermeasures

Several accepted response countermeasures are available when responding to an oil or hazardous materials incident:

- Source control,
- Monitoring and surveillance (no action),
- Mechanical equipment,
- NCP-regulated spill products (Subpart J – Dispersants and other Chemicals),
- Controlled in-situ burns.

2.5.6.1 Source Control

Controlling the source to prevent additional spillage beyond the initial amount is an agreed priority during response, second only to protecting human life.

2.5.6.2 Monitoring and Surveillance (No Action)

Monitoring the location of an oil spill and its likely path of movement in the environment. This component of response does not require any other response “actions” but may be tied to other response countermeasures in support of the incident.

2.5.6.3 Mechanical/Removal Countermeasures

Mechanical countermeasures are the primary line of defense against oil spills in the United States. Containment and recovery equipment includes a variety of booms, barriers, and skimmers, as well as natural and synthetic sorbent materials. Mechanical

³⁰ The NRT (2012) “*Use of Volunteers Guidelines for Oil Spill Response*” can be obtained from: [USEPA OSC Region III Inland Area Committee Website](#).

³¹ A copy of this MOU can be obtained from: [USEPA OSC Region III Inland Area Committee Website](#).



containment is used to capture and recover spilled oil into the environment, as well as store the spilled oil until it can be disposed of properly. Mechanical equipment, ranging from front-end loaders to shovels and rakes, are also used to remove oil on shore. Mechanical on-water recovery and shoreline clean-up equipment can be modified for incident-specific conditions. Generally mechanical response options can be used with no special approval.

2.5.6.4 NCP-Regulated Spill Products (Subpart J – Dispersants and Other Chemicals)

The use of dispersants and other chemicals can be used in conjunction with mechanical means for containing and cleaning up oil spills. Dispersants and gelling or solidifying agents are used to keep oil from reaching shorelines and other sensitive habitats. Biological agents have the potential to assist recovery in sensitive areas such as shorelines, marshes, and wetlands. The use of these specialized oil spill products is limited by federal authorities.

CWA Section 311(d)(2) and Section 4201(a)(G) of the OPA 90 requires that the President, who delegated his response authority to the USEPA, to maintain a schedule of chemical and biological spill response countermeasures, including dispersants, that may be used to respond to oil spills to ensure that the products are used effectively and appropriately. Approval to use dispersants on an incident begins with the authorities laid out by the NCP. Subpart J ([40 CFR §300.910](#)) of the NCP is the USEPA's Product Schedule for these regulated chemical and biological countermeasures. The Product Schedule is where USEPA lists the registration of chemical and biological agents that have submitted required information and, once listed, may be considered for approval by the FOSC for use during an incident. The USEPA prepares and maintains this schedule online at: <http://www.epa.gov/emergencies/content/ncp/index.htm>. Dispersants and other response countermeasures are required to be on this schedule if they are to be considered for use during a response.³²

In general, if a chemical or biological agent or additive is listed on the NCP Product Schedule and is pre-authorized for use in the area under consideration, the FOSC/UC may consider it for use if the countermeasure is likely to provide value to the response. Countermeasure categories covered by the Product Schedule include:

- Dispersants,
- Surface Collecting Agents (Herders),
- Bioremediation Agents,
- Surface Washing Agent,
- Miscellaneous oil spill control agents, including:
 - Alternate Sorbents,
 - Elasticity Modifiers,

³² The one exception is when human health is at risk, any chemical countermeasure may be used at the discretion of the FOSC, with appropriate notifications.



- Emulsion Treating Agents,
- Shoreline Pre-treatment Agents,
- Solidifiers.

2.5.6.5 Controlled In Situ Burns

Controlled burning of oil in-situ is an option used on land and on water when conditions are appropriate and their use is approved. The use of burn agents requires RRT approval. Many RRTs have identified and pre-authorized areas where the use of in situ burning may provide value, at the FOSCs discretion.

2.5.6.6 Evaluating Countermeasures

Because oil spilled onto the water's surface quickly spreads, weathers, and becomes difficult to work with, there is usually little time for spill responders to research less familiar countermeasures such as solidifiers, dispersants, shoreline pretreatment agents, and elasticity modifiers. The *Selection Guide for Oil Spill Response Countermeasures* was developed as a way to evaluate the categories of less-familiar response technologies that are regulated under the NCP Product Schedule (40 CFR Subpart J, §300.900-920).

The Selection Guide provides a method to evaluate the individual response countermeasure for products listed on the [NCP Product Schedule](#) (or that need not be listed, in the case of sorbents). It also provides a step-by-step, automated process for determining which products might be useful depending upon the oil spill situation. The information in the Selection Guide is designed to be applicable nationwide within the United States. Both a print version and an e-version of the Selection Guide have been developed and are now available on the www.nrt.org webpage.

At this time, dispersants are not approved for use in freshwater environments. USEPA is the FOSC for inland areas which include most freshwater environments.

2.5.6.7 Authorizations for Product Use

Under guidelines set forth by 40 CFR §300.910, the FOSC may authorize the use of chemical or biological control agents listed on the NCP Product Schedule with the concurrence of the incident-specific USEPA representative to the RRT and, as appropriate, the RRT representatives from the state/commonwealths with jurisdiction over the navigable waters threatened by the release or discharge, and, as practicable, in consultation with the DOC and DOI natural resource trustees for pollution removal operations.

The process for expediting decisions regarding the use of products regulated by the NCP is detailed in the following subsections.

- **Pre-authorized Use of Chemical Countermeasures**

RRT and Area Committees have determined locations for chemical countermeasure use; they have identified conditions for use and signed a pre-



authorization agreement. If a spill meets the conditions outlined in the applicable RCP, then FOSC can approve to use chemical countermeasures within specified zones as soon as he/she believes they will provide greater benefit than if they are not used.

- **Approvals During an Incident**

Condition 1: If human health or safety is at immediate risk, the FOSC does not need approval for the use of dispersants or other chemicals as a protective measure; and

Condition 2: If the FOSC determines that the use of a regulated product is required and there is not a pre-authorization for its use, the FOSC may only use them with the concurrence of the USEPA representative to the RRT and state/commonwealth RRT representatives in consultation with the DOC and DOI natural resource trustees (also known as the Incident-Specific RRT; refer to Section 2.2.3.2 for more information).

Case-by-case decision making can be a time-consuming process that may delay product approval beyond the window of opportunity. This is especially true if some of the required RRT members cannot be reached immediately. In most instances, the USCG FOSC requests a decision by the Incident-Specific RRT within four hours of the initial request so that a decision for use of non-pre-authorized countermeasures is rendered in time to execute an effective application, within the “window of opportunity”.

2.5.6.8 Evaluating Other Countermeasures - New Technologies

During an incident response, there are likely to be many ideas, suggestions, and innovations brought forth by the response community, vendors, and the general public. Typically, under the direction of the Environmental Unit in planning, the [Alternative Response Technology Evaluation System \(ARTES\) program](#) is used to facilitate the development and adoption of innovative oil spill response technologies. It is designed to evaluate potential response tools on their technical merits, rather than on economic factors. ARTES is designed to work in concert with the NCP Product Schedule and the Selection Guide for Oil Spill Applied Technologies to evaluate the technologies and innovations brought forward during a response in order to determine their value to the response.

For more information about NOAA’s ARTES, refer to the website: <http://response.restoration.noaa.gov>.

2.5.6.9 Monitoring Requirements

During oil spill response, there is a need to monitor the use, effectiveness, and effects of response countermeasures to support decisions on whether or not the technologies or products are appropriate for use as well as to determine when to stop use of a response countermeasure. The objective of field testing and monitoring is to validate, for the spill-specific conditions, the findings and claims from laboratory tests and previous field use. The two primary measures of field monitoring are:



1. Effectiveness, as indicated by the amount of oil removed, recovered, or degraded; and
2. Effects, as indicated by impacts to organisms, habitats, and property during use of the response countermeasures.

FOSCs are strongly encouraged to use the specialized teams available to them, such as the Trustees, USEPA ERT, the USCG Strike Teams, the NOAA SSC, or START, when they consider evaluating, testing, and monitoring specialized response countermeasures during spill.

In the United States, RRT policies require that most chemical and biological countermeasure technologies be monitored to determine and document their effectiveness and to obtain data that can be used to consider the environmental effects of their use. The SMART protocols were developed by the USCG, NOAA, USEPA, CDC, and BSEE to be used to monitor certain applied technologies and to provide general guidance on establishing a monitoring system for rapid collection and reporting of real-time, scientifically-based information, in order to assist the UC in making informed decisions on the use of products regulated by the NCP or in situ burning.

2.5.6.10 Administrative Record for Selection of Response Action

In accordance with Subpart I of the NCP, the lead federal agency is responsible for establishing the administrative records to document the reasons for selection of response actions. Refer to 40 CFR §300.800-825 for more information on specific recordkeeping requirements.

2.6 RESPONSE TO NATURAL DISASTERS

<http://www.fema.gov/national-planning-frameworks>

When responding to natural disasters in the United States, the federal government has developed a series of National Preparedness Goals (see Section 2.2.7.6) that resulted in the crafting of five national frameworks to address these preparedness goals:

- [National Prevention Framework \(PDF\)](#)
- National Protection Framework (not released as of this publication)
- [National Mitigation Framework \(PDF\)](#)
- [National Response Framework \(PDF\)](#)
- [National Disaster Recovery Framework \(PDF\)](#)

Federal departments and agencies carry out their response authorities and responsibilities within this overarching construct.

With the decision to conduct all-hazards responses for incidents within each region, each RRT and their planning documents now address the components of response as defined by the NCP and the PPD-8. The Inland Area Committee involvement is not dictated by the NCP, but rather is a component of the National Preparedness Goals under PPD-8. In general, the members of the RRT and the Inland Area Committee will



only be involved in two components of the National Preparedness Goals: the NRF and the National Disaster Recovery Framework (see Section 2.2.7.6).

2.6.1 National Response Framework (NRF) and the IACP

The NRF is a guide to how the Nation responds to all types of disasters and emergencies. It is built on scalable, flexible, and adaptable concepts identified in the NIMS to align key roles and responsibilities across the Nation. It describes specific authorities and best practices for managing incidents that range from the serious but purely local to large-scale terrorist attacks or catastrophic natural disasters.

Types of Natural Disaster Hazards covered by the NRF:

- Tsunami,
- Tornado,
- Mudslide/Landslide,
- Hurricane/Tropical Storm,
- Extreme Temperatures,
- Flooding,
- Virus Threat,
- Drought,
- Dam/Levee Break,
- Wildfire,
- Earthquake,
- Severe Storm,
- Coastal Storm,
- Typhoon,
- Winter Storm,
- Fire,
- Volcano.

Hazards also covered by the NRF, that are man-made disasters (or caused by terrorism) include:

- Technological*,
- Terrorism*,
- Industry Hardship*,
- Chemical/Biological*,
- Nuclear/Radiological*.

*Covered in Response to Terrorism (Section 2.7)

In addition, the NRF:

- Describes the principles, roles and responsibilities, and coordinating structures for delivering the core capabilities required to respond to an incident and further describes how response efforts integrate with those of the other mission areas;
- Covers the capabilities necessary to save lives, protect property and the environment, and meet basic human needs after an incident has occurred; and



- Identifies mission areas and 14 core capabilities:
 1. Planning,
 2. Public information and warning,
 3. Operational coordination,
 4. Critical transportation,
 5. Environmental response/health and safety,
 6. Fatality management services,
 7. Infrastructure systems,
 8. Mass care services,
 9. Mass search and rescue operations,
 10. On-scene security and protection,
 11. Operational communications,
 12. Public and private services and resources,
 13. Public health and medical services,
 14. Situational assessment.

The NRF is composed of a base document and annexes that provide detailed information to assist with the implementation of the NRF:

- **ESF Annexes** are used to describe the federal coordinating structures that group resources and capabilities into functional areas that are most frequently needed in a national response;
- **Support Annexes** describe the essential supporting processes and considerations that are most common to the majority of incidents; and
- **Incident Annexes** describe the unique response aspects of incident categories.

2.6.2 General Roles and Responsibilities under the NRF

The USEPA has specific responsibilities and authorities to protect human health and the environment resulting from a natural disaster as dictated by the NRF (see Section 2.6.1).

Federal departments and agencies may have either a lead or support role in operations coordination.

Table 3 identifies the function area responsibilities for USEPA within the ESF Annexes and Support Annexes of the NRF.



Table 3 USEPA’s Functional Area Responsibilities Within the NRF

NRF Annexes and Support Annexes	ESF Coordinator/ Lead Agency	Support Agency
ESF #1 - Transportation		
ESF #2 - Communications		
ESF #3 - Public Works and Engineering		X
ESF #4 - Firefighting		X
ESF #5 - Information And Planning		X
ESF #6 - Mass Care, Emergency Assistance, Temporary Housing and Human Services		
ESF #7 - Logistics		
ESF #8 - Public Health and Medical Services		X
ESF #9 - Search and Rescue		
ESF #10 - Oil and Hazardous Materials	X	
ESF #11 - Agriculture and Natural Resources		X
ESF #12 - Energy		X
ESF #13 - Public Safety and Security		X
ESF #14 - Long-Term Community Recovery		X
ESF #15 - External Affairs		X
CIKR Support Annex		X
Financial Management Support Annex		X
International Coordination Support Annex		
Private Sector Coordination Support Annex		X
Public Affairs Support Annex		X
Tribal Relations Support Annex		X
Volunteer and Donations Management Support Annex		
Worker Safety and Health Support Annex		X

2.6.3 Funding for an NRF Response to Natural Disasters

Incidents that fall under a NRF response are funded through the Stafford Act³³. The Stafford Act provides the legal authority for the federal government to provide assistance to state/commonwealths during declared major disasters and emergencies and authorizes the delivery of federal technical, financial, logistical, and other assistance to state/commonwealths and localities.

Refer to Section 2.10.3 for more information on the funding mechanism for an NRF response to natural disasters/terrorism incidents.

³³ Oil and hazardous materials responses addressed under ESF #10 are funded by the responsible party or the Oil Spill Liability Trust Fund (OSLTF) as specified in the NCP. Refer to Section 2.10 for more information on the various funding sources for response under the NRF.



2.7 RESPONSE TO TERRORISM EVENTS

Terrorism is defined as "[An] act of terrorism, means any activity that (A) involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or any state, or that would be a criminal violation if committed within the jurisdiction of the United States or of any state; and (B) appears to be intended (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by assassination or kidnapping."³⁴

2.7.1 National Response Framework and Terrorism Events

The USEPA has specific responsibilities and authorities to protect human health and the environment from a pollutant or chemical regardless of the cause and in some cases may include hazards resulting from terrorism events. Examples of terrorism events include:

- Technological,
- Terrorism,
- Industry Hardship,
- Chemical/Biological*,
- Nuclear/Radiological*,
- Explosive.

Response to terrorism events is funded through the Stafford Act.³⁵

2.7.2 General Roles and Responsibilities

Under existing authorities, such as NCP, CERCLA, and CWA (as amended) USEPA is required to prepare for and respond to any release or threat of release of oil, hazardous substances, pollutants, or contaminants into the environment that may present an imminent and substantial threat to public health or welfare and the environment. USEPA participates in federal counter terrorism activities using the NCP. Other federal statutes and authorities do not allow USEPA to relinquish the authority under the NCP, even in the event of a terrorist attack.

When and if the President activates the NRF, USEPA has the lead function for the NRF's ESF #10 – Oil and Hazardous Materials.

Several Presidential Decision Directives (PDD) mandate USEPA to participate in a federal response program specifically aimed at preparing for and responding to terrorist incidents. They are:

³⁴ United States Code Congressional and Administrative News, 98th Congress, Second Session, 1984, Oct. 19, volume 2; par. 3077, 98 STAT. 2707 [West Publishing Co., 1984]

³⁵ Refer to *The Stafford Act: Robert T. Stafford Disaster Relief and Emergency Assistance Act, As Amended* for more information (April 2013), available from the USEPA OSC [Region III Inland Area Committee Website](#).



- [PDD-39 – U.S. Policy on Counterterrorism.](#)
- [PDD-62 – Protection Against Unconventional Threats to the Homeland and Americans Overseas.](#)

The PDDs establish the following relationships of the USEPA to lead agencies during a counter terrorism response (see Table 2 in previous section):

- If during the response, the incident is not yet determined to be terrorism-related—USEPA is the lead under the NCP;
- If the response is crisis management—the FBI is the lead agency. USEPA prepares to lead ESF #10 activities while providing technical support to the FBI; and
- If the response is consequence management—FEMA is the lead agency.

2.7.3 Funding for a Response to Terrorism

Terrorism events are responded to under the NRF and the NRDF and allows federal and state/commonwealth/local agencies and organizations to be reimbursed under the Stafford Act. The Stafford Act provides the legal authority for the federal government to provide assistance to state/commonwealths during declared major disasters and emergencies and authorizes the delivery of federal technical, financial, logistical, and other assistance to state/commonwealths and localities during declared major disasters or emergencies.

Refer to Section 2.10.4 for more information on the funding mechanism for an NRF response to natural disasters/terrorism incidents.

2.8 NOTIFICATION AND COMMUNICATIONS

There are federal, state/commonwealth, and local requirements for reporting spills of oil and hazardous materials. These requirements are addressed in the following subsections. Detailed notification lists for federal, state/commonwealth, and local contacts are contained in each respective SACP and/or the RRT Directory on the RCP website: <http://www.rtt3-rcp.nrt.org/production/NRT/RRT3-RCP.nsf/AllPages/HomePage.html>

2.8.1 Federal Statutory Notification Requirements

Federal regulations require that notification of an oil discharge or a hazardous substance release must be made immediately to the NRC at (800) 424-8802 (Figure 9 provides a flowchart of how notification procedures are handled). Statutory requirements for notification are provided in 33 U.S.C. §1321 of CWA and 42 U.S.C. §9603 of CERCLA. Notification requirements are codified in:

- 33 CFR §153.203 – Notice of the Discharge of Oil or a Hazardous Substance,
- 40 CFR §110.6 – Discharge of Oil,
- 40 CFR §117.21 – Determination of Reportable Quantities for Hazardous Substances,



- 40 CFR §302.6 – Designation, Reportable Quantities and Notification.

A further description of discovery and notification procedures can be found in 40 CFR §300.125, §300.300, and §300.405 of the NCP.

Any person or organization responsible for a release or spill is required to notify the federal government when the amount reaches a federally-determined limit. USEPA has established requirements to report oil spills to navigable waters or adjoining shorelines. USEPA has determined that discharges of oil in quantities that may be harmful to public health or the environment include those that:

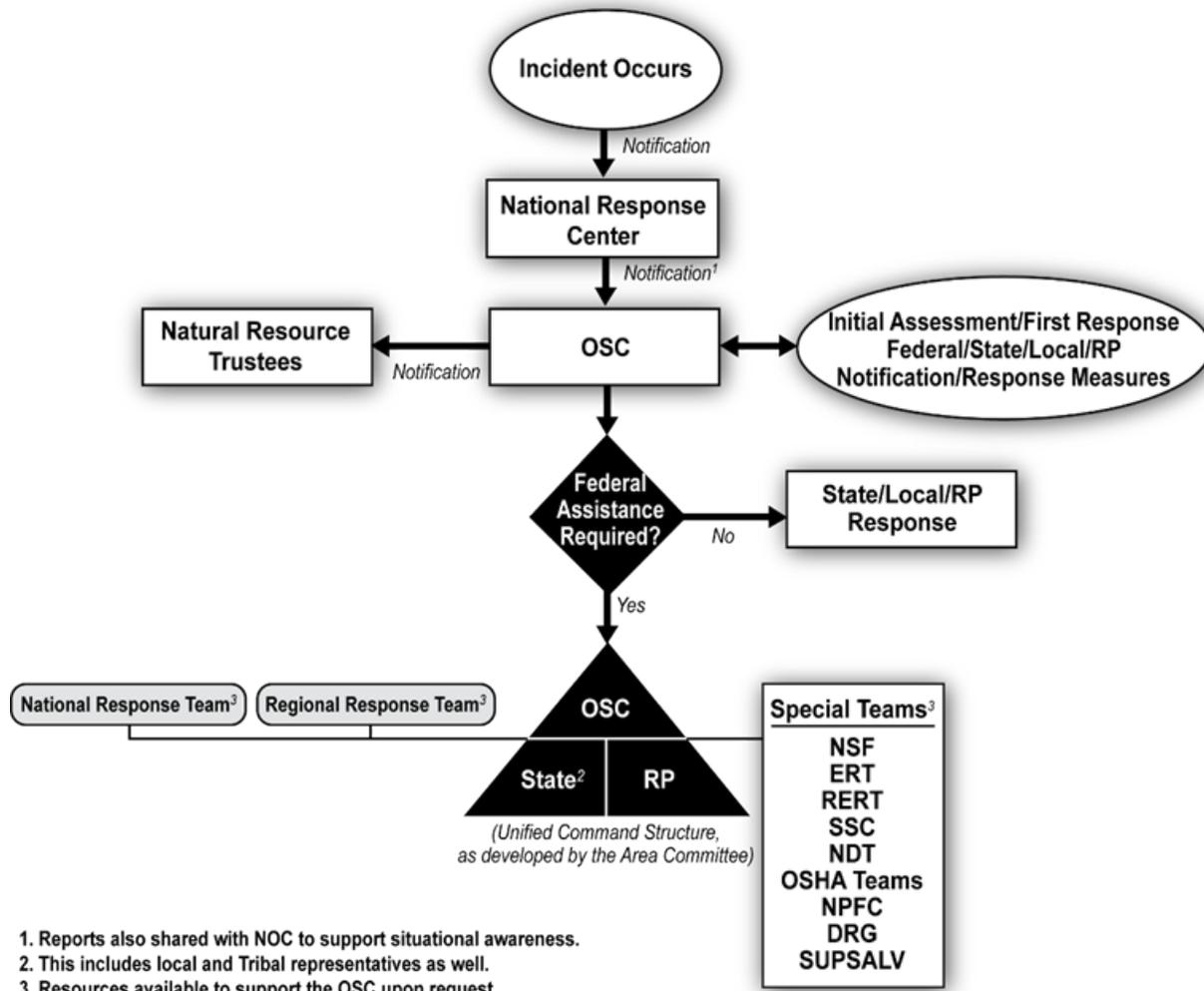
- Violate applicable water quality standards;
- Cause a film or "sheen" upon, or discoloration of the surface of the water or adjoining shorelines (as defined by 40 CFR §110.6); or
- Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

Any person in charge of vessels or facilities that discharge oil in such quantities is required to report the spill to the federal government. Oil spill reporting does not depend on the specific amount of oil spilled, but on the presence of a visible sheen created by the spilled oil. Reporting an oil discharge may also be required under the SPCC Rule.

For releases of hazardous substances, the federal government has established Superfund Reportable Quantities (RQs). If a hazardous substance is released to the environment in an amount that equals or exceeds its RQ, the release must be reported to federal authorities.

State/commonwealths may also have separate reporting requirements (provided in Section 3.0); however, anyone who discovers a hazardous substance release or oil spill is encouraged to contact the NRC at (800) 424-8802 to report it.

Figure 9 Notification Procedure



2.8.1.1 National Response Center (NRC)

The primary function of the NRC (staffed by USCG personnel) is to serve as the sole national point of contact for reporting all oil, chemical, radiological, biological, and etiological discharges into the environment anywhere in the United States and its territories. Additionally, the NRC takes reports on any incident, activity or behavior that an individual deems to be of a suspicious nature (including terrorism or suspected terrorism events).³⁶

The NRC acts as a federal 911 service for environmental incidents. Notice of an oil discharge or release of a hazardous substance in an amount equal to or greater than the reportable quantity must be made immediately in accordance with 40 CFR §300.300

³⁶ Refer to the National Response Center's webpage on Terrorism for a list of example suspicious activities (www.nrc.uscg.mil/terrorism.html).



and §300.405, respectively. Notification shall be made to the NRC Duty Officer, USCG HQ in Washington, DC at (800) 424-8802 or (202) 267-2675. All notices of discharges or releases received at the NRC will be relayed immediately by telephone to the appropriate pre-designated FOSC. An On-Line Reporting Tool is also available at: <http://www.nrc.uscg.mil/>.

The NRC is the operational link between the FOSC and the NRT/RRT.

2.8.2 Regional Notification Procedures

2.8.2.1 USEPA Region III Regional Response Center (RRC)

The RRC is the regional point of contact for coordinating a federal response to discharges of oil and chemicals as well as radioactive and biological contaminants. RRC is also a link to federal resources. The RRC relays call information to the state/commonwealth and coordinates with the state/commonwealth and the local response community. Although spills must be reported to the NRC, the RRC can be contacted for update information and other assistance from the USEPA Duty Officer. If needed, the RRC can get assistance from members of the RRT. The RRC 24-hour phone number is (215) 814-3255.

2.8.3 State/Commonwealth Notification Requirements

Emergency response notification requirements vary from state-to-state. They may be notified by the NRC or from within their own state/commonwealth. The call chain is activated based on the type of hazard/response and the triage for these events is coordinated by the state/commonwealth EOCs (refer to each state/commonwealth respective Section 3.0 for more information).

2.8.4 Public Notification

In accordance with 40 CFR §300.155, the lead agency shall designate a spokesperson who shall inform the community of actions taken, respond to inquiries, and provide information concerning the response action. All news releases or statements made by participating agencies shall be jointly coordinated and funneled through an Information Officer (IO) or a Joint Information Center (JIC). The spokesperson shall notify, at a minimum, immediately affected citizens, tribal, state/commonwealth and local officials, and when appropriate, emergency management agencies. FOSCs may consider use of the RRT or PIAT (Section 2.4.13.2.2) to assist in media relations and other community involvement activities. Responsible parties/potentially responsible parties may also implement community involvement activities.

Accurately informing the media, public, and stakeholders about a significant oil or hazardous substance incident requires constant, real-time coordination and collaboration within the incident command organization. Stakeholders, the public and the media may have perceptions that oil or hazardous substance incidents have associated environmental, health, and safety risks, which may or may not align with actual risks. Determining how to inform stakeholders about such concerns with credibility is the niche of risk communications.



The integration of traditional media and social media into response/crisis communication allows responders to leverage social dynamics and networks to encourage participation, conversation, and community – all of which can help spread key messages to your target audience and influence important health and safety decisions.

2.8.4.1 Joint Information Center (JIC)

At the discretion of the FOSC or lead agency, a JIC or a person designated to coordinate this effort shall be established. At a major spill incident, state/commonwealth and local officials shall coordinate community relations consistent with the JIC policy of the RRT. At a medium or minor spill, establishment of a JIC shall be at the discretion of the state/commonwealth and local officials.

The JIC is a central location designed to facilitate operation of the sharing of information and is the key to any crisis communication efforts. Through the collocation of public information professionals, the JIC speeds information release time, enhances information coordination and analysis, reduces misinformation, maximizes resources, and helps build public confidence in response efforts. A JIC:

- Is a physical location with tools to enhance the flow of public information;
- Provides a central working facility where Public Information Officers (PIOs) can gather;
- Allows PIOs to handle increased information needs by the media and the public during and after a crisis;
- Maximizes communication between different PIOs while minimizing conflicting or inaccurate information being sent to the media and the public; and
- Can provide “one-stop shopping” for the media which allows the media to focus on “official” information rather than scatter for other parts of the story.

USEPA FOSCs should coordinate all community and media concerns with the USEPA Office of Public Affairs. The PIAT is available to assist any USEPA FOSC. PIAT is an element of the NSFCC staff, which is available to assist FOSCs to meet the demands for public information during a response or exercise. Its use is encouraged any time the FOSC requires outside public affairs support. Requests for PIAT assistance may be made through the NSFCC or NRC.

2.8.4.2 External Communications (One-Way)

External communications often occurs on several fronts: media, government and elected officials, community stakeholders in the area, such as, tourism boards, fishing associations, local university scientists, and NGOs. Coordination between the responders and the external governmental authorities is very important to avoid sharing contradictory messages about the response. Specific agencies to coordinate will depend upon the particulars of the response, such as geographic location and proximity to shore, time of year, and magnitude of the pollution and potential impacts.



2.8.4.2.1 Media

Sharing response information with the media has traditionally been the responsibility of communications specialists who work under the mantle of public affairs, public relations, external communications, or crisis communications. External communications often have multiple purposes that include influencing public perceptions, opinions, and judgments about the incident. Traditional communication methods like radio and TV news media, print media, etc. must be incorporated as part of an effective crisis communication process. These communications should all be directed through the JIC, with FOSC approval.

2.8.4.2.2 Social Media

Emergency communications through internet sources is a growing trend. **Social media** is defined as the use of highly accessible and scalable electronic and mobile communication technologies for information sharing that is used to foster social engagement and develop two-way communication. Social media can be used as a primary means of communication or as a component of a multi-faceted communication strategy and can be further defined as providing:

- **One-Way Engagement:** This means using social media to post web-versions of your information. If you choose to do this, be sure that people know how to reach your organization should they have questions or want to interact with the information you share; and
- **Two-Way Engagement:** This means both sharing information about your organization *AND* being responsive to those who are engaging with you.

The use of electronic communication for information sharing and crisis communications is one of several methods that should be used to foster engagement and develop two-way communication between response agencies and the general public as well as other affected and potentially affected stakeholder groups. However, social media is not 100% effective – it only reaches those individuals that access these information sharing tools.

Many of the social media opportunities, however, provide a means of stakeholder involvement using both one-way and two-way communication methods like:

- Really Simple Syndication (RSS) feeds,
- Podcasts,
- Online video sharing,
- Microblogs (Twitter),
- Blogs,
- Social networking sites (Facebook, MySpace, etc.).

2.8.4.3 Community Relations and Stakeholder (Two-Way) Communication Efforts

Well-planned and well-executed crisis and emergency communication, fully integrated into every stage of the crisis response, can give the organization the critical boost necessary to ensure that limited resources are efficiently directed where truly needed.



Crisis and emergency communication encompasses the urgency of disaster communication with the need to communicate risks and benefits to stakeholders and the public. Crisis and emergency communication is the effort by experts to provide information to allow an individual, stakeholder, or an entire community to make the best possible decisions about their well-being within nearly impossible time constraints and help people ultimately to accept the imperfect nature of choices during the crisis.

Crisis and emergency communication requires that a decision must be made within a narrow time constraint, the decision may be irreversible, the outcome of the decision may be uncertain, and the decision may need to be made with imperfect or incomplete information. This type of communication represents an expert opinion provided in the hope that it benefits its receivers and advances a behavior or an action that allows for rapid and efficient recovery from the event.

USEPA has developed the *Seven Cardinal Rules of Risk Communication*³⁷:

- Rule 1: Accept and involve the public as a legitimate partner;
- Rule 2: Plan carefully and evaluate performance;
- Rule 3: Listen to the audience;
- Rule 4: Be honest, frank, and open;
- Rule 5: Coordinate and collaborate with other credible sources;
- Rule 6: Meet the needs of the media; and
- Rule 7: Speak clearly and with compassion.

Table 4 defines three successful indicators of determining if your community engagement effort for an oil and hazardous substance response was successful.

Table 4 Success Indicators

Success Indicator	Implementation Strategies
Community and stakeholder spill responses expectations are realistic and achievable.	Apply risk communication principles to convey limitations and opportunities of available response technologies. Prepare methods and tools that will help the community understand the realistic consequences of oil and hazardous substance spills.
The community trusts and has confidence in their response organization.	Make a commitment to community engagement. Identify stakeholders in the community and define the nature and level of their concerns – stakeholder mapping. Together, develop an engagement plan for oil and hazardous substance response.

³⁷ (Covello and Allen, USEPA Document OPA-87-020, April 1988). A copy of this document is available from USEPA's website: <http://www.epa.gov/publicinvolvement/involveork.htm>.



Success Indicator	Implementation Strategies
Community leadership and stakeholders are engaged, communicate and exchange timely and reliable information that meets the needs of their constituency and the response, which will facilitate compensation for damages and recovery	Develop staff skills in the use of strategies, methods, and tools that the Community Engagement Team can use to engage the community and meet community needs. Use skills on a daily basis during a schedule of routine community engagement activities

2.8.4.4 Response Liaisons

Community Liaison representatives can help gather information about community concerns and risk perceptions to share with the response organization as well as to facilitate appropriate engagement opportunities with trusted sources and community discussions and input. The Media and Public Relations personnel for the incident will be responsible for information which originates inside the response organization and how that information is released to the public.

2.9 WORKER HEALTH AND SAFETY

In a response taken under the IACP, whether by a lead agency or responsible party, an occupational safety and health (OSH) program, consistent with, and to the extent required by, 29 CFR §1910.120 should be made available for the protection of workers at the response site. As required by 40 CFR §300.150 of the NCP, response actions under the IACP will comply with any applicable provisions of the federal [OSH Act of 1970](#) (29 U.S.C. 651 et seq.) including:

- General Industry Standards (29 CFR Part 1910),
- Construction Standards (29 CFR Part 1926),
- The General Duty Clause (Section 5 of the OSH Act), as well as
- USEPA Worker Protection Standards (40 CFR Part 311).

Specifically, all personnel entering the response scene during a response action must have completed training requirements for hazardous waste site work in accordance with the HAZWOPER Regulation (29 CFR §1910.120). Contracts relating to a response action under the IACP should contain assurances that the contractor at the response site will comply with this program and with any and applicable federal and state/commonwealth OSH laws.

When a state/commonwealth or political subdivision of a state/commonwealth, without an OSHA-approved State/Commonwealth Plan, is the lead agency for response, the state/commonwealth or political subdivision must comply with standards in 40 CFR Part 311, promulgated by USEPA pursuant to Section 126(f) of SARA Title III.

The lead OSHA representatives in each of the Region III state/commonwealths are provided in Table 5.



Table 5 Lead OSHA Representatives

State/Commonwealth	State Lead OSH Agency	Federal OSHA
Delaware		x
District of Columbia		x
Maryland	x	
Commonwealth of Pennsylvania		x
Commonwealth of Virginia	x	
West Virginia		x

No action by the lead agency with respect to response activities under the NCP (or IACP) constitutes an exercise of statutory authority within the meaning of Section 4(b)(1) of the OSH Act. All governmental agencies and private employers are directly responsible for the health and safety of their own employees. Health and safety limitations shall apply during ICS emergencies.

2.9.1 Worker Health and Safety – USEPA

USEPA worker protection standards apply to state/commonwealth and local government employees, without OSHA-approved plans, engaged in HAZWOPER activities. OSHA regulations apply directly to private and federal employees and to those state/commonwealth and local government employees in state/commonwealths having OSHA-approved plans. OSHA and USEPA worker protection standards (29 CFR §1910.120 and 40 CFR Part 311) implement Section 126 of SARA Title III.

An employer conducting a cleanup must comply with all the requirements in (b) through (o) of OSHA’s HAZWOPER Regulation. The requirements of (b) through (o) of the standard specify a minimum of 24 hours of off-site training. During emergency responses, the employer must comply with 29 CFR §1910.120(q). If a post-emergency-response cleanup is done on plant property using plant or workplace employees, the employer must comply with the training requirements of 29 CFR §1910.38 (Emergency Action Plans), 29 CFR §1910.134 (Respiratory Protection), 29 CFR §1910.120, and other appropriate training made necessary by the tasks they are expected to perform. OSHA has developed a generic, non-exhaustive overview of the particular standards-related topic to protect workers involved in hazardous substance emergency response and cleanup operations, including oil spills. The publication “Training Marine Oil Spill Response Workers under OSHA’s Hazardous Waste Operations and Emergency Response Standard” (2001) is available from: <http://www.osha.gov/Publications/3172/3172.html>.

Based on experience with the standard (29 CFR §1910.120 [q][11][i]) during oil spills off the coasts of Texas, Alaska, and California, the hazards to employees vary widely in severity of potential injury or illness. For job duties and responsibilities with a low magnitude of risk, fewer than 24 hours of training may be appropriate for post-emergency cleanup workers. It is the expectation of OSHA that though the number of hours of training may vary, a minimum of 4 hours would be appropriate in most



situations. Moreover, petroleum spills are unique in that many people who assist in the cleanup may not engage in this activity on a recurring basis. In addition, for maximum protection of the environment, petroleum spills dictate that cleanup must be completed as soon as possible (OSHA Instruction CPL 2-2.251). The DOL RRT representative is responsible for determining site-specific training requirements.³⁸

2.9.2 Safety, Health and Environmental Management Program Officer (SHEMP) – USEPA

The USEPA Region III Safety, Health and Environmental Management Program (SHEMP) Officer is the primary safety resource person for the FOSC to consult. In addition, USEPA's ERT and the USCG Strike Teams have historically provided the USEPA FOSCs with site safety support where necessary. In addition, USEPA's START contactors possess the safety compliance expertise to draft the Health and Safety Plan. Typically, the FOSC also serves as the Safety Officer on most responses. However, on larger incidents, the Site Safety Officer is staffed separately from the FOSC. This decision on staffing remains solely up to the FOSC, but should be reviewed by the SHEMP and USEPA management where applicable.

2.9.3 Emotional Health Services

Emergency workers often experience delayed reactions to the death and destruction caused by explosion, fire, or oil and chemical releases. No one is immune to the tragedy and mental stress. Responders should be debriefed within 1 week of their return home. It is each member agency's responsibility to ensure that its employees have this type of training. Contact FEMA for materials that address this aspect of emergency response. The CISMT discussed in Section 2.4.3.1.8 is also available to provide support with emotional support.

2.9.4 Responder Decontamination

Personnel responding to an incident may become contaminated with substances from the scene in the course of response activities. 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

³⁸ Thomas M. Socha. Facility Integrated Contingency Planning: For Emergency Response and Planning. Writers Club Press. ISBN: 0-595-24781-4



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.

2.10 DOCUMENTATION AND COST RECOVERY

Application for reimbursement from CERCLA, OPA 90 or Stafford Act requires coordination with the FOSC or Federal Coordinating Officer (FCO) before the action is taken. Reimbursement from CERCLA or OPA 90 requires extensive documentation obtained during a response which must be consistent with the NCP. A summary of each federal funding source that may be used for hazardous substance responses is provided below.

1. **OPA 90** – The OPA 90 established a trust fund (The Oil Spill Liability Trust Fund [OSLTF]) as a funding source to pay removal costs and damages resulting from **oil spills** or substantial threats of oil spills to navigable waters of the United States. This fund is administered by the USCG – NPFC. When spills occur, the NPFC provides funding for quick response, compensates claimants for cleanup costs and damages, and takes action to recover costs from responsible parties. USEPA and USCG FOSCs may access the OSLTF to pay for the costs of federal activities to remove a discharge of oil to protected waters and shorelines under the CWA. The OSLTF is also available for the payment of certain claims for removal costs and damages resulting from an oil discharge to waters and shorelines as described by OPA 90 and NPFC regulations. In general, the spiller (responsible party) pays for all aspects of the response. Spills of mixed oil and other hazardous substances would be funded under the CERCLA Superfund Trust Fund.
2. **CERCLA** – CERCLA/SARA, also known as Superfund Trust Fund, provides funding for responses to hazardous substances, pollutants, and contaminants identified by CERCLA; the Superfund is administered by USEPA and may be accessed by USEPA and USCG FOSCs to fund federal responses, enforcement actions, and cost recovery actions to recover response costs from responsible parties. This includes responses to substances that are severely harmful to human health and environment like radioactive substances not under the purview of the DOE, certain chemical, biological, and other weapons of mass destruction. The statute provides funds for emergency response, removal, and remedial actions. These funds **cannot** be used on oil spills due to a petroleum exclusion in the law. Superfund typically is used for mixed oil and hazardous substance incidents.
3. **STAFFORD ACT** – The procedures for accessing federal funds for Presidential declared disasters have been developed by FEMA under the Stafford Act. Support to state/commonwealths is provided upon request from the State Coordination Officer and federal response is provided through MAs from the FCO



of the appropriate federal department and/or agency. Typical MAs for hazardous substance response involve technical assistance to state/commonwealth agencies assessing potential threats for household hazardous waste to regulated facilities. Response to federal property or managed lands and Superfund NPL sites is funded by the respective agency or department.

A PDF of the Stafford Act, as amended (April 2013) is available at: <http://www.fema.gov/library/viewRecord.do?fromSearch=fromsearch&id=3564>

2.10.1 Funding for Oil Spill Responses with the NCP

The OSLTF (also referred to as the Fund) is a billion-dollar fund established as a funding source to pay removal costs and damages resulting from oil spills or substantial threats of oil spills to navigable waters of the United States. The OSLTF is used for costs not directly paid by the polluter, referred to as the responsible party. The Fund is also used to pay, costs to respond to "mystery spills," for which the source has not been identified.

2.10.1.1 Liability of Responsible Party

Under the NCP, responsible parties are liable for damage claims and removal costs resulting from discharges or substantial threats of discharges of oil into or upon the navigable waters of the United States. For incidents with multiple responsible parties, such as a Joint Venture, the liability is "joint and several" – meaning that each responsible party is liable for the entire amount of removal cost and damages resulting from a spill.

The responsible party has primary responsibility for handling claims, including advertising, adjudication, and payment. A claims office may be established by the responsible party to serve the affected area and stakeholders for spills with large claims potentials. If the responsible party denies responsibility, proves unwilling or unable to deal with claims, or refuses to advertise, the NPFC will assume the role of responsible party for the purpose of receiving and paying claims.

2.10.1.2 Oil Spill Liability Trust Fund (OSLTF)

For cases where the responsible party is either unknown, or is unable or unwilling to meet this obligation, the OSLTF will pay for removal costs and claims. The OSLTF is administered by the USCG's NPFC in Arlington, VA, whose concurrent missions are to provide FOSCs with the financial resources to ensure timely and effective response, to ensure legitimate damage claims are liquidated expeditiously, and to ensure proper documentation of expenditures to facilitate cost recovery from responsible parties.

The OSLTF has two major components:

- The **Emergency Fund** is available for FOSCs to respond to discharges and for federal trustees to initiate natural resource damage assessments. The Emergency Fund is a recurring \$50 million available to the President annually.



- The remaining **Principal Fund** balance is used to pay claims and to fund appropriations by Congress to federal agencies to administer the provisions of OPA and support research and development.

2.10.1.2.1 Documentation Requirements

Government expenses must be properly documented in order to recover costs. Below are recommendations for cost accounting and gathering evidence. The NPFC has published a guidance manual, TOPs for Resource Documentation, to assist FOSCs with submitting required forms and reports to access the funds. This section will summarize the most important spill funding issues; readers are referred to the USCG website <http://www.uscg.mil/npfc/Publications/tops.asp> for details.

2.10.1.2.2 Who Can Access the OSLTF

- **All FOSCs** obtain immediate access to a funding account and ceiling for incident response through a Web application managed by the NPFC.
- **Other federal, state/commonwealth, local, and Indian tribal government agencies** assisting the FOSC get reimbursable funding authority via an FOSC-approved Pollution Removal Funding Authorization (PRFA). NPFC works with the FOSCs and the agencies to set PRFAs in place.
- **Natural resource trustees** (designated by the President, state/commonwealth, territorial Governor, or Indian tribal governing authority) have several tools for accessing the OSLTF to pay for natural resource assessments and restoration.
- **Claimants** (individuals, corporations, and government entities) can submit claims for uncompensated removal costs and OPA damages (listed above) caused by the oil spill to the NPFC if the responsible party does not satisfy their claims. NPFC adjudicates the claims and pays those with merit.

When responding to an oil pollution incident, and when the oil spill meets the regulatory criteria, the NPFC assigns a Federal Project Number (FPN) and assigns a dollar ceiling. As removal activities proceed, the FOSC may request an increase of the ceiling, and may be required to prepare a project plan to the NPFC. The costs of all purchases, contracts, services, and authorizations of activity are applied against the ceiling. Each contractor or government agency is responsible for keeping track of their costs during the removal and for staying within the limits authorized by the FOSC.

2.10.1.2.3 State/Commonwealth Access to OSLTF

USCG Commandant Instruction 16465.1 defines documentation for enforcement and cost recovery under Section 1012(d)(1) of OPA 90 (See Technical Operating Procedures for State Access Under Section 1012(d)(1) of the OPA 90, Enclosure (1) to NPFCINST 16451.1). Details of requirements for documentation and cost recovery can be found in Technical Operating Procedures for State Access.

OPA 90 allows state/commonwealth Governors to request payments of up to \$250,000, per incident, from the OSLTF for removal costs required for the immediate removal of a discharge, or the mitigation or prevention of a substantial threat of a discharge, of oil.



Requests are made directly to the FOSC who will determine eligibility. Following is a list of designated state/commonwealth officials authorized to access the fund.

State/Commonwealth	Authorized Official
DE	DNREC or DEMA*
DC	DCOEP*
MD	MDE
PA	PADEP
VA	VaDEM*
WV	WV DEP*

* OSLTF official agent authorization expired

A state/commonwealth Governor that anticipates the need to access the Fund must advise the NPFC in writing of the specific individual who is designated to make requests. The designation must include the person's name, address, telephone number, and title or capacity in which employed.

2.10.2 Funding for Hazardous Substances Pollution Responses with the NCP

Since its establishment, NPFC has served as the fiduciary agent for the portion of the Superfund used by the USCG. USEPA provides the funds to the USCG through IAGs which are used for the ongoing costs of building and maintaining response capabilities (training, equipment, personnel) and for costs incurred in removal operations following a CERCLA incident.

CERCLA authority includes response to intentional releases of industrial or military HAZMAT by terrorists, resulting in an overlap of pollution response and homeland security. The requirements for funding under CERCLA include:

- The spilled substance must be a hazardous substance, pollutant, or contaminant; this includes many chemicals and radioactive substances associated with terrorism (man-made) events³⁹;
- The substance **cannot** be oil; if oil is contaminated with CERCLA substances, then it is a CERCLA substance (e.g., oil contaminated with PCBs);
- The substance must impact land, water or air in the United States, territories, possessions and the Exclusive Economic Zone;
- The substance must pose an imminent and substantial threat to public health or welfare;
- Immediate emergency response is necessary;

³⁹ Responses to incidents involving radioactive substances under the purview of the DOE or DOD are covered under different funding sources and these agencies would serve as FOSC with USEPA and other federal agencies serving in a supporting role. Several agencies have overlapping authorities for regulating shipments of radioactive materials. DOT regulates the shipment of hazardous materials, including radioactive materials. The National Regulatory Commission regulates commercial activities of nuclear power plants. DOE ships commercial radioactive waste for storage and defense nuclear waste and weapons for storage or use. DOE and USEPA share responsibility for transportation of hazardous wastes or radioactive and hazardous waste mixtures generated at facilities operated by DOE under the authority of the Atomic Energy Agency (AEA).



- CERCLA allows the FOSC response flexibility in dealing with threats of an unknown nature (e.g., an anthrax response); and
- Response operations must comply with the NCP.

2.10.2.1 Liability of Responsible Party

Under the NCP with CERCLA funding, responsible parties are liable for removal costs resulting from discharges or substantial threats of discharges of oil into or upon the navigable waters of the United States. Unlike the OSLTF, CERCLA does not pay claims filed by injured third parties who must pursue damages through the courts.

For incidents with multiple responsible parties, such as a Joint Venture, the liability is “joint and several” – meaning that each responsible party is liable for the entire amount of removal cost and damages resulting from a spill. Costs are tracked and responsible parties are billed for these costs.

2.10.2.2 The CERCLA Fund

The CERCLA, commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment.

CERCLA, as amended by SARA, and the NCP provides authority for two types of response actions: removal actions and remedial actions.

Removal Actions

- Removal actions are short-term actions taken to:
 - Clean up or remove released hazardous substances, pollutants, or contaminants;
 - Mitigate a threat of release of hazardous substances;
 - Monitor and evaluate release conditions;
 - Dispose of removed material; and/or
 - Mitigate or prevent damage to public health, welfare, or the environment.

The NCP categorizes removal actions in three ways: (1) emergency removal actions, (2) time-critical removal actions, and (3) non-time-critical removal actions. These categories are based on the type of situation, the urgency of the threat of release, and the subsequent time frame in which the action must be initiated. **Emergency removal actions** are necessary when there is a release that requires on-site activities to begin within hours or days. **Time-critical removal actions** are taken in response to releases requiring on-site action within six months. **Non-time-critical removal actions** are taken when a removal action is determined to be appropriate, but a planning period of at least six months is available before on-site activities must begin.



Remedial Actions

- Long-term remedial response actions are taken to:
 - Permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but not immediately life threatening.
 - These actions can be conducted only at sites listed on USEPA's NPL.

CERCLA also enabled the revision of the NCP. The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the NPL.

2.10.2.3 Nuclear / Radiological Incidents

The Nuclear and Radiological Incident Annex of the NRF provides an overview of the response authorities and responding agencies roles for incidents that involve domestic management of nuclear or radiological materials.

Table 6 Coordinating Agencies for Nuclear/Radiological Incidents

Nuclear/Radiological Facilities or Materials Involved in Incident	Coordinating Agency
Nuclear facilities: (1) Owned or operated by DOD or DOE (2) Licensed by NRC or Agreement State (3) Not licensed, owned, or operated by a Federal agency or an Agreement State, or currently or formerly licensed facilities for which the owner/operator is not financially viable or is otherwise unable to respond	(1) DOD or DOE (2) NRC (3) USEPA
Radioactive materials being transported: (1) Materials shipped by or for DOD or DOE (2) Shipment of NRC or Agreement State-licensed materials (3) Shipment of materials in certain areas of the coastal zone that are not licensed or owned by a Federal agency or Agreement State (see DHS/USCG list of responsibilities for further explanation of "certain areas") (4) All others	(1) DOD or DOE (2) NRC (3) DHS/USCG (4) USEPA
Radioactive materials in space vehicles impacting within the United States: (1) Managed by NASA or DOD (2) Not managed by DOD or NASA and impacting certain areas of the coastal zone (3) All others	(1) NASA or DOD (2) DHS/USCG (3) USEPA
Foreign, unknown, or unlicensed material: (1) Incidents involving inadvertent import of radioactive materials (2) Incidents involving foreign or unknown sources of radioactive material in certain areas of the coastal zone (3) All others	(1) DHS/CBP (2) DHS/USCG (3) USEPA
Nuclear weapons	DOD or DOE (based on custody at time of incident)
All deliberate attacks involving nuclear/radiological facilities or materials, including RDDs or INDs 4,5	DHS

Source: Nuclear and Radiological Incident Annex of the National Response Framework, May 2013.



2.10.2.4 State/Commonwealth Access to the CERCLA Fund for Reimbursement

No explanation is available at this time for funding under these conditions – it is expected to be the same as other CERCLA responses.

2.10.3 Funding for Natural Disaster Responses Under the NRF

The purpose of the NRF is to provide a coordinated approach across the federal government for **any** emergency or major disaster, to rapidly assist state/commonwealth and local government. The NRF covers the full range of complex and constantly changing requirements in anticipation of, or in response to, threats or actual incidents and includes an annex to address oil and hazardous materials response, ESF #10, which dictates that the federal response to oil spills is carried out in accordance with the NCP. ESF #10 responses can be activated and funded solely under the Stafford Act Disaster Relief Fund, under the NCP by accessing the OSLTF, or by some combination of the two. The NCP is an operational supplement to the NRF

The NCP can either serve as the sole federal response authority to a maritime or inland oil spill, or it can be supplemented by the NRF. USEPA and USCG FOSCs can request DHS to activate NRF elements while still retaining their overall leadership for the federal response if they are responding to an oil or hazardous substance response during the course of a natural disaster or terrorism event.

Additionally, ESF #10 can also be activated “to respond to actual or threatened releases of materials **not typically responded to under the NCP** but that pose a threat to public health or welfare or to the environment.” Appropriate ESF #10 response activities to such incidents can include:

- Water quality monitoring and protection;
- Air quality sampling and monitoring; and
- Protection of natural resources.

Conversely, an ESF#10 response does not name the responsible party in the hierarchy or organization of the response and has not funding mechanism stated that addresses any oil wildlife rescue and recovery needs.

2.10.3.1 Funding Under the Stafford Act Disaster Relief Fund (DRF)

The Disaster Relief Fund (DRF) is available for purposes of the Stafford Act response. Reimbursements may be provided from the DRF for activities conducted pursuant to these actions. The DRF is **not** available for activities no authorized by the Stafford Act, for activities undertaken under other authorities or agency missions, or for non-Stafford Act incidents requiring a coordinated federal response.



Incidents that fall under the NRF can be wholly or partially funded through the Stafford Act, depending on the nature of the MA⁴⁰ or pre-scripted MA⁴¹ administered by FEMA. MAs are only issued during the emergency response phase of an incident, utilize federal agency resources when the response is beyond state/commonwealth and local capabilities and involve only non-permanent work. Three types of MAs include:

1. Federal Operations Support – federal request for assistance; no state signature (no state cost sharing);
2. Technical Assistance – State request; state signature required (no state cost sharing); and
3. Direct Federal Assistance – State request; state signature required (25% cost sharing)

USEPA has negotiated pre-scripted MAs for specific assignments and specific potential disasters within the region. They are developed to facilitate a rapid response and standardize MAs within a region.

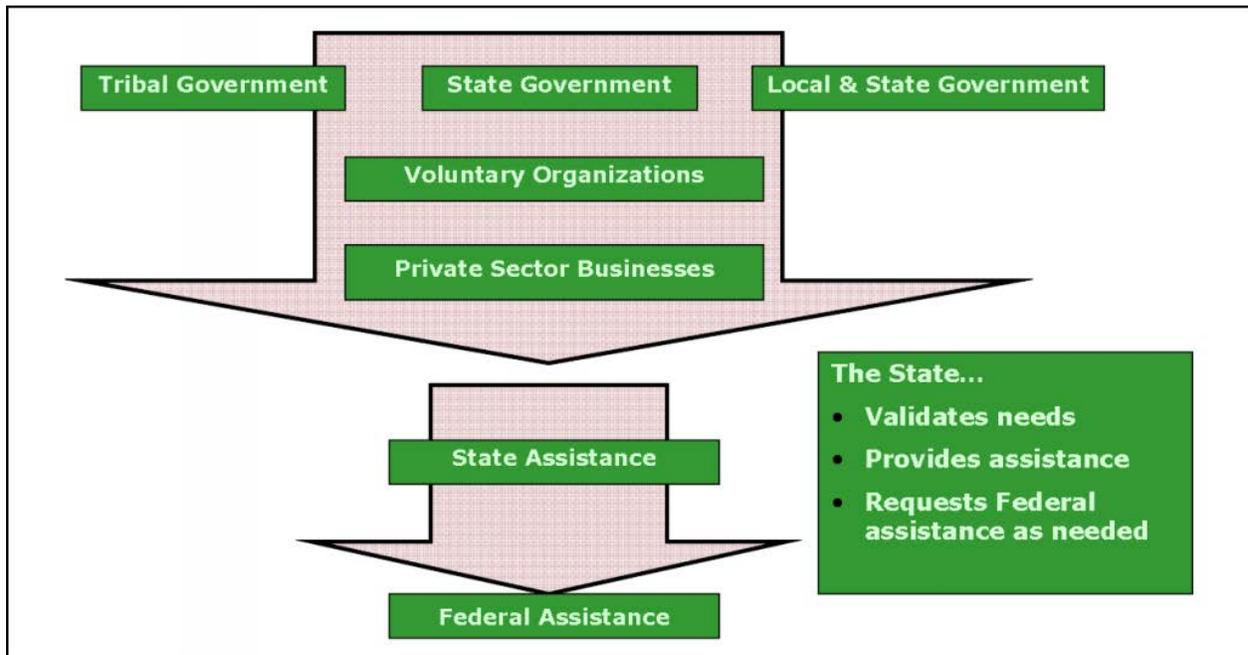
Section 611 of the Stafford Act authorizes the Administrator of FEMA to prepare federal response plans and programs and to coordinate these plans with state/commonwealth efforts. Today the NRF is the federal government's administrative mechanism to integrate effective practices in emergency preparedness and response into a national framework for incident management. The NRF is **not** a binding and enforceable regulation like the NCP; instead the NRF identifies programs and processes by which the federal government provides emergency and major disaster assistance to state and localities.

The Stafford Act provides the legal authority for the federal government to provide assistance to states during declared major disasters and emergencies and authorizes the delivery of federal technical, financial, logistical, and other assistance to state/commonwealths and localities during declared major disasters or emergencies. FEMA coordinates administration of disaster relief resources and assistance to state/commonwealths. Federal assistance is provided under the Stafford Act if an event is beyond the combined response capabilities of state and local governments.

⁴⁰ An MA is a unique IAG governed by the Stafford Act. It is intended to meet urgent immediate and short-term needs of a state/commonwealth that is unable to provide resources necessary to save lives, or protect public health, public safety, and property. More specifically, an MA is tasking issued by FEMA directing other federal agencies and components of DHS to prepare for or respond to a Stafford Act event under the NRF. Typically, MAs are issued at the Regional /JFO level by the FCOs or other approved FEMA authorities.

⁴¹ A pre-scripted MA is used to facilitate a rapid response and standardize MAs. The pre-scripted MA provide template statements of work language and estimated costs for work typically performed by a federal agency; they do not obligate the federal agency to perform pre-identified missions. Each MA shall be considered by the requested agency on an incident-specific basis. Agencies can either accept or reject the requirement based on current and expected operational demands.

Figure 10 Who can request federal assistance under the Stafford Act



For accessing the Stafford Act funds, there are several criteria:

- Must be a Presidential Declaration of Disaster (natural or other);
- The affected state that has requested assistance will contribute matching funds; and
- FEMA has issued a MA to the USEPA or USCG identifying the work to be done and authorizing expenditure of funds.

The use of Stafford Act funds differs from NCP pollution response funding. With the Stafford Act, the state/commonwealths are expected to deal with most problems, and the federal government becomes involved when state resources are not sufficient for the response and typically there is no responsible party to bill associated with the incident. Additionally, Stafford Act funded responses can be geographically limited (to certain counties in a state due to the terms of the disaster declaration).

FEMA and USEPA reached an agreement that was executed in May 2001 for FEMA to utilize Stafford Act funds to reimburse USEPA for specific emergency response activities related to hazardous materials (hazardous substances, pollutants, contaminants, and oil) under ESF #10, when there is an Emergency or Major Disaster Declaration. Refer to <http://www.fema.gov/public-assistance-9500-series-policy-publications/policy-guidance-emergency-support-function-10> and 44 CFR Part 206 for more information on this agreement and the key components of a disaster response that are funded and not funded under this agreement. During a disaster, the NPFC will coordinate the ESF-10 funds among the responding FOSCs, FEMA and USEPA Regional Offices, and the Joint Field Offices set up in each state, as prescribed by the NRF. The funding for a Stafford Act pollution response will generally be under ESF #10 – Oil and Hazardous Materials activation.



For additional information on the Stafford Act, as amended, including funding, refer to FEMA's "*The Stafford Act: Robert T. Stafford Disaster Relief and Emergency Assistance Act, As Amended*" April 2013, available from the [USEPA OSC Region III Inland Area Committee Website](#).

2.10.3.1.1 Federal Departments and Agencies Acting Under Their Own Authorities

Immediate lifesaving assistance to state/commonwealths, as well as other types of assistance, such as wild land firefighting support or response to an agricultural disease or cyber security incident, are performed by federal departments or agencies under their own authorities and funding or through reciprocal mutual assistance agreements and do not require a Stafford Act declaration. Some federal departments or agencies conduct or may lead federal response actions under their own authorities using funding sources other than the DRF. For example, specific trust funds are established under federal environmental laws to support and fund oil and hazardous substances response operations.

2.10.3.1.2 Federal-to-Federal Support

Federal departments and agencies may execute interagency or intra-agency reimbursable agreements in accordance with the Economy Act or other applicable authorities. The *Financial Management Support Annex to the NRF* contains information about this process. A federal department or agency responding to an incident under its own authorities may also request support from the Secretary of Homeland Security in obtaining and coordinating additional federal assistance. The Secretary of Homeland Security may activate one or more ESFs to provide the requested support.

2.10.3.1.3 Proactive Response to Catastrophic Incidents

Prior to, and during catastrophic incidents, especially those that occur with little or no notice, the federal government may mobilize and deploy assets in anticipation of a formal request from the state/commonwealth. Such deployments of significant federal assets would occur in anticipation of or following catastrophic incidents involving chemical, biological, radiological, nuclear, or high-yield explosive weapons of mass destruction; large-magnitude earthquakes; or other natural or man-made incidents affecting heavily populated areas. Proactive efforts are intended to ensure that federal resources reach the scene in time to assist in reducing disruption of normal functions of state/commonwealth and local governments and are done in coordination and collaboration with state/commonwealth and local governments, private sector entities, and NGOs when possible.

2.10.4 Funding for Natural Disaster/Terrorism Responses

No explanation is available at this time for funding under these conditions – it is expected to be the same as other CERCLA responses.



2.11 WASTE MANAGEMENT / DISPOSAL

Response/remedial actions associated with cleaning up oil and/or hazardous substance spills/releases result in accumulating materials (i.e., investigative derived waste) that will require proper disposal, such as containers of oil or hazardous substances, contaminated debris/sorbents/PPE, and oiled (deceased) animals. Disposal of the waste materials will be done in accordance with applicable federal and state/commonwealth regulations. Section 121(d) of the CERCLA as amended by SARA requires that on-site remedial actions must attain (or waive) federal and more stringent state/commonwealth applicable or relevant and appropriate requirements (ARARs) of environmental laws.

Pursuant to 40 CFR §300.400(g) of the NCP, a list of ARARs and other to-be-considered benchmarks, advisories, criteria, and guidance will be developed for a site or sites to identify requirements that may apply to site investigations, remedial investigations, remedial response actions, and risk assessments. ARARs include cleanup standards, standards of control, and other substantive environmental protection requirements promulgated under federal or state law that specifically address a hazardous substance, pollutant, contaminant, remedial action, location, or other circumstance at a CERCLA site. Types of ARARs include:

- *Chemical-specific ARARs* are health- or risk-based concentration limits or discharge limitations in various environmental media for specific hazardous substances, pollutants, or contaminants; they generally set protective cleanup levels for the chemicals of concern;
- *Location-specific ARARs* are restrictions on activities that are based on the characteristics of a site or its immediate environment (e.g., wetlands or wilderness areas); and
- *Action-specific ARARs* are usually technology- or activity-based requirements or limitations on actions taken with respect to site remediation (i.e., hazardous waste management or wastewater treatment) and are triggered by the by specific response actions.

The assessment of ARARs is an integral part of the remediation process mandated under CERCLA and SARA (42 U.S.C. Sec. 9601-9675 [1991]).

When the specific characteristics of the specific hazardous substances, pollutants, or contaminants are not known, it is necessary to first have the waste material analyzed according to 40 CFR Part 261. Further analytical service support can be obtained from the Office of Analytical Services and Quality Assurance (OASQA) at Fort Meade at: <http://www.epa.gov/req3esd1/3ea20.htm>.

If the recovered material is classified as hazardous waste, it must be properly manifested prior to transportation. The manifest will include the USEPA identification number as well as other information about the generator, the transporter, and the treatment, storage, or disposal (TSD) facility receiving the waste. The FOSC will be responsible for obtaining the USEPA generator number from the appropriate state/commonwealth agencies. Appropriate contacts can be found in the SACPs.



The FOSC must comply with the procedures for planning and implementing off-site response actions (also known as USEPA's "Off-Site Policy") that should be observed when a response action under the CERCLA or Section 7003 of the RCRA involves off-site treatment, storage or disposal of CERCLA waste. The purpose of the policy is to prevent present and future environmental problems by sending response action waste to land disposal facilities that have been determined to be environmentally sound (i.e., do not have a history of known releases).

Section 121(d)(3)(B) of SARA requires USEPA to determine that waste being shipped off site for disposal as a result of a spill response action is going to a TSD facility that has undergone a RCRA Facility Assessment and approved for receipt of Superfund wastes.

Additional information about USEPA's Off-Site Policy can be found at: <http://www.epa.gov/fedfac/documents/epa188.htm>, while information about ARAR's is available at: <http://www.epa.gov/superfund/policy/remedy/sfremedy/arars.htm>.

2.12 FOSC REPORT REQUIREMENTS

As per the NCP (40 CFR §300.165) and as requested by the NRT or RRT, the FOSC/RPM shall submit to the NRT or RRT a complete report on the removal operation and the actions taken during an emergency event, clean-up and removal event, and/or a remedial event. The RRT shall review the FOSC Report and send to the NRT a copy of the FOSC Report with its comments or recommendations within 30 days after the RRT has received the FOSC Report. The FOSC Report shall include: a summary of events, effectiveness of removal actions, difficulties encountered, and recommendations. Further guidance on preparation of FOSC Reports can be found in "Removal Response Reporting: OSC Reports" (June 1994).

Should the FOSC not prepare an FOSC Report, then USEPA Region III policy requires that a Closeout Special Bulletin be provided. This Bulletin shall include: a summary of the incident, the resources committed, roster of agencies, organizations and individuals, and future considerations. This bulletin can be separate or combined with the required Final Pollution Report (POLREP). Guidance on preparation of a POLREP can be found in "Removal Response Reporting: POLREPS" (June 1994).

Guidance documents and templates referenced in this section are available on the USEPA OSC [Region III Inland Area Committee Website](#).

2.13 NATURAL RESOURCE DAMAGE ASSESSMENT (NRDA)

Natural Resource Damage Assessment (NRDA) is the process by which the Trustees of Natural Resources identify and quantify the resource injuries and evaluate the monetary value ("damages") of impacted resources for the purpose of restoration. Successful pursuit of NRDA actions, either by the trustees alone or in cooperation with the responsible party(ies), is a complex process comprising numerous tasks involving the interaction of scientists, economists, lawyers, and administrators. The DOI and NOAA NRDA rules (43 CFR Part 11 and 15 CFR Part 990, respectively), establish the



procedures for determining the merits of going forth with the assessment of injury to natural resources and quantifying natural resources damages, and developing a claim for the natural resource damages resulting from the incident or the response actions for the incident based on the following three elements:

1. The cost or value of restoration to baseline conditions (i.e., the natural resources or services before the incident);
2. The cost or value of making up for interim injury or losses (i.e., the loss of natural resources or services provided by those resources from the time of the incident impact until the resources or services are returned to baseline); and
3. The reasonable cost of assessment including restoration planning and development, agencies' indirect costs, and the legal costs.

It is important to recognize that while response and NRDA efforts are administratively separate from response to the spill, close coordination with response activities, especially in the collection of ephemeral data, will greatly reduce the potential for redundant or potentially conflicting field activities.

Information about the NRDA process within the various agencies is located at the following websites:

- USEPA – <http://www.epa.gov/superfund/programs/nrd/index.htm>,
- DOI – <http://www.doi.gov/restoration/index.cfm>,
- NOAA – <http://www.darrp.noaa.gov/about/index.html>.

2.13.1 Lead Administrative Trustee (LAT)

The LAT is responsible for facilitating the coordination of NRDA needs and activities of 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 injury to natural resources. The LAT will coordinate with the SSC, FOSC, the responsible party, and legal specialist as necessary for possible coordination of NRDA or injury determination activities. Coordination and NRDA can also include the following:

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



3.A STATE OF DELAWARE RESPONSIBILITIES

This plan satisfies requirements contained in the State of Delaware Oil and Hazardous Substance Incident Contingency Plan.

Contact information with specific State/Commonwealth contact lists is provided at the [Region III Inland Area Committee Website](#).

3A.1 AREA OF RESPONSIBILITY

The State of Delaware designates the Delaware Department of Natural Resources and Environmental Control (DNREC), as the agency unit responsible for the response to oil and hazardous substances in the counties of Kent, New Castle, and Sussex, and in the City of Wilmington. Members of the DNREC Emergency Response Team (ERT) come from scientists in the Division of Waste and Hazardous Substances (DWHS) and enforcement officers in the Environmental Crimes Unit (ECU). The responder on-call can be reached through the 24-hour notification number **(800) 662-8802**, available 24 hours a day, 7 days a week. During work hours, Monday through Friday, 8:00am to 4:30pm, the main office number is **(302) 739-9404**.

3A.2 DELAWARE ORGANIZATIONAL FRAMEWORK (RESPONSE SYSTEMS)

The Delaware [State Emergency Response Team \(SERT\)](#) consists of the following:

- Delaware DNREC – ERT,
- Delaware Emergency Management Agency (DEMA),
- Civil Support Teams,
- Incident Management Assist Teams (IMATs),
- Hazmat Response Teams,
- Urban Search and Rescue Teams (USARs),
- Delaware State Fire School,
- Delaware State Police,
- Delaware Department of Transportation (DelDOT),
- Department of Health and Social Services, Division of Public Health,
- Local fire companies.

3A.2.1 Elected and Appointed Officials Role During an Incident

3A.2.1.1 Governor of the State of Delaware

The State Governor, an elected official for the State of Delaware, appoints the members of the State Emergency Response Commission (SERC) to satisfy Title III of SARA, which is known as EPCRA. For current information about Delaware Governors visit the following websites:

- Governor - <http://governor.delaware.gov/index.shtml>,
- Lieutenant Governor - <http://ltgov.delaware.gov/default.shtml>.



3A.2.1.2 Secretary of Delaware DNREC

The Secretary of Delaware DNREC is appointed to the role of Secretary of the Environment and Energy for Delaware by the Governor of the State. This role includes chief stewardship of Delaware's natural resources, assures environmental protection, provides overall direction and management for the Department, and central administrative functions, such as: policy development, program coordination, information and systems management, financial and human resource management, Coastal Zone Act administration, and public information and education.

<http://www.dnrec.delaware.gov/Admin/Pages/ots.aspx>

3A.2.1.3 Director of Delaware Emergency Management Agency (DEMA)

Under the State of Delaware Emergency Operations Plan (DEOP)¹, DEMA is the lead agency for coordination of comprehensive emergency preparedness and response. The governor has appointed the Director of DEMA as the State Incident Commander by Executive Order #13.

http://governor.delaware.gov/orders/exec_order_13.shtml

DEMA is part of the Department of Safety and Homeland Security (see Section 3A.2.3.1 for more detail).

3A.2.1.4 State Fire Marshal

The State Fire Marshal's Office (SFMO) functions as an independent state agency under the State Fire Prevention Commission. The State Fire Marshal is appointed by the State Fire Prevention Commission and serves a four year term. The SFMO is responsible for ensuring compliance with state fire prevention statutes, thereby providing for a safe environment in the State of Delaware.

<http://www.statefiremarshal.delaware.gov/aboutagency.shtml>

3A.2.1.5 Members of U.S. Congress

U.S. House of Representatives

One member of congress represents Delaware in the House of Representatives in Washington, DC. A complete list and contact information for each U.S. Representative is available at <http://www.house.gov/representatives>.

U.S. Senate

Two Senators represent the State of Delaware in Washington, DC. A complete list and contact information for each U.S. Senator is available at http://www.senate.gov/general/contact_information/senators_cfm.cfm.

¹ Refer to Section 3A.5.4 for more information on the DEOP.



3A.2.1.6 Members of State of Delaware's Legislative Branch

The General Assembly for the State of Delaware is responsible for reviewing and developing State Code and Regulations, including those related to emergency response to all hazards.

<http://legis.delaware.gov/>

Delaware State Senate

The Senate is composed of 21 members, each of whom is elected to a 4-year term, except when reapportionment occurs, at which time Senators may be elected to a 2-year term.

Delaware House of Representatives

The House of Representatives is composed of 41 members, each of whom is elected to a two year term.

3A.2.2 Resource Protection

3A.2.2.1 Delaware Department of Natural Resources and Environmental Control (DNREC)

DNREC, Emergency Response Team (ERT)

The [Delaware DNREC](#) ERT is the state's Hazardous Materials Response Team under the DEOP², Emergency Support Function 10, and the Delaware Oil and Hazardous Substance Incident Contingency Plan (also known as the SERT Plan). The SERT Plan provides Delaware's oil and hazardous substance contingency strategy for the state response system and policy. The three levels of emergency response under the SERT Plan are detailed in Section 3A.5.3. The Delaware DNREC ERT contact number for this response area is **(800) 662-8802**.

3A.2.2.2 State Trustees

State/Federally Recognized Indian Tribes

There are currently no federally recognized Indian Tribes located within the State of Delaware.

The **Lenape Indian Tribe of Delaware** is a state-recognized Native American Tribe that represents the citizens of a Lenape Tribal Community concentrated in central Kent County, Delaware.

<http://www.lenapeindiantribeofdelaware.com/home.html>

<http://www.bia.gov/index.htm>

² Refer to Section 3A.5.4 for more information on the DEOP.



Federal Installations within Delaware

Dover Air Force Base, home of the 436th Civil Engineer Squadron, provides the resource protection, environmental quality, infrastructure and/or facility maintenance and repair, and human services necessary to support Dover Air Force Base.

To locate a person or organization on Dover Air Force Base, contact the base operator at (302) 677-3000.

<http://www.dover.af.mil/>

3A.2.3 Emergency Management

3A.2.3.1 Delaware Emergency Management Agency (DEMA)

<http://dema.delaware.gov/>

DEMA is responsible, under the DEOP (see 3A.5.4), for managing response efforts for all hazards under the Department of Safety and Homeland Security (DSHS) and is authorized by Delaware Code, Title 20, Chapter 31 §3101-3130. During the highest response level under the SERT Plan, DEMA serves as coordinator with USEPA for all hazards, including spills of oil and hazardous substances as well as natural disasters. DEMA plays a major role in a spill response if the spill crosses county lines or if the spill exceeds the capabilities of local resources. DEMA assists with activating mutual aid under the Emergency Management Assistance Compact (EMAC) and assists with cost recovery under the Stafford Act. DEMA also assists counties with pre-emergency planning and approves county emergency response plans. The DEMA contact number for this response area is **(877) SAY-DEMA, (877) 729-3362**.

The Delaware SERC is made up of representatives from state and local government organizations and industry. The primary focus of the SERC is to enhance state and local emergency response and preparedness capabilities through better coordination and planning. The Executive Director of SERC is from the DEMA State Emergency Operations Center. The Secretary of the DSHS and DNREC Director of DWHS serve as chair and vice-chair, respectively, for the SERC.

<http://www.dnrec.delaware.gov/SERC/Pages/Default.aspx>

3A.2.4 Health and Safety

3A.2.4.1 Delaware Department of Health and Social Services (DE DHSS)

<http://www.dhss.delaware.gov/dhss/>

The Delaware Department of Health and Social Services, Division of Public Health assists Delaware DNREC in its response to emergencies where there are public health issues to be addressed. DE DHSS industrial hygiene, public health, and medical professionals are available to assist with risk management decisions. DE DHSS is the state's lead agency for biological emergencies, including biological terrorist attacks. The



DE DHSS contact for this area is the Division of Public Health's Health Systems Protection Professional.

3A.2.5 Roles of Other State and Local Emergency Organizations

3A.2.5.1 Delaware Department of Safety and Homeland Security (DSHS)

<http://dshs.delaware.gov/>

The DSHS is committed to protecting the lives and property of the citizens and visitors to Delaware. The DSHS Secretary serves as chair for the SERC and is integral in the planning and preparation for all hazards with the goal of protecting the people and property of Delaware. The department is made up of a number of agencies that support the DSHS mission including the Delaware State Police and the Delaware Intelligence and Analysis Center.

3A.2.5.2 State Emergency Response Team (SERT)

<http://www.dnrec.delaware.gov/whs/awm/EPR/Pages/StateEmergencyResponseTeam.aspx>

The SERT responds to releases of oil and hazardous materials, including non-fixed facility radiological releases, in the State of Delaware. SERT is made up of a number of agencies (as listed in Section 3A.2) to provide an organized structure for coordination and control of incident management.

3A.2.5.3 Local Emergency Response Committees (LEPCs)

<http://www.dnrec.delaware.gov/SERC/LEPC/Pages/LEPCs.aspx>

Delaware has four LEPCs that report to and receive guidance, funding, and oversight from the SERC:

- New Castle County LEPC,
- Kent County LEPC,
- Sussex County LEPC,
- City of Wilmington LEPC.

EPCRA law requires that each LEPC prepare an emergency response plan for its district that includes information such as potential chemical hazards and procedures to be followed in the event of a chemical emergency.

3A.2.5.4 Community Emergency Response Team (CERT)

The CERT program for Delaware, Citizen Corps, is a community-based group that includes ordinary citizens who, with training, are able to provide basic emergency skills until trained emergency response personnel arrive. The CERT program consists of training in the following areas: Team Organization, Disaster Preparedness, Medical Operations, Fire Suppression, Disaster Psychology, Light Search and Rescue, Animals and Disaster, and Terrorism.



- Delaware Citizens Corps: <http://www.delawarecitizencorps.org>,
- DEMA Citizens Corps – CERT Training:
http://dema.delaware.gov/citizen_corp/cert.shtml

3A.3 DELAWARE REGULATIONS AND REQUIREMENTS

Delaware state regulations which may apply during a spill of oil or hazardous substance include, but are not limited to the following:

- **Title 7, Delaware Code, Chapter 60 – Environmental Control**

This statute establishes Delaware's regulatory reporting and permitting requirements that a release to the environment must be reported to the Delaware DNREC (equivalent to Clean Water Act). Delaware DNREC's 24-hour incident/release reporting telephone number is (800) 622-8802, or (302) 739-9401.

Chapter 60 includes, but is not limited to solid waste management, NPDES requirements, water quality standards, air permitting requirements, and sediment and erosion controls.

The DE DNREC is also responsible through a Letter of Agreement for receiving emergency release notifications for the State Emergency Response Commission, which are also made by telephone to the above numbers.

- **Title 7, Delaware Code, Chapter 63 – Hazardous Waste Management**

The purpose of this statute and regulation is to establish a program that regulates the safe and adequate storage, transportation, treatment and disposal of hazardous wastes within the state of Delaware, thereby protecting public health and safety and the environment. Delaware's Hazardous Waste Management program is a delegated program from EPA.

- **Title 7, Delaware Code, Chapter 74 – Underground Storage Tank Act**

This statute and regulation was developed for the purpose of providing more stringent control of the installation, operation, retrofitting and abandonment of underground storage tanks (USTs) to prevent leaks, and where leaks should occur, detect them at the earliest possible stage and thus minimize further degradation of groundwater.

- **Title 7, Delaware Code, Chapter 74a – Jeffrey Davis Above Ground Storage Tank Act**

This statute and regulation was promulgated to ensure the protection of human health and the environment by providing best management practices of aboveground storage tanks (ASTs) to prevent potential soil, air, surface water, and groundwater contamination resulting from failing ASTs.



- **Title 7, Delaware Code, Chapter 77 – Extremely Hazardous Substances Risk Management Act, and Regulation 1200 – Accidental Release Prevention**

The purpose of this statute is to protect the lives and health of citizens living or working in the vicinity of facilities with extremely hazardous substances by requiring responsible parties to establish a risk management program to address potential catastrophic events that would expose citizens of the state to extremely hazardous substances.

- **Title 7, Delaware Code, Chapter 91 – Delaware Hazardous Substance Cleanup Act**

This statute and regulation was established to require responsible parties to own the financial responsibility of cleaning up their facilities and in the event of a release, provide prompt containment and removal of hazardous substances to eliminate or minimize the risk to public health or the environment.

- **Title 7, Delaware Code, Chapter 1, §103(b) – Protected Wildlife, and Regulation 3913 – Wildlife Rehabilitation Permits**

This statute and regulation requires permits for temporary possession of wildlife in need of rehabilitation. Therefore, any wildlife impacted by a spill or release is covered by the permitting requirements of this regulation. State and federal permits required, if a spill involves wildlife, will depend on the species involved.

- **Title 16, Delaware Code, Chapter 63 – Emergency Planning and Community Right-To-Know**

This statute establishes the requirements for emergency release planning and notification under the SERC and annual hazard hazardous chemical inventory reporting and toxics release inventory reporting.

3A.4 PARTICIPATION/INVOLVEMENT IN FEDERAL RESPONSE

The NCP at 40 CFR §300.180, generally describes state/commonwealth and local participation during a response. Appropriate state/commonwealth and local officials (including Indian tribes) will be identified and participate as part of the response structure as provided in the ACPs.

In addition to meeting the requirements for local emergency plans under SARA §303, state/commonwealth and local government agencies are encouraged to include contingency planning for responses, consistent with the NCP, RCP, and ACP in all emergency and disaster planning.

For facilities not addressed under CERCLA or the CWA, states/commonwealths are encouraged to undertake response actions themselves or to use their authorities to compel potentially responsible parties to undertake response actions.

3A.4.1 State and Local Participation/Involvement

Subpart F of the NCP addresses state involvement in hazardous substance response and is incorporated herein by reference.



The basic premise of the Delaware hazardous substance response system is that the local fire department will be the first responder to a hazardous substance incident. Upon arrival at the majority of incidents, the fire officer in charge (FOIC) will initiate a response from Delaware DNREC and the Delaware State Fire School (DSFS). Both agencies provide support to the fire officer.

The Delaware DNREC serves as the primary oil and hazardous substance response agency in Delaware. Delaware DNREC maintains a 24-hour response capability for oil spills and hazardous material releases. The Delaware DNREC partners with local and county response agencies to provide response personnel and equipment capabilities to mitigate any threat to public health and safety and the environment. Details about the equipment for initial containment, cleanup, decontamination, air monitoring, and hazard identification for emergency response are provided in the "Summary of Hazardous Materials Emergency Response Team Capabilities" (described in Sections 3A.3.2 and 3A.5.3). Spill response trailers are provided by local fire companies.

The Delaware DNREC is responsible for scientific assessment and coordination relating to the incident, site safety, spill control, cleanup, and disposal. Response personnel will attempt to require the responsible party to assume responsibility for the cleanup and hire a contractor. If the party responsible for the release is unknown, refuses, or is unable to take appropriate action, Delaware DNREC will take the necessary actions. In the absence of a fire officer in charge, the Delaware DNREC can initiate this and/or higher levels of state response.

If the incident is beyond the capabilities of Delaware, the Delaware DNREC will request assistance from USEPA and coordinate and support response activities. During the highest response level under the Delaware SERT Plan, DEMA serves as the coordinator with USEPA.

State resources and special forces are available to the FOSC through the state representative. This enables efficient access to all state resources by the FOSC and frees the FOSC from the coordination and authorization problems that would otherwise be encountered. The state representative is responsible for state input to the FOSC.

Designated state agencies shall receive appropriate notification of a pollution incident in accordance with 40 CFR §300.300 and 40 CFR §405 of the NCP. State assistance can be invaluable during a major or medium incident in the areas of logistics, access, evacuation control, coordination with local agencies, environmental and geographic expertise, media/public relations, compliance with state statutes, and disposal of recovered material.

3A.4.2 Requirements for State Involvement in Enforcement Responses and Site Remedy

Delaware's Hazardous Substance Cleanup Act (HSCA) was enacted to address the cleanup and enforcement of sites potentially contaminated by a hazardous substance release that is not covered under the federal Superfund program. Three major programs are administered under the HSCA:



- **Voluntary Cleanup Program (VCP)** – Available for responsible parties (owners) whose property may be the source of contamination. The program allows responsible parties to settle their liabilities for the cleanup voluntarily.
- **Brownfield Program** – Encourages the cleanup and redevelopment of vacant, abandoned, or underutilized properties that may be contaminated from past use.
- **HSCA Enforcement Program** – Enforcement occurs when the responsible party fails to comply with the HSCA statute and regulations.

3A.4.2.1 Enforcement

The Delaware DNREC Environmental Crimes Unit (ECU) is responsible for enforcing criminal provisions of Delaware's pollution laws. ECU officers are members of the SERT and respond 24 hours a day, as a member of the Delaware DNREC ERT, to environmental emergencies and hazardous materials incidents that occur at fixed industrial facilities, waterways, railways, and roadways in Delaware.

<http://www.dnrec.delaware.gov/whs/awm/Enforcement/Pages/ChiefsMessage.aspx>

3A.4.2.2 Site Remedy

The Division of Waste and Hazardous Substances' Site Investigation and Restoration Section (SIRS) is responsible for identification, evaluation, and long term remediation of sites in Delaware that have experienced releases of hazardous substances.

<http://www.dnrec.delaware.gov/whs/awm/SIRB/Pages/default.aspx>

3A.4.3 State Involvement in USEPA/USCG-Lead Enforcement Negotiation

USEPA/USCG shall notify states of response action negotiations to be conducted by USEPA/USCG with potentially responsible parties during each fiscal year.

The state must notify USEPA/USCG of such negotiations in which it intends to participate.

The state is not foreclosed from signing a consent decree if it does not participate substantially in the negotiations.

3A.5 STATE REQUIRED PLANNING, PREPAREDNESS, AND RESPONSE

Appropriate local and state officials will participate as part of the response structure as provided in the ACP. No active tribal governments exist in Delaware.

In addition to meeting the requirements for local emergency plans under SARA §303, state and local government agencies are encouraged to include contingency planning for responses, consistent with the NCP, RCP, and ACP in all emergency and disaster planning.



For facilities not addressed under CERCLA or the CWA, the state is encouraged to undertake response actions themselves or to use their authorities to compel potentially responsible parties to undertake response actions.

The state is encouraged to enter into cooperative agreements pursuant to §104 (c)(3) and (d) of CERCLA to enable them to undertake actions authorized under Subpart E of the NCP. Requirements for entering into these agreements are included in Subpart F of the NCP. A state agency that acts pursuant to such agreements is referred to as the lead agency. In the event there is no cooperative agreement, the lead agency can be designated in an SMOA or other agreement.

Because state and local public safety organizations would normally be the first government representatives at the scene of a discharge or release, they are expected to initiate public safety measures that are necessary to protect public health and welfare and are consistent with containment and cleanup requirements in the NCP. They are responsible for directing evacuations pursuant to existing state or local procedures.

3A.5.1 Environmental Protection Plan

The Environmental Protection Plan for Delaware is also the SERT Plan (see Section 3A.5.3).

3A.5.2 Emergency Management Plan

The Emergency Management Plan for Delaware is the DEOP (see Section 3A.5.4), which is maintained by DEMA.

3A.5.3 SERT Plan for Delaware

The Delaware Oil and Hazardous Substance Incident Contingency Plan (SERT Plan) specifies the policy and procedure for the Delaware DNREC ERT to protect the state's natural resources in the event of an oil or hazardous materials spill/release. The "Summary of Hazardous Materials Emergency Response Team Capabilities" provides an overview of the responsibilities and capabilities. The document is available on the [Region III Inland Area Committee Website](#).

There are three levels under the SERT Plan:

- **Level 1:** The lowest level emergency response; involves the local fire chief as incident commander (or FOIC), local fire department, DSFS, and Delaware DNREC as the hazmat branch manager for the FOIC.
- **Level 2:** Responses for oil and hazardous materials; includes local fire department and FOIC, Delaware DNREC, and other agencies as DNREC deems necessary, such as Division of Public Health.
- **Level 3:** The highest state level spill/release (considered a full SERT incident). DEMA is the incident commander agency responsible for implementing the Incident Command System and coordinating operations and efforts to address



response issues. Delaware DNREC acts as hazmat branch manager and is responsible for managing the hazard assessment, containment, control, stabilization, and remediation activities; assuring site safety; and coordination with industry, state, and federal counterparts (such as USEPA, USCG, U.S. Fish and Wildlife, NOAA, organizations—Tri-State Bird Rescue and Delaware River and Bay Cooperative, as well as other state and emergency management agencies within Delaware).

The state incident commander coordinates with the federal government to determine whether either USEPA or USCG need to be in the lead for a spill/release (i.e., oil spill on navigable waters) or if Delaware remains in charge or whether any federal support assistance is needed, in lieu of the federal government taking the lead. DEMA serves as the state's incident commander in the Unified Command Structure.

The Delaware DNREC is responsible for alerting the USCG and USEPA and coordinating incident-specific hazardous substance response activities and issues with them. Delaware DNREC ERT has hazmat technician trained response personnel with full response capability, including environmental scientists, and enforcement officers. Their equipment includes personal protective equipment for entry work, monitoring and sampling equipment, and containment and communication supplies. Delaware DNREC can also direct responsible parties' cleanup activities under applicable state laws and regulations. The Delaware DNREC ERT contact number for this response area is **(800) 662-8802**.

3A.5.4 Emergency Operations Plan (DEOP) for Delaware

The DEOP is the State's basic emergency plan with specialized plans for natural, nuclear, biological, and hazardous material incidents. DEMA is responsible for maintaining the DEOP and coordinating with appropriate agencies having responsibilities under the DEOP as required by Delaware Code, Title 20, Chapter 31 §3107.

http://governor.delaware.gov/orders/exec_order_13.shtml

3A.5.5 Local Emergency Operations Plan

Each County Emergency Management Agency and local municipalities are directed by DEMA to prepare a county EOP. These EOPs are designed so that political leaders and emergency management personnel are prepared to handle the mitigation, preparedness, response, and recovery phases of emergency management when a manmade or natural disaster occurs. To review a copy of each LEPC emergency response plan, contact the LEPC directly:

- [New Castle County LEPC](#)
- [Kent County LEPC](#)
- [Sussex County LEPC](#)
- [City of Wilmington LEPC](#)



Note: County fact sheets containing additional information are provided on the [Region III Inland Area Committee Website](#) and [Region III USEPA Sub-Area Planning Viewer](#).

3A.5.6 Agriculture Planning

The Delaware Department of Agriculture (DDA) is responsible for monitoring the safety of locally grown food products with the objective of preventing foodborne illnesses and managing agricultural activities that may affect the quality of the state's groundwater and surface water. The following programs support DDA responsibilities:

- The Delaware Nutrient Management Program was established in June 1999 as a result of the Delaware Nutrient Management Law. The Delaware Nutrient Management Commission (DNMC) was established to direct the program and develop regulations pertaining to nutrient management, waste management for Animal Feeding Operations (AFOs) and NPDES permits for concentrated animal feeding operations (CAFOs).
- The program was developed to manage activities involving the generation and application of nutrients in order to help maintain and improve the quality of Delaware's ground and surface waters and to help meet or exceed federally mandated water quality standards, in the interest of the overall public welfare.
- Under the Groundwater Monitoring Program for Pesticides, DDA began monitoring the groundwater for the presence of pesticides in 1995. The majority of the state's population uses the water-table aquifer for its drinking water source. Because the water table is high (most private wells are less than 75 feet deep) and the subsurface soils are conducive for contaminant migration into groundwater, monitoring is important for the state.

3A.6 STATE OF DELAWARE ACCESS TO NON-FEDERAL FUNDS

In Delaware, two funds have been established for use by the Delaware DNREC.

- **Clean Water State Revolving Fund** – Administered by the Financial Assistance Branch of Delaware DNREC to provide funds to investigate and address a variety of water contamination issues that may pose a significant threat to human health and/or the environment.
- **Hazardous Substance Cleanup Act Fund (HSCA Fund)** – Established to fund investigation and remedial activities for hazardous substance release sites including state Brownfield sites. This fund is administered by the DWHS.

More information can be obtained from the Delaware DNREC Financial Assistance Branch: <http://www.dnrec.delaware.gov/fab/Pages/default.aspx>

3A.7 MUTUAL AID AGREEMENTS AND/OR MEMORANDUMS OF AGREEMENT/UNDERSTANDING (MOAs/MOUs)

States are encouraged to enter into cooperative agreements pursuant to §104 (c)(3) and (d) of CERCLA to enable them to undertake actions authorized under Subpart E of the NCP. Requirements for entering into these agreements are included in Subpart F of



the NCP. A state agency that acts pursuant to such agreements is referred to as the lead agency. In the event there is no cooperative agreement, the lead agency can be designated in an SMOA or other agreement.

The federal, state, and local MOAs/MOUs may establish the nature and extent of USEPA and state and local interaction during USEPA lead and state or local lead responses (including Indian tribes). USEPA shall enter into MOA/MOU discussions if requested by a state or local government.

Refer to the NCP (40 CFR §300.505) for a discussion of USEPA/State/Commonwealth Superfund Memorandum of Agreement (SMOA.)

3A.7.1 Mutual Aid Agreements

There are currently no state-specific mutual aid agreements. Delaware may provide and receive assistance as coordinated by DEMA through EMAC.

3A.7.2 Interagency State Agreements

There are currently no state-specific Interagency State Agreements.



3.B STATE OF MARYLAND RESPONSIBILITIES

In accordance with Title 14 of the Public Safety Article of the Annotated Code of Maryland and Executive Order 01.01.1991.02, the State of Maryland Emergency Operations Policy must develop a Core Plan as part of the state's Comprehensive Emergency Management Program (CEMP), which establishes the framework to ensure that the State of Maryland will be able to deal with these hazards.

Contact information with specific State/Commonwealth contact lists is provided at the [Region III Inland Area Committee Website](#).

The Core Plan denotes the policy and systems, scope, and the roles and responsibilities of state departments and agencies with regard to disaster and emergency response and is consistent with federal plans, procedures, and guidelines. Further, it provides for the coordination of state resources to manage emergencies and disasters effectively.

The CEMP outlines the roles and responsibilities of the state agencies and local governments. The CEMP coordinates response and recovery activities with voluntary organizations active in disasters and the business community. The CEMP describes a system for effective use of federal, state, and local government resources as well as private sector resources necessary to protect the public peace, health, and safety, and to preserve the lives and property of the people of the state. It unifies the efforts of these groups for a comprehensive approach to reducing the effects of an emergency and/or disaster.

3B.1 AREA OF RESPONSIBILITY

The Maryland Department of the Environment (MDE) is designated as the agency unit responsible for the response to oil and hazardous substances for the state. This includes the following 23 counties and one city: Allegany, Ann Arundel, Baltimore, Baltimore City, Calvert, Caroline, Carroll, Cecil, Charles, Dorchester, Frederick, Garrett, Harford, Howard, Kent, Montgomery, Prince George's, Queen Anne's, Saint Mary's, Somerset, Talbot, Washington, Wicomico, and Worcester.

MDE/Emergency Response Division (ERD) can be reached through the spill reporting number **1 (866) 633-4686** 24-hours a day/7 days a week.

3B.2 MARYLAND ORGANIZATIONAL FRAMEWORK (RESPONSE SYSTEMS)

MDE's ERD prepares for and responds to emergencies involving oil and hazardous chemical spills, nuclear power plant incidents, and other environmental crises. ERD exists to protect the public. The Emergency Response hotline (only for cases with **IMMEDIATE** threat to public health and grave impact to the environment) is available: (866) 633-4686.

For a "state of the state" electronic dashboard for the State of Maryland, go to <http://disastercenter.com/maryland/maryland.htm> for current status information.

The state Emergency Response Team consists of the following:

- Maryland Department of the Environment (MDE)
- Maryland Emergency Management Agency (MEMA)
- Maryland Department of Health and Mental Hygiene (MD DHMH)



Additional state agencies are also available to support a response. For more information on these responding agencies, review the assignments in [the MD State Emergency Operations Plan](#).

3B.2.1 Elected and Appointed Officials Role During an Incident

3B.2.1.1 Governor of the State of Maryland

The Governor, an elected official for the State of Maryland, appoints the members of the CEMP to satisfy Title III of SARA, which is known as EPCRA. For current information about Maryland's Governors visit the following websites:

- Governor - <http://www.gov.state.md.us/>.
- Lieutenant Governor - <http://www.governor.maryland.gov/ltgovernor/>.

3B.2.1.2 Secretary of Maryland Department of the Environment (MDE)

The Secretary of the MDE was appointed by Governor Martin O'Malley on April 28, 2011. He leads the Department's planning, regulatory, management, and financing programs to protect public health; ensure a safe and reliable water supply; restore and protect air quality, water quality, wetlands, and waterways; cleanup contaminated land; and ensure proper management of hazardous and solid wastes. He serves as Maryland's Commissioner on the Susquehanna River Basin Commission and the Appalachian States' Low-Level Radioactive Waste Commission. He is Chairman of the Governor's Climate Change Commission and represents the Governor on the Maryland Bay Restoration Fund Advisory Committee and the Advisory Committee on the Management and Protection of the State's Water Resources.

For more information, go to

<http://mde.maryland.gov/aboutMde/Pages/aboutmde/home/index.aspx>.

3B.2.1.3 Director of Maryland Emergency Management Agency (MEMA)

MEMA was created by the Maryland legislature to ensure the state is prepared to deal with large-scale emergencies. MEMA is responsible for coordinating the state's response in any major emergency or disaster. This includes supporting local governments as needed or requested and coordinating assistance with FEMA and other federal partners.

In times of disaster, the Executive Director of MEMA activates the State Emergency Operations Center (SEOC) to support local governments as necessary or requested. Representatives from state departments and supporting agencies, as well as some federal agencies, the private sector, and volunteer organizations, are present in the SEOC. Representatives have the authority to make decisions and allocate resources and funds necessary on behalf of their agency for emergency response. When the Governor declares a state of emergency, MEMA coordinates efforts with FEMA to request a Presidential Disaster Declaration and provide assistance to those impacted by the disaster.

For more information on MEMA and the Director, go to:

<http://mema.maryland.gov/Pages/AboutMEMA.aspx>.



3B.2.1.4 Members of U.S. Congress

U.S. House of Representatives

Eight members of congress represent the eight congressional districts of Maryland in the U.S. House of Representatives. A complete list and contact information for each representative is available at <http://www.house.gov/representatives/>.

U.S. Senate

Two U.S. Senators represent Maryland in Washington D.C.: For information on the Maryland representatives see <http://www.senate.gov/>.

3B.2.1.5 Members of State of Maryland Legislative Branch

The Maryland General Assembly, as the legislative body directly representing the electorate, passes public general and public local laws, raises revenues and appropriates funds to pay for state government services, and oversees the operation of state executive agencies. In much of this activity, the legislature plays a major role in helping to develop the public policy of the state.

<http://msa.maryland.gov/msa/mdmanual/07leg/html/ga.html>

Maryland State Senate

The Senate is composed of 47 members, each of whom is elected to a 4-year term.

Maryland House of Delegates

The House of Delegates is composed of 141 members, each of whom is elected to a 4-year term.

3B.2.2 Resource Protection

3B.2.2.1 Maryland Department of the Environment (MDE)

<http://mde.maryland.gov/Pages/Home.aspx>.

Refer to the Maryland Hazardous Substance Response Plan, Title 26, Subtitle 14 for a description of the state response systems and policies.

MDE is responsible for alerting the USCG and USEPA, and coordinating incident-specific hazardous substance response activities and issues with them. MDE has trained response personnel with full response capability. Their equipment includes personal protective equipment for entry work, monitoring and sampling equipment, and containment and communication supplies. MDE can also direct responsible parties under applicable state laws and regulations. The MDE Emergency Response Team contact for this response area is the spill reporting number **1 (866) 633-4686** 24-hours a day/7 days a week. During off hours, MEMA will answer this call and refer it to the MDE/ERD duty officer. During the highest response level under the Maryland Oil and Hazardous Substance Incident Contingency Plan, MDE serves as the coordinator with USEPA and is responsible for planning and coordinating all types of emergencies, including spills of oil and hazardous substances. As is stated in [the MD State Emergency Operations Plan](#), MDE will perform as follows:



- Act as the primary state response agency and on-scene coordinator for oil and hazardous materials incidents.
- Act as the primary state response agency for radiological incidents.
- Examine and monitor the conditions of the soil, air, and adjacent water bodies at an incident site for contamination by oil, hazardous materials, chemical agent, or radiation.
- Provide assistance to local hazardous materials teams and ensure a contaminated site is cleaned and decontaminated properly and restored by the responsible party or contractor.
- Cooperate with MD DHMH and the Maryland Institute for Emergency Medical Services Systems (MIEMSS) to develop procedures for evaluating and decontaminating individuals exposed to radiation, chemical agents, or hazardous materials and assist with decontamination operations.
- Assist in damage assessment and restoration of government-owned water/waste water treatment facilities.
- Act as the primary state response agency to ensure disposal of solid waste and hazardous debris.
- Assess atmospheric and environmental conditions and determine appropriate protective actions, including evacuation and re-entry parameters, during and after emergencies at fixed nuclear facilities and transportation accidents involving radioactive materials.
- In cooperation with Maryland Department of Transportation (MDOT), establish transportation of hazardous materials or waste, as necessary.
- Ensure an adequate supply of potable water is available, as needed, in cooperation with the MD DHMH.
- Disseminate advice and technical guidance to health and water management authorities regarding the potential environmental hazards or threats by contaminants released during an incident.
- Monitor ground water, reservoir, and stream flow levels during persistently dry conditions, and provide guidance and recommendations to minimize the adverse effects of drought on farmers, businesses, and citizens.
- Participate in long-term recovery as needed.
- Assist with damage assessment.

3B.2.2.2 State Trustees

State Agencies

MDE and the Department of Natural Resources (DNR) serve as co-trustees for the purposes of NRDA. Contact is through MDE.

State/Federally Recognized Indian Tribes

There are currently no federally recognized Indian Tribes located within the State of Maryland.



The State of Maryland currently has two recognized Indian Tribes:

- Piscataway Indian Nation - <http://www.piscatawaynation.org/>.
- Piscataway Conoy Tribe - <http://piscatawayconoy.wordpress.com/>.

Federal Installations within Maryland

There are nine active military installations in Maryland:

- Andrews Air Force Base
- Aberdeen Proving Ground
- Fort Detrick
- Fort Meade
- Naval Air Station Patuxent River
- Naval Station Annapolis
- National Naval Medical Center
- United States Naval Academy
- USCG Installation at Baltimore

3B.2.3 Emergency Management

3B.2.3.1 Maryland Emergency Management Agency (MEMA)

<http://mema.maryland.gov/>

MEMA coordinates multi-agency responses to all hazardous incidents. MEMA's authority derives from Article 14 of the Annotated Code of Maryland. This Article creates MEMA and authorizes the political subdivisions of the state to create emergency management offices of their own. Currently, there are 26 local emergency management offices in Maryland – all 23 counties, along with Annapolis, Baltimore, and Ocean City. MEMA uses the Maryland CEMP framework to ensure that the State of Maryland will be able to deal with all hazards. MEMA can assist with activating mutual aid agreements and assist with cost recovery. MEMA also assists counties with pre-emergency planning and approves county emergency response plans. The MEMA contact number for the state is **(410) 517-3600**.

As is stated in the [MD State Emergency Operations Plan](#), MEMA will perform as follows:

- Act as the primary state agency for coordinating the activities of all organizations for emergency management operations within the state; MEMA director authorized for same.
- Activate the Emergency Alert System (EAS) and disseminate warnings or emergency information to the public.
- Activate the State Emergency Operations Center (SEOC) and implement emergency response and recovery activities. Coordinate emergency activities and resources at the operational level.
- Notify local jurisdictions, other state agencies, appropriate private organizations, and neighboring states of any relevant event or impending threat.



- Maintain unimpeded communication capabilities with state agencies and local jurisdictions and continually monitor alert and warning systems.
- Maintain knowledge of and assess the need for resources from outside the state and among local jurisdictions and act to make those resources available.
- Coordinate/manage Citizen Corps and Civic Guard activities.
- Coordinate visits by government officials or dignitaries to the incident site or operations area.
- Cooperate with state agencies and local jurisdictions to maintain the JIC, a statewide emergency public information system, and implement procedures for responding to requests from the media for information and access to the incident site.
- Coordinate the identification of staging areas, as necessary.
- Coordinate federal, state, and private assistance programs.
- Coordinate statewide initial and preliminary damage assessment activity and reports.
- Prepare proclamations, executive orders, and requests for a declaration of emergency or major disaster, as necessary.
- Advise the Governor of the need to consider activating the Maryland National Guard for emergency service and of the need for other special orders/evacuation orders.
- Support search and rescue operations and act as the liaison to the federal government to request assistance from an Urban Search and Rescue Task Force team.
- Provide staff, including the State Coordinating Officer (SCO), for a Federal Joint Field Office (JFO), Disaster Recovery Centers, and Family Assistance Centers.
- Manage long-term recovery, as needed.
- Lead state damage assessment.

MEMA Regional Assignments and Contact Information		
Erica Carlson	Western Regional Liaison Officer (RLO) Manager	(410)517-3600
John Dulina	Central RLO	(410)517-3600
William Hildebrand	Eastern RLO	(410)517-3600
Kelly McGuire	Southern RLO	(410)517-3600
John Reginaldi	NCR RLO	(410)517-3600
Edward Werkheiser	Lower Shore RLO	(410)517-3600

3B.2.4 Health and Safety

3B.2.4.1 Maryland Department of Health and Mental Hygiene (MD DHMH)

<http://dhmh.maryland.gov/>

The MD DHMH assists the Maryland Department of the Environment (MDE) in its



response to emergencies where there are public health issues to be addressed. MD DHMH industrial hygiene, public health, and medical professionals are available to assist with risk management decisions. MD DHMH is the state's lead for biological emergencies, including biological terrorist attacks. The MD DHMH contact number is **(410) 706-0036** (through MEIMSS).

As stated in the [MD State Emergency Operations Plan](#), MD DHMH will perform as follows:

- Act as the primary state agency for health and medical services issues.
- Provide medical and health guidance or advice to the state and local jurisdictions throughout the response and recovery period.
- Coordinate the evacuation or relocation of hospital patients and residents of health care and elder care facilities.
- Support local jurisdictions in determining the need for drugs, supplies, or other resources and in making them available to the appropriate medical professionals.
- Coordinate temporary licensing of medical personnel who travel from other states to assist in response and recovery.
- Through the Office of the Chief Medical Examiner (OCME), act as the primary authority for the recovery, identification, and management of human remains, and operate a temporary morgue, if necessary.
- Through the OCME, ensure an accurate system is developed to track and report deaths that occur as a result of an incident.

3B.2.5 Roles of Other State and Local Emergency Organizations

3B.2.5.1 Governor's Office of Homeland Security (GOHS)

<http://www.gohs.maryland.gov/>

The GOHS is a coordinating office. GOHS' role is to advise the Governor; lead the development of policies, priorities, and strategy for homeland security in Maryland; and assist state agencies and local government in the implementation of their core homeland security and public safety missions. GOHS is also the primary liaison to the U.S. Department of Homeland Security and other federal partners and oversees coordination of federal homeland security grant funding in the state

Maryland's Homeland Security Strategy is built on a series of core systems and capabilities that are fundamental to public safety during both daily operations and elevated incidents. Maryland has currently identified 12 such core capabilities:

1. Interoperable Communications
2. Intelligence / Information Sharing
3. HAZMAT / Explosive Device Response
4. Personal Protective Equipment for First Responders
5. Biosurveillance
6. Vulnerability Assessment
7. Training and Exercises
8. Closed Circuit Television (CCTV)



9. Mass Casualty / Hospital Surge
10. Planning
11. Backup Power and Communications
12. Transportation Security

3B.2.5.2 Governor's Emergency Management Advisory Council (GEMAC) / Maryland State Emergency Response Commission (SERC)

<http://msa.maryland.gov/msa/mdmanual/25ind/html/51mil.html#strategic>

Under the MEMA, there exist the GEMAC and the Maryland SERC. The Council is appointed by the Governor and includes representatives from state and local government and volunteer organizations, such as firefighters and rescue squads (Code Public Safety Article, §14-105).

Governor's Emergency Management Advisory Council (GEMAC)

The Emergency Management Advisory Council constitutes the Maryland SERC available at (410) 517-3600.

The GEMAC Chair is appointed by the Governor to 2-year terms.

The Emergency Management Advisory Council started in 1950 as the Civil Defense Advisory Council (Chapter 563, Acts of 1949). In 1975, it was renamed the Civil Defense and Disaster Preparedness Advisory Council (Chapter 666, Acts of 1975). It became the GEMAC in 1981 (Chapter 505, Acts of 1981). The Council advises the Governor on matters of state emergency management and civil defense (Chapter 505, Acts of 1981).

To help local governments respond to an emergency, the Agency Director may form a Rapid Response Team (Executive Order 01.01.1991.02). The Team evaluates emergencies on-site and provides state resources to assist local jurisdictions. To local emergency management agencies, the Agency distributes federal emergency management grants. The Agency also distributes federal emergency disaster assistance to state and local agencies for disaster relief and recovery services.

Maryland State Emergency Response Commission (SERC)

To protect people and the environment from hazardous chemical material, the Governor in 1987 designated the Emergency Management Advisory Council to serve as the Maryland SERC (Executive Order 01.01.1987.11). The designation was made in accordance with Title III of the Federal Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499).

Fulfilling its federal functions, the Maryland emergency response commission established emergency response planning districts and local emergency planning committees. The Commission receives and distributes certain material safety data sheets, hazardous chemical inventories, and toxic chemical release forms.

3B.2.5.3 Local Emergency Response Committees (LEPCs)

LEPCs were established in accordance with the federal SARA Title III, EPCRA of 1986.

The group coordinates planning for hazardous materials incident response and the dissemination of information regarding chemical hazards in the community. Committee



members represent the following groups or organizations: elected officials; firefighters and emergency medical services personnel; law enforcement, health, emergency management, media, hospitals, federal facilities, community groups, and owners and operators of facilities using or storing hazardous materials.

EPCRA law requires that each LEPC prepare an emergency response plan for its district that includes information such as potential chemical hazards and procedures to be followed in the event of a chemical emergency.

Hazardous substances pose no threat to the citizens of the community or the environment if they are properly stored, contained, handled, and transported. Facilities holding any of the USEPA-listed chemicals in quantities above specific threshold planning quantities must report their inventory within 60 days of bringing the material on-site and then annually by March 1 to MDE, LEPC, and the County Fire Department.

There are 23 counties and 2 cities in Maryland with LEPCs including:

- Allegany County
- Ann Arundel County
- Baltimore City
- Baltimore County
- Calvert County
- Caroline County
- Carroll County
- Cecil County
- Charles County
- Dorchester County
- Frederick County
- Garrett County
- Harford County
- Howard County
- Kent County
- Montgomery County
- Ocean City
- Prince George's County
- Queen Anne's County
- Somerset County
- St. Mary's County
- Talbot County
- Washington County
- Wicomico County
- Worcester County

For the most current list of LEPCs, go to: www.mde.maryland.gov/.../documents/www.mde.state.md.us/assets/document/pia/lepc.pdf. In the event of a HAZMAT incident or other emergency, tune in to the following radio stations:

- | | |
|--------------|---------------|
| WYRE 810 AM | WRNR 103.1 FM |
| WBAL 1090 AM | WFSI 107.9 FM |
| WNAV 1430 AM | WIYY 97.9 FM |
| WJRO 1590 AM | |

3B.2.5.4 Community Emergency Response Team (CERT)

<http://www.citizencorps.gov/cc/CertIndex.do?reportsForState&cert=&state=MD>

The CERT is an established volunteer organization at the local level. The CERT program for Maryland is a community-based group that includes ordinary citizens who, with training, are able to provide basic emergency skills until trained emergency response personnel arrive. The CERT program consists of training in the following areas: Disaster Preparedness, Disaster Fire Suppression, Disaster Medical Operations, Light Search and Rescue Operations, Disaster Psychology and Team Organization, and Disaster Simulation.



As of February 19, 2013, there are 18 CERTs in Maryland:

- Ann Arundel County and City of Annapolis CERT
- Cecil County CERT
- Baltimore City CERT
- Caroline County CERT
- Charles County CERT
- City of Laurel MD CERT
- Dorchester County CERT
- Garrett County CERT
- Harford County CERT
- Montgomery County CERT
- Ocean City MD CERT
- Prince George's County CERT
- Queen Anne's County CERT
- Somerset County CERT
- St. Mary's County CERT
- Talbot County CERT
- Washington County CERT
- Worcester County CERT

3B.3 MARYLAND REGULATIONS AND REQUIREMENTS

Maryland regulations that may apply during a spill of oil or hazardous substance may include, but are not limited to the following:

- **MD Notification Requirements - Title 26, Subtitle 10, Section 01, Subsection 03, Code of Maryland Regulations**

A person discharging or permitting the discharge of oil, or who either actively or passively participates in the discharge or spilling of oil, either from a land-based installation, including vehicles in transit, or from any vessel, ship, or boat of any kind, shall report the incident immediately to the Administration. He shall remain available until clearance to leave is given by the appropriate officials designated in §C(1) and (2) of this regulation.

The report of an oil spill or discharge shall be made to the Administration immediately, but not later than 2 hours after detection of the spill, and shall include:

- Time of discharge;
 - Location of discharge;
 - Mode of transportation or type of facility involved;
 - Type and quantity of oil spilled;
 - Assistance required;
 - Name, address and telephone number of the person making the report; and
 - Any other pertinent information requested by the Administration
- **§§ 4-401 through 4-708 of the Environment Article of the Annotated Code of Maryland & the Code of Maryland Regulations 26.10.01 through 26.10.15**
Where there has been a release of oil that may impact water resources, in executing its mandated responsibilities, MDE may order or take any actions authorized under §§ 4-401 through 4-708 of the Environment Article of the Annotated Code of Maryland and the Code of Maryland Regulations 26.10.01 through 26.10.15 that include, but are not limited to, investigation of the source, nature, and extent of the release; source repair or removal; and soil or water removal, remediation, sampling, and evaluation. MDE enforces Maryland regulations regarding oil spills and tank management.
 - **08.03.12.01 Code and Regulation in the State of Maryland**



The regulations in this chapter are in addition to any requirements imposed by the following: (1) Code of Maryland Regulations (COMAR) 08.03.08 (2) the Migratory Bird Treaty Act, 16 U.S.C. §703 — 712 as amended (3) any local law regulating the possession of wildlife, or (4) any state law describing the practice of veterinary medicine. This chapter allows for the rehabilitation of orphaned, sick, or injured wildlife to be released into the wild.

▪ **From: 26.10.01.03. 03 Report of Oil Spill or Discharge**

A. A person discharging or permitting the discharge of oil, or who either actively or passively participates in the discharge or spilling of oil, either from a land-based installation, including vehicles in transit, or from any vessel, ship, or boat of any kind, shall report the incident immediately to the Administration. He shall remain available until clearance to leave is given by the appropriate officials designated.

B. The report of an oil spill or discharge shall be made to the Administration immediately, but not later than 2 hours after detection of the spill, and shall include:

- Time of discharge
- Location of discharge
- Mode of transportation or type of facility involved
- Type and quantity of oil spilled
- Assistance required
- Name, address, and telephone number of the person making the report
- Any other pertinent information requested by the Administration

C. The Department makes the following designation of its authority:

- (1) A representative of the Department may grant permission either by telephone, or at the scene of the spill, for the person responsible for the spill to leave the scene;
- (2) A representative of any Maryland emergency fire and rescue service or any state, county, or local police officer on the scene may grant clearance to leave the scene to the person responsible for an oil spill of less than 250 gallons without first giving notice to the Administration;
- (3) A representative of any Maryland emergency fire and rescue service or any state, county, or local police officer on the scene may grant clearance to leave the scene to the person responsible for an oil spill greater than 250 gallons after the representative or police officer gives notice to and receives approval from the Administration.

D. Before release of the person responsible for the oil spill, the designated official shall obtain that person's name and address as well as information on how the spill occurred.

E. Ten working days after the removal and cleanup work has been completed, as required under Regulation .04A of this chapter, the person responsible for the spill shall prepare a completed written report of the occurrence and promptly submit the report to the Administration. The written report shall be on the



Administration's "Report of Spill" form or shall be on company letterhead and include the following information:

- (1) Date, time, and place of spill
- (2) Amount and type of oil spilled
- (3) A complete description of circumstances contributing to the spill
- (4) A complete description of containment, removal, and cleanup operations, including disposal sites and costs of the operations
- (5) Procedures, methods, and precautions instituted to prevent recurrence of an oil spill from the facility involved
- (6) Any other information considered necessary or required by the Administration for a complete description of the spill incident
- (7) A certification that the information provided is true and correct to the knowledge of the person signing the report

3B.4 PARTICIPATION/INVOLVEMENT IN FEDERAL RESPONSE

The NCP at 40 CFR §300.180 describes generally state and local participation in response. Appropriate local and state officials (including Indian tribes) will be identified and will participate as part of the response structure as provided in the ACPs.

The MDE serves as the primary oil and hazardous substance response agency in the state.

For facilities not addressed under CERCLA or the CWA, states are encouraged to undertake response actions themselves or to use their authorities to compel potentially responsible parties to undertake response actions.

3B.4.1 State and Local Participation/Involvement

Designated state agencies shall receive appropriate notification of a pollution incident in accordance with 40 CFR §300.300 and §300.405. Subpart F of the NCP addresses state involvement in hazardous substance response and is incorporated herein by reference. State assistance can be invaluable during a major or medium incident in the areas of logistics, access, evacuation control, coordination with local agencies, environmental and geographic expertise, media/public relations, compliance with state statutes, and disposal of recovered material.

Each state has both emergency management and environmental response agencies. The emergency management agencies coordinate the spill's impact on their state's constituents. These agencies represent a direct line to their state governor and state emergency response forces; each has a sophisticated operations/communications center. The environmental response agencies provide response assistance, impact assessments, hazard evaluations, and information and advice concerning wildlife and fisheries.

State resources and special forces are available to the FOSC through the state representative. This enables efficient access to all state resources by the FOSC and frees the FOSC from the coordination and authorization problems that would otherwise be encountered. The state representative is responsible for state input to the FOSC.



Maryland Department of the Environment (MDE), Emergency Response Division (ERD)

The MDE/ERD, maintains a 24-hour phone hotline and will respond to any release within the state that threatens public health or the environment. In most cases, the Response Division will provide technical assistance and any needed equipment to the incident fire commander who will be in charge.

Response personnel will attempt to require the responsible party to hire a contractor and assume responsibility for the cleanup. At those incidents where there is no responsible party or where the responsible party refuses to take corrective action, response personnel can hire a contractor by accessing the state's Hazardous Substance Control Fund. Oversight of the cleanup will be provided by agency personnel.

At those incidents that exceed the capabilities of the state and local government, the state will request federal assistance and assume a supportive role to the unified command and the FOSC.

3B.4.2 Requirements for State Involvement in Enforcement Responses and Site Remedy

3B.4.2.1 Enforcement

The Environmental Crimes Section of the Office of Attorney General (OAG) is responsible for investigating and prosecuting violations of crimes against the environment.

This section handles violations of the State's environmental and criminal statutes involving the generation, transportation, storage, and disposal of solid hazardous and other wastes, working in close conjunction with MDEP.

The OAG gains jurisdiction to investigate or prosecute these crimes either by referral from a district attorney or MDEP.

<http://www.oag.state.md.us/ECU/index.htm>

3B.4.2.2 Site Remedy

For fund reimbursement, the state must fulfill requirements established by the NPFC, including PRP determination and documentation requirements.

In Maryland, a State Hazardous Substance Control Fund and Maryland Oil and Disaster Containment, Cleanup, and Contingency Fund have been established for the emergency removal or mitigation of the effect of any controlled hazardous substance or petroleum product. The fund may be accessed at any time by the designated state on-scene coordinator or the chief of the emergency response division. The fund usage is limited to emergency action for the removal or mitigation of the effect from an incident at the discretion of the state on-scene coordinator.

3B.4.3 State Involvement in USEPA/USCG-Lead Enforcement Negotiation

USEPA/USCG shall notify states of response action negotiations to be conducted by USEPA/USCG with potentially responsible parties during each fiscal year.



The state must notify USEPA/USCG of such negotiations in which it intends to participate.

The state is not foreclosed from signing a consent decree if it does not participate substantially in the negotiations.

3B.5 STATE REQUIRED PLANNING, PREPAREDNESS, AND RESPONSE

Appropriate local and state officials will participate as part of the response structure as provided in the ACP. No active tribal governments exist in Maryland.

In addition to meeting the requirements for local emergency plans under SARA §303, state/commonwealth and local government agencies are encouraged to include contingency planning for responses, consistent with the NCP, RCP, and ACP in all emergency and disaster planning.

For facilities not addressed under CERCLA or the CWA, state/commonwealths are encouraged to undertake response actions themselves or to use their authorities to compel potentially responsible parties to undertake response actions.

State/commonwealths are encouraged to enter into cooperative agreements pursuant to §104 (c)(3) and (d) of CERCLA to enable them to undertake actions authorized under Subpart E of the NCP. Requirements for entering into these agreements are included in Subpart F of the NCP. A state/commonwealth agency that acts pursuant to such agreements is referred to as the lead agency. In the event there is no cooperative agreement, the lead agency can be designated in an SMOA or other agreement.

Because state and local public safety organizations would normally be the first government representatives at the scene of a discharge or release, they are expected to initiate public safety measures that are necessary to protect public health and welfare and are consistent with containment and cleanup requirements in the NCP. They are also responsible for directing evacuations pursuant to existing state/commonwealth or local procedures.

For more information, please refer to MDE/ERD standard operating practices (SOPs) on file at the MDE/ERD office.

3B.5.1 Environmental Protection Plan

The Code of Maryland Regulations (COMAR), is the official compilation of all administrative regulations issued by the agencies of the State of Maryland. Environmental protection guidance is encoded in Title 26, MDE regulations.

There is no plan required by the MDE.

3B.5.2 Emergency Operations Plan for Maryland

[State of Maryland Emergency Operations Plan](#)

The Environmental Protection Plan for Maryland is in accordance with Title 14 of the Public Safety Article of the Annotated Code of Maryland and Executive Order 01.01.1991.02 – the State of Maryland Emergency Operations Core Plan, as part of the CEMP under the MEMA.

The Core Plan denotes the policy and systems, scope, and the roles and



responsibilities of state departments and agencies with regard to disaster and emergency response and is consistent with federal plans, procedures, and guidelines. Further, it provides for the coordination of state resources to manage emergencies and disasters effectively.

3B.5.3 Local - Emergency Operations Plans (EOP)

<http://mema.maryland.gov/Pages/LocalEOC.aspx>

Each County Emergency Management Agency and local municipalities are directed by MEMA to prepare a county EOP. These EOPs are designed so that political leaders and emergency management personnel are prepared to handle the mitigation, preparedness, response, and recovery phases of emergency management when a manmade or natural disaster occurs.

The basic plan and annexes of the EOPs will provide emergency operations policies, direction, and guidance to county agencies and political subdivisions. The annexes are functional, covering all facets of emergency management.

List of Local Emergency Center Contact Information	
Location	Hotline #
Allegany County	(301) 876-9155
Annapolis City	(410) 260-2211
Anne Arundel County	(410) 222-0600
Baltimore City	(410) 396-6188
Baltimore County	(410) 887-5996
Calvert County	(410) 535-0314
Caroline County	(410) 479-2622
Carroll County	(410) 386-2260
Cecil County	(410) 392-2017 or (410) 312-2018
Charles County	(301) 609-3401
Dorchester County	(410) 228-1818
Frederick County	(301) 600-1746
Garrett County	(301) 334-7619
Harford County	(410) 638-4900
Howard County	(410) 313-2900
Kent County	(410) 778-7472
Montgomery County	(240) 777-2300
Ocean City	(410) 723-6650
Prince George's County	(301) 780-8313
Queen Anne's County	(410) 758-5028



List of Local Emergency Center Contact Information	
Location	Hotline #
St. Mary's County	(301) 475-4911
Somerset County	(410) 651-0707
Talbot County	(410) 770-8160
Washington County	(240) 313-4360
Wicomico County	(410) 548-4920
Worcester County	(410) 632-1311

3B.6 STATE ACCESS TO NON-FEDERAL FUNDS

In Maryland, the following funds have been established for the emergency removal or mitigation of the effect of any controlled hazardous substance or petroleum spill respectively:

- State Hazardous Substance Control Fund, and
- Oil Control, Containment, Cleanup, and Contingency Fund.

These funds may be accessed anytime by the on-scene inspector through his Regional Chief, Administrator, or Director to provide immediate contractor assistance. The funds usage is limited to emergency action for the removal or mitigation of the effect from an incident at the discretion of the Regional Chief, Administrator or Director.

3B.7 MUTUAL AID AGREEMENTS AND/OR MEMORANDUMS OF AGREEMENT / UNDERSTANDING (MOAS/MOUS)

The federal, state/commonwealth, and local MOAs/MOUs may establish the nature and extent of USEPA and state/commonwealth and local interaction during USEPA lead and state/commonwealth or local lead responses (including Indian tribes). USEPA shall enter into MOA/MOU discussions if requested by a state or local government.

Refer to the NCP (40 CFR §300.505) for a discussion of USEPA/State/Commonwealth Superfund Memorandum of Agreement (SMOA).

3B.7.1 Mutual Aid Agreements

There are currently no state-specific mutual aid agreements in Maryland.

3B.7.2 Interagency Agreements

Within the state of Maryland, there are many local/county mutual interagency agreements regarding collaboration using shared resources such as the Maryland Emergency Management Compact (MEMAC). It is coordinated through MEMA on behalf of the State of Maryland Governor.

Maryland is a ratified member of the Emergency Management Assistance Compact (EMAC). EMAC is a national disaster-relief compact in existence since 1950. It was ratified and signed into law in 1996 (Public Law 104-321) by Congress. All 50 states, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands have enacted



legislation to become EMAC members.

EMAC offers assistance during governor-declared states of emergency through a responsive, straightforward system that allows states to send personnel, equipment, and commodities to help disaster relief efforts in other states. Through EMAC, states can also transfer services, such as shipping newborn blood from a disaster-impacted laboratory to a laboratory in another state.

The strength of EMAC and the quality that distinguishes it from other plans and compacts lie in its governance structure; its relationship with federal organizations, states, counties, territories, and regions; the willingness of states and response and recovery personnel to deploy; and the ability to move any resource one state wishes to utilize to assist another state.

EMAC establishes a firm legal foundation. Once the conditions for providing assistance to a requesting state have been set, the terms constitute a legally binding contractual agreement that makes affected states responsible for reimbursement. The EMAC legislation solves the problems of liability and responsibilities of cost and allows credentials, licenses, and certifications to be honored across state lines.

Go to http://www.emacweb.org/index.php?option=com_content&view=article&id=83&Itemid=55 for more information on the EMAC process and the five phases of an EMAC.



3.C COMMONWEALTH OF PENNSYLVANIA RESPONSIBILITIES

This plan satisfies requirements contained in the Commonwealth of Pennsylvania [State Emergency Operations Plan](#).

Contact information with specific State/Commonwealth contact lists is provided at the [Region III Inland Area Committee Website](#).

3C.1 AREA OF RESPONSIBILITY

The Commonwealth of Pennsylvania designates the Pennsylvania Department of Environmental Protection (PADEP), Environmental Emergency Response Program (EERP) as the agency unit responsible for the response to oil and hazardous substances in each of PADEP’s six regional offices: Northeast, North-central, Northwest, Southeast, South-central, and Southwest. The responder on-call in each respective region can be reached through the notification numbers listed below.

Region	Emergency Phone	Region Headquarters	Counties Supervised
Southeast	(484) 250-5900	2 East Main Street Norristown, PA 19401	Bucks, Chester, Delaware, Montgomery, Philadelphia
Northeast	(570) 826-2511	2 Public Square Wilkes-Barre, PA 18711-0790	Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne, Wyoming
South-central	(717) 705-4741 After Hours: (877) 333-1904	909 Elmerton Avenue Harrisburg, PA 17110 Phone: (717) 705-4700	Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry, York
North-central	(570) 327-3636	208 West Third Street, Suite 101 Williamsport, PA 17701	Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga, Union
Southwest	(412) 442-4000	400 Waterfront Drive Pittsburgh, PA 15222-4745	Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington, Westmoreland
Northwest	(814) 332-6945 After Hours: (800) 373-3398	230 Chestnut Street Meadville, PA 16335-3481	Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango, Warren

3C.2 PENNSYLVANIA ORGANIZATIONAL FRAMEWORK (RESPONSE SYSTEMS)

The Pennsylvania State Emergency Response Team (SERT) consists of the following:

- PADEP – Environmental Emergency Response Program (EERP),
 - Northeast Emergency Response Team (NEERT),
 - North-central Emergency Response Team (NCERT),
 - Northwest Emergency Response Team (NWERT),



- Southeast Emergency Response Team (SEERT),
- South-central Emergency Response Team (SCERT),
- Southwest Emergency Response Team (SWERT),
- Pennsylvania Emergency Management Agency (PEMA),
 - Central Area Office,
 - Western Area Office,
 - Eastern Area Office,
 - Regional Task Forces,
- Pennsylvania Department of Health (PADOH),
- Intrastate Mutual Aid System,
- Civil Support Teams,
- Incident Management Assist Teams (IMATs),
- Hazmat Response Teams,
- Urban Search and Rescue Teams (USARs),
- Pennsylvania State Fire Academy,
- Pennsylvania State Police,
- Pennsylvania Department of Transportation (PADOT),
- Department of Health and Social Services Division of Public Health,
- Local fire companies.

3C.2.1 Elected and Appointed Officials Role During an Incident

3C.2.1.1 Governor of the Commonwealth of Pennsylvania

The Governor, an elected official for the Commonwealth of Pennsylvania, appoints the members of the SERT to satisfy Title III of SARA, which is known as EPCRA. For current information about Pennsylvania's Governors, visit the following websites:

- Governor - <http://www.governor.state.pa.us>,
- Lieutenant Governor - <http://www.ltgovernor.pa.gov>.

3C.2.1.2 Secretary of PADEP

The Secretary of PADEP is appointed to the role of Secretary of the Environment and Energy for Pennsylvania by the Governor of the Commonwealth. This role includes assuming chief stewardship of Pennsylvania's natural resources, providing overall direction and management for the Department, and central administrative functions, including policy development, program coordination, information and systems management, financial and human resource management, and public information and education. For the current Secretary of PADEP contact information, visit the [Region III Inland Area Committee Website](#).

http://www.portal.state.pa.us/portal/server.pt/community/about_dep/13464/office_of_the_secretary/585259



3C.2.1.3 Director of PEMA

The director is appointed by the governor; has fiscal, planning, administrative, operational, and other duties; and is charged with coordinating the commonwealth and local disaster response efforts (35 Pa. C. S. A. §7312).

PEMA's director is responsible for coordinating the commonwealth's response to natural and manmade disasters, terrorist attacks, and threats to public health and safety. PEMA works to plan responses to, prevent loss from, communicate news about, coordinate resources for, and help communities recover from natural and manmade disasters and emergencies. PEMA is the executive agency reporting directly to the Governor of the Commonwealth. PEMA has a unique role to play in coordinating the resources of virtually every state agency in times of disaster or emergency. PEMA's prime responsibility is to support county emergency managers and their organizations; county agencies, in turn, support local boroughs, cities, and townships.

In addition, planners on the PEMA staff work extensively with counties to develop plans to minimize threats to commonwealth security. PEMA's administrative personnel manage programs providing equipment to local responders. Their most important function, however, is the day-to-day coordination of information, plans, and procedures relating to the commonwealth's homeland security needs.

[Emergency Management Handbook for Elected Officials.pdf](#)

3C.2.1.4 State Fire Commissioner

The State Fire Commissioner Act 118 of 2010, places responsibility on the State Fire Commissioner for addressing the diverse training, operational, and informational needs of the commonwealth's fire and emergency services community. The State Fire Commissioner is responsible for the development and operation of the State Fire Academy's Resident Training, Local Level Training, and Firefighter Certification Programs; the Volunteer Loan Assistance Program and the Fire Company and Volunteer Ambulance Service Grant Program; a program of Public Education and Information; the Pennsylvania Fire Information Reporting System; and fire resources under the Pennsylvania Intrastate Mutual Aid System.

http://www.osfc.state.pa.us/portal/server.pt/community/state_fire_commissioner_home/4462

3C.2.1.5 Members of U.S. Congress

U.S. House of Representatives

The congressional districts of Pennsylvania are represented in the U.S. House of Representatives by 18 members of congress. A complete list and contact information for each representative is available at <http://www.house.gov/representatives/>.



U.S. Senate

Two U.S. Senators represent Pennsylvania in Washington D.C.: For information on the Pennsylvania representatives see <http://www.senate.gov/>.

3C.2.1.6 Members of Commonwealth of Pennsylvania's Legislative Branch

The General Assembly for the Commonwealth of Pennsylvania is responsible for reviewing and developing Commonwealth Code and Regulations, including those related to emergency response to all hazards.

<http://legis.state.pa.us>

Pennsylvania State Senate

The Senate is composed of 50 members, each of whom is elected to a 4-year term, except when reapportionment occurs, at which time Senators may be elected to a 2-year term.

Pennsylvania House of Representatives

The House of Representatives is composed of 203 members, each of whom is elected to a 2-year term.

3C.2.2 Resource Protection

3C.2.2.1 Pennsylvania Department of Environmental Protection (PADEP)

www.dep.state.pa.us

PADEP is the primary commonwealth agency responsible for responding to and directing the cleanup of oil and hazardous substance spills. PADEP trained response personnel have full response capability. Their equipment includes personal protective equipment for entry work, monitoring and sampling equipment, and containment and communication supplies. PADEP can also direct responsible parties under applicable state laws and regulations.

3C.2.2.2 Commonwealth Trustees

State/Federally Recognized Indian Tribes

There are currently no state or federally recognized Indian Tribes located within the Commonwealth of Pennsylvania.

Federal Installations within Pennsylvania

- Carlisle Army Barracks - (717) 245-3131,
- Tobyhanna Army Depot - (570) 895-7000,
- Joint Reserve Base (JRB) Willow Grove Naval Air Base (closed) - (215) 443-1000,
- Naval Support Activity (NSA) Mechanicsburg - (717) 605-1334.



Other Trustees

Additional Natural Resource Trustees for Pennsylvania are also covered in Volume VII (Southwest PA/Wheeling, WV Sub-Area Contingency Plan) of this IACP.

3C.2.3 Emergency Management

3C.2.3.1 Pennsylvania Emergency Management Agency (PEMA)

<http://www.pema.state.pa.us>

PEMA is responsible for planning and coordinating all types of emergencies, including spills of oil and hazardous substances as well as natural disasters. PEMA plays a major role in a spill response if the spill crosses county lines or if the spill exceeds the capabilities of local resources. PEMA can assist with activating mutual aid agreements and assist with cost recovery. PEMA also assists counties with pre-emergency planning and approves county emergency response plans.

PEMA is composed of three Area Offices (Central, Western, and Eastern). PEMA Area Offices work as the field extension of PEMA, coordinating with commonwealth agencies, county and municipal government, volunteers, and the private sector to assist in the prevention of, preparedness for, response to, and recovery from all types of disasters. Area Offices provide on-site coordinated assistance to emergency management coordinators and commissioners and other elected officials and their emergency management staffs in all 67 counties during times of manmade or natural disasters. Each Area Office has a small staff of Emergency Management Specialists that can provide assistance and expertise to counties before, during, and after a disaster as well as routine assistance to County Emergency Management Agencies for all types of planning, training, exercise design and development, hazardous material, and professional management skills development.

PEMA Area Offices contact information includes the following:

Region	Phone Numbers	Office Location
Eastern Area	Toll Free in Pennsylvania: (800) 372-7362 Office Telephone Number: (610) 562-3003 Office Fax Number: (610) 562-7222	Hamburg Center 3560 Old Route 22 Pine Building #7, Lower Level Hamburg, PA 19526 E-mail: ra-easternregion@pa.gov
Central Area	Toll Free in Pennsylvania: (800) 272-7362 Office Telephone Number: (717) 651-7060 Office Fax Number: (717) 651-2293	Pennsylvania Emergency Management Agency 2605 Interstate Drive Harrisburg, Pennsylvania 17110



Region	Phone Numbers	Office Location
Western Area	Toll Free in Pennsylvania: (800) 972-7362 Office Telephone Number: (724) 357-2990 Office Fax Number: (724) 357-2992 or (724) 349-5250	Pennsylvania Emergency Management Agency 276 Stormer Road Indiana, PA 15701

3C.2.3.2 Pennsylvania Emergency Management Council (PEMC)

[PEMC Website](#)

PEMC establishes policy and direction for the emergency management program statewide. The council membership includes the governor; the lieutenant governor; the secretaries of the various commonwealth departments with emergency response and recovery capabilities; the leadership of the General Assembly; and representatives of county and municipal government associations, labor, business and industry, and the private sector. The council meets at least three times a year and within 72 hours after the governor declares a disaster emergency.

The council also acts as the State/Commonwealth Emergency Response Commission (SERC), which oversees the various hazardous materials emergency preparedness and response requirements contained in the federal SARA Title III of 1986.

3C.2.4 Health and Safety

3C.2.4.1 Pennsylvania Department of Health (PADOH)

www.health.state.pa.us/

PADOH assists PADEP and PEMA in their response to emergencies where there are public health issues to be addressed. PADOH industrial hygiene, public health, and medical professionals are available to assist with risk management decisions. PADOH is the commonwealth lead for biological emergencies, including biological terrorist attacks. Because this is a newly emerging role for PADOH, the details of this activity will grow with its development and experience with this activity. The PADOH contact information is available at the [Region III Inland Area Committee Website](#).

3C.2.5 Roles of Other Commonwealth and Local Emergency Organizations

3C.2.5.1 Pennsylvania Governor's Office of Homeland Security (GOHS)

<http://www.homelandsecurity.state.pa.us>

The GOHS coordinates homeland security activities by working with federal partners, other Pennsylvania departments and agencies, regional task forces, local governments, and the private sector. The GOHS works to secure the commonwealth against acts of terrorism in the following ways:

- Coordinating with private and public sector partners to prevent, protect, and mitigate against acts of terrorism;



- Developing and revising the GOHS strategic plan in concert with stakeholders;
- Identifying and reducing the vulnerabilities of critical infrastructure and key resources through a unified outreach campaign; and
- Collaborating with the All-Hazards Fusion Center, the Pennsylvania Criminal Intelligence Center (PaCIC), and other recognized regional fusion centers.

3C.2.5.2 State Emergency Response Team (SERT)

The SERT responds to releases of oil and hazardous materials, including non-fixed facility radiological releases in the Commonwealth. SERT is made up of a number of agencies (as listed in Section 3C.2) to provide an organized structure for coordination and control of incident management.

3C.2.5.3 Local Emergency Response Committees (LEPCs)

According to Commonwealth Law (Title 35, Pa C.S. §7503), each political subdivision (township, borough, town, or city) must maintain an emergency plan because most response to emergencies starts at the local level.

Pennsylvania has 2,571 cities, boroughs, and townships ranging in size from a few dozen persons to 1.5 million in Philadelphia. It is obvious that a “one size fits all” plan simply will not work. Citizens who want to learn more about their local plan should contact their local government.

In providing assistance for this planning effort, PEMA recognizes that many of these smaller municipalities may not have the resources or time to spend learning complex procedures. Accordingly, a suggested plan format for local municipalities concentrates on simplicity. Instead of long complicated procedures, the plan is comprised of a series of checklists to be followed during an emergency. There are major parts of the plan that contain personal information about emergency officials and should not be published.

While the emergency response starts at the local level, most municipalities rely on the county to coordinate dispatch of emergency resources. Several municipalities have chosen to rely even more on the county and to ask the county to write a plan that includes all response in their local community. Then the elected officials simply adopt the county plan as their own. This form of intergovernmental cooperative agreement does not relieve the elective officials of their responsibilities. They still have a role to play in providing resources and gathering information among other things, but they are no longer required to maintain a plan; simply to ensure that their portion of the county plan is up-to-date.

EPCRA law requires that each LEPC prepare an emergency response plan for its district that includes information such as potential chemical hazards and procedures to be followed in the event of a chemical emergency.

3C.2.5.4 Community Emergency Response Team (CERT)

The CERT program for Pennsylvania is a community-based program that includes ordinary citizens who, with training, are able to provide basic emergency skills until



trained emergency response personnel arrive. The CERT program consists of training in the following areas: Disaster Preparedness, Disaster Fire Suppression, Disaster Medical Operations, Light Search and Rescue Operations, Disaster Psychology and Team Organization, and Disaster Simulation. There are 19 CERTs in Pennsylvania.

<http://www.citizencorps.gov/cc/CertIndex.do?reportsForState&cert=&state=PA>

3C.3 PENNSYLVANIA REGULATIONS AND REQUIREMENTS

3C.3.1 Pennsylvania Regulations

Pennsylvania regulations that may apply during a spill of oil or hazardous substance may include, but are not limited to the following:

- **PA Act 165**

Pennsylvania Act 165 is the primary commonwealth regulation that provides guidance for hazardous materials. The act further enhances the power and duties of PEMA, the PEMC, and county and local governments. A hazardous material safety program is established that is to be used by the commonwealth and its counties. Also, under this act the Hazardous Material Response Fund is created, which provides financial assistance to the commonwealth agencies and counties. In addition, this fund allows for the development of Hazardous Material Emergency Response Accounts in each county. The act imposes obligations on certain handlers of hazardous materials and penalties. For oil, this act allows the county and local governments the authority to develop and to enforce their own regulations.

- **PA Clean Streams Law (Act 394, 35 PS 691; 25 Pa. Code 91.33) Act of 1937, P.L. 1987, No. 394**

To preserve and improve the purity of the waters of the commonwealth for the protection of public health, animal and aquatic life, and for industrial consumption, and recreation; empowering and directing the creation of indebtedness or the issuing of non-debt revenue bonds by political subdivisions to provide works to abate pollution; providing protection of water supply and water quality; providing for the jurisdiction of courts in the enforcement thereof; providing additional remedies for abating pollution of waters imposing certain penalties; repealing certain acts; regulating discharges of sewage and industrial wastes; regulating the operation of mines and regulating the impact of mining upon water quality, supply and quantity; placing responsibilities upon landowners and land occupiers and to maintain primary jurisdiction over surface coal mining in Pennsylvania. (Tit. amended Oct. 10, 1980, P.L.89, No.157).

- **25 Pa. Code 91.33. Incidents causing or threatening pollution.**

(a) If, because of an accident or other activity or incident, a toxic substance or another substance which would endanger downstream users of the waters of this commonwealth, would otherwise result in pollution or create a danger of pollution of the waters, or would damage property, is discharged into these waters—including sewers, drains, ditches or other channels of conveyance into the



waters—or is placed so that it might discharge, flow, be washed or fall into them, it is the responsibility of the person at the time in charge of the substance or owning or in possession of the premises, facility, vehicle or vessel from or on which the substance is discharged or placed to immediately notify PADEP by telephone of the location and nature of the danger and, if reasonably possible to do so, to notify known downstream users of the waters.

(b) In addition to the notices in subsection (a), a person shall immediately take or cause to be taken steps necessary to prevent injury to property and downstream users of the waters from pollution or a danger of pollution and, in addition thereto, within 15 days from the incident, shall remove from the ground and from the affected waters of this commonwealth to the extent required by this title the residual substances contained thereon or therein.

(c) Compliance with this section does not affect the civil or criminal liability to which the person or municipality may be subject as a result of an activity or incident under the act, 30 Pa. C.S. (relating to the Fish and Boat Code) or another statute, ordinance, or regulation.

▪ **PA Solid Waste Management Act (25 Pa. Code. Ch. 262, 264, 265)**

Providing for the planning and regulation of solid waste storage, collection, transportation, processing, treatment, and disposal; requiring municipalities to submit plans for municipal waste management systems in their jurisdictions; authorizing grants to municipalities; providing regulation of the management of municipal, residual, and hazardous waste; requiring permits for operating hazardous waste and solid waste storage, processing, treatment, and disposal facilities; and licenses for transportation of hazardous waste; imposing duties on persons and municipalities; granting powers to municipalities; authorizing the Environmental Quality Board and the Department of Environmental Resources to adopt rules, regulations, standards, and procedures; granting powers to and imposing duties upon county health departments; providing remedies; prescribing penalties; and establishing a fund.

▪ **PA Air Pollution Control Act (25 Pa. Code Environmental Protection Air Resources, Chapter 121 through 145)
Act of 1959, P.L. 2119, No. 7.87**

To provide for the better protection of the health, general welfare and property of the people of the commonwealth by the control, abatement, reduction, and prevention of the pollution of the air by smokes, dusts, fumes, gases, odors, mists, vapors, pollens, and similar matter, or any combination thereof; imposing certain powers and duties on the Department of Environmental Resources, the Environmental Quality Board and the Environmental Hearing Board; establishing procedures for the protection of health and public safety during emergency conditions; creating a stationary air contamination source permit system; providing additional remedies for abating air pollution; reserving powers to local political subdivisions and defining the relationship between this act and the ordinances, resolutions, and regulations of counties, cities, boroughs, towns, and townships; imposing penalties for violation of this act; and providing for the power



to enjoin violations of this act; and conferring upon persons aggrieved certain rights and remedies. (Title amended Oct. 26, 1972, P.L.989, No.245)

▪ **25 Pa. Code Environmental Protection Air Resources, Chapter 121.2**

(1) Provide for the control and prevention of air pollution anywhere in this commonwealth, except as expressly excluded in the act or otherwise noted in this article.

(2) Provide guidance for the design and operation of sources.

▪ **PA Storage Tank and Spill Prevention Act, Act 32-1989
Act of 1989, P.L. 169, No. 32**

Providing for the regulation of storage tanks and tank facilities; imposing additional powers and duties on PADEP and the Environmental Quality Board; and making an appropriation. (Title amended Jan. 30, 1998, P.L.46, No.13)

The General Assembly declares storage tank releases to be a threat to the public health and safety of this commonwealth and hereby exercises the power of the commonwealth to prevent the occurrence of these releases through the establishment of a regulatory scheme for the storage of regulated substances in new and existing storage tanks and to provide liability for damages sustained within this commonwealth as a result of a release and to require prompt cleanup and removal of such pollution and released regulated substance.

▪ **PA Act 13 of 2012 – created from the Consolidation of the Oil and Gas Act (Act 223 of 1984) into 58 Pa. C.S. (Oil and Gas)**

Act 13 of 2012 enacted stronger environmental standards, authorized local governments to adopt an impact fee and built upon the commonwealth's ongoing efforts to move toward energy independence as unconventional gas development continues. Among the Act's provisions are increased setback requirements for unconventional gas development; enhanced protection of water supplies; and strong, uniform, consistent, statewide environmental standards. As a result of these provisions, PADEP will continue to ensure the responsible development of this important resource.

3C.3.2 Pennsylvania Requirements

If because of an accident or other activity or incident, any toxic or taste and odor-producing substance, or any other substance which would endanger downstream users of the waters of the commonwealth, would otherwise result in pollution or create a danger of pollution of such waters, or would damage property, is discharged into these waters - including sewers, drains, ditches, or other channels of conveyance into such waters - or is so placed that it might discharge, flow, be washed, or fall into them, it shall be the responsibility of the person or municipality at the time in charge of such substance or owning or in possession of the premises, facility, vehicle, or vessel from or on which the substance is discharged or placed to forthwith notify PADEP by telephone of the location and nature of the danger and, if reasonably possible to do so, to notify all known downstream users of the waters.



In addition to the notices set forth above, such person or municipality shall immediately take or cause to be taken all necessary steps to prevent injury to property and downstream users of such waters and to protect from pollution or a danger of pollution and, in addition thereto, within 15 days from the incident, shall remove from the ground and from the affected waters of this commonwealth to the extent required by PADEP the residual substances contained thereon or therein.

3C.4 PARTICIPATION/INVOLVEMENT IN FEDERAL RESPONSE

The NCP at 40 CFR §300.180 generally describes the state/commonwealth and local participation during a response. Appropriate state/commonwealth and local officials (including Indian tribes) will be identified and participate as part of the response structure as provided in the ACPs.

In addition to meeting the requirements for local emergency plans under SARA §303, state/commonwealth and local government agencies are encouraged to include contingency planning for responses, consistent with the NCP, RCP, and ACP in all emergency and disaster planning.

For facilities not addressed under CERCLA or the CWA, state/commonwealths are encouraged to undertake response actions themselves or to use their authorities to compel potentially responsible parties to undertake response actions.

3C.4.1 Commonwealth Participation/Involvement

Designated state/commonwealth agencies shall receive appropriate notification of a pollution incident in accordance with 40 CFR §300.300 and §300.405 of the NCP. Commonwealth assistance can be invaluable during a major or medium incident in the areas of logistics, access, evacuation control, coordination with local agencies, environmental and geographic expertise, media/public relations, compliance with commonwealth statutes, and disposal of recovered material.

The commonwealth has both emergency management (PEMA) and environmental response (PADEP) agencies. The emergency management agencies coordinate the spill's impact on their commonwealth's constituents. These agencies represent a direct line to their commonwealth governor and commonwealth emergency response forces; each has a sophisticated operations/communications center. The environmental response agencies provide response assistance, impact assessments, hazard evaluations, and information and advice concerning wildlife and fisheries. PADEP maintains a 24-hour response capability to oil spills and hazardous material releases. PADEP works with local and county response agencies to mitigate any threat to public health and safety and the environment.

Commonwealth resources and special forces are available to the FOSC through the commonwealth representative. This enables efficient access to all commonwealth resources by the FOSC and frees the FOSC from the coordination and authorization problems that would otherwise be encountered. The commonwealth representative is responsible for commonwealth input to the FOSC.



3C.4.2 Local Participation/Involvement

It is the county or local municipality's responsibility, within their capabilities and resources, to assume control and provide the necessary response for the cleanup if the spiller is unwilling or unable to clean up the spill. County and local municipalities should establish an appropriate response organization with pre-designated personnel functions and assignments, and secure response resources. County and local municipal authorities should pre-designate the agency and personnel that should be on scene during responses. When county or local municipal authorities assume control of an incident, they should initiate the response and seek whatever funding sources are available.

County or local authorities will remain in control of the incident until such authorities determine the incident is beyond their capabilities and request assistance from the Commonwealth. This request should be made to PEMA. PEMA will evaluate the situation and determine which Commonwealth agencies should be activated. When PADEP assumes control, the county or local authorities should remain on scene to assist PADEP for the duration of the cleanup. When PADEP is not the lead agency, a PADEP representative may be sent to the scene to monitor activities.

3C.4.3 Requirements for Commonwealth Involvement in Enforcement Responses and Site Remedy

3C.4.3.1 Enforcement

The Environmental Crimes Section of the Office of Attorney General (OAG) is responsible for investigating and prosecuting violations of crimes against the environment.

This section handles violations of the Commonwealth's environmental and criminal statutes involving the generation, transportation, storage, and disposal of solid hazardous and other wastes, working in close conjunction with PADEP.

The OAG gains jurisdiction to investigate or prosecute these crimes either by referral from a district attorney or PADEP.

<http://www.attorneygeneral.gov/uploadedFiles/Crime/environmental.pdf>

3C.4.3.2 Site Remedy

For fund reimbursement, the commonwealth must fulfill requirements established by the NPFC, including PRP determination and documentation requirements.

3C.4.4 Commonwealth Involvement in USEPA/USCG-Lead Enforcement Negotiation

USEPA/USCG shall notify state/commonwealths of response action negotiations to be conducted by USEPA/USCG with potentially responsible parties during each fiscal year.

The commonwealth must notify USEPA/USCG of such negotiations in which it intends to participate.



The commonwealth is not foreclosed from signing a consent decree if it does not participate substantially in the negotiations.

3C.5 COMMONWEALTH REQUIRED PLANNING, PREPAREDNESS, AND RESPONSE

Appropriate local and commonwealth officials will participate as part of the response structure as provided in the ACP. No active tribal governments exist in Pennsylvania.

In addition to meeting the requirements for local emergency plans under SARA §303, commonwealth and local government agencies are encouraged to include contingency planning for responses, consistent with the NCP, RCP, and ACP in all emergency and disaster planning.

For facilities not addressed under CERCLA or the CWA, the commonwealth is encouraged to undertake response actions themselves or to use their authorities to compel potentially responsible parties to undertake response actions.

The commonwealth is encouraged to enter into cooperative agreements pursuant to §104 (c)(3) and (d) of CERCLA to enable them to undertake actions authorized under Subpart E of the NCP. Requirements for entering into these agreements are included in Subpart F of the NCP. A commonwealth agency that acts pursuant to such agreements is referred to as the lead agency. In the event there is no cooperative agreement, the lead agency can be designated in an SMOA or other agreement.

Because commonwealth and local public safety organizations would normally be the first government representatives at the scene of a discharge or release, they are expected to initiate public safety measures that are necessary to protect public health and welfare and are consistent with containment and cleanup requirements in the NCP. They are responsible for directing evacuations pursuant to existing commonwealth or local procedures.

3C.5.1 Environmental Protection Plan

The PADEP Emergency Response Program guidelines involving environmental spills are available online at

http://www.portal.state.pa.us/portal/server.pt/community/report_an_incident/6010.

3C.5.2 Emergency Management Plan

The PEMC, acting through PEMA, establishes policy and direction for the emergency management program throughout the commonwealth. The Commonwealth of Pennsylvania has an [All-Hazard Mitigation Plan](#) to address the risks associated with incidents requiring emergency response.

The council membership includes the governor; the lieutenant governor; the secretaries of the various commonwealth departments with emergency response and recovery capabilities; the leadership of the General Assembly; and representatives of county and municipal government associations, labor, business and industry, and the private



sector. The council meets at least three times a year and within 72 hours after the governor declares a disaster emergency.

In addition to the council's responsibilities set forth in the Code, the council also reviews and approves certain actions required under other laws, such as the Radiation Protection Act. Under that Act the council approves annual programs of work and spending plans for counties in emergency planning zones by the five nuclear power generating stations affecting the commonwealth.

The council also acts as the SERC that oversees the various hazardous materials emergency preparedness and response requirements contained in SARA Title III.

3C.5.3 Emergency Operations Plan for Pennsylvania

The [State Emergency Operation Plan \(SEOP\) for Pennsylvania](#) is maintained by the PEMC, acting through PEMA.

3C.5.4 Local Emergency Operations Plan

Pennsylvania's Emergency Management Services Code (35 Pa. C.S. §7101-7707), which became law in 1978 as amended, requires that every county and municipal government develop and maintain an emergency management program consistent with the state/commonwealth and federal emergency management program. Each County Emergency Management Agency and local municipalities are directed by PEMA to prepare a county EOP. These EOPs are designed so that political leaders and emergency management personnel are prepared to handle the mitigation, preparedness, response, and recovery phases of emergency management when a manmade or natural disaster occurs. To review a copy of each emergency response plan, contact the LEPC directly (contact information for the LEPCs is available through the [Region III EPA Sub-Area Planning Viewer](#)).

3C.5.5 Agriculture Planning

The Pennsylvania Department of Agriculture (PDA) is responsible for monitoring safety of locally grown food products with the objective of preventing foodborne illnesses and managing agricultural activities that may affect the quality of the commonwealth's groundwater and surface water. The following program supports PDA responsibilities:

- Pennsylvania's Nutrient Management Law (Act 6 of 1993) establishes specific nutrient management planning requirements through law and regulation. It was amended (Act 38 of 2005) in order to place greater emphasis on phosphorus management (in addition to the existing nitrogen management practices outlined in the nutrient management plans), as well as establish year-round setbacks for manure applications with respect to certain bodies of water. Authority for implementing this law is given to the Pennsylvania State Conservation Commission (SCC). The law also created the Nutrient Management Advisory Board (NMAB), a committee with wide-ranging membership, to include: the environmental community, local governments, feed industry, and representatives from the major livestock and poultry industries. The NMAB serves the SCC in an



advisory capacity, providing recommendations and comments with regard to nutrient management regulations developed by the SCC.

3C.6 COMMONWEALTH OF PENNSYLVANIA ACCESS TO NON-FEDERAL FUNDS

In Pennsylvania, seven funds (*i.e.*, grants, loans or rebates) have been established to assist individuals, groups and businesses with emergency planning, preparedness, or related environmental issues:

- The Clean Water Fund (pursuant to the Clean Streams Act) is administered by PADEP.
- The Clean Air Fund (pursuant to the Air Pollution Control Act) is administered by PADEP.
- Hazardous Sites Cleanup Fund (pursuant to the Hazardous Sites Cleanup Act) is administered by PADEP.
- The Solid Waste Abatement Fund (pursuant to the Solid Waste Management Act) is administered by PADEP.
- The Orphan Well Plugging Fund is administered under the Coal and Gas Resource Coordination Act and the Oil and Gas Conservation Law.
- The Abandoned Well Plugging Fund is similarly administered under the Coal and Gas Resource Coordination Act and the Oil and Gas Conservation Law.
- Hazardous Materials Response Fund.

[Note that some of the above-mentioned funds may stem from federal sources.]

These funds are primarily to be used to remove threats or potential threats of pollutants to the environment or to the public health, safety, or welfare. More information can be obtained from the [PADEP Grants Center](#).

3C.7 MUTUAL AID AGREEMENTS AND/OR MEMORANDUMS OF AGREEMENT/ UNDERSTANDING (MOAs/MOUs)

The federal, state/commonwealth, and local MOAs/MOUs may establish the nature and extent of USEPA and state/commonwealth and local interaction during USEPA lead and state/commonwealth or local lead responses (including Indian tribes). USEPA shall enter into MOA/MOU discussions if requested by a state/ commonwealth or local government.

Refer to the NCP (40 CFR §300.505) for a discussion of USEPA/State/Commonwealth SMOA.

3C.7.1 Mutual Aid Agreements

The purpose of Act 93 of 2008 is to create a system of intrastate mutual aid between participating political subdivisions within this commonwealth, where each participating political subdivision recognizes that emergencies transcend the boundaries of a political



subdivision and that intergovernmental coordination is essential for the protection of lives and property and for the best use of available public and private assets.

The mutual aid system is to provide for mutual assistance among the participating political subdivisions in the prevention of, response to and recovery from threats to public health and safety that are beyond the capability of an affected community to respond. The system also is to provide for mutual cooperation among the participating subdivisions in conducting exercises, testing or other training activities.

3C.7.2 Interagency Commonwealth Agreements

An intrastate mutual aid system is established for the purpose of providing mutual aid within this commonwealth.

The purpose is to create a system of intrastate mutual aid between participating political subdivisions within this commonwealth, whereby each participating political subdivision recognizes that emergencies transcend the boundaries of a political subdivision and that intergovernmental coordination is essential for the protection of lives and property and for the best use of available public and private assets. The system shall provide for mutual assistance among the participating political subdivisions in the prevention of, response to and recovery from threats to public health and safety that are beyond the capability of an affected community to respond. The system shall provide for mutual cooperation among the participating subdivisions in conducting exercises, testing or other training activities.

A participating political subdivision may request assistance of other participating political subdivisions or their designated emergency response organizations. All requests for assistance shall be initiated from the incident commander or authorized designee at an incident location, the county 911 center or the county emergency manager where the incident occurs. All intrastate mutual aid requests for assistance shall be made to the county 911 center or county emergency management coordinator or authorized designee in the responding county.



3.D COMMONWEALTH OF VIRGINIA RESPONSIBILITIES

For the Commonwealth of Virginia, this plan is consistent with requirements set forth in the Commonwealth of Virginia Hazardous Materials Response Plan, an annex to Volume VII of the Commonwealth of Virginia’s Emergency Operations Plan (COVEOP)¹ and ESF #10, Oil and Hazardous Materials Response, an annex to Volume II of the COVEOP.

Contact information with specific State/Commonwealth contact lists is provided at the [Region III Inland Area Committee Website](#).

3D.1 AREA OF RESPONSIBILITY

Virginia Department of Emergency Management (VDEM) and the Virginia Department of Environmental Quality (VDEQ) are the designated agency units responsible for the response to oil and hazardous substances in the following jurisdictions:

- | | | | |
|-------------------|-----------------|-----------------|-----------------|
| Accomack, | Danville, | Lancaster, | Pulaski, |
| Albemarle, | Dickenson, | Lee, | Radford, |
| Alexandria, | Dinwiddie, | Lexington, | Rappahannock, |
| Alleghany, | Emporia, | Loudoun, | Richmond, |
| Amherst, | Essex, | Louisa, | Roanoke, |
| Appomattox, | Falls Church, | Lunenburg, | Roanoke City, |
| Arlington, | Fairfax, | Lynchburg, | Rockbridge, |
| Amelia, | Fairfax City, | Madison, | Rockingham, |
| Augusta, | Fauquier, | Manassas, | Russell, |
| Bath, | Floyd, | Manassas Park, | Salem, |
| Bedford, | Fluvanna, | Martinsville, | Scott, |
| Bedford City, | Franklin, | Mathews, | Shenandoah, |
| Bland, | Franklin City, | Mecklenburg, | Smyth, |
| Botetourt, | Frederick, | Middlesex, | Southampton, |
| Bristol, | Fredericksburg, | Montgomery, | South Boston, |
| Brunswick, | Galax, | Nelson, | Spotsylvania, |
| Buchanan, | Giles, | New Kent, | Stafford, |
| Buckingham, | Gloucester, | Newport News, | Staunton, |
| Buena vista, | Goochland, | Norfolk, | Suffolk, |
| Campbell, | Grayson, | Northampton, | Surry, |
| Caroline, | Greene, | Northumberland, | Sussex, |
| Carroll, | Greensville, | Norton, | Tazwell, |
| Charles City, | Halifax, | Nottoway, | Virginia Beach, |
| Charlotte, | Hampton, | Orange, | Warren, |
| Charlottesville, | Hanover, | Patrick, | Washington, |
| Chesapeake, | Henrico, | Petersburg, | Waynesboro, |
| Chesterfield, | Highland, | Pittsylvania, | Westmoreland, |
| Clarke, | Hopewell, | Poquoson, | Williamsburg, |
| Colonial Heights, | Isle of Wight, | Portsmouth, | Winchester, |
| Covington, | James City, | Powhatan, | Wise, |
| Craig, | King George, | Prince Edward, | Wythe, |
| Culpepper, | King & Queen, | Prince George, | York. |
| Cumberland, | King William, | Prince William, | |

¹ Refer to Section 3D.5.2 Emergency Operations Plan for Virginia for more information on the COVEOP.



Individual county fact sheets with emergency contact information are provided in the respective Volumes of SACPs (refer to Section 1.4.2). Virginia is included in five different Sub-Areas–Volumes II, X, XII, XIII, and XV. Executive Order 41 requires state agencies to be prepared for all disasters and to ensure the continuity of state government operations, including the delivery of essential state governmental services. VDEQ and VDEM represent the public under ESF #10, Oil and Hazardous Materials Response, as well as the interests of the Commonwealth of Virginia on RRT III, which is a planning, policy, and coordinating body that meets regularly to discuss oil spill and hazardous materials contingency planning.

The VDEM 24-hour spill notification number is VDEM at **1 (800) 468-8892** (Virginia residents only; for calls outside of Virginia 804-674-2400.

VDEQ can be reached at **1 (800) 592-5482**.

3D.2 VIRGINIA ORGANIZATIONAL FRAMEWORK (RESPONSE SYSTEMS)

The Commonwealth of Virginia has a state disaster plan² and emergency services and disaster laws that specify the state's authority and organization for a technical response to environmental emergencies. The COVEOP provides the coordinating structure, process and mechanism for the coordination of the state's response and support to impacted local governments and affected individuals and businesses. The Commonwealth provides technical expertise to assess environmental and public health threats and damage, as well as to advise local responders.³

VDEM and VDEQ are the lead agencies for oil and hazardous materials response with the other agencies fulfilling a support role. The Virginia Emergency Response Team consists of the following:

- Virginia Department of the Emergency Management (VDEM) – Co-Lead Agency,
- Virginia Department of Environmental Quality (VDEQ) – Co-Lead Agency,
- Virginia Department of Health (VDH) – Support Agency,
- Virginia Department of Game and Inland Fisheries – Support Agency,
- Virginia Department of Mines, Minerals, and Energy (DMME) – Support Agency.

Their equipment includes personal protective equipment for entry work, monitoring and sampling equipment, and containment and communication supplies. VDEQ can also direct responsible parties under applicable commonwealth laws and regulations.

Additional commonwealth agencies are also available to support a response:

- Virginia Marine Resource Commission,
- Virginia Institute of Marine Science,
- Virginia Department of Conservation and Recreation,
- Virginia Marine Resource Commission,
- Virginia State Police,
- Virginia Department of Historic Resources.

² The Virginia Hazardous Materials Response Plan, available from: <http://www.vaemergency.gov/em-community/plans/2012COVEOP>.

³ Refer to the COVEOP, ESF #10 - Oil and Hazardous Materials Response for a description of the state response systems and policies.



ESF #10 coordinates the division and specification of responsibilities among state agencies and on-site response organizations, personnel, and resources that may be used to support response actions. It is applicable to all state agencies (and local governments and private entities) with responsibilities and assets to support local response to actual or potential oil or hazardous materials incidents. Either VDEM or VDEQ will provide a state on-scene coordinator (OSC) to the response; this individual has the authority to initiate all appropriate state actions to assist local governments.

3D.2.1 Elected and Appointed Officials Role During an Incident

3D.2.1.1 Governor of the Commonwealth of Virginia

The Governor, an elected official for the Commonwealth of Virginia, appoints the members of the Virginia Emergency Response Council (VERC) to satisfy SARA Title III, which is known as EPCRA. For current information about Virginia's Governors, visit the following websites:

- Governor - <http://www.governor.virginia.gov/>,
- Lieutenant Governor - <http://www.ltgov.virginia.gov/>.

3D.2.1.2 State Coordinator for the Virginia Department of Emergency Management (VDEM)

The State Coordinator of VDEM is appointed by the Governor of Virginia. The State Coordinator leads the VDEM in working with local government, state, and federal agencies and voluntary organizations to provide the following types of resources and expertise through the four phases of emergency management (planning, preparedness, response, and mitigation). He is a member of the Virginia Emergency Response Team (VERT) and other emergency response organizations, and serves as chairman of the Virginia Emergency Response Council and Virginia Wireless E-911 Board.

For more information, go to <http://www.vaemergency.gov/aboutus/leadership/state-coordinator>.

3D.2.1.3 Director of Virginia Department of Environmental Quality (VDEQ)

The Director of VDEQ is appointed by the Governor of Virginia. The Director leads the VDEQ planning, regulatory, management, and financing programs to protect public health; ensure a safe and reliable water supply; restore and protect air quality, water quality, wetlands, and waterways; clean up contaminated land; and ensure proper management of hazardous and solid wastes.

For more information, visit <http://www.deq.state.va.us/AboutUs/AbouttheDirector.aspx>.

3D.2.1.4 Members of U.S. Congress

U.S. House of Representatives

The congressional districts of Virginia are represented by 11 members of congress in the U.S. House of Representatives. Each of these representatives is elected to a two-year term. The role of the representatives is to serve the people of a particular



congressional district by introducing bills and serving on committees, among other things. A complete list and contact information for each U.S. Representative is available at http://www.house.gov/representatives/#state_va.

U.S. Senate

There are two U.S. Senators that represent the Commonwealth of Virginia in Washington DC. The primary role of senators is legislative. They are elected to term every four years by the voters of the 40 senatorial districts. A complete list and contact information for each U.S. Senator is available at http://www.senate.gov/general/contact_information/senators_cfm.cfm.

3D.2.1.5 Members of Commonwealth of Virginia Legislative Branch

The Virginia General Assembly, as the legislative body directly representing the electorate, passes public general laws, raises revenues, and appropriates funds to pay for Commonwealth government services, and oversees the operation of Commonwealth executive agencies. In much of this activity, the legislature plays a major role in helping to develop the public policy of the Commonwealth.

The General Assembly meets annually, beginning on the second Wednesday in January, for 60 days in even-numbered years and for 30 days in odd-numbered years, with an option to extend annual sessions for a maximum of 30 days.

For more information, visit <http://viriniageneralassembly.gov/index.php>.

Virginia State Senate

The Senate is composed of 40 members, each of whom is elected to a 4-year term, except when reapportionment occurs, at which time Senators may be elected to a 2-year term. A complete list and contact information for all members of the Senate of Virginia Go is available at <http://apps.lis.virginia.gov/sfb1/Senate/TelephoneList.aspx>.

Virginia House of Representatives

The House of Representatives is composed of 100 members, each of whom is elected to a 2-year term. A complete list and contact information for all House of Representative members is available at

<http://dela.house.virginia.gov/dela/MemBios.nsf/MWebsiteCO?OpenView>.

3D.2.2 Resource Protection

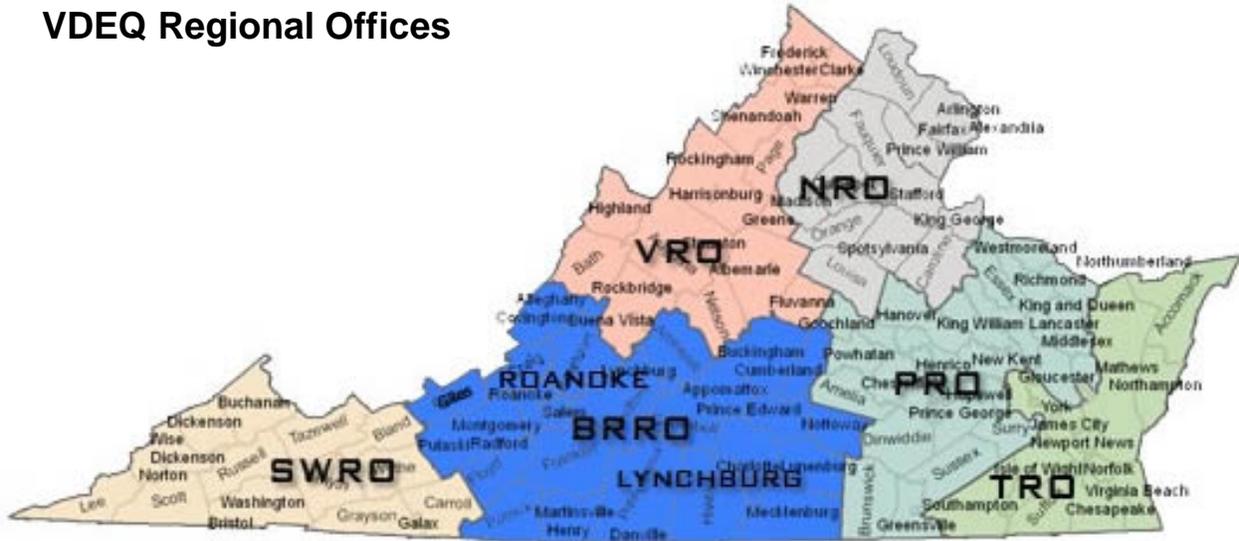
3D.2.2.1 Virginia Department of Environmental Quality (VDEQ)

<http://www.deq.state.va.us/>

VDEQ's regional offices are the primary point of contact for most people doing business with the agency regarding air, water, or waste issues. Regional activities include: permits, remediation, air quality, water quality, and compliance, monitoring and enforcement.



VDEQ Regional Offices



VDEQ Regional Offices		
Location ¹	Address	Contact
24-Hour Emergency²	(VDEM)	1 (800) 468-8892³
Headquarters – Central Office	629 East Main Street Richmond, VA 23219	(804) 698-4000 or toll-free in Virginia, 1 (800) 592-5482
Northern Regional Office (NRO) Counties: Arlington, Caroline, Culpeper, Fairfax, Fauquier, King George, Loudoun, Louisa, Madison, Orange, Prince William, Rappahannock, Spotsylvania, and Stafford. Cities: Alexandria, Falls Church, Fairfax, Fredericksburg, Manassas, and Manassas Park.	13901 Crown Court Woodbridge, VA 22193 Office Hours: 8:30am - 4:30pm Monday-Friday	(703) 583-3800 (703) 583-3821 (fax)
Piedmont Regional Office (PRO) Counties: Amelia, Brunswick, Charles City, Chesterfield, Dinwiddie, Essex, Gloucester, Goochland, Greensville, Hanover, Henrico, King and Queen, King William, Lancaster, Mathews, Middlesex, New Kent, Northumberland, Powhatan, Prince George, Richmond, Surry, Sussex and Westmoreland. Cities: Colonial Heights, Emporia, Hopewell, Petersburg, and Richmond.	4949-A Cox Road Glen Allen, VA 23060 Office Hours: 8:30am - 5:00pm Monday-Friday	(804) 527-5020 (804) 527-5106 (fax)



VDEQ Regional Offices		
Location¹	Address	Contact
24-Hour Emergency²	(VDEM)	1 (800) 468-8892³
Blue Ridge Regional Office (BRRO - Lynchburg) Counties: Amherst, Appomattox, Buckingham, Campbell, Charlotte, Cumberland, Halifax, Lunenburg, Mecklenburg, Nottoway, Prince Edward, and Pittsylvania. Cities: of Danville and Lynchburg.	7705 Timberlake Road Lynchburg, VA 24502 Office Hours: 8:30am - 4:30pm Monday-Friday	(434) 582-5120 (434) 582-5125 (fax)
Blue Ridge Regional Office (BRRO - Roanoke) Counties: Alleghany, Bedford, Botetourt, Craig, Floyd, Franklin, Giles, Henry, Montgomery, Patrick, Pulaski, and Roanoke. Cities: of Bedford, Clifton Forge, Covington, Martinsville, Radford, Roanoke, and Salem.	3019 Peters Creek Road Roanoke, VA 24019 Office Hours: 8:30am - 4:30pm Monday-Friday	(540) 562-6700 (540) 562-6725 (fax)
Valley Regional Office (VRO) Counties: Albemarle, Augusta, Bath, Clarke, Fluvanna, Frederick, Greene, Highland, Nelson, Page, Rockbridge, Rockingham, Shenandoah, and Warren. Cities: Buena Vista, Charlottesville, Harrisonburg, Lexington, Staunton, Waynesboro, and Winchester.	4411 Early Road Harrisonburg, VA 22801 Office Hours: 8:30am - 4:30pm Monday-Friday	(540) 574-7800 (540) 574-7878 (fax)
Southwest Regional Office (SWRO) Counties: Bland, Buchanan, Carroll, Dickenson, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe. Cities: of Bristol, Galax, and Norton.	355 Deadmore St. Abingdon, VA 24212 Office Hours: 8:30am - 4:30pm Monday-Friday	(276) 676-4800 1+(276) 676-4899 (fax)
Tidewater Regional Office (TRO) Counties: Accomack, Isle of Wight, James City, Northampton, Southampton, and York. Cities: of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg.	5636 Southern Blvd. Virginia Beach, VA 23462 Office Hours: 8:30am - 4:30pm Monday-Friday	(757) 518-2000 (757) 518-2009 (fax)
Notes: ¹ Refer to figure above for regional office response zones. ² During normal business hours contact the nearest VDEQ regional office. Call the VDEM 24-hour emergency number to report emergencies after hours. ³ To contact VDEM from a non-Virginia line, dial (804) 674-2400.		



The VDEQ Pollution Response Program (PREP) provides for responses to air, water, and waste pollution incidents in order to protect human health and the environment. PREP staff work to assist local emergency responders, other state agencies, federal agencies, and responsible parties, as needed, to manage pollution incidents like oil spills, fish kills, and hazardous materials spills.⁴

VDEQ is a member of VERT, which is coordinated by VDEM and designed to assist localities and other state agencies during a large-scale emergency or disaster affecting the commonwealth. VDEQ co-leads ESF #10, Oil and Hazardous Materials Response, with VDEM and is a support agency to additional ESFs. Depending on the scope of the incident, the VERT, acting through various ESFs, augments (enhances) operations at the Virginia Emergency Operations Center (VEOC), so the Commonwealth can assist localities and other state agencies during an emergency or disaster.

The COVEOP describes Virginia's approach to all-hazards response and the concepts of response and recovery operations. The basic plan and hazard-specific annexes are maintained by VDEM and state agencies with emergency management duties and responsibilities. VDEQ has various roles and responsibilities that are outlined in the plan, and VDEQ participates in annual reviews and updates to the plan.

As stated in the COVEOP (refer to Section 3D.5.2 Emergency Operations Plan for Virginia for more information), VDEQ will:

- Support collection, analysis and assessment of air and water quality samples;
- Support collection, analysis and assessment of meteorological data;
- Provide technical assistance in development of protective strategies for risks posed by releases of hazardous materials or oil spills;
- Provide technical and regulatory assistance regarding the removal, storage, and disposal of debris/wastes; and
- Provide technical advice on countermeasure strategies to address real or potential environmental impacts relating to an emergency/disaster.

3D.2.2.2 Commonwealth Trustees

Commonwealth Agencies

The Commonwealth's Secretary of Natural Resources is in an advisory position the Governor on natural resources issues and works to advance the Governor's top environmental priorities. The Secretary oversees six agencies⁵ (below) that protect and restore the Commonwealth's natural and historic resources. Of the six agencies, the following serve as co-trustees for the purposes of NRDA:

⁴ Hazardous materials are defined under Virginia Law (Title 44-146.34) as: substances or materials which may pose unreasonable risks to health, safety, property, or the environment when used, transported, stored or disposed of, which may include materials which are solid, liquid, or gas. Hazardous materials may include toxic substances, flammable and ignitable materials, explosives, corrosive materials, chemical and biological substances, and radioactive materials.

⁵ Refer to <http://www.naturalresources.virginia.gov/Agencies> for the list of agencies under the Secretary of Natural Resources oversight.



- Virginia Department of Conservation and Recreation,
- Virginia Department of Game and Inland Fisheries,
- Virginia Department of Historic Resources,
- Virginia Marine Resource Commission.

In addition, the following agencies also have NRDA responsibility:

- Virginia Institute of Marine Science,
- Virginia State Police.

State/Federally Recognized Indian Tribes

There are currently no federally recognized Indian Tribes located within the Commonwealth of Virginia.

The Commonwealth of Virginia currently has identified 11 state-recognized tribes:

- Cheroenhaka (Nottoway) Indian Tribe - Southampton County, www.cheroenhaka-nottoway.org,
- Chickahominy Indian Tribe – Charles City County, www.chickahominytribe.org,
- Chickahominy Indians Eastern Division - New Kent County, www.cied.org,
- Mattaponi Tribe – King William County, www.mattaponitribe.com,
- Monacan Indian Nation – Amherst County, www.monacannation.com,
- Nansemond Indian Tribal Association – Cities of Suffolk and Chesapeake, www.nansemond.org,
- Nottoway Indian Tribe of Virginia – Southampton County, www.nottowayindians.org,
- Pamunkey Indian Tribe – King William County, www.pamunkey.net,
- Patawomeck Indians of Virginia – Stafford County, www.patawomeckindians.org,
- Rappahannock Tribe – King & Queen County, www.rappahannocktribe.org,
- Upper Mattaponi Indian Tribe – King William County, www.uppermattaponi.org.



Federal Installations within Virginia

There are 18 active military installations and co-located organizations in the Commonwealth of Virginia:

- Langley Air Force Base, Hampton, VA,
- Fort A.P. Hill Army Base, Bowling Green, VA,
- Fort Belvoir Army Base, Fairfax, VA,
- Joint Base Langley – Eustis, Newport News, VA,
- Fort Lee Army Base, Prince George, VA,
- Fort Myer Army Base and Henderson Hall (Marine Corps), Arlington, VA,
- Sector Hampton Roads, Portsmouth, VA,
- MCB Quantico, Triangle, VA,
- Joint Expeditionary Base Little Creek – Fort Story and Naval Amphibious Base Little Creek, Little Creek, VA,
- NAS Oceana/Dam Neck, Virginia Beach, VA,
- Portsmouth Naval Shipyard, Portsmouth, VA,
- Naval Station Norfolk, Norfolk, VA,
- Naval Support Activity Northwest Annex, Chesapeake, VA,
- Naval Support Facility Dahlgren, Dalgrehn, VA,
- NWS Yorktown/Cheatham Annex, Yorktown, VA,
- SCSC Wallops Island, Wallops Island, VA.
- The Pentagon, Arlington, VA
- Armed Forces Experimental Training Activity (AFETA) – Camp Peary, York County, VA

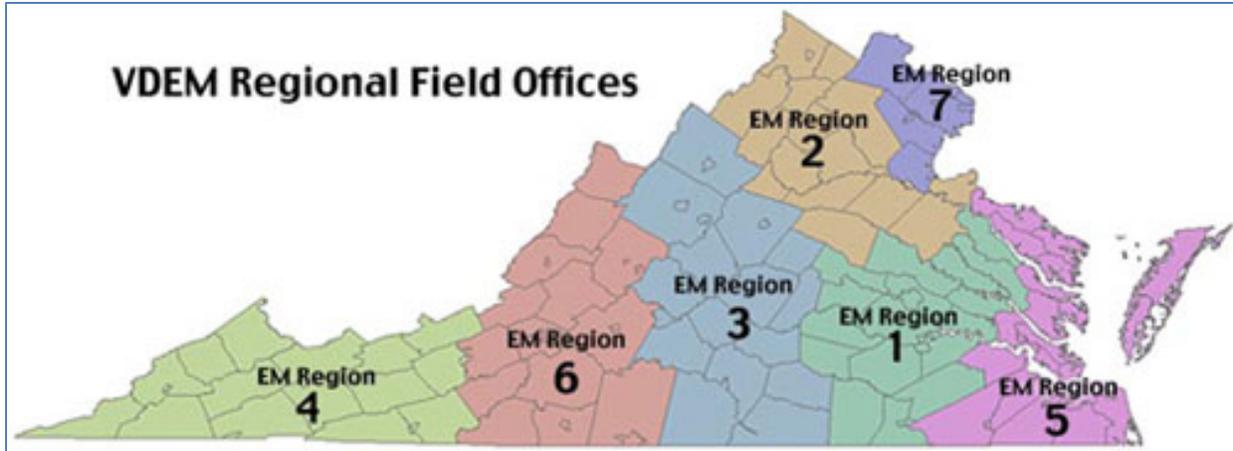
3D.2.3 Emergency Management

3D.2.3.1 Virginia Department of Emergency Management (VDEM)

<http://www.vaemergency.gov/>

VDEM is headquartered in Richmond, Virginia, with an administrative office along Trade Court and the State EOC located off-site on the grounds of the Virginia State Police headquarters. VDEM's regional coordinators also maintain offices within their territories to serve as a base of operations for Local Support Services Division staff.

The VDEM 24-hour spill notification number is VDEM at **1 (800) 468-8892 (Virginia)** or (804) 674-2400 (outside of Virginia).



VDEM Regional Field Offices ¹		
Location ²	Address	Contact
24-Hour Emergency		1 (800) 468-8892³
Headquarters	10501 Trade Court Richmond, VA 23236	
Region 1: Richmond Counties: Amelia, Brunswick, Charles City, Chesterfield, Dinwiddie, Essex, Goochland, Greensville, Hanover, Henrico, King and Queen, King William, New Kent, Nottoway, Powhatan, Prince George, and Sussex. Cities: Colonial Heights, Emporia, Hopewell, Petersburg, and Richmond.	10501 Trade Court Richmond, VA 23236	
Region 2: Culpeper Counties: Caroline, Clarke, Culpeper, Fauquier, Frederick, Greene, King George, Louisa, Madison, Orange, Page, Rappahannock, Shenandoah, Spotsylvania, and Warren. Cities: Fredericksburg, Luray, and Winchester.	P.O. Box 7877 Fredericksburg, VA 22404	Toll Free in VA – (800) 468-8892 (outside of Virginia) (804) 674-2400 (804) 897-6506 (fax)
Region 3: Central Virginia Counties: Albemarle, Amherst, Appomattox, Augusta, Buckingham, Campbell, Charlotte, Cumberland, Fluvanna, Halifax, Lunenburg, Mecklenburg, Nelson, Prince Edward, and Rockingham. Cities: Farmville, Charlottesville, Harrisonburg, Lynchburg, South Boston, Staunton, and Waynesboro.	P.O. Box 693 Farmville, Va. 23901	



VDEM Regional Field Offices ¹		
Location ²	Address	Contact
24-Hour Emergency		1 (800) 468-8892³
Region 4: Southwest Counties: Bland, Buchanan, Carroll, Dickenson, Grayson, Lee, Pulaski, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe. Cities: Bristol, Galax, Norton, and Radford.	6580 Valley Center Drive Suite 328, Box 4 Radford, VA 24141	
Region 5: Tidewater Counties: Accomack, Gloucester, Isle of Wight, James City, Lancaster, Mathews, Middlesex, Northampton, Northumberland, Richmond, Southampton, Surry, Westmoreland, and York. Cities: Chesapeake, Chincoteague, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg.	P.O. Box 1239 Mathews, VA 23109	
Region 6: Roanoke Area Counties: Alleghany, Bath, Bedford, Botetourt, Craig, Floyd, Franklin, Henry, Highland, Montgomery, Patrick, Pittsylvania, Roanoke, and Rockbridge. Cities: Bedford, Buena Vista, Christiansburg, Clifton Forge, Covington, Danville, Lexington, Martinsville, Roanoke, Salem, and Vinton.	6580 Valley Center Drive Suite 328, Box 4 Radford, VA 24141	
Region 7: Northern Virginia Counties: Arlington, Fairfax, Loudoun, Prince William, and Stafford. Cities: Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park.	4975 Alliance Drive 4E Fairfax, VA 22030	
Notes: ¹ VDEM is headquartered in Richmond, Virginia, with an administrative office along Trade Court and the State EOC located off-site on the grounds of the Virginia State Police headquarters. VDEM regional coordinators also maintain offices within their territories to serve as a base of operations for Local Support Services Division staff. ² Refer to figure above for field office response zones. ³ To contact VDEM from a non-Virginia line, dial (804) 674-2400.		

VDEM works with local government, state and federal agencies, and voluntary organizations to provide resources and expertise through the four phases of emergency management (planning, preparedness, response, and mitigation).

- On-site response organizations, personnel, and resources that may be used to support response actions (including those from the Virginia National Guard and federal agencies);
- An ESF #10 response is applicable to all state agencies with responsibilities and assets to support local response to actual or potential oil or hazardous materials



incidents. An ESF #10 response may also involve coordination with local governments and private entities as appropriate; and

- At the site of any oil or hazardous materials incident, the Virginia Emergency Response Team (VERT) may deploy a state on-scene coordinator (SOSC) to represent the Commonwealth in all on-scene decisions related to the mitigation of the incident. The SOSC should be a VDEM Hazardous Materials Officer (HMO), but may be a representative of another state agency, as appropriate. When the primary impact of a release or potential release would be to property and the environment, the SOSC should be a representative from VDEQ. In either case, the SOSC has the authority to initiate all appropriate state actions to assist local governments.

Virginia Code §44-146.1 provides for the establishment of a State Department of Emergency Management and to authorize the creation of local organizations for emergency management in the political subdivisions of the Commonwealth.

Duties associated with each of the four response components are summarized below:

Preparedness:

- Develops and maintains state emergency plans as blueprints for response to a variety of scenarios and assists communities in developing localized emergency operations plans;
- Offers training courses in emergency management, hazardous materials response, and search and rescue to prepare local responders to effectively deal with disasters and their aftermath;
- Conducts exercises and drills across the state to afford opportunities to put skills into practice in a controlled setting; and
- Assists citizens in minimizing their risks by working with the National Weather Service and local emergency managers to conduct intensive annual public awareness campaigns promoting tornado, hurricane, and winter weather safety.

Response:

- Provide crisis assistance to local governments. The Commonwealth expands staffing at the state EOC to coordinate the response efforts and provide status reports to the governor on existing conditions; and
- The governor can declare a state of emergency. In a major disaster, the Commonwealth will ask for assistance through FEMA. The president may issue a disaster declaration that clears the way for federal disaster assistance.

Recovery:

- After disaster strikes, citizens are anxious to return to their normal lives as quickly as possible. Under a federal declaration, victims should call FEMA at (800) 462-9029 toll-free to register for disaster assistance. The TTY number for the speech or hearing impaired is 1 (800) 462-7585; and



- State and federal financial aid programs may be available to displaced residents in an affected area. VDEM staff works with FEMA to coordinate and administer these programs.

Mitigation:

- VDEM helps communities recover from a disaster. Preventive measures now can help mitigate or lessen future losses. Many repairs can incorporate steps that will reduce or eliminate potential damage; and
- VDEM works with local jurisdictions to assist them in designing effective, long-range mitigation plans to address hazards specific to their communities.

3D.2.4 Health and Safety

3D.2.4.1 Virginia Department of Health (VDH)

<http://www.vdh.state.va.us/OEP/>

The VDH assists VDEQ in its response to emergencies when there are public health issues to be addressed.

The mission of the VDH is to effectively respond to any emergency impacting public health through preparation, collaboration, education, and rapid intervention. VDH Emergency Preparedness involves state, regional, and local emergency response partners working together to enhance readiness to respond to all hazards, including bioterrorism, infectious disease outbreaks, and other public health emergencies.

As stated in the COVEOP (refer to Section 3D.5.2 Emergency Operations Plan for Virginia for more information on the COVEOP), the VDH will provide the following services (abbreviated list):

- Act as the primary commonwealth agency for health and medical services issues;
- Provide medical and health guidance or advice regarding the threat to human health posed by the release of the hazardous materials and recommend protective action measures; and
- Coordinate assistance to supplement local government and non-governmental resources in response to public health and medical care needs under its role as the lead agency under ESF #8, Public Health & Medical Services, should its services be required for an oil or hazardous materials response (ESF #10).

3D.2.5 Roles of Other Commonwealth and Local Emergency Organizations

3D.2.5.1 Virginia Emergency Response Council (VERC)

Under the Virginia Code, Chapter 3.5 §44.146.40 created the [Virginia Emergency Response Council](#) to carry out the provisions of the Title 3, public law 99-499. The Virginia Emergency Response Council shall consist of such state agency heads or designated representatives with technical expertise in the emergency response field, as the Governor shall appoint.



In Virginia, the State/Commonwealth Emergency Response Commission (SERC) is known as the Virginia Emergency Response Council (VERC). To protect people and the environment from hazardous chemical material, the Governor in 1987 designated the Emergency Management Advisory Council to serve as the Virginia SERC (Executive Order 01.01.1987.11). The designation was made in accordance with Title III of SARA of 1986 (P.L. 99-499).

Fulfilling its federal functions, VERC established emergency response planning districts and LEPCs. The VERC receives and distributes certain material safety data sheets, hazardous chemical inventories, and toxic chemical release forms.

VERC is chaired by the Director of the VDEM and includes representatives from other state agencies: VDEQ; the Department of Fire Programs; the VDH; the Department of Labor and Industry; the Department of Mines, Minerals and Energy; and the State Police.

3D.2.5.2 Local Emergency Planning Committees (LEPCs)

<http://www.vaemergency.gov/em-community/plans/lepc-toolkit>.

LEPCs were established in accordance with the federal SARA Title III of 1986, known as EPCRA.

The group coordinates planning for hazardous materials incident response and the dissemination of information regarding chemical hazards in the community. Committee members represent the following groups or organizations: elected officials, firefighters and emergency medical services personnel, law enforcement, health, emergency management, media, hospitals, federal facilities, community groups, and owners and operators of facilities using or storing hazardous materials.

EPCRA law requires that each LEPC prepare an emergency response plan for its district that includes information such as potential chemical hazards and procedures to be followed in the event of a chemical emergency. Each committee is intended to broadly represent the community and must include members from each of five constituent groups:

- Elected state and local officials;
- Law enforcement officials, civil defense workers, and firefighters;
- First aid, health, hospital, environmental, and transportation workers;
- Representatives of community groups and the news media; and
- Owners and operators of industrial facilities, including other businesses using, storing, processing, or distributing chemicals.

The role of a LEPC is to perform the following functions:

- Appoint LEPC members;
- Prepare and distribute a comprehensive chemical emergency response plan;
- Review the chemical emergency response plan at least once a year;



- Evaluate the local resources needed to implement the program. There is no funding from the commonwealth. LEPC may apply for federal grants;
- Provide for public participation in the SARA Title III emergency planning and preparedness activities;
- Publish an annual reminder to the public on the availability of a local, chemical emergency response plan for review;
- Establish procedures for receiving and processing facility reporting information related to EPCRA §302, §303 (Chemical Emergency Release Contingency Plan), §304, §311, and §312; and
- Establish procedures for processing request from the public for the aforementioned information.

NOTE: Many LEPCs have taken the §312 - Tier II reporting and downloaded into the Computer-Aided Management of Emergency Operations (CAMEO) program or the Emergency Information System (EIS) used in the field during an emergency response.

Virginia has 114 LEPCs (63 counties, 18 cities, and 22 Joint LEPC organizations). These include cities or towns, counties, or joint LEPCs (which include a cooperating group of a county and one or more cities or towns).



List of Local Emergency Planning Committees (LEPCs) in Virginia		
Location	Location	Location
Accomack County	Louisa County	City of Fredericksburg
Amelia County	Lunenburg County	City of Hopewell
Amherst County	Madison County	City of Lynchburg
Appomattox County	Matthew County	City of Norfolk
Arlington County	Mecklenburg County	City of Petersburg
Bath County	Middlesex County	City of Portsmouth
Bland County	Nelson County	City of Radford
Botetourt County	New Kent County	City of Richmond
Brunswick County	Northampton County	City of Suffolk
Buchanan County	Nottoway County	City of Virginia Beach
Buckingham County	Orange County	City of Williamsburg
Campbell County	Page County	Carroll County/Grayson/Galax City Regional Center
Caroline County	Patrick County	Fairfax Joint LEPC
Charles City County	Pittsylvania County	Rockbridge Joint LEPC
Charlotte County	Powhatan County	Wise Joint LEPC
Chesterfield County	Prince George County	Alleghany Joint LEPC
Clarke County	Pulaski County	Arlington / Falls Church Joint LEPC
Craig County	Russell County	Augusta Joint LEPC (Staunton / Waynesboro / Augusta)
Cumberland County	Scott County	City of Williamsburg
Dickenson County	Shenandoah County	Charlottesville / Albemarle County Joint LEPC
Dinwiddie County	Smyth County	Culpepper Joint LEPC
Essex County	Spotsylvania County	Fauquier Joint LEPC
Floyd County	Stafford County	Halifax Joint LEPC
Fluvanna County	Surry County	Harrisonburg / Rockingham Joint LEPC
Giles County	Sussex County	Loudoun Joint LEPC
Gloucester County	Tazwell County	Martinsville / Henry County LEPC
Greene County	Washington County	Montgomery County / Blacksburg Joint LEPC
Hanover County	Wythe County	Northern Neck Joint LEPC
Henrico County	City of Alexandria	Peninsula Joint LEPC
Highland County	City of Bedford	Prince William County / Manassas Joint LEPC



List of Local Emergency Planning Committees (LEPCs) in Virginia		
Location	Location	Location
King & Queen County	City of Bristol	Roanoke Valley Joint LEPC
King George County	City of Chesapeake	Southampton / Isle of Wright Co. / Franklin City Joint LEPC
King William County	City of Colonial Heights	Warren Joint LEPC
Lancaster County	City of Danville	Winchester / Frederick County Joint LEPC
Lee County	City of Emporia	

Notes:
For the most current list of LEPCs, visit: <http://www.deq.virginia.gov/Programs/Air/AirQualityPlanningEmissions/SARATitleIII/Contacts.aspx#LEPC>.

3D.2.5.3 Community Emergency Response Team (CERT)

<http://www.vaemergency.gov/volunteers/cert/cert-groups>.

Trained CERT members fill a vital role in the moments immediately following an emergency before first responders arrive on scene. Training involves basic disaster preparedness, such as fire safety, light search and rescue, team organization, triage and first aid, disaster psychology and terrorism awareness. CERT members also support emergency response agencies by taking a more active role in emergency preparedness projects in their community, both in spreading the word about preparedness and in assisting agencies during response operations.

The CERT is an established volunteer organization at the local level. The CERT program for Virginia is a community-based program that includes ordinary citizens who, with training, are able to provide basic emergency skills until trained emergency response personnel arrive. The CERT program consists of training in the following areas: Disaster Preparedness, Disaster Fire Suppression, Disaster Medical Operations, Light Search and Rescue Operations, Disaster Psychology and Team Organization, and Disaster Simulation.

As of February 19, 2013, there are seventy-nine (79) CERTs in Virginia:

List of Community Emergency Response Teams (CERTs) in Virginia		
Location	Location	Location
Accomack County CERT	Greene County CERT	Petersburg City CERT
Alexandria City CERT	Greensville County CERT	Pittsylvania County CERT
Amelia County CERT	Hampton City CERT	Poquoson City CERT
Amherst County CERT	Hanover County CERT	Portsmouth City CERT
Arlington County CERT	Harrisonburg City CERT	Powhatan County CERT
Augusta County CERT	Henrico County CERT	Prince William County CERT
Bath County CERT	Henry County CERT	Pulaski County CERT
Botetourt County CERT	Highland County CERT	Richmond City CERT



List of Community Emergency Response Teams (CERTs) in Virginia		
Location	Location	Location
Bristol City CERT	Hopewell City CERT	Roanoke Valley CERT
Brunswick County CERT	James City County CERT	Rockbridge County CERT
Buena Vista City CERT	King and Queen County CERT	Rockingham County CERT
Campbell County CERT	King George County CERT	Russell County CERT
Charles City County CERT	King William County CERT	Scott County CERT
Charlottesville – UVA – Albemarle County CERT	Lancaster County CERT	Shenandoah County CERT
Chesapeake City CERT	Lexington City CERT	Stafford County CERT
Chesterfield County CERT	Loudoun County CERT	Staunton City CERT
Chincoteague Town CERT	Louisa County CERT	Suffolk City CERT
Colonial Heights City CERT	Luray Town CERT	Sussex County CERT
Culpeper County CERT	Manassas City CERT	Tazewell County CERT
Danville City CERT	Manassas Park City CERT	VDOT- Richmond CERT
Dinwiddie County CERT	Newport News City CERT	Virginia Beach City CERT
Fairfax City CERT	New River Valley CERT	Warren County CERT
Fairfax County CERT	Norfolk City CERT	Waynesboro City CERT
Falls Church City	Northampton County CERT	Williamsburg City CERT
Fredericksburg City CERT	Orange County CERT	Winchester City CERT
Galax City CERT	Page County CERT	Wise County CERT
Goochland County CERT	Patrick County CERT	York County CERT
Notes:		
This table was created from http://www.vaemergency.gov/volunteers/cert/cert-groups , and is current as of February 19, 2012.		

3D.3 VIRGINIA REGULATIONS AND REQUIREMENTS

Virginia regulations which may apply during a spill of oil or hazardous substance may include, but are not limited to:

- **Code of Virginia, Title 44 – Military and Emergency Laws**, provides general and specific statutory authority for the development, maintenance, and implementation of the COVEOP (refer to Section 3D.5.2 Emergency Operations Plan for Virginia for more information on the COVEOP);
- **Executive orders**, issued by the Governor when the Commonwealth is threatened or impacted by an emergency or disaster, activate the plan and authorize emergency-specific actions;



This plan must be compatible with federal plans and statutes in order to provide prompt, effective, and seamless assistance to the local communities in Virginia when federal assistance is requested;

- **Title 44 Chapter 3.2, Emergency Services and Disaster Law of 2000**, as Amended, defines the powers and duties of the Governor and of political subdivisions, establishes VDEM, defines emergency declarations, the duties of emergency management organizations, and joins Virginia to the national Emergency Management Assistance Compact (EMAC);
- **Title 44 Chapter 3.3, Transportation of Hazardous Radioactive Materials**, authorizes VDEM to monitor transportation of hazardous radioactive materials within the Commonwealth;
- **Title 44 Chapter 3.4, Funding for State and Local Government Radiological Emergency Preparedness**, authorizes payment of fees to the Commonwealth by the owner of each nuclear power station in Virginia;
- **Title 44 Chapter 3.5, Virginia Hazardous Materials Emergency Response Program**, establishes the VDEM regional hazardous materials incident response program.

Additional statutes provide oversight and coordination for elements of the Commonwealth's emergency management program:

- **Code of Virginia, §2.2-230**, establishes the Office of the Secretary of Veterans Affairs and Homeland Security to work with and through others (federal, state local, private, and voluntary) to develop a seamless, coordinated security and preparedness strategy and implementation plan for the Commonwealth;
- **Code of Virginia, §2.2-333**, establishes the Secure Commonwealth Panel with authority to monitor and assess the implementation of statewide prevention, preparedness, response, and recovery initiatives;
- **Code of Virginia §2.2-205.1.E**, authorizes the Governor to direct the Secretary of Commerce and trade to activate a disaster-specific Economic Crisis Task Force to coordinate the resources to plan and implement a strategy for long-term community recovery;
- **Code of Virginia §10.1-602**, authorizes the Department of Conservation and Recreation to develop a flood protection plan for the Commonwealth and serve as the coordinator of all flood protection programs and activities, including the FEMA National Flood Insurance Program (NFIP);
- **Code of Virginia, §44-146.13 to §44-146.29:2**

The Code of Virginia, §44-146.13 to §44-146.29:2, establishes legal authority for development and maintenance of the commonwealth's emergency management program and organization and defines the emergency powers, authorities, and responsibilities of the Governor and the State Coordinator. Moreover, the Virginia Emergency Services and Disaster Laws require that state and local governments develop and maintain current EOPs in order to be prepared for a variety of



natural and human-caused hazards. Executive orders by the Governor supplement the laws and establish specific planning initiatives and requirements.

Additional information is available online at:

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+TOC4400000>.

3D.3.1 Virginia Notification Requirements

If an individual witnesses an environmental incident that may lead to an imminent threat to human health or the environment, he/she should immediately report it to VDEM at (800) 468-8892; for out of state calls dial (804) 674-2400.

A person discharging or permitting the discharge of oil, or who either actively or passively participates in the discharge or spilling of oil, either from a land-based installation, including vehicles in transit, or from any vessel, ship, or boat of any kind, shall report the incident immediately to the Administration (Code of Virginia §62.1-44.34:19). He shall remain available until clearance to leave is given by the appropriate officials designated in Code of Virginia §44-146.19.

The report of an oil spill or discharge shall be made to the Administration immediately, but not later than 2 hours after detection of the spill, and shall include the following:

- Time of discharge;
- Location of discharge;
- Mode of transportation or type of facility involved;
- Type and quantity of oil spilled;
- Assistance required;
- Name, address, and telephone number of the person making the report; and
- Any other pertinent information requested by the Administration.

VDEQ pollution reporting directions and requirements (including online pollution reporting form) are provided online from:

<http://www.deq.state.va.us/Programs/PollutionResponsePreparedness/MakingaReport.aspx>.

3D.3.2 Virginia Commonwealth Requirements

Notifications of a pollution incident will be made in of in accordance with 40 CFR §300.300 and §300.405 of the NCP to designated Commonwealth agencies. State assistance can be invaluable during a major or medium incident in the areas of logistics, access, evacuation control, coordination with local agencies, environmental and geographic expertise, media/public relations, compliance with state statutes, and disposal of recovered material.

The Governor has appointed both an emergency management (VDEM) and environmental response agency (VDEQ) as the designated responders for the Commonwealth. These agencies coordinate the stakeholder concerns from a spill on state constituents. The agencies represent a direct line to their state governor and state emergency response forces; each has a sophisticated operations/communications center. The environmental response agencies provide response assistance, impact



assessments, hazard evaluations, and information and advice concerning wildlife and fisheries.

3D.4 PARTICIPATION/INVOLVEMENT IN FEDERAL RESPONSE

The NCP at 40 CFR §300.180 describes generally state/commonwealth and local participation in response. Appropriate local and state/commonwealth officials will be identified and participate as part of the response structure as provided in the ACPs.

VDEM and VDEQ both serve as the primary oil and hazardous substance response agencies and as the Commonwealth representatives to the Region III RRT.

3D.4.1 Commonwealth and Local Participation/Involvement

Designated state/commonwealth agencies receive appropriate notification of a pollution incident in accordance with 40 CFR §300.300 and §300.405 of the NCP. Commonwealth assistance can be invaluable during a major or medium incident in the areas of logistics, access, evacuation control, coordination with local agencies, environmental and geographic expertise, media/public relations, compliance with state/commonwealth statutes, and disposal of recovered material.

Virginia has both an emergency management (VDEM) and environmental response agency (VDEQ). VDEM coordinates the spill's impact on the commonwealth's constituents and represents a direct line to the Governor and state emergency response forces using the sophisticated operations/communications center. VDEQ, in concert with other natural resources agencies, provides response assistance, impact assessments, hazard evaluations, and information and advice concerning wildlife and fisheries.

The extent of response taken in a hazardous materials emergency is contingent upon the severity and the magnitude of the situation. In incidents when the RRT is activated, VDEM will provide a representative to the RRT to represent the Commonwealth except for spills into Virginia waters, in which case the representative will be provided by VDEQ. When a report of a hazardous materials incident is received, local government will assess the situation and take steps necessary to provide public warning, initiate protective actions, and secure the general area affected.

When local government is unable to provide adequate on-site emergency response to control the hazardous materials incident/accident or if technical advice/assistance is required, VDEM is notified. VDEM will contact a Hazardous Materials Officer who will be responsible for providing the required assistance. In the event of an oil spill, the VDEQ will respond if assistance is requested by the locality or if a spill impacts or threatens state waters.

If federal assistance is required, VDEM will provide a Commonwealth-appointed On-Scene Coordinator (OSC) to work with the FOSC for hazardous materials. VDEQ will provide an OSC for oil spills to ensure that the Commonwealth resources are appropriately addressed in the response and to ensure that work performed is in compliance with Commonwealth regulations while VDEM will manage overall response and coordination activities. The local emergency services director/coordinator will appoint a local OSC to interface with the FOSC and Commonwealth OSC.



In addition to EPA providing response resources and assets to the Commonwealth for a response, the Commonwealth can provide resources to the FOSC. In certain situations, the FOSC will utilize Commonwealth (state, local or Indian Tribe) resources and special forces for a response rather than activating federal assets. In these instances, the Commonwealth resources are made available to the FOSC through the use of a Pollution Removal Funding Authorization (PRFA). The PRFA is a tool that allows an FOSC to quickly obtain needed services and assistance from other government agencies (federal, state, or local and recognized Indian tribes) for oil and hazardous materials response actions. This enables efficient access to all state resources by the FOSC and frees the FOSC from the coordination and authorization problems that would otherwise be encountered when using federal assets. The Commonwealth representative is responsible for Commonwealth assets and provides input to the FOSC.

3D.4.2 Requirements for Commonwealth Involvement in Enforcement Responses and Site Remedy

3D.4.2.1 Enforcement

VDEQ's enforcement mission is to ensure compliance with Virginia's environmental laws and regulations to protect public health and the environment for the benefit of the people of the Commonwealth. Through the use of administrative, civil and criminal enforcement actions, the Enforcement Program supports VDEQ's mission to promote environmental stewardship.

VDEQ's Enforcement Program coordinates with law enforcement agencies in support of the investigation and prosecution of environmental crime. The most serious environmental violations may be referred for criminal prosecution to the appropriate office of the Commonwealth's Attorney, the Office of the Attorney General or EPA's Criminal Investigation Division for federal violations and state violations in delegated programs.

The VDEQ Enforcement Program has a state-wide presence in six regional offices and coordinates closely with federal, state and local investigative and prosecutorial authorities to thoroughly investigate and prosecute environmental crimes.

VDEQ has the following enforcement powers:⁶

"In addition to the authority of the State Air Pollution Control Board, the State Water Control Board, the Virginia Waste Management Board and the Director to bring actions in the courts of the Commonwealth to enforce any law, regulation, case decision or condition of a permit or certification, the Attorney General is hereby authorized on behalf of such boards or the Director to seek to intervene pursuant to Rule 24 of the Federal Rules of Civil Procedure in any action then pending in a federal court in order to resolve a dispute already being litigated in that court by the United States through the Environmental Protection Agency."

Furthermore, in Code of Virginia [§10.1-1197.9](#), enforcement; civil penalties; criminal penalties; injunctive relief, VDEQ has the following authorities:

⁶ As stated in Code of Virginia §10.1-1186.4. Enforcement powers; federal court.



- A. Any person violating or failing, neglecting, or refusing to obey any provision of this article, any regulation, case decision, or order, or any certification or permit-by-rule condition may be compelled to comply by injunction, mandamus, or other appropriate remedy.
- B. Without limiting the remedies that may be obtained under subsection A, any person violating or failing, neglecting, or refusing to obey any regulation, case decision, or order, any provision of this article, or any certification or permit-by-rule condition shall be subject, in the discretion of the court, to a civil penalty not to exceed \$32,500 for each violation. Each day of violation shall constitute a separate offense. Such civil penalties shall be paid into the state treasury and deposited by the State Treasurer into the Virginia Environmental Emergency Response Fund pursuant to Chapter 25 ([§10.1-2500 et seq.](#)). Such civil penalties may, in the discretion of the court assessing them, be directed to be paid into the treasury of the county, city, or town in which the violation occurred, to be used to abate environmental pollution in such manner as the court may, by order, direct, except that where the person in violation is the county, city, or town itself, or its agent, the court shall direct the penalty to be paid into the state treasury and deposited by the State Treasurer into the Virginia Environmental Emergency Response Fund pursuant to Chapter 25.

For more information on the VDEQ enforcement mission, goals, philosophy, and actions go to: <http://www.deq.state.va.us/Programs/Enforcement.aspx>.

3D.4.2.2 Site Remedy

As per the Code of Virginia, §62.1-44.34:19, any person discharging or causing or permitting a discharge of oil into or upon state waters, lands, or storm drain systems of the Commonwealth or discharging or causing or permitting a discharge of oil which may reasonably be expected to enter state waters, lands, or storm drain systems within the Commonwealth, and any operator of any facility, vehicle or vessel from which there is a discharge of oil into state waters, lands or storm drain systems, or from which there is a discharge of oil which may reasonably be expected to enter state waters, lands, or storm drain systems, shall, immediately upon learning of the discharge, notify the Board (VDEQ), the director or coordinator of emergency services in which the discharge occurs and any other political subdivision reasonably expected to be affected by the discharge, and appropriate federal authorities of such discharge.

In Virginia, The Virginia Environmental Emergency Response Fund (VEERF) has been established for the emergency removal or mitigation of the effect of any controlled hazardous substance or petroleum product. For more information refer to Section 3D.6.1 of this volume or go to <http://lis.virginia.gov/cgi-bin/legp604.exe?000+cod+10.1-2500>.

For reimbursement, the state must fulfill requirements established by the NPFC under the OSLTF including PRP determination and documentation requirements.

3D.4.3 Commonwealth Involvement in USEPA/USCG-Lead Enforcement Negotiation

USEPA/USCG shall notify states of response action negotiations to be conducted by



USEPA/USCG with potentially responsible parties during each fiscal year (40 CFR §300.520).

The Commonwealth must notify USEPA/USCG of such negotiations in which it intends to participate.

The state is not foreclosed from signing a consent decree if it does not participate substantially in the negotiations.

3D.5 COMMONWEALTH REQUIRED PLANNING, PREPAREDNESS, AND RESPONSE

Appropriate local and Commonwealth officials (including Indian tribes) will participate as part of the response structure as provided in the ACP.

In addition to meeting the requirements for local emergency plans under SARA §303, state/commonwealth and local government agencies are encouraged to include contingency planning for responses, consistent with the NCP, RCP, and ACP in all emergency and disaster planning.

For facilities not addressed under CERCLA or the CWA, states/commonwealths are encouraged to undertake response actions or to use their authorities to compel potentially responsible parties to undertake response actions.

States/commonwealths are encouraged to enter into cooperative agreements pursuant to §104 (c)(3) and (d) of CERCLA to enable them to undertake actions authorized under Subpart E of the NCP. Requirements for entering into these agreements are included in Subpart F of the NCP. A state/commonwealth agency that acts pursuant to such agreements is referred to as the lead agency. In the event there is no cooperative agreement, the lead agency can be designated in a SMOA or other agreement.

3D.5.1 Environmental Protection Plan

The Code of Virginia, Title 10.1 – Conservation; Chapter 11.1 – Department of Environmental Quality defines the VDEQ’s statement of policy as “to promote the health and well-being of the Commonwealth's citizens.”

3D.5.2 Emergency Operations Plan for Virginia

[Commonwealth of Virginia Emergency Operations Plan](#) (COVEOP)

The COVEOP provides the coordinating structures, processes, and mechanisms in a collective framework for the coordination of state support to impacted local governments and affected individuals and businesses. It is compatible with the National Response Framework and provides the structure for coordinating with the federal government in the delivery of federal disaster assistance. The COVEOP assists in the Commonwealth Preparedness mission by improving our capability to respond to and recover from natural and human-caused disasters.

3D.5.3 Local - Emergency Operations Plans (EOP)

<http://www.vaemergency.gov/em-community/plans/local-templates>



The Local EOP guidance serves as a planning tool to assist the Commonwealth's jurisdictions in revising and updating their EOPs. Additionally, the guidance below incorporates Title 44 Virginia Emergency Services and Disaster Laws.

These documents form the basis for the COVEOP with basic plan and annex guidance. The Annex guidance is written in ESF format to be consistent with state and federal models.

List of Local Emergency Center Contact Information			
Location	Hotline #	Location	Hotline #
Accomack County	757-789-3610	Lancaster County	804-462-6010
Albemarle County	434-971-1263	Lee County	276-346-7791
Alexandria City	703-746-5256	Loudoun County	703-737-8831
Alleghany County	540-863-6600	Louisa County	540-967-3491
Amelia County	804-561-3039	Lunenburg County	434-696-2142
Amherst County	434-946-9307	Luray Town	540-743-5343
Appomattox County	434-352-2637	Lynchburg City	434-455-4285
Arlington County	703-228-0781	Lynchburg City	434-455-4149
Augusta County	540-245-5503	Madison County	540-948-7508
Bath County	540-839-7236	Manassas City	703-257-8465
Bedford City	540-587-6099 or 540-587-6011	Manassas Park City	703-335-0010
Bedford County	540-587-0700 or 540-586-7601	Martinsville City	276-403-5283
Bland County	276-688-3953	Mathews County	804-725-2800
Botetourt County	540-473-2098	Mecklenburg County	434-738-6191 ext. 4208
Bristol City	276-645-7400	Middlesex County	804-758-4330
Brunswick County	434-532-5994	Montgomery County	540-394-2146
Buchanan County	276-935-4610	Nelson County	434-263-7048
Buckingham County	434-969-7734	New Kent County	804-966-9618
Buena Vista City	540-460-2090	Newport News City	757-269-2900
Campbell County	434-332-2957	Norfolk City	757-441-5600
Caroline County	804-633-9831	Northampton County	757-678-0411
Carroll County	276-730-3012	Northumberland County	804-580-7666
Charles City County	804-652-4701	Norton City	276-679-1160
Charlotte County	434-542-5117	Nottoway County	434-645-8696
Charlottesville City	434-971-1263	Orange County	540-661-5431
Chesapeake City	757-382-6297	Page County	540-743-4142
Chesterfield County	804-796-7068	Patrick County	276-694-4940 / 6094
Chincoteague Town	757-336-3138	Petersburg City	804-733-2328
Christiansburg Town	540-382-6128	Pittsylvania County	434-432-7920
Clarke County	540-955-5175	Poquoson City	757-868-3510
Clifton Forge Town	540-863-2513	Portsmouth City	757-393-8338
Colonial Heights City	804-520-9319	Powhatan County	804-598-5677
Covington City	540-965-6336	Prince Edward County	434-392-8837
Craig County	540-864-5010	Prince George County	804-722-8614



List of Local Emergency Center Contact Information			
Location	Hotline #	Location	Hotline #
Culpeper County	540-727-7161	Prince William County	703-792-5828
Cumberland County	804-492-9267	Pulaski County	540-980-7716
Danville City	434-799-6535 or 434-799-5226 or 434-799-6535	Radford City	540-731-3617
Dickenson County	276-498-7410	Rappahannock County	540-675-5340
Dinwiddie County	804-469-5388	Richmond City	804-646-2504
Emporia City	434-634-5788	Richmond County	804-333-5089
Essex County	804-443-4414	Roanoke City	540-853-2426
Fairfax City	703-385-4856	Roanoke County	540-777-8701
Fairfax County	571-350-1000	Rockbridge County	540-463-4361
Falls Church City	703-248-5058	Rockingham County	540-564-3175
Farmville Town	434-392-5686	Russell County	276-889-8247
Fauquier County	540-422-8800	Salem City	540-375-3080
Floyd County		Scott County	276-386-6521
Fluvanna County	434-589-8211	Shenandoah County	540-459-6167
Franklin City	757-562-8581	Smyth County	276-783-3381 ext. 124
Franklin County	540-483-3091	South Boston Town	434-575-4293
Frederick County	540 665 6350	Southampton County	757-653-2708
Fredericksburg City	540 372 1061	Spotsylvania County	540-507-7904
Galax City	276-236-8101	Stafford County	540-658-8590
Giles County	540-921-2525	Stafford County	540-658-7200 or 540-658-8590
Gloucester County	804-693-1390	Staunton City	540-332-3885
Gloucester County	804-693-5480	Suffolk City	757-514-4536
Goochland County	804-556-5319	Surry County	757-294-5320
Grayson County	276-773-2471	Sussex County	434-246-5511 ext. 3077
Greene County	434-985-2222	Tazewell County	276-988-0491
Greensville County	434-348-4205	Vinton Town	540-983-0607
Halifax County	434-476-6061	Virginia Beach City	757-385-4228
Hampton City	757-727-1208	Warren County	540-636-3830
Hanover County	804-365-6195 or 804-365-6195 ext. 4869	Washington County	276-525-1330
Harrisonburg City	540-432-7703	Waynesboro City	540-942-6698
Henrico County	804-501-4901 or 804-501-7183	Westmoreland County	804-493-0130
Henry County	276-634-4663	Williamsburg City	757-220-6225
Highland County	540-468-2604	Winchester City	540-545-4721
Hopewell City	804-541-2310	Wise County	276-328-7110
Isle of Wight County	757-365-6308	Wythe County	276-223-4521
James City County	757-564-2140	York County	757-890-3600
King and Queen County	804-785-5975 ext. 2007		
King George County	540-775-8900		
King William County	804-769-2654		



3D.6 COMMONWEALTH ACCESS TO NON-FEDERAL FUNDS

3D.6.1 Virginia Environmental Emergency Response Fund (VEERF)

The Virginia Environmental Emergency Response Fund (VEERF) is available to conduct containment and cleanup of a product not subject to the definition of oil relating to the Virginia Petroleum Storage Tank Fund (VPSTF). This fund is administered by the VDEQ. The VEERF is to be used (i) for the purpose of emergency response to environmental pollution incidents and for the development and implementation of corrective actions for pollution incidents, other than pollution incidents addressed through the Virginia Underground Petroleum Storage Tank Fund, as described in §62.1-44.34:11 of the State Water Control Law (see Section 3D.6.2 below for more information), (ii) to conduct assessments of potential sources of toxic contamination in accordance with the policy developed pursuant to §62.1-44.19:10, and (iii) to assist small businesses for the purposes described in §10.1-1197.3.

3D.6.2 Virginia Petroleum Storage Tank Fund (VPSTF)

In Virginia, the VPSTF is a component of the VEERF and may be used to respond to a discharge of oil if the responsible party is unknown, unwilling, or unable to conduct containment and cleanup. This fund is administered by VDEQ. VPSTF is a non-lapsing, revolving fund, which is administered by VDEQ. The fund is established according to §62.1-44.34:11 of the Virginia Code. The primary source of revenue for VPSTF is a state fee applied to regulated petroleum products (e.g., gasoline, aviation motor fuel, diesel fuel, dyed diesel fuel, kerosene, and heating oil) sold in the commonwealth of Virginia. The fee is one-fifth of one cent per gallon of petroleum product sold in the Commonwealth, and may be increased to three-fifths of one cent if the VPSTF level dips below three million dollars. More information on how revenue is generated to support the VPSTF can be found in §62.1-44.34:13 of the Virginia Code. In addition, regulatory guidance regarding use of the VPSTF can be found in §210 of the Virginia Petroleum Storage Tank Financial Responsibility Requirements Regulation, 9 VAC 25-590.⁷

For more information on seeking reimbursement from the VPSTF for costs incurred to remediate a tank release:

<http://www.deq.virginia.gov/Programs/LandProtectionRevitalization/PetroleumProgram/GuidanceRegulations.aspx#reimbursement>.

3D.7 MUTUAL AID AGREEMENTS AND/OR MEMORANDUMS OF AGREEMENT / UNDERSTANDING (MOAS/MOUS)

The federal, state/commonwealth, and local MOAs/MOUs may establish the nature and extent of USEPA and state/commonwealth and local interaction during USEPA lead and state/commonwealth or local lead responses (including Indian tribes). USEPA shall enter into MOA/MOU discussions if requested by a state or local government.

⁷ Information gathered from the Virginia Department of Environmental Quality, Office of Financial Assistance. (2005). Frequently Asked Questions: Underground Storage Tanks – Financial Responsibility. Available online from: www.deq.state.va.us/Portals/0/DEQ/Land/Tanks/ustfaqs.doc.



Refer to the NCP (40 CFR §300.505) for a discussion of USEPA/State/Commonwealth SMOA.

3D.7.1 Mutual Aid agreements

When disaster strikes, localities need all the help they can get to deal with the emergency. Under the Virginia Statewide Mutual Aid compact, cities and counties can seek additional resources from member communities to strengthen their response and recovery efforts.

The Statewide Mutual Aid program was developed to assist cities and counties to more quickly and efficiently provide assistance to each other in response to a major disaster. Common expectations and procedures for implementation have been established and potentially problematic issues (such as those relating to insurance, liability coverage, and reimbursement) have been resolved in advance.

The program does not interfere with day-to-day agreements between nearby localities or other state agency-sponsored mutual aid arrangements or programs already in place. The Statewide Mutual Aid program has the active support of the Virginia Municipal League, the Virginia Association of Counties, selected state agencies with primary emergency response roles, and all professional emergency responder member organizations statewide. In fact, it was designed by a committee of representatives from these organizations. A fundamental principle was to establish such a program with sufficient flexibility so that it would be in the best interest of all cities and counties to participate. Direct guidance and assistance is available to cities and counties with sign-on, implementation, and reimbursement procedures as needed.

For more information about the Statewide Mutual Aid agreements, directory, documents, and reimbursement, go to: <http://www.vaemergency.gov/em-community/em-resources/sma>.

3D.7.2 Interagency Agreements

The Commonwealth of Virginia is a ratified member of the Emergency Management Assistance Compact (EMAC). EMAC is a national disaster-relief compact in existence since 1950 that was ratified and signed into law in 1996 (Public Law 104-321) by Congress. All 50 states, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands have enacted legislation to become EMAC members.

EMAC offers assistance during governor-declared states of emergency through a responsive, straightforward system that allows states to send personnel, equipment, and commodities to help disaster relief efforts in other states. Through EMAC, states can also transfer services, such as shipping newborn blood from a disaster-impacted laboratory to a laboratory in another state.

The strength of EMAC and the quality that distinguishes it from other plans and compacts lie in its governance structure and its relationship with federal organizations, states, counties, territories, and regions, and its ability to move just about any resource one state has to assist another state, including medical resources.

For more information about the Commonwealth of Virginia and its role in an EMAC, go to: <http://www.vaemergency.gov/em-community/em-resources/logistics/emac>.



3.E STATE OF WEST VIRGINIA RESPONSIBILITIES

This plan satisfies the requirements stated under Title 38 Series II (Miscellaneous Water Pollution Control), Code 20, Article 56, Section 6 (State Hazardous Waste Contingency Plan).

Contact information with specific State/Commonwealth contact lists is provided at the [Region III Inland Area Committee Website](#).

3E.1 AREA OF RESPONSIBILITY

The West Virginia Department of Environmental Protection (WVDEP) is the designated agency unit responsible for the response to oil and hazardous substances within the boundaries of the state. The West Virginia Duty Officer contact number is **(800) 642-3074** or **(304) 558-5938** is available between the hours of 7:30 a.m. and 5:30 p.m. to reach the WVDEP's Homeland Security and Emergency Response Unit.

3E.2 WEST VIRGINIA ORGANIZATIONAL FRAMEWORK (RESPONSE SYSTEMS)

The West Virginia State Emergency Response Commission (SERC) consists of the following:

- West Virginia Department of Environmental Protection (WVDEP)
- West Virginia Division of Homeland Security and Emergency Management (WVDHSEM)
- West Virginia Department of Health and Human Resources (WVDHHR)
- WV State Fire Marshall
- West Virginia Division of Natural Resources
- West Virginia Emergency Medical Services
- West Virginia Public Service Commission
- West Virginia State Police
- West Virginia Division of Highways
- West Virginia Department of Agriculture
- Municipal or Volunteer Fire Department Representative
- Chemical Company Representative

3E.2.1 Elected and Appointed Officials Role During an Incident

3E.2.1.1 Governor of the State of West Virginia

The State Governor, an elected official for the State of West Virginia, appoints the members of the SERC to satisfy SARA Title III, which is known as the Emergency Planning Community Right-to-Know Act (EPCRA). For current information about West Virginia Governors visit the following websites:



- Governor – <http://www.governor.wv.gov/>,
- Lt. Governor¹ – <http://www.legis.state.wv.us/Senate1/president.cfm>.

3E.2.1.2 Secretary of WVDEP

The Secretary of WVDEP is appointed to the role of Cabinet Secretary of the Department of Environmental Protection by the Governor of the state. This role includes assuming chief stewardship of West Virginia's natural resources; providing overall direction and management for the Department; and central administrative functions, including policy development, program coordination, information and systems management, financial and human resource management, and public information and education. Follow the link below for contact information on the current Cabinet Secretary of WVDEP.

<http://www.dep.wv.gov/executive/Pages/default.aspx>

3E.2.1.3 Director of WVDHSEM/Homeland Security Advisor

The Homeland Security branch is made up of the Fusion Center, the Critical Infrastructure group, and the State Interoperability Coordinator.

The Director of WVDHSEM is appointed by the Governor to oversee all three branches of WVDHSEM, including Mitigation and Recovery, Planning and Response, and Homeland Security, in addition to all EOC operations. The Director also serves as the state's Homeland Security Advisor.

<http://www.dhsem.wv.gov/about/Pages/default.aspx>

3E.2.1.4 State Fire Marshal

The West Virginia State Fire Commission consists of 13 members appointed by the Governor of the State. The State Fire Commission maintains one State Fire Marshal, one Deputy Chief Fire Marshal, and 11 other positions that make up the commission. A copy of the organizational chart for the state fire commission is available at: [WV Fire Commission Organizational Chart](#).

West Virginia Code [Chapter 29 Article 3 §29-3-12](#) Powers and Duties of State Fire Marshal outlines the duties, roles, authorities, and responsibilities of the State Fire Marshal and his deputies in planning, preparedness, response and recovery, and mitigation and to the communities of the state.

www.firemarshal.wv.gov

3E.2.1.5 Members of US Congress

U.S. House of Representatives

¹ In the state of West Virginia whomever is elected the President of the State Senate is the de facto Lieutenant Governor.



The congressional districts of West Virginia are represented by three members of congress in the U.S. House of Representatives. A complete list and contact information for each representative is available at <http://www.house.gov/representatives>

U.S. Senate

Two U.S. Senators represent West Virginia in Washington D.C. A complete list and contact information for each U.S. Senator is available at http://www.senate.gov/general/contact_information/senators_cfm.cfm.

3E.2.1.6 Members of State of West Virginia's Legislative Branch

The General Assembly for the State of West Virginia is responsible for reviewing and developing State Code and Regulations, including those related to emergency response to all hazards.

<http://www.legis.state.wv.us/>

West Virginia State Senate

The Senate includes 34 members. There are 17 senatorial districts. Each district has two senators who serve staggered 4-year terms.

<http://www.legis.state.wv.us/Senate1/roster.cfm>

West Virginia House of Delegates

The House of Delegates includes 100 members, each of whom is elected to a 2-year term.

<http://www.legis.state.wv.us/House/roster.cfm>

3E.2.2 Resource Protection

3E.2.2.1 West Virginia Department of Environmental Protection (WVDEP)

www.dep.wv.gov

WVDEP consists of a Central Office located in Charleston, WV, and six offices responsible for conducting compliance and enforcement activities. The offices are located in Charleston, Fairmont, Oak Hill, Parkersburg, Romney, Teays, and Wheeling, WV.

WVDEP is responsible for alerting the USCG and USEPA and coordinating incident-specific hazardous substance response activities and issues with them. WVDEP trained response personnel have full response capability. Their equipment includes personal protective equipment for entry work, monitoring and sampling equipment, and containment and communication supplies. WVDEP can also direct responsible parties under applicable state laws and regulations. The West Virginia Duty Officer contact number is **(800) 642-3074** or **(304) 558-5938** is available between the hours of 7:30 a.m. and 5:30 p.m.



Office	Address	Telephone	Fax
Charleston Headquarters	601 57th St. Charleston, WV 25304	(304) 926-0470	(304) 926-0488
Fairmont	2031 Pleasant Valley Rd. Fairmont, WV 26554	(304) 368-3960	(304) 368-3953
Oak Hill	254 Industrial Dr, Oak Hill, WV 25901	(304) 465-3016	(304) 465-1524
Parkersburg	2311 E. Ohio Ave. Parkersburg, WV 26101	(304) 420-4635	(304) 420-4554
Romney	HC63 Box 2545 Romney, WV 26757	(304) 822-7266	(304) 822-3687
Teays	PO Box 662 Teays, WV 25569	(304) 757-1693	(304) 757-3873
Wheeling	131-A Peninsula St. Wheeling, WV 26003	(304) 238-1220	(304) 238-1006

A copy of WVDEP's Organization Chart is available at:
<http://www.dep.wv.gov/executive/Pages/org-chart.aspx>

Hazardous Material Emergencies

In the event of a hazardous waste or hazardous material release or emergency, please contact: **1 (800) 642-3074**.

Additional Contact Information:

- 1 (800) 424-8802 National Response Center
- 1 (304) 558-5938 DEP Elkview Emergency Response Unit

3E.2.2.2 State Trustees

State/Federally Recognized Indian Tribes

There are currently no state or federally recognized Indian Tribes located within the State of West Virginia.

Federal Installations within West Virginia

- [USCG Operations Systems Center](#) (Martinsburg, WV) - Phone: (304) 264-2600
- [USCG Vessel Document Center](#) (Falling Waters, WV) - Phone: (304) 271-2400

Other Trustees

Additional Natural Resource Trustees for West Virginia are included in Volume VII (Southwest PA/Wheeling, WV Sub-Area Contingency Plan) of this IACP.

3E.2.3 Emergency Management

3E.2.3.1 West Virginia Division of Homeland Security and Emergency Management (WVDHSEM)

<http://www.dhsem.wv.gov/Pages/default.aspx>



The primary purpose of WVDHSEM is to provide coordination to assist local emergency managers and first responders to provide for the protection of life and property.

WVDHSEM maintains the State of West Virginia Emergency Operation Plan (State EOP), which is the comprehensive, all-hazard plan that outlines the coordination of the emergency management activities of mitigation, preparedness, response, and recovery within the State of West Virginia. The State EOP presents an overview of the state's response organization and policies. It provides for state-level emergency operations in response to any type of disaster or large-scale event affecting West Virginia. It assumes duties and responsibilities to departments, agencies, and support organizations for disaster preparedness, response and recovery, and mitigation. It also provides the needed framework within which more detailed emergency plans and procedures can be developed and maintained by both state agencies and local governments.

Pursuant to West Virginia State Code and the State EOP, the agency manages disaster preparedness, mitigation, and response and recovery efforts throughout the state by coordinating with all responsible government agencies. In the event of a federally declared disaster, FEMA works closely with the division to administer assistance programs.

3E.2.4 Health and Safety

3E.2.4.1 West Virginia Department of Health and Human Resources (WVDHHR)

WVDHHR is the state agency charged with overseeing the health response to disasters occurring within the borders of West Virginia. Response is undertaken collaboratively with many partners—Local Health Departments, Hospitals and other Health Care Facilities, Physicians and other Health Care Providers, EMS agencies, Emergency Management agencies, WV Poison Center, etc.

The WV Bureau of Public Health assists the WVDEP in its response to emergencies where there are public health issues to be addressed. The WV Bureau of Public Health industrial hygiene, public health, and medical professionals are available to assist with risk management decisions. The WV Bureau of Public Health is the lead for biological emergencies, including biological terrorist attacks. Within WVDHHR and the WV Bureau for Public Health, the Center for Threat Preparedness facilitates advance planning and preparation for health disasters. The Bureau of Public Health can be reached at (800) 423-1271.

<http://www.wvdhhr.org/>

3E.2.5 Roles of Other State and Local Emergency Organizations

3E.2.5.1 State Emergency Response Commission (SERC)

The mission of the SERC and LEPCs is to implement EPCRA and to mitigate the effects of a release or spill of natural or manmade hazardous materials through developing response plans, including Preparedness, Notification and Warning, and Public Protective Measures.



The jurisdiction of West Virginia SERC is mandated by WV Code Chapter 15-5A Emergency Response and Community Right-to-Know Act §15-5A-2. The SERC shall have within its jurisdiction and supervision the preparation and implementation of comprehensive emergency response plans for each designated emergency planning district within the state so as to comply with the requirements of 42 U.S.C. §11001, et seq. The commission, through the office of emergency services, shall also be responsible for providing the citizens of this state with information in accordance with the requirements of 42 U.S.C. §11001, et seq. and this article. All state agencies shall cooperate with and assist the commission in all commission duties and responsibilities.

<http://www.dhsem.wv.gov/resources/Pages/Emergencyrighttoknowact.aspx>

3E.2.5.2 Local Emergency Response Committees (LEPCs)

West Virginia has 55 counties and 3,913 cities, boroughs, and townships, ranging in size from a few dozen persons to 355,614 in Charleston and the Charleston Metropolitan Area. Citizens who want to learn more about their local plan should contact their local government.

The establishment of emergency planning districts and committees; composition, organization, duties is mandated by WV Code Chapter 15-5A Emergency Response and Community Right-to-Know Act §15-5A-7.

The SERC shall designate emergency planning districts in order to facilitate preparation and implementation of emergency plans. After designating emergency planning districts, the SERC shall appoint members of a LEPC for each emergency planning district. Each committee shall include representatives from each of the following groups or organizations: (1) Elected state and local officials; (2) law enforcement, civil defense, firefighting, first aid, health, local environmental, hospital and transportation personnel; (3) broadcast and print media; (4) community groups; and (5) owners and operators of facilities subject to the requirements of this article. In addition to the above members, each county commission president from every county within the district, or a member of the county commission designated by the president, shall be appointed as a member of the committee and such appointment may fulfill the requirement to appoint elected local officials.

The LEPC shall have and may exercise the following powers and authority and shall perform the following duties:

- (1) Establish procedures for receiving and processing requests from the public for information regarding any emergency response plan; material safety data sheet; emergency, first aid; and medical treatment procedures; list described in 42 U.S.C. §11021(a)(2); inventory form; toxic chemical release form; or follow up emergency notice, including tier II information under 42 U.S.C. §11022.
- (2) Designate an official to serve as coordinator for information for processing requests for information from the public.
- (3) Develop and implement a comprehensive emergency response plan in accordance with 42 U.S.C. §11003 and review such plan once a year, or more



frequently as changed circumstances in the community or at any facility may require: Provided, That such comprehensive emergency response plans may not require a covered facility to revise, modify, or otherwise alter any emergency release response or release prevention plan that has been prepared pursuant to any other state or federal statute or regulation including, but not limited to, contingency plans developed under the Resource Conservation and Recovery Act, Spill Prevention and Countermeasure Plans, or Best Management Practices Plans developed under the Clean Water Act.

<http://www.dhsem.wv.gov/resources/Pages/Emergencyrighttoknowact.aspx>

EPCRA law requires that each LEPC prepare an emergency response plan for its district that includes information such as potential chemical hazards and procedures to be followed in the event of a chemical emergency.

3E.2.5.3 Community Emergency Response Team (CERT)

The CERT program for West Virginia is a community-based program that includes ordinary citizens who, with training, are able to provide basic emergency skills until trained emergency response personnel arrive. The CERT program consists of training in the following areas: Disaster Preparedness, Disaster Fire Suppression, Disaster Medical Operations, Light Search and Rescue Operations, Disaster Psychology and Team Organization, and Disaster Simulation. There are six CERT regions in West Virginia, covering all 55 counties.

<http://www.citizencorps.gov/cc/CertIndex.do?reportsForState&cert=&state=WV>

<http://www.citizencorps.gov/cert/about.shtm>

3E.3 WEST VIRGINIA REGULATIONS AND REQUIREMENTS

West Virginia regulations that may apply during a spill of oil or hazardous substance may include, but are not limited to the following:

- **WV Reg. 47-11-2**

Any person who may cause or be responsible for any oil spill or accidental discharge of pollutants into the waters of the state must provide immediate notification to WVDEP's Division of Water and Waste Management Emergency Notification Number at (800) 642-3074.

- **West Virginia Code, § 15-5 — Emergency Response and Community Right-to-Know Act**

As amended, provides that emergency services organizations and operations are structured around the existing constitutional government.

3E.4 PARTICIPATION/INVOLVEMENT IN FEDERAL RESPONSE

The NCP at 40 CFR §300.180 describes generally the state and local participation during a response. Appropriate state and local officials (including Indian tribes) will be identified and participate as part of the response structure as provided in the ACPs.



In addition to meeting the requirements for local emergency plans under SARA §303, state and local government agencies are encouraged to include contingency planning for responses, consistent with the NCP, RCP, and ACP in all emergency and disaster planning.

For facilities not addressed under CERCLA or the CWA, states are encouraged to undertake response actions themselves or to use their authorities to compel potentially responsible parties to undertake response actions.

3E.4.1 State and Local Participation/Involvement

Designated state agencies shall receive appropriate notification of a pollution incident in accordance with 40 CFR §300.300 and §300.405 of the NCP. State assistance can be invaluable during a major or medium incident in the areas of logistics, access, evacuation control, coordination with local agencies, environmental and geographic expertise, media/public relations, compliance with state statutes, and disposal of recovered material.

West Virginia has both emergency management and environmental response agencies. The emergency management agencies coordinate the spill's impact on their West Virginia's constituents. These agencies represent a direct line to their state governor and state emergency response forces; each has a sophisticated operations/communications center. The environmental response agencies provide response assistance, impact assessments, hazard evaluations, and information and advice concerning wildlife and fisheries.

The West Virginia Code, §15-5 — Emergency Services, as amended, provides that emergency services organizations and operations are structured around the existing constitutional government. West Virginia political subdivisions have the primary responsibility for emergency operations. The Governor is granted general direction and control of the WVDHSEM. As authorized by the West Virginia Code, the Governor appoints a Director of Homeland Security and Emergency Management to head the WVDHSEM.

3E.4.2 Requirements for State Involvement in Enforcement Responses and Site Remedy

3E.4.2.1 Enforcement

Misdemeanor environmental crimes are handled by the WVDEP investigators with staff attorney assistance if needed. Felony environmental crimes are prosecuted by staff attorneys in conjunction with local prosecutors. The Attorney General is not involved in either process.

All civil matters are handled by staff attorneys.

3E.4.2.2 Site Remedy

In accordance with §62.1-44.34:19, any person discharging or causing or permitting a discharge of oil into or upon state waters, lands, or storm drain systems of the state or



discharging or causing or permitting a discharge of oil which may reasonably be expected to enter state waters, lands, or storm drain systems within the state, and any operator of any facility, vehicle, or vessel from which there is a discharge of oil into state waters, lands, or storm drain systems, or from which there is a discharge of oil that may reasonably be expected to enter state waters, lands, or storm drain systems, shall, immediately upon learning of the discharge, notify the Board (DEP), the director or coordinator of emergency services in which the discharge occurs, and any other political subdivision reasonably expected to be affected by the discharge, and appropriate federal authorities of such discharge.

For fund reimbursement, the state must fulfill requirements established by the NPFC including PRP determination and documentation requirements.

3E.4.3 State Involvement in USEPA/USCG-Lead Enforcement Negotiation

USEPA/USCG shall notify states of response action negotiations to be conducted by USEPA/USCG with potentially responsible parties during each fiscal year.

The state must notify USEPA/USCG of such negotiations in which it intends to participate.

The state is not foreclosed from signing a consent decree if it does not participate substantially in the negotiations.

3E.5 STATE REQUIRED PLANNING, PREPAREDNESS, AND RESPONSE

Appropriate local and state officials will participate as part of the response structure as provided in the ACP. No active tribal governments exist in West Virginia.

In addition to meeting the requirements for local emergency plans under SARA §303, state and local government agencies are encouraged to include contingency planning for responses, consistent with the NCP, RCP, and ACP in all emergency and disaster planning.

For facilities not addressed under CERCLA or the CWA, states are encouraged to undertake response actions themselves or to use their authorities to compel potentially responsible parties to undertake response actions.

States are encouraged to enter into cooperative agreements pursuant to §104 (c)(3) and (d) of CERCLA to enable them to undertake actions authorized under Subpart E of the NCP. Requirements for entering into these agreements are included in Subpart F of the NCP. A state agency that acts pursuant to such agreements is referred to as the lead agency. In the event there is no cooperative agreement, the lead agency can be designated in an SMOA or other agreement.

Because state and local public safety organizations would normally be the first government representatives at the scene of a discharge or release, they are expected to initiate public safety measures that are necessary to protect public health and welfare and that are consistent with containment and cleanup requirements in the NCP, and are responsible for directing evacuations pursuant to existing state or local procedures.



3E.5.1 Environmental Protection Plan

The Environmental Protection Plan for West Virginia is also the WVEOP Plan (see Section 3E.5.3).

3E.5.2 Emergency Management Plan

The WVEOP (see Section 3E.5.3) is the emergency management plan for the state and is maintained by the WVDHSEM.

3E.5.3 Emergency Operations Plan for West Virginia

West Virginia Code §15-5 mandates the development of the WVEOP. The WVEOP establishes a framework through which the State of West Virginia responds to and recovers from the impacts of a wide variety of emergencies that could adversely affect the health, safety, and/or general welfare of state residents and visitors. It defines and then assigns various duties and responsibilities to agencies and support organizations for disaster prevention, preparedness, response, recovery, and mitigation. It provides the needed framework within which more detailed emergency plans and procedures can be developed and maintained. The WVEOP provides state and local officials' guidance for organization and responsibilities to ensure an integrated and coordinated local, state, and federal response during emergency events.

This is an operations-based, all-hazards plan that incorporates the National Response Framework (NRF) along with its supporting documents to address deployment of resources, communications, warning systems, evacuation, sheltering, response, and recovery. The WVEOP describes the basic strategies, assumptions, operational goals and objectives, and mechanisms through which the state mobilizes resources and conducts activities to assist and support local emergency management efforts through prevention, preparedness, response, recovery and mitigation. The WVEOP adopts a functional approach by grouping appropriate capabilities, skills, resources, and authorities. It outlines how resources are leveraged and implemented in order to unify various agencies, and nongovernmental and voluntary organizations with regional and federal partners involved in emergency management for a comprehensive effort to reduce the effects of an emergency or disaster within the state.

<http://www.dhsem.wv.gov/resources/Pages/WestVirginiaEOP.aspx>

The WVEOP consists of the following sections:

1. The Basic Plan outlines the structure and processes for the state approach to incident management and coordinates the efforts of federal, state, local, private sector, and nongovernmental organizations.
2. The Annexes are divided into two categories:
 - a. Support: Those annexes that address emergency support relating to the federal ESFs described in the NRF along with other identified response actions and support.



- b. Incident: Annexes that address specific contingency or hazard situations requiring specialized application of the WVEOP.

3E.5.4 Local Emergency Operations Plans (EOPs)

Each County Emergency Management Agency and local municipalities are directed by WVDHSEM to prepare a county EOP. These EOPs are designed so that political leaders and emergency management personnel are prepared to handle the mitigation, preparedness, response, and recovery phases of emergency management when a manmade or natural disaster occurs.

The basic plan and annexes of the EOPs will provide emergency operations policies, direction, and guidance to county agencies and political subdivisions. The annexes are functional, covering all facets of emergency management. Annexes F, G, and X are hazard-specific plans that pertain to hazardous material releases, dam failure, and terrorism incidents.

To review a copy of each emergency response plan, contact the LEPC directly (contact information for the LEPCs is available through the [Region III EPA Sub-Area Planning Viewer](#)).

3E.5.5 Agriculture Planning

The West Virginia Department of Agriculture (WVDA) is responsible for monitoring the safety of locally grown food products with the objective of preventing foodborne illnesses and managing agricultural activities that may affect the quality of the state's groundwater and surface water. The following programs support WVDA responsibilities:

- [Regulatory Programs](#)
- [Environmental Programs](#)

www.wvagriculture.org

3E.6 STATE OF WEST VIRGINIA ACCESS TO NON-FEDERAL FUNDS

The West Virginia Department of Environmental Protection (WVDEP) administers the following funds:

- Hazardous Waste Emergency Response Fund pursuant to the Hazardous Waste Emergency Response Fund Act (Chapter 22- Article19 of the WV Code),
- Solid Waste Reclamation and Environmental Response Fund (22-15),
- Leaking Underground Storage Tank Response Fund (22-17),
- Coal mining special reclamation fund (22-3),
- Abandoned Mine Lands Fund (22-2),
- Abandoned Wells Act Fund (22-10),
- Water Quality Management Fund (22-11).



3E.7 MUTUAL AID AGREEMENTS AND/OR MEMORANDUMS OF AGREEMENT/ UNDERSTANDING (MOAs/MOUs)

The federal, state, and local MOAs/MOUs may establish the nature and extent of USEPA and state and local interaction during USEPA lead and state or local lead responses (including Indian tribes). USEPA shall enter into MOA/MOU discussions if requested by a state or local government.

Refer to the NCP (40 CFR §300.505) for a discussion of USEPA/State/Commonwealth SMOA.

3E.7.1 Mutual Aid Agreements

<http://www.dhsem.wv.gov/Pages/WestVirginiaStatewideMutualAidAgreement.aspx>

The purpose of Act 93 of 2008 is to create a system of intrastate mutual aid between participating political subdivisions within the state, where each participating political subdivision recognizes that emergencies transcend the boundaries of a political subdivision and that intergovernmental coordination is essential for the protection of lives and property and for the best use of available public and private assets.

The mutual aid system is to provide for mutual assistance among the participating political subdivisions in the prevention of, response to, and recovery from threats to public health and safety that are beyond the capability of an affected community to respond. The system also is to provide for mutual cooperation among the participating subdivisions in conducting exercises, testing, or other training activities.

3E.7.2 Interagency State Agreements

(West Virginia Code §15-5-28) An intrastate mutual aid system is established for the purpose of providing mutual aid within the State of West Virginia. The Statewide Intrastate Mutual Aid Committee consists of 11 members from various public safety entities and other governmental entities who are appointed by the Governor. The Director of WVDHSEM, or his or her designee, is the committee chair. The committee is multidisciplinary and representative of emergency management and response disciplines as well as local government.

The purpose is to create a system of intrastate mutual aid between participating political subdivisions within the state, whereby each participating political subdivision recognizes that emergencies transcend the boundaries of a political subdivision and that intergovernmental coordination is essential for the protection of lives and property and for the best use of available public and private assets. The system shall provide for mutual assistance among the participating political subdivisions in the prevention of, response to and recovery from threats to public health and safety that are beyond the capability of an affected community to respond. The system shall provide for mutual cooperation among the participating subdivisions in conducting exercises, testing, or other training activities.

A participating political subdivision may request assistance of other participating political subdivisions or their designated emergency response organizations. All requests for



assistance shall be initiated from the incident commander or authorized designee at an incident location, the county 911 center, or the county emergency manager where the incident occurs. All intrastate mutual aid requests for assistance shall be made to the county 911 center, county emergency management coordinator, or authorized designee in the responding county.



3.F DISTRICT OF COLUMBIA RESPONSIBILITIES

The District of Columbia (District) is unique from the other states/commonwealths in that it is simultaneously considered a city, state, and federal entity. The [District Response Plan \(DRP\)](#)¹ was developed to establish the framework for the District's responsibilities in emergency response situations. This plan coordinates with the relevant annexes of the DRP, and with the District of Columbia Comprehensive Hazardous Materials Emergency Response Plan, October 1988, rev. ed., January 1992.

Contact information with specific State/Commonwealth contact lists is provided at the [Region III Inland Area Committee](#)

3F.1 AREA OF RESPONSIBILITY

District of Columbia's Homeland Security and Emergency Management Agency (HSEMA) coordinates the city's response to disasters, emergencies, severe weather conditions, and other catastrophic events. It works closely with other emergency response agencies, including the Metropolitan Police Department (MPD) and the District of Columbia Department of Fire and Emergency Medical Services and other District and federal agencies, as well as with the major utility companies and organizations such as the Red Cross and Salvation Army.

3F.2 DISTRICT OF COLUMBIA ORGANIZATIONAL FRAMEWORK (RESPONSE SYSTEMS)

The DRP establishes the framework for district government entities to respond to, recover from, and mitigate an emergency. Entities include, but are not limited to, the following:

- Executive Office of the Mayor,
- Office of the City Administrator,
- Homeland Security and Emergency Management Agency,
- Council of the District of Columbia,
- DC National Guard,
- National Capital Region Partners,
- Federal Partners,
- Military,
- Local police and fire.

The purpose, scope, operating policies, planning assumptions, concept of operations, and responsibilities of these entities are detailed in the ESF functional annexes provided with the DRP (refer to Section 3F.5.3 for more information).

¹ Refer to Section 3F.5.3 for more information on the DRP.



3F.2.1 Elected and Appointed Officials Role During an Incident

3F.2.1.1 Mayor of the District of Columbia

<http://mayor.dc.gov/>

The Mayor, an elected official for the District, is authorized by the District of Columbia Public Emergency Act of 1980 to use the services of appropriate agencies to establish an emergency response program. As a result, the Mayor's Emergency Preparedness Council (EPC) was established to facilitate the response program and Cabinet members were appointed to oversee the offices of executive branch agencies responsible for emergency management and environmental control, including the Department of the Environment (DDOE) and HSEMA.

3F.2.2 Resource Protection

3F.2.2.1 District Department of the Environment (DDOE)

<http://ddoe.dc.gov/>

DDOE is responsible for enforcement of environmental regulations within the District of Columbia and performs facility inspections. The mission includes protecting and restoring the environment, conserving natural resources, mitigating pollution, and educating the public on ways to secure a sustainable future. DDOE is organized into the following administrative divisions:

- **Administrative Services Administration** – Provides operational support, including procurement and contracting, financial management, fleet and property management, information technology and communications, and human resource services;
- **Energy Administration** – Provides energy-related policy; planning and services for energy distribution; utility management; and efforts to achieve reliable, clean, and affordable energy;
- **Environmental Services Administration** – Protect public health and the environment by regulating and ensuring compliance with applicable laws related to air quality, hazardous waste, lead, pesticides, and underground storage of petroleum products; and
- **Natural Resources Administration** – Conserves, protects from pollution and degradation; and improve soil, water, and living resources.

DDOE also has some capability to respond to oil and hazardous substance releases and can support the Incident Commander in a limited capacity. DDOE also has responsibility under ESF #12 of the DRP (refer to Section 3F.5.3 for more information).



3F.2.2.2 State Trustees

State/Federally Recognized Indian Tribes

There are currently no federally or state recognized Indian Tribes located within the District.

Federal Installations within the District of Columbia

- Fort Lesley J. McNair – Army
<http://www.globalsecurity.org/military/facility/fort-mcnair.htm>
- U.S. Naval Observatory
<http://www.usno.navy.mil/USNO>
- Naval Research Laboratory
<http://www.nrl.navy.mil/>
- Washington Naval Yard (Naval Sea Systems Command [NAVSEA])
<http://www.cnrc.navy.mil/regions/ndw.html>
- Marine Barracks – Square 927 Washington, DC
<http://www.barracks.marines.mil/>
- Joint Base Anacostia-Bolling – Air Force
<http://www.cnrc.navy.mil/regions/ndw/installations/jbab.html>

3F.2.3 Emergency Management

3F.2.3.1 District of Columbia Homeland Security and Emergency Management Agency (HSEMA)

<http://hsema.dc.gov/>

During the highest response level under the District of Columbia Response Plan (DCRP), the HSEMA serves as the coordinator with USEPA and is responsible for planning and coordinating all types of emergencies, including spills of oil and hazardous substances as well as natural disasters. HSEMA plays a major role in a spill response if the spill crosses state lines or if the spill exceeds the capabilities of local resources. The HSEMA can assist with activating mutual aid agreements and assist with cost recovery. HSEMA also assists other DC government agencies and industry with pre-emergency planning and approves agency emergency response plans. The 24-hour contact number for the HSEMA is **(202) 727-6161; Fax (202) 673-7054**.

HSEMA Operations Division runs the EOC 24 hours a day, 7 days a week. The EOC is the city's main operational control and communications facility during an emergency, disaster, or special event. The center uses the latest information system software and radio systems to monitor the Districts Metropolitan Police Department and the Fire and Emergency Medical Services emergency communications systems and is linked via the EMnet system to the National Weather Service, Broadcasters, the Maryland and Virginia state EOC's and the local EOC' in VA and MD. The Washington Area Warning System (WAWAS) segment of the National Warning System (NAWAS) which is coordinated by the HSEMA EOC also enables the HSEMA EOC to connect over 160 warning points throughout the National Area (NCR) and COOP sites located in



Maryland, Pennsylvania, West Virginia, Georgia, and Virginia to gather and disseminate information for the emergency response and recovery coordination.

3F.2.4 Health and Safety

3F.2.4.1 DC Department of Health (DC DOH)

<http://doh.dc.gov/>

The DC Department of Health (DOH) responsibilities include identifying health risks; educating the public; preventing and controlling diseases, injuries, and exposure to environmental hazards; and providing equitable access to community resources. The DC DOH assists the HSEMA in response to emergencies where there are public health issues to be addressed. DC DOH industrial hygiene, public health, and medical professionals are available to assist with risk management decisions.

The Health Emergency Preparedness and Response Administration (HEPRA) within the DC DOH has the primary responsibility for supporting DCHSEMA. DC DOH is the District's lead for biological emergencies, including biological terrorist attacks.

3F.2.5 Roles of Other State and Local Emergency Organizations

The NCP at 40 CFR §300.180 describes generally state and local participation in response. Appropriate local and state officials will be identified and participate as part of the response structure as provided in the ACPs.

As discussed in Section 3F.2.3, HSEMA serves as the primary oil and hazardous substance response agency in the District. District resources and special forces are available to the FOSC through the state representative (e.g., the current Mayor of DC or Director of HSEMA). This enables efficient access to all state resources by the FOSC and frees the FOSC from the coordination and authorization problems that would otherwise be encountered. The District representative is responsible for District input to the FOSC.

3F.2.5.1 Emergency Response Team(s) for District of Columbia

Resources of the DC Fire and Emergency Medical Services Department and its Hazardous Materials Response Unit will be deployed in response to an oil spill, along with the Fire Boat and the Harbor Patrol of the MPD if the incident is on the waterways. If the spill is a minor one, local resources will be sufficient for mitigation and cleanup, including the Fire Department, the Environmental Regulation Administration of the DC Department of Consumer and Regulatory Affairs, and the responsible party. MPD, the Department of Public Works, and the Office of Emergency Preparedness also might be required on-scene, at the request of the Incident Commander.

Additional local assistance may be required by the Incident Commander if the incident is more serious in nature. The National Capital Poison Control Center, the Red Cross and/or Salvation Army, and Federal City REACT might be called upon for advice and services, as might CHEMTREC or appropriate federal regional offices.



Should an evacuation be required, other agencies of the District Government would be called upon, including the DC Department of Human Services Commission on Social Services for shelter support, the Commission on Mental Health Services for counseling, and the DC Department of Recreation and Parks for transportation of evacuees and to staff the shelter.

Should the incident exhaust the resources of the Hazardous Materials Unit, a fire department mutual aid agreement with the surrounding jurisdictions in the Metropolitan Washington Region could be invoked. Resources of the hazardous materials response unit of the Naval District of Washington also could be sought, as could those of private oil or utility companies. The Office of Emergency Preparedness would coordinate the procurement of all additional local and federal resources.

Should it be the judgment of the Incident Commander that the spill is of sufficient magnitude that federal response assistance is required, the NRC will be called by the Office of Emergency Preparedness and USEPA Region III Regional Response Center (RRC) notified. From the time of the arrival of federal on-scene authorities, the District will provide resources as requested in support of the response and a liaison officer and will participate in command decision making through the incident unified command structure.

3F.2.5.2 Local Emergency Response Committees (LEPCs)

The District of Columbia Local Emergency Planning Council, Inc. (DCLEPC) was established to monitor and inform the public about the use of hazardous chemicals in the District of Columbia. It is a community committee consisting of emergency planning specialists; higher education institutions; environmental watchdog organizations; business leaders, trade and professional associations in the chemical industry; and representatives from the media, utility companies, and District and federal government agencies.

DCLEPC was created pursuant to Title III of the SARA of 1986.

EPCRA law requires that each LEPC prepare an emergency response plan for its district that includes information such as potential chemical hazards and procedures to be followed in the event of a chemical emergency.

<http://hsema.dc.gov/page/district-columbia-local-emergency-planning-council>

3F.2.5.3 Community Emergency Response Team (CERT)

The CERT program for the District is a volunteer program that sponsors free training for citizens to provide basic emergency skills until trained emergency response personnel arrive. The CERT program consists of training in the following areas: Disaster Preparedness, Medical Operations and First Aid, Fire Safety, Disaster Psychology, Search and Rescue, and Terrorism.

<http://serve.dc.gov/service/community-emergency-response-team-cert-training>



3F.3 DISTRICT OF COLUMBIA REGULATIONS AND REQUIREMENTS

Regulations and Authorities that may apply during a spill of oil or hazardous substance in the District are detailed in Appendix G of the DRP (refer to Section 3F.5.3 for more information).

3F.4 PARTICIPATION/INVOLVEMENT IN FEDERAL RESPONSE

The NCP at 40 CFR §300.180 describes generally the state (District) and local participation during a response. Appropriate state (District) and local officials (including Indian tribes) will be identified and participate as part of the response structure as provided in the ACPs.

In addition to meeting the requirements for local emergency plans under SARA §303, State (District) and local government agencies are encouraged to include contingency planning for responses, consistent with the NCP, RCP, and ACP in all emergency and disaster planning.

For facilities not addressed under CERCLA or the CWA, the District is encouraged to undertake response actions itself or to use its authorities to compel potentially responsible parties to undertake response actions.

3F.4.1 State (District) and Local Participation/Involvement

Subpart F of the NCP addresses state (District) involvement in hazardous substance response and is incorporated herein by reference.

The basic assumption of the District's hazardous substance response system is that the first response to a hazardous substance incident is handled by local level agencies based on established protocols and policies. As the magnitude of the emergency increases, additional support will be needed and determined based on the Resource Coordination and Management outlined in Appendix H of the DRP (refer to Section 3F.5.3 for more information).

If the incident is beyond the capabilities of the District, assistance from USEPA to coordinate and support response activities may be requested. During the highest response, the HSEMA serves as the coordinator with USEPA.

District resources and special forces are available to the FOSC through the District representative. This enables efficient access to all District resources by the FOSC and frees the FOSC from the coordination and authorization problems that would otherwise be encountered. The District representative is responsible for District input to the FOSC.

Designated state (District) agencies shall receive appropriate notification of a pollution incident in accordance with 40 CFR §300.300 and 40 CFR §300.405 of the NCP. District assistance can be invaluable during a major or medium incident in the areas of logistics, access, evacuation control, coordination with local agencies, environmental and geographic expertise, media/public relations, compliance with state (District) statutes, and disposal of recovered material.



3F.4.2 Requirements for State Involvement in Enforcement Responses and Site Remedy

The Long-Term Community Recovery and Mitigation ESF #14 addresses the cleanup and enforcement of sites potentially contaminated by a hazardous substance release that are not covered under the federal Superfund program. HSEMA has primary responsibility to coordinate efforts with a number of support agencies.

3F.4.2.1 Enforcement

Verbal or written mutual aid agreements exist between the District government and federal law enforcement agencies and surrounding county municipal governments in Maryland and Virginia.

3F.4.2.2 Site Remedy

The DDOE is responsible for identification, evaluation, and remediation of sites in the District that have/experienced releases of hazardous substances.

3F.4.3 State Involvement in USEPA/USCG-Lead Enforcement Negotiation

USEPA/USCG shall notify states of response action negotiations to be conducted by USEPA/USCG with potentially responsible parties during each fiscal year.

The state must notify USEPA/USCG of such negotiations in which it intends to participate.

The state is not foreclosed from signing a consent decree if it does not participate substantially in the negotiations.

3F.5 STATE REQUIRED PLANNING, PREPAREDNESS, AND RESPONSE

3F.5.1 Environmental Protection Plan

The Environmental Protection Plan for the District is Chapter 6 of the Citywide Elements of the [Comprehensive Plan for the National Capital](#).

3F.5.2 Emergency Management Plan

The Emergency Management Plan for the District is the DRP (see Section 3F.5.3), which is maintained by HSEMA.

3F.5.3 Emergency Operations Plan for the District of Columbia

The DRP is the District's basic emergency plan that establishes response to, recovery from, and mitigation to all hazards. The DCP includes annexes to address specific ESFs. The ESFs describe the purpose and scope of each function, the operating policies, the planning assumptions, the concept of operations, and the responsibilities of the primary and support agencies. HSEMA is responsible for maintaining the DCP and coordinating with appropriate agencies having responsibilities under the DCP and ESFs.



<http://hsema.dc.gov/publication/district-response-plan>

3F.5.4 Local Emergency Operations Plan

The DC LEPC member organizations are responsible for local emergency planning and reviewing local emergency plans. These emergency plans are designed so that political leaders and emergency management personnel are prepared to handle the mitigation, preparedness, response, and recovery phases of emergency management when a manmade or natural disaster occurs.

<http://hsema.dc.gov/page/district-columbia-local-emergency-planning-council>

3F.6 DISTRICT OF COLUMBIA ACCESS TO NON-FEDERAL FUNDS

For fund reimbursement, the state (District) must fulfill requirements established by the NPFC, including PRP determination and documentation requirements.

The District of Columbia Department of Consumer and Regulatory Affairs (DCRA) will attempt to locate the owner/operator of the facility responsible for the spill and inform him of his legal responsibility to initiate immediate remedial measures, including the cost of a cleanup contractor, associated with the release.

In certain conditions of imminent danger to public health and the environment, if the owner/operator cannot be located, or is unwilling or unable to take immediate action, then DCRA will assume the cost of a cleanup contractor, in accordance with DC Code §5-513, which allows the Mayor to correct conditions in violation of the law, assess the costs, and attach a tax lien on the owner/operator in order to recoup costs.

Additionally, the Pesticides, Hazardous Waste, and Underground Storage Tank Division of the Environmental Regulation Administration of the DC DCRA manages the District and federal trust fund for cleaning releases from underground tanks.

The District of Columbia Department of Consumer and Regulatory Affairs (DCRA) will attempt to locate the owner/operator of the facility responsible for the spill and inform him of his legal responsibility to initiate immediate remedial measures, including the cost of a cleanup contractor associated with the release.

In certain conditions of imminent danger to public health and the environment, if the owner/operator cannot be located, or is unwilling or unable to take immediate action, then DCRA will assume the cost of a cleanup contractor, in accordance with DC Code §5-513 which allows the Mayor to correct conditions in violation of law, assess the costs and attach a tax lien on the owner/operator in order to recoup costs.

Additionally, the Pesticides, Hazardous Waste and Underground Storage Tank Division of the Environmental Regulation Administration of the DC Department of Consumer and Regulatory Affairs manages the District and federal trust fund for cleaning releases from underground tanks.



3F.7 MUTUAL AID AGREEMENTS AND/OR MEMORANDUMS OF AGREEMENT/ UNDERSTANDING (MOAS/MOUS)

The District is encouraged to enter into cooperative agreements pursuant to §104 (c)(3) and (d) of CERCLA to enable it to undertake actions authorized under Subpart E of the NCP. Requirements for entering into these agreements are included in Subpart F of the NCP.

The federal, state (District), and local MOAs/MOUs may establish the nature and extent of USEPA and state (District) and local interaction during USEPA lead and state (District) or local lead responses (including Indian tribes). USEPA shall enter into MOA/MOU discussions if requested by a state (District) or local government. A state (District) agency that acts pursuant to such agreements is referred to as the lead agency. In the event there is no cooperative agreement, the lead agency can be designated in an SMOA or other agreement.

Refer to the NCP (40 CFR §300.505) for a discussion of USEPA/State (District) SMOA.

3F.7.1 Mutual Aid Agreements

Mutual aid agreements for DC are discussed in Volume II of the IACP.

3F.7.2 Interagency State Agreements

There are currently no state-specific interagency agreements for DC.



APPENDIX 1
LIST OF ABBREVIATIONS AND ACRONYMS



LIST OF ABBREVIATIONS AND ACRONYMS

AC	Area Command
ACHP	Advisory Council on Historic Preservation
ACP	Area Contingency Plan
AEA	Atomic Energy Agency
AFO	Animal Feeding Operation
AIEO	American Indian Environmental Office
AMS	Aerial Measuring System
APHIS	Animal and Plant Health Inspection Service
ARAC	Atmospheric Release Advisory Capability
ARAR	Applicable or Relevant and Appropriate Requirement
ARG	Accident Response Group
ARS	Agriculture Research Service
ARTES	Alternative Response Technology Evaluation System
AST	aboveground storage tank
ATSDR	Agency for Toxic Substances and Disease Registry
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
BOA	Basic Ordering Agreements
BRRO	Blue Ridge Regional Office
BSEE	Bureau of Safety and Environmental Enforcement
CAFO	concentrated animal feeding operation
CAMEO	Computer-Aided Management of Emergency Operations
CBRN CMAT	Chemical, Biological, Radiological, and Nuclear Consequence Management Advisory Team
CBRNE	Chemical, Biological, Radiological, Nuclear, High-Yield Explosive
CCMRF	Chemical Biological Radiological Nuclear and High-Yield Explosives Consequence Management Response Force
CCTV	Closed Circuit Television
CDC	Centers for Disease Control and Prevention
CEMP	Comprehensive Emergency Management Program
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980
CERCLIS	CERCLA Information System
CERFP	CBRNE Enhanced Response Force Package
CERT	Community Emergency Response Team
CFR	Code of Federal Regulations
CHEMNET	Chemical Response Network
CHEMTREC®	Chemical Transportation Emergency Center
CISMT	Critical Incident Stress Management Team
CNCS	Corporation for National and Community Service



LIST OF ABBREVIATIONS AND ACRONYMS

CNO	Chief of Naval Operations
COG	Council of Governments
COMDTINST	USCG Commandant Instruction
COMAR	Code of Maryland Regulations
COTP	Captain of the Port
COVEOP	Commonwealth of Virginia Emergency Operations Plan
CRSG	Crisis Response Support Group
CST	Civil Support Team
CT	counter terrorism
CWA	Clean Water Act of 1977
DAWM	Division of Air and Waste Management
DC OEP	District of Columbia Office of Emergency Preparedness
DCO/DCOE	U.S. Defense Coordinating Officer/Element
DCRA	Department of Consumer and Regulatory Affairs
DDA	Department of Agriculture
DE DHSS	Delaware Department of Health and Social Services
DE DNREC	Delaware Department of Natural Resources and Environmental Control, Division of Air and Waste Management
DeIDOT	Delaware Department of Transportation
DEMA	Delaware Emergency Management Agency
DEOP	Delaware Emergency Operations Plan
DEP	Department of Environmental Protection
DEST	Domestic Emergency Support Team
DHHS	U.S. Department of Health and Human Services
DHS	U.S. Department of Homeland Security
DNMC	Delaware Nutrient Management Commission
DNR	Department of Natural Resources
DNREC	Department of Natural Resources and Environmental Control
DOC	U.S. Department of Commerce
DOD	U.S. Department of Defense
DOE	U.S. Department of Energy
DOI	U.S. Department of the Interior
DOJ	U.S. Department of Justice
DOL	U.S. Department of Labor
DOS	U.S. Department of State
DOT	U.S. Department of Transportation
DRAT	District Response Advisory Team
DRF	Disaster Relief Fund
DRG	District Response Group
DSFS	Delaware State Fire School



LIST OF ABBREVIATIONS AND ACRONYMS

DSHS	Department of Safety and Homeland Security
EAS	Emergency Alert System
ECU	Environmental Crimes Unit
EERP	Environmental Emergency Response Program
EERT	East Emergency Response Team
EFH	Essential Fish Habitat
EIS	Emergency Information System
EMA	Emergency Management Agency
EMAC	Emergency Management Assistance Compact
EMS	Emergency Monitoring and Support
EOC	Emergency Operations Centers
EOP	Emergency Operations Plans
EPCRA	Environmental Protection Conservation and Recovery Act
EPIC	Environmental Photographic Interpretation Center
ERD	Emergency Response Division
ERRS	Emergency Response and Rapid Remediation Services
ERT	Environmental Response Team
ESA	Endangered Species Act
ESF	Emergency Support Function
FBI	Federal Bureau of Investigation
FCO	Federal Coordinating Officer
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FMP	Fishery Management Plan
FOSC	Federal On-Scene Coordinator
FPN	Federal Project Number
FRMAC	Federal Radiological Monitoring and Assessment Center
FSIS	Food Safety and Inspection Service
FWPCA	Federal Water Pollution Control Act
GEMAC	Governor's Emergency Management Advisory Council
GIS	Geographic Information System
GIUE	Government-Initiated Unannounced Exercises
GOHS	Governor's Office of Homeland Security
GSA	U.S. General Services Administration
HAPC	Habitat Area of Particular Concern
HAZMAT	hazardous materials
HAZWOPER	Hazardous Waste Operations and Emergency Response
HHS	Health and Human Services
HMIC	Hazardous Materials Information Center
HMO	Hazardous Materials Officer



LIST OF ABBREVIATIONS AND ACRONYMS

HS	Hazardous Substance
HSCA	Hazardous Substance Cleanup Act
HSEEP	Homeland Security Exercise and Evaluation Program
HSPD	Homeland Security Presidential Directive
IACP	Inland Area Contingency Plan
IAG	Interagency Agreements
IC	Incident Commander
ICP	Integrated Contingency Plan
ICPRB	Interstate Commission on the Potomac River Basin
ICS	Incident Command System
IJC	International Joint Commission
IMAT	Incident Management Assist Team
INS	Incident of National Significance
IO	Information Officer
JFO	Joint Field Office
JIC	Joint Information Center
JRB	Joint Reserve Base
LAT	Lead Administrative Trustee
LEPC	Local Emergency Planning Committee (Volume 1)
LEPC	Local Emergency Response Committee (Section 3A)
LGR	Local Government Reimbursement
LNG	liquefied natural gas
LOSC	Local On-Scene Coordinator
MA	Mission Assignments
MBTA	Migratory Bird Treaty Act
MD DHMH	Maryland Department of Health and Mental Hygiene
MDE	Maryland Department of the Environment
MDOT	Maryland Department of Transportation
MDW	Military District of Washington
MEMA	Maryland Emergency Management Agency
MEMAC	Maryland Emergency Management Compact
MIEMSS	Maryland Institute for Emergency Medical Services Systems
MLC	Maintenance Logistics Command
MMPA	Marine Mammal Protection Act
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MSU	Marine Safety Unit
MTR	Marine Transportation Related
NAVSEA	Naval Sea Systems Command
Navy	U.S. Navy



LIST OF ABBREVIATIONS AND ACRONYMS

NCERT	North-Central Emergency Response Team
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NCP	National Response for Oil and Hazardous Substances Contingency Plan
NEERT	Northeast Emergency Response Team
NEIC	National Enforcement Investigations Center
NEST	Nuclear Emergency Search Team
NETAC	National Environmental Technology Applications Center
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act
NIC	National Incident Commander
NIIMS	National Interagency Incident Management System
NIMS	National Incident Management System
NIOSH	National Institute for Occupational Safety and Health
NMAB	Nutrient Management Advisory Board
NMC	National Maintenance Contract
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NPFC	National Pollution Funds Center
NPL	National Priorities List
NPS	National Park Service
NRC	National Response Center
NRCS	Natural Resources Conservation Service
NRDA	Natural Resource Damage Assessment
NRF	National Response Framework
NRO	Northern Regional Office
NRS	National Response System
NRT	National Response Team
NSA	Naval Support Activity
NSD	National Security Directive
NSF	National Strike Force
NSFCC	National Strike Force Coordination Center
NTR	Non-transportation Related
NWERT	Northwest Emergency Response Team
OAG	Office of Attorney General
OASQA	Office of Analytical Services and Quality Assurance
OCME	Office of the Chief Medical Examiner
OITA	Office of International and Tribal Affairs
OPA 90	Oil Pollution Act of 1990
OPR	Office of Protected Resources
OPS	Office of Pipeline Safety



LIST OF ABBREVIATIONS AND ACRONYMS

OR&R	Office of Response and Restoration
ORP	Office of Radiation Program
ORSANCO	Ohio River Valley Water Sanitation Commission
OSC	On-Scene Coordinator
OSH	Occupational Safety and Health
OSHA	Occupational Safety and Health Administration
OSLTF	Oil Spill Liability Trust Fund
OSMRE	Office of Surface Mining Reclamation and Enforcement
OSRO	Oil Spill Response Organization
PaCIC	Pennsylvania Criminal Intelligence Center
PADEP	Pennsylvania Department of Environmental Protection
PADOH	Pennsylvania Department of Health
PADOT	Pennsylvania Department of Transportation
PDA	PA Department of Agriculture
PDD	Presidential Decision Directives
PEMA	Pennsylvania Emergency Management Agency
PEMC	Pennsylvania Emergency Management Council
PHMSA	Pipeline and Hazardous Materials Safety Administration
PIAT	Public Information Assist Team
PIO	Public Information Officer
POLREP	Pollution Report
PPD	Presidential Policy Directive
PREP	VADEQ Pollution Response Program (Section 3D)
PREP	Preparedness for Response Exercise Program (Volume I)
PRFA	Pollution Removal Funding Authorizations
PRO	Piedmont Regional Office
PRP	potentially responsible party
PSA	Pipelines Safety Act
PSTN	Pesticide Safety Team Network
R&D	Research and Development
RAP	Radiological Assistance Program
RCP	Regional Contingency Plan
RCRA	Resource Conservation and Recovery Act
REAC/TS	Radiation Emergency Assistance Center/Training Site
RERT	Radiological Emergency Response Team
RICT	Regional Incident Coordination Team
RLO	Regional Liaison Officer
RMP	Risk Management Plan
RPM	Remedial Project Manager
RQ	Reportable Quantity



LIST OF ABBREVIATIONS AND ACRONYMS

RRC	Regional Response Center
RRI	Response Resource Inventory
RRT	Regional Response Team
RSC	Response Support Corps
RSIAS	Remote Sensing Imagery Analysis Service
RSPA	Research and Special Programs Administration
RSS	Really Simple Syndication
SAC	Support Agency Coordinator
SARA	Superfund Amendments and Reauthorization Act of 1986
SCAT	Shoreline Cleanup and Assessment Technique
SCC	State Conservation Commission
SCERT	South-central Emergency Response Team
SCO	State Coordinating Officer
SEERT	Southeast
SEOC	State Emergency Operations Center
SEOP	State Emergency Operation Plan
SERC	State Emergency Response Commission
SERC	State/Commonwealth Emergency Response Commission
SERT	State Emergency Response Team
SFMO	State Fire Marshal's Office
SHEMP	Safety, Health and Environmental Management Program
SHPO	State Historic Preservation Officer
SIRS	Site Investigation and Restoration Section
SMART	Special Monitoring of Applied Response Technologies
SMOA	Superfund Memorandum of Agreement
SMT	Spill Management Team
SONS	Spill of National Significance
SOPEP	Shipboard Oil Pollution Emergency Plans
SOP	standard operating practice
SOSC	State On-Scene Coordinator
SPCC	Spill Prevention, Control and Countermeasure
SRBC	Susquehanna River Basin Commission
SSC	Scientific Support Coordinator
START	Superfund Technical Assessment and Response Team
SUPSALV	U.S. Navy Supervisor of Salvage and Diving
SWERT	Southwest Emergency Response Team
SWRO	Southwest Regional Office
TOPS	Technical Operating Procedures
TRO	Tidewater Regional Office
TSD	Treatment, Storage, or Disposal



LIST OF ABBREVIATIONS AND ACRONYMS

U.S.	United States
UC	Unified Command
UCS	Unified Command System
USACE	U.S. Army Corps of Engineers
USAR	Urban Search and Rescue Team
USC	United States Code
USCG	U.S. Coast Guard
USDA	U.S. Department of Agriculture
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
UST	underground storage tank
VA DEQ	Virginia Department of Environmental Quality
VCP	Voluntary Cleanup Program
VDEM	Virginia Department of Emergency Management
VDH	VA Department of Health
VEERF	Virginia Environmental Emergency Response Fund
VEOC	Virginia Emergency Operations Center
VERC	Virginia Emergency Response Council
VERT	Virginia Emergency Response Team
VOAD	Voluntary Organizations Active in Disaster
VPSTF	Virginia Petroleum Storage Tank Fund
VRO	Valley Regional Office
VRP	Vessel Response Plan
WMD	Weapons of Mass Destruction
WMD-CST	Weapons of Mass Destruction Team
WVDA	West Virginia Department of Agriculture
WVDEM	West Virginia Department of Emergency Management
WVDEP	West Virginia Department of Environmental Protection
WVDHHR	WV Department of Health and Human Resources
WVDHSEM	West Virginia Division of Homeland Security and Emergency Management



APPENDIX 2
DESIGNATION OF FOSC MEMO

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SUBJECT: Designation of Federal On Scene Coordinator
EPA Region III Inland Area Committee

DATE: JUL 24 2012

FROM: Dennis P. Carney, Associate Division Director
Office of Preparedness & Response (3HS30) *Dennis P. Carney*

TO: Ronald J. Borsellino, Director
Hazardous Site Cleanup Division (3HS00)

Action Required

The purpose of this memorandum is to obtain your approval as the delegated EPA official on the designation of a Federal On Scene Coordinator to represent EPA on the Region III Inland Area Committee. Your approval will also update the list of appointments from local, state and federal agencies to serve with the EPA representative on the Inland Area Committee.

Background

The Oil Pollution Act of 1990 (OPA) mandates that the President designate areas for which Area Contingency Plans are to be developed. OPA also states that the President shall designate a Federal On-Scene Coordinator (OSC) for each area for which an Area Contingency Plan (ACP) is to be prepared and that the Area Committee shall prepare its ACP under the direction of the Federal OSC. Finally, OPA required that the Area Committees to be developed for each area be appointed by the President from qualified personnel of federal, state and local agencies.

On April 24, 1992, the EPA Administrator based on authority delegated by Executive Order 12777 designated the 13 geographic areas covered by Regional Response Teams to be the initial areas requiring an Area Contingency Plan within the inland zone. The Regional Administrator for EPA Region III subsequently designated Stephen D. Jarvela to serve as the Federal OSC for the Region III Inland Area Committee.

The authority to designate areas, and appoint Area Committee members, including the Federal OSC who will chair the Area Committee was subsequently redelegated to the Director of the Hazardous Site Cleanup Division on July 23, 1993.

Mr. Jarvela after approximately 20 years of dedication and leadership as the Inland Area Committee Federal OSC has asked to step down from that appointment. Mr. Jarvela proposed this change as an excellent opportunity for new leadership for the Area Committee, especially as the Area Committee has been transitioning in recent years from oil spill planning to all hazards planning.



Discussion

The area planning process has changed significantly over the past 20 years, especially in Region III where the Area Committee has moved to divide the inland area into 14 sub-areas for improved planning and coordination. Also as noted above, the ACP is being adapted to incorporate all hazards into the planning as opposed to the oil only focus that was originally envisioned in the OPA.

In addition over recent years EPA Region III has out-posted additional OSCs across the region and has gotten more OSCs involved in sub-area planning. We have assigned OSCs three deep in each subarea to facilitate the planning effort, and to enhance relationships with local and state organizations. These changes have led to improved coordination and planning experience.

Recommendation

After careful consideration of candidates, including: response and planning experience, interest, proven ability to coordinate with local, state and federal agencies, organization and leadership skills, I recommend that you designate Richard M. Fetzer, as the Federal On-Scene Coordinator for the Region III Inland Area pursuant to Section 311 (j) (4) of the Clean Water Act and Section 4202 (b)(1) of OPA.

It is also recommended that you renew the appointment of the following Federal Agency and Commonwealth/State organizations listed below, and who also serve as representatives on Regional Response Team III, to serve on the Region III Inland Area Committee:

- US Coast Guard - Fifth District
- US Coast Guard - Eight District
- US Coast Guard - Ninth District
- Department of the Interior
- Department of Commerce
- Department of Defense -Corps of Engineers
- Federal Emergency Management Agency
- Commonwealth of Virginia Department of Emergency Management
- Commonwealth of Virginia Department of Environmental Quality
- Commonwealth of Pennsylvania Department of Environmental Protection
- Commonwealth of Pennsylvania Emergency Management Agency
- Maryland Department of Environment
- Maryland Emergency Management Agency
- Delaware Department of Natural Resources and Environmental Control
- Delaware Emergency Management Agency
- West Virginia Department of Environmental Protection
- West Virginia Emergency Management Agency
- District of Columbia Homeland Security and Emergency Management Agency
- District of Columbia Department of the Environment

Finally it is recommended that you authorize that all Hazardous Materials and Emergency Management Officials from local jurisdictions be appointed to respective Subarea Committees, at the discretion of the Inland Area Federal OSC, as they are identified and express interest.

In accordance with Regional Delegation of Authority 2-91, this recommendation is submitted for your approval.



Concur



Date

Do Not Concur

Date

Ronald J. Borsellino, Director
Hazardous Site Cleanup Division

