

OCEANIA REGIONAL RESPONSE TEAM

OCEANIA REGIONAL CONTINGENCY PLAN

Final – April 2010



To Report Spills of Any Kind Call:

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

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

U.S. Coast Guard Emergency Response Duty Officer: (808) 535-3333
United States Coast Guard
Fourteenth Coast Guard District Command Center, Honolulu, Hawaii

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REQUIRED NOTIFICATIONS

All spills of oil or hazardous substance into navigable waters, as defined by the Clean Water Act, and all spills of a reportable quantity of hazardous substances (Title 40 Code of Federal Regulations Part 302 and Title 33 Code of Federal Regulations Part 153.203) must be immediately reported **by the spiller** to the National Response Center (NRC). The NRC will contact appropriate local United States Coast Guard (USCG) or United States Environmental Protection Agency (U.S. EPA) offices, as well as state warning centers. **Notifying state offices does not relieve the spiller from federal requirements to notify the NRC, and notifying the NRC does not relieve the spiller of state requirements.**

National Response Center
1-800-424-8802 Toll Free
1-202-267-2675 Toll Call

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

USCG District Fourteen Command Center : (808) 535-3333

USCG Sector Honolulu, Hawaii: (808) 842-2640 day / 842-2600 emergency (24 hours)

Hawaii Department of Health Office of Hazard Evaluation and Emergency Response:
(808) 586-4249 day/ 247-2191 evening

American Samoa EPA: (684) 633-2304

USCG Marine Safety Detachment American Samoa: (684) 258-7001

Guam EPA: (671) 472-8863

USCG Sector Guam: (671) 355-4824

Commonwealth of the Northern Mariana Islands (CNMI) Division of Environmental Quality:
(670) 322-8001

USCG MSD CNMI: (670) 236-2969

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FIRST RESPONDER GUIDELINES

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

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

The initial responder will then make notifications as listed in the preceding pages.

The initial responder will not enter an area where the responder may become a victim, even to rescue another.

Until help arrives, the initial responder should:

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

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INITIAL ASSESSMENT AND INFORMATION

The National Response Center (NRC) website provides the most efficient method of report-pertinent information on an incident; it is recommended that spillers or the reporting agency use the website: <<http://www.nrc.uscg.mil>>.

If access to the website is unavailable, the check-off list below should serve as a guideline for information NRC will need.

CHECK-OFF LIST (used to report incidents to the NRC)

Be prepared to provide the following information

- Callers Name, Address, and Phone Number
- Vessel, Facility, Aircraft, Platform, Mobile, Fixed, Storage Tank, Pipeline, Continuous Release, and Rail Information
- Name
- Name of Vessel, Railcar, and Truck Number or other identifying information
- Type and Size of Incident
- Nationality (Vessel Only)
- Location of Incident (Specific)
- Date and Time of Incident (or when discovered)
- Type of Incident (explosion, grounding, etc.)
- Pollutants and Substances Released (if known)
- Source of Material Released
- Estimated Amount Spilled
- Total Potential Quantity
- Total Already Released
- Spill Released into Air, Ground, Water, or Subsurface Containment Area
- Weather and Sea Conditions
- Point of Contact (responsible party, name, phone, and address)
- Vessel and Facility Agent(s) (name and phone)

- Name of Carrier
- Number and Type of Injuries or Fatalities
- Who is On-scene?
- What Response Activities Are Being Done or Have Been Completed?
- Have Evacuations Occurred?
- Estimated Dollar Amount of Property Damage
- Other Agencies Notified

First Federal Representative On Scene

The first federal representative on scene that is affiliated with a National Response Team MAY be requested to initiate response actions under the Federal On-Scene Coordinator's (FOSC) authority. Actions must be consistent with the National Response Framework and in close consultation with the pre-designated FOSC for that jurisdiction. Currently, no Memorandum of Understanding is available for Region 9 between the U.S. Coast Guard and U.S. Environmental Protection Agency that authorizes authority; however, the FOSC may request assistance in directing on-scene efforts.

**LETTER OF DISTRIBUTION
FOR REVIEW AND COMMENT**

Oceania Regional Contingency Plan

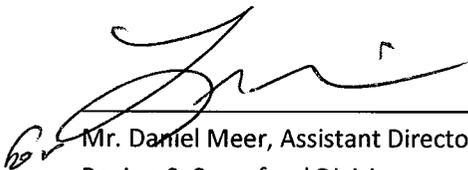
This Oceania Regional Contingency Plan (ORCP) provides a mechanism and a comprehensive reference for coordinating responses to releases of oil or hazardous materials within “Oceania,” which encompasses the State of Hawaii, the Territories of American Samoa and Guam, the Commonwealth of the Northern Mariana Islands (CNMI), and other U.S. Pacific Island possessions.

- State of Hawaii, including Hawaii, Kaho`olawe, Kauai, Lanai, Maui, Molokai, Niihau, Oahu, and the Northwest Islands.
- Territories of American Samoa, including Tutuila and Aunu`u, and Manu`a Islands; Swains Island; and Rose Atoll.
- Territory of Guam.
- CNMI, a chain of 17 islands divided into northern and southern groups. Northern islands include Farallon de Pajaros, Maug (group of three), Asuncion, Agrihan, Pagan, Alamagan, Guguan, Sarigan, Anatahan, and Farallon de Medinilla. Southern islands include Saipan, Tinian, Aguijan, and Rota.
- Possessions of Midway, Wake, Jarvis, Howland, Baker, and Palmyra Islands.

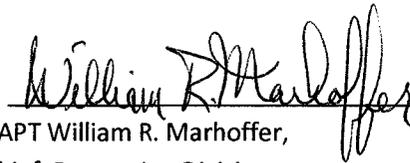
The National Oil and Hazardous Substances Contingency Plan (NCP) was promulgated in accordance with the provisions of Section (§) 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, Title 42 United States Code (U.S.C.) § 9605, as amended by the Superfund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

Title 40 Code of Federal Regulations § 300.205 of the NCP states that Regional Contingency Plans will be prepared by the Regional Response Teams for each standard federal region. This ORCP has been developed for Region 9 with cooperation of all federal, state, territory, and commonwealth governments that are part of the Oceania Regional Response Team.

This version of the ORCP is the 2010 final edition; however, a biennial review will occur to update, amend, or modify the plan as needed. Comments and recommendations on this plan may be forwarded to richman.lance@epamail.epa.gov or addressed to Lance Richman, U.S. EPA Region 9, 75 Hawthorne Street, Mail Code SFD-9-3, San Francisco, CA 94105. Electronic copies of this plan may also be obtained from the ORRT web site located at: <http://www.orrtnrt.org/>



Mr. Daniel Meer, Assistant Director
Region 9, Superfund Division
Emergency Response, Preparedness and
Prevention Branch
U.S. Environmental Protection Agency
Co-Chair, Oceania Regional Response Team



CAPT William R. Marhoffer,
Chief, Prevention Division
United States Coast Guard
Fourteenth District.
Co-Chair, Oceania Regional Response Team

**FEDERAL REGION 9
OCEANIA REGIONAL CONTINGENCY PLAN
LETTER OF PROMULGATION**

This Oceania Regional Contingency Plan (ORCP) provides a comprehensive reference for supporting national, state, and local interagency oil and response efforts for releases of hazardous materials. The plan provides a mechanism to coordinate responses within the State of Hawaii, the territories of American Samoa and Guam, the Commonwealth of the Northern Mariana Islands (CNMI), and other U.S. Pacific Island possessions.

In accordance with the provisions of Section (§) 311(j)(4)(c) of the Federal Water Pollution Control Act (commonly referred to as the "Clean Water Act" or "CWA"), Title 33 United States Code § 1321(j)(4)(c), this plan fulfills the statutory requirements for the Region 9 ORCP. The functions of designating areas, appointing Area Committee members, and reviewing and approving the Area Contingency Plan (ACP) as part of this ORCP has been delegated by Executive Order 12777, October 22, 1991, to the Administrator of the United States Environmental Protection Agency (U.S. EPA) for the inland zone. This area has been designated as U.S. EPA Region 9 Oceania (Hawaii, American Samoa, Guam, CNMI, and other U.S. Pacific Island possessions.), and the Area Committee has been designated as Region 9 Oceania Regional Response Team (ORRT), responsible for reviewing and developing the ORCP under the guidance of U.S. EPA Region 9 On-Scene Coordinator.

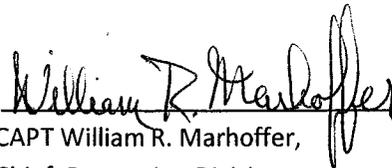
This plan is promulgated on behalf of the Region 9 ORRT and is hereby in effect. Comments and recommendations regarding this plan are invited and should be addressed to:

Region 9 Oceania Regional Response Team

Care of Lance Richman, Regional Co-Coordinator
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street, Mail Code SFD 9-3
San Francisco, CA 94105-3901



Mr. Daniel Meer, Assistant Director
Region 9, Superfund Division
Emergency Response, Preparedness and
Prevention Branch
U.S. Environmental Protection Agency
Co-Chair, Oceania Regional Response Team



CAPT William R. Marhoffer,
Chief, Prevention Division
United States Coast Guard
Fourteenth District.
Co-Chair, Oceania Regional Response Team

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1000 INTRODUCTION

This Region 9 Oceania Regional Contingency Plan (ORCP) for oil and hazardous substances incidents is intended to bridge the four Area Contingency Plans and support local response plans. The ORCP currently serves as the Area Inland Plan for this region. It provides references to Memorandums of Understanding (MOUs), pre-designated authorities and agreements between the United States Coast Guard (USCG), United States Environmental Protection Agency (U.S. EPA), state, territory and other organizations that often find themselves working together to mitigate an incident. This ORCP fulfills the requirement of the National Contingency Plan section 300.210(b) and the Clean Water Act section 311(i)(4).

1001 INTRODUCTION TO THE OCEANIA REGIONAL CONTINGENCY PLAN

This federal ORCP (also known as “Oceania Regional Oil and Hazardous Substances Pollution Contingency Plan) is intended for use by federal, state, territory and commonwealth, and local emergency response personnel as a tool for obtaining resources to respond to an oil or hazardous materials incident. It outlines the response mechanisms that would be activated among the various levels of the response community if an emergency occurs. It is not intended to displace local emergency response plans, but rather it is intended to coordinate with local plans and build on the mechanisms set forth in state and other emergency response plans.

1001.01 Coordination with other plans

This plan combines the response authorities relevant for both oil and hazardous materials. These releases and the related contingency planning are regulated separately under the Oil Pollution Act (OPA) of 1990 and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980; however, significant overlap occurs in the type and scope of relevant information. To meet the Area Contingency Plan (ACP) requirements of OPA, area plans (which include subarea plans and geographic response plans) are developed separately and are referenced in this ORCP.

The Federal On-Scene Coordinator (FOSC) is the link between local and state emergency response communities and federal response efforts. The ORCP outlines the assistance available to the FOSC from the Regional Response Team (RRT) member agencies and the response approach that should be implemented by the FOSC during response actions. The plan also includes resource information from governmental, commercial, and other sources that may be utilized during a response. This plan has been organized to follow the structure of the Incident Command System (ICS), as outlined in the Integrated Contingency Plan guidance developed by the National Response Team (NRT) (Title 61 Federal Register [Fed. Reg.] Section [§] 28642).

Many Oceania Regional Response Team (ORRT) members' agencies have specific responsibilities during and following a Weapons of Mass Destruction (WMD) incident or other terrorist act. To address the requirements set forth in the Homeland Security Act of 2002, Homeland Security Presidential Directive-5 (HSPD-5) and the January, 2008, National Response Framework (NRF), USCG and U.S. EPA have provided guidance for integrating and coordinating interagency operations under the National Oil and Hazardous Substances Contingency Plan (NCP).

This U.S. EPA, USCG, NCP, and NRF guidance lists the coordinating mechanisms in the NRF, along with parallel, but not necessarily equivalent, structures in the National Level Interagency Concept Plan (CONPLAN).

- NRF
- CONPLAN
- Federal Radiological Emergency Response Plan (FRERP)
- NCP

The NRF, issued by Department of Homeland Security (DHS) on January 2008, provides an operational framework for the Secretary of Homeland Security to carry out domestic incident management responsibilities outlined in HSPD-5. The NRF provides specific requirements for revising existing plans to reflect new coordinating mechanisms for management of domestic incidents.

The NRF describes the following coordinating mechanisms to assist the Secretary of Homeland Security in implementing his or her domestic incident management role:

- Assistant to the President for Homeland Security
- Principal Federal Official (PFO)
- Joint Field Office (JFO)

The U.S. EPA and USCG recognize that the NRF requirement for the Secretary of Homeland Security to develop detailed operating procedures covering the PFO, and JFO could further affect operations under existing plans. As such, the agencies reserve the right to update this guidance to address any necessary changes to operations.

The Stafford Act mandated that the NRF be modified to include a Terrorism Incident Annex to outline specifically how the federal government will support state and local governments in response to a WMD incident. The federal government also drafted the CONPLAN, which outlines many of the roles federal government agencies play in response to a potential or actual terrorist threat or incident in the United States. Several states have specialized groups or task forces specifically addressing planning and preparedness activities at the state and local levels. State and local emergency response plans are being revised to address acts of terrorism.

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

The terms “response” and “recovery” are used to describe the phases involved in dealing with a terrorist incident. “Response” refers to measures to identify, acquire, and plan the use of resources needed to anticipate, prevent, and resolve a threat or act of terrorism. Response is predominately a law enforcement response. The Federal Bureau of Investigation (FBI) is the lead federal agency for response. “Recovery” refers to measures to protect public health and safety; restore essential government services; and provide emergency relief to governments, businesses, and individuals affected by the consequences of an act of terrorism. The Federal Emergency Management Agency (FEMA) is the lead federal agency for recovery. Emergency response to save lives and protect the environment and property spans both the response and recovery management phases.

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

1001.01 Purpose and Objective of the Oceania Regional Contingency Plan

The purpose of the ORCP is to fulfill the requirements of the NCP § 300.210(b) and the Clean Water Act (CWA) § 311(j)(4). The ORCP is designed to coordinate timely and effective response among local, state, and territory officials; private industry; FOSCs; remedial project managers (RPMs); various federal agencies; and other organizations to minimize damage resulting from releases of oil or hazardous substances, pollutants, or other contaminants.

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

1001.02 Authority for the Oceania Regional Contingency Plan

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

Through Executive Order 12777, the President delegated to the Administrator of the U.S. EPA responsibility for designating the areas and appointing the committees for the “inland zone.” The Administrator further delegated this authority to the Regional Administrators and designated the 10 pre-existing RRT areas as the areas for OPA planning purposes. Oceania, which consists of the State of Hawaii; Territories of American Samoa and Guam; Commonwealth of the Northern Marianas Islands (CNMI); and the possessions of Johnston, Midway, Wake, Jarvis, Howland, Baker, and Palmyra Islands is one area. The Oceania Area of responsibility is shown in Appendix I (*TBD*). Establishment of Area Committees is required by § 311(j)(4) of CWA.

1001.03 Scope and Provisions for the Oceania Regional Contingency Plan

The ORCP expands upon the planning and response requirements set forth in the NCP, augments coordination with state and territory authorities, and integrates existing state, territory, and federal plans for the federal Oceania region. The ORCP incorporates both coastal and inland areas.

The ORCP was developed in coordination with the NCP, existing state and territory response plans, and coastal zone ACPs. Each coastal zone ACP covers the coastal zone of the corresponding USCG sector. ACPs cover, in part, how to respond to an oil or hazardous substance spill. This response includes notification procedures; identification, prioritization, and cleanup strategies for sensitive areas; and identification of contractors and equipment available. The plans also identify strategies for responding to a worst-case discharge. A worst-case scenario has been written for each of the four Hawaiian counties, and the scenarios are included in the Area Contingency Plans.

The ORCP was also developed in coordination with the ACPs. ACPs apply to Federal Region 9 RRT member agencies and local agencies and cover the following:

1. Discharge or threats of discharge of oil into or upon navigable waters of the United States and adjoining shorelines or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States
2. Releases or substantial threats of releases of hazardous substances into the environment
3. Releases or substantial threats of releases of pollutants or contaminants that may present an imminent and substantial danger to public health or welfare in the Oceania Region

ACPs, when implemented in conjunction with other provisions of the NCP and ORCP, will be adequate to remove a worst-case discharge and to mitigate or prevent a substantial threat of such a discharge.

1001.04 Oceania Regional Contingency Plan Exercise Program

The ORCP will be exercised by members of the ORRT at least annually. This program may include exercising portions of the plan during ACP exercises or during real incidents throughout the year. If the plan is exercised during a real incident, some form of “lessons learned” or “hot-wash” must be documented and a form of plan review must be completed to evaluate whether any changes are necessary.

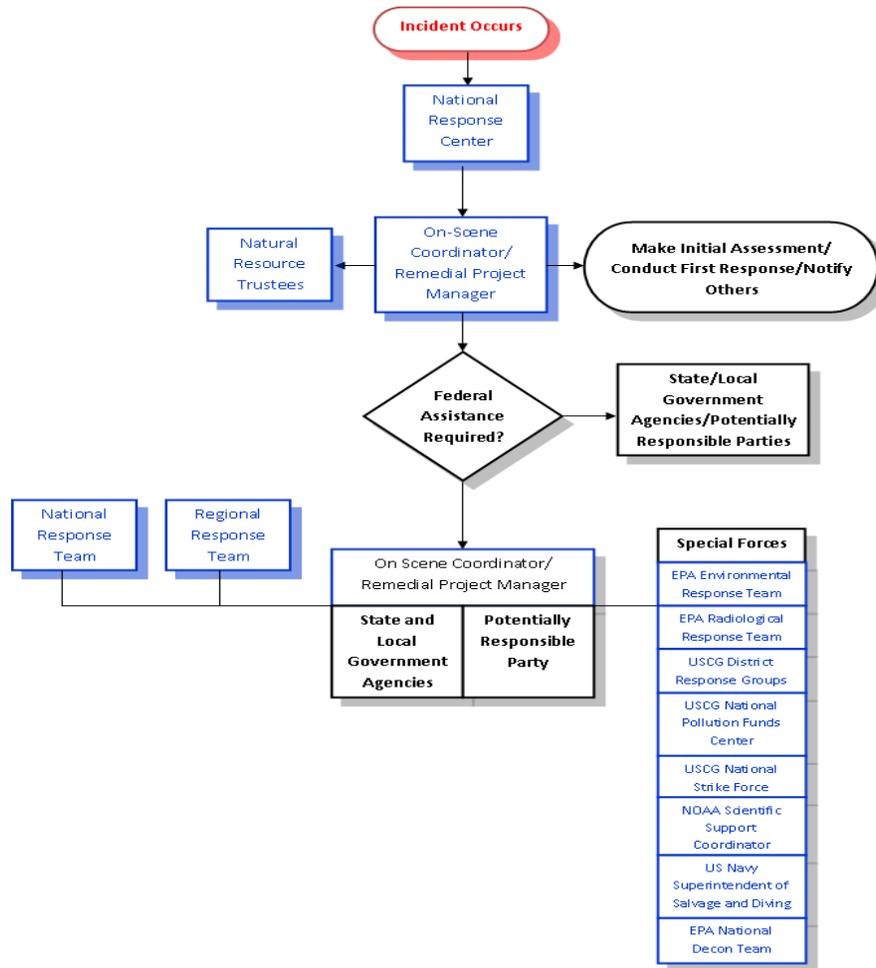
1001.05 Updating the Oceania Regional Contingency Plan

The ORCP will be reviewed and updated by ORRT members as necessary on an annual basis. However, the printed version and the electronic version will be updated annually to reflect changes, comments, and lessons learned. Changes will be annotated in the front section under “Changes” until the next annual revision occurs.

1002 NATIONAL RESPONSE SYSTEM

The NRS (see [Figure 1000-A](#) on the following page) was developed to coordinate all government agencies with responsibility for environmental protection in a focused response strategy for the immediate and effective mitigation of an oil or hazardous substance discharge. The NRS is used for all spills, including Incidents of National Significance (IONS). The NRS is a three-tiered response and preparedness mechanism that supports the pre-designated FOSC in coordinating national, regional, local government agencies, private industry, and the responsible party during response.

Figure 1000-A. National Response System Concepts



The NRS supports the responsibilities of the FOSC, under the direction of the Federal Water Pollution Control Act’s federal removal authority. The FOSC plans and coordinates response strategy on scene, using the support of the NRT, RRT, area committees, and responsible parties as necessary, to supply the needed trained personnel, equipment, and scientific support to complete an immediate and effective response to any oil or hazardous substance discharge.

When appropriate, the NRS is designed to incorporate a unified command and control support mechanism consisting of the FOSC, the state’s Incident Commander, and the responsible party’s Incident Manager. The unified command structure allows for a coordinated response effort and takes into consideration the federal, state, territory and commonwealth, local, and responsible party concerns and interests when implementing the response strategy consistent with the NCP.

The FOSC has the ultimate authority in a response and will exert this authority when he or she determines that other members of the unified command are not present or are unable to reach

consensus within a reasonable time frame. During hazardous substance release responses in which local agencies usually assume a leading role, the local agency may assume one of the unified commander roles when a unified command is used. During responses to oil spills, local agencies are not usually involved as part of a unified command, but provide agency representatives who interface with the command structure through the Liaison Officer or the state representative. When a unified command is used, a Joint Operations Center and Joint Information Bureau may be established. The Joint Operations Center should be located near and convenient to the site of the discharge. All responders (federal, state, territory and commonwealth, local, and private) should be incorporated into the FOSC's response organization (see [Figure 1000-A](#)) at the appropriate level.

1002.01 Statutory Authority

CERCLA § 104 gives the federal government the authority to (1) respond to any hazardous substance (not oil) released or causing a substantial threat of a release into the environment, or respond to any pollutant or contaminant that may present an imminent and substantial danger to the public health or welfare, in a manner that is consistent with the NCP.

CWA § 311, Title 33 United States Code (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. CWA § 311(c)(1) gives the President the authority to (1) remove or arrange for removal of a discharge and mitigate or prevent a substantial threat of a discharge at any time; (2) direct or monitor all private, local, state, and federal actions to remove a discharge; and (3) if necessary, destroy a vessel discharging or threatening to discharge by whatever means are available.

This authority was delegated to the Administrator of the U.S. EPA or the Secretary of the Department of Homeland Security in which USCG is operating, as appropriate. Subsequently, this authority has been delegated to USCG On-Scene Coordinators (OSCs) (i.e., Captain of the Ports) and U.S. EPA OSCs. Under CWA § 311(c)(2), if the discharge or a substantial threat of discharge poses a substantial threat to the public health or welfare of the United States, the OSC will direct all private, local, state, and federal actions to remove the discharge or to mitigate or prevent the threat of such a discharge.

Within the U.S. EPA, CWA § 311(e) allows the Division Director of the Superfund Division, to whom this authority is delegated, where he or she has determined that there may be an imminent and substantial threat to the public health and welfare of the United States because of an actual or threatened discharge of oil or hazardous substances from a vessel or facility that violates CWA § 311(b), to issue an administrative order or seek a judicial order (with the assistance of the United States Attorney General) to secure any relief from any person as may be necessary to abate such endangerment. When issuing an administrative order, EPA must first provide notice of the intended action to the affected state.

1002.02 National Contingency Plan

The purpose of the NCP, which can be found in Title 40 Code of Federal Regulations (CFR) Part 300, is to provide the organizational structure and procedures to prepare for and respond to discharges of oil and releases of hazardous substances, pollutants, and contaminants.

1002.03 National Response Team

The NRT's membership consists of 15 federal agencies with responsibilities, interests, and expertise in various aspects of emergency response to pollution incidents. The U.S. EPA serves as Chairman and the USCG serves as Vice Chairman of the NRT, except when activated for a specific incident. The NRT is primarily a national planning, policy, and coordination body and does not respond directly to incidents. The NRT provides policy guidance prior to an incident and assistance as requested by an OSC via an RRT during an incident. NRT assistance usually takes the form of technical advice, access to additional resources and equipment, or coordination with other RRTs.

1002.04 Regional Response Team

There are 13 RRTs, 1 for each of the 10 federal regions and Alaska, the Caribbean, and Oceania. Each RRT has federal and state representation. U.S. EPA and USCG co-chair the RRTs. Like the NRT, RRTs are planning, policy, and coordinating bodies and do not respond directly to incidents. The RRTs develop regional contingency plans (RCPs) for their regions. These plans address region-specific issues and provide guidance to the FOSCs for developing their area plans. The ORRTs 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 OSC exceeds an RRT's capability, the RRT may request assistance from the NRT. During an incident, the RRT may be alerted by telephone or convened. The cognizant RRTs will also be consulted by the OSC on the approval and disapproval of the use of chemical countermeasures when that decision has not been preapproved.

1002.04.1 ORRT Roles and Responsibilities

The two principal components of the ORRT are a standing team, which consists of (1) designated representatives from each participating federal agency, state governments, and local governments (as agreed upon by the states) and (2) incident-specific teams formed from the standing team when the ORRT is activated for a response. On incident-specific teams, participation by the ORRT member agencies will relate to the technical nature of the incident and its geographic location. Each participating agency should designate one member and at least one alternate member to the ORRT. Agencies whose regional subdivisions do not correspond to the standard federal regions may designate additional representatives to the standing ORRT to ensure appropriate coverage of the standard federal

region. Participating states may also designate one member and at least one alternate member to the ORRT. ORRT members should nominate appropriately qualified representatives from their agencies to work with OSCs in developing and maintaining ACPs. The standing ORRT will (1) recommend changes in the regional response organization as needed, (2) revise the ORCP as needed, (3) evaluate the preparedness of the participating agencies and the effectiveness of ACPs for the federal response to discharges and releases, and (4) provide technical assistance for preparedness to the response community. In coordination with area committees and in accordance with any applicable laws, regulations, or requirements, the ORRT will conduct advance planning for use of dispersants, surface washing agents, surface collecting agents, burning agents, bioremediation agents, or other chemical agents. The ORRT will also be prepared to provide response resources to major discharges or releases outside the region.

The ORRT will meet at least semiannually to review response actions carried out during the preceding period, consider changes in the ORCP, and recommend changes in ACPs. The ORRT will also provide letter reports on their activities to the NRT once a year, no later than January 31. At a minimum, reports should summarize recent activities, organizational changes, operational concerns, and efforts to improve state and local coordination. The ORRT may be activated by the chair as an incident-specific response team. The ORRT will be activated during any discharge or release upon a request from the OSC and RPM or from any ORRT representative to the chair of the ORRT. Requests for ORRT activation will later be confirmed in writing. When the ORRT is activated, affected states may participate in all ORRT deliberations. State government representatives participating in the ORRT have the same status as any federal member of the ORRT. (See ORRT Operations Manual – Appendix VI)

1002.05 Federal On-Scene Coordinator

The FOSC means the federal official pre-designated by U.S. EPA or USCG to coordinate and direct responses under subpart D of the NCP, or the government official designated by the lead agency to coordinate and direct removal actions under subpart E of the NCP.

The USCG pre-designated FOSCs for the coastal and offshore areas are the Captains of the Port. For Hawaii and American Samoa, the USCG OSC is Captain Barry Compangoni (808-842-2601). For CNMI and Guam, the OSC is Captain Thomas Sparks (671-339-2001, ext. 1013).

The Captain of the Port as well as the EPA can also deploy Federal On-Scene Coordinator Representatives (FOSCRs) to act on behalf of their respective agencies.

These individuals coordinate all federal containment, removal, disposal efforts, and resources during an incident. The FOSC also coordinates federal efforts with the local community's response. Anyone responsible for reporting releases should know which FOSC has responsibility for the affected area. For

locations near the coast or a major waterway, both a USCG and U.S. EPA FOSC may have assigned responsibilities within jurisdictional boundaries of various state or local entities. For land-based areas affected, the pre-designated FOSCs are the U.S. EPA Region 9 FOSCs. Certain FOSCs in Region 9 routinely coordinate with local agencies.

The U.S. EPA Response Team consists of emergency response FOSCs located in the regional office in San Francisco, California, and a field office in Long Beach, California, and satellite locations in Phoenix, AZ, and Carson City, NV. The FOSCs are responsible for determining the source, cause, and responsible party, as well as initiating source control and enforcement actions as appropriate. Additional responsibilities include ensuring containment, cleanup, and disposal are carried out adequately; notifying all Natural Resources Trustees; and coordinating activities with Oceania agencies. U.S. EPA also has access to the Superfund Technical Assessment and Response Team (START) contractors who can provide technical oversight and other resources at spills and uncontrolled hazardous waste sites. In some cases, U.S. EPA's technical assistance contractor may arrive on scene prior to the FOSC. Prior to arrival of the U.S. EPA FOSC, the U.S. EPA contractor will cooperate with on-site agencies, but will take direction through the U.S. EPA FOSC only. U.S. EPA's contractor has technical response personnel and equipment located in San Francisco, Long Beach, and Honolulu.

1002.06 Territory Response

The State of Hawaii operates under the Hawaii ACP (revised May 2005). The primary response responsibility rests with the Hawaii State Hazard Evaluation and Emergency Response (HEER) office.

The U.S. territories of Guam and CNMI (Saipan, Tinian, and Rota) operate under the Mariana Islands Area Contingency Plan (MIACP) (revised September 2005). The primary response agency for Guam is the Guam Office of Civil Defense, who would operate in collaboration with the Guam Environmental Protection Agency (GEPA). The CNMI's primary response agency is the CNMI Emergency Management Office (EMO).

The U.S. territory of American Samoa operates under the American Samoa ACP (revised September 2005).

The U.S. possessions (Johnston, Midway, Wake, Jarvis, Howland, Baker, and Palmyra Islands) operate under Hawaii's ACP.

1002.07 Local Response

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

A major role of local organizations during all emergency incidents is to provide security for all on-scene forces and equipment. For large incidents, help is often requested through the state emergency management agencies. This activity includes establishing local liaisons with hospital, emergency services, and police personnel, as well as restricting entrance to hazardous areas to all but essential personnel.

Local emergency planning committees (LEPCs) are responsible for the development and maintenance of local emergency response plans in accordance with the Emergency Planning and Community Right-to-Know Act [EPCRA] of 1986. The LEPC's membership includes various representatives from local governmental agencies, emergency responders, environmental groups, and local industry. The emergency plans developed by these groups must include the following information: (1) identity and location of hazardous materials; (2) procedures for immediate response to a chemical accident; (3) means of notifying the public of actions they must take in the event of a discharge or release; (4) names of coordinators at plants; and (5) schedules for testing each plan. At the present time, Guam, CNMI and American Samoa do not have LEPC's.

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

In the Territories and CNMI, along with other U.S. Pacific Island possessions, these plans may be maintained and reviewed by the agencies discussed in section 1002.06.

1002.08 State, Territory, and Commonwealth Response

The Governor of each Oceania member state or territory has designated a lead agency and a representative to represent its interest on the ORRT. Each representative may participate fully in all activities of the ORRT. The ORRT representatives are expected to coordinate with the SERCs in their respective states, territories, or commonwealth to communicate and coordinate preparedness and pre-response planning activities among the members and the ORRT. All government agencies are encouraged to coordinate with the state contingency planning efforts for oil and hazardous material events under the ORCP and requirements of SARA Title III.

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

In the event of an incident, the state, territory, and commonwealth ORRT representative will ensure the following actions are completed, as appropriate:

- Notify downstream water users (municipal, industrial, and agricultural) of all discharges and releases that may threaten them
- Notify and coordinate with other state and local agencies, as appropriate, including state trustees for natural resources (See Resource Trustees Appendix VII)

1003 NATIONAL AND REGIONAL POLICY AND DOCTRINE**1003.01 National Response Policy**

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

1003.02 High Seas Policy

Application of the Intervention on the High Seas Act (Title 33 § USC 1471 et seq.) is as follows. Under authority of the International Convention Relating to Intervention on the High Seas in Cases of Oil

Pollution Casualties, 1969, governments party to the present convention may take such measures on the high seas as may be necessary to prevent, mitigate, or eliminate grave and imminent danger to their coastline or related interests from oil or hazardous substances pollution or threat of pollution. The pollution or threat of pollution may result from a maritime casualty or acts related to such a casualty, which may reasonably be expected to result in major harmful consequences. In the event of a ship collision, stranding, or other incident on board or external to a ship outside U.S. Territorial waters that creates a potential threat of pollution by oil or hazardous substances, all available information will be relayed to the USCG, who will evaluate whether or not grave and imminent danger to the coastline or related interests exists. Once that determination is made, the designated FOSC will take measures to prevent, mitigate, or eliminate the threat.

1003.03 U.S. Coast Guard Policy

The USCG will respond consistent with the policies outlined in the ORCP and coastal zone ACPs. The USCG may elect not to dispatch representatives to reported discharges where representatives of another cognizant government agency are responding. However, if federal removal is indicated within the coastal zone, the USCG will respond. If the responsible party is conducting proper removal, the USCG OSC will use best judgment in evaluating the need for the presence of USCG personnel on scene. General USCG policy for pollution response is provided in Volume VI, Chapter 7 of the “Coast Guard Marine Safety Manual,” and Fourteenth USCG District policy is provided in Appendix 38 to Annex C to the Comdt Coast Guard District Fourteen (CCGD14) Standard Operating Procedures (Marine Safety Manual Volume 6, Chapter 7, Section 2a).

1003.04 U.S. Environmental Protection Agency Policy

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

1003.05 Department of Defense and Department of Energy Policies

In the cases other than oil spills by the U.S. Department of Defense (DoD) or U.S. Department of Energy (DOE), those agencies will provide FOSCs responsible for taking all response actions. DoD will be the removal response authority with respect to incidents involving DoD military weapons or munitions or weapons or munitions under the jurisdiction, custody, or control of DoD. For oil spills on DoD facilities, the USCG or EPA is the pre-designated FOSC, as appropriate.

According to Title 40 CFR § 300.120 (c), for releases of hazardous substances, pollutants from any facility or vessel under the jurisdiction, custody, or control of DoD or DOE, the DoD or DOE will provide OSCs and RPMs responsible for taking all response actions. In the case of a federal agency other than U.S. EPA, DoD, or DOE, such agency will provide OSCs for all removal actions that are not emergencies and will provide RPMs for all remedial actions. In addition, DoD will be the removal response authority with respect to incidents involving DoD military weapons and munitions or weapons and munitions under the jurisdiction, custody, or control of DoD.

1003.06 State Response Policy

The State Emergency Management Assistance Compacts (EMAC) is shown in Appendix VIII.

1003.06.1 Hawaii Response Policy

Instead of developing a unique response plan for the State of Hawaii, the state has embraced the “One Plan” concept. An active participant in regional and area planning committees, the state will depend on the plans developed by these teams. A unique plan will be developed only when the existing plans do not address a specific need and the need cannot be added to the standing plans.

The State of Hawaii provides support to the county first responders during an oil or hazardous material incident. The state can provide direct support with environmental monitoring, assistance in health and environmental matters, and resolution of technical problems and can serve as a liaison to the federal government, as required. If the response is beyond the capability of the county, the state can assume Incident Command (IC).

If there is no identifiable PRP or the PRP does not take appropriate action, the state can conduct the cleanup, removal, and remediation of hazardous material releases.

In addition, the state coordinates the planning and activities required under SARA Title III and the existing Civil Defense Emergency Response system. The Department of Health's HEER office provides the staff to the Hawaii State Emergency Response Commission (HSERC), and coordinates the activities of the LEPCs.

1003.06.2 *Cleanup and Abatement Orders*

A Cleanup and Abatement Order can be issued by the state. It would include the following information:

- Any person who discharges oil into marine waters, upon order of the administrator, will do all of the following:
 - clean up the oil;
 - abate the effects of the discharge; and
 - in the case of a threatened discharge, take other necessary remedial action.
- Upon failure of any person to comply with a cleanup or abatement order, the Attorney General or a district attorney, at the request of the administrator, will petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In any such suit, the court will have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant (Government Code § 8670.62).

1003.07 *U.S. Pacific Territory and Possession Response Policy*

The Secretariat of the Pacific Regional Environmental Program (SPREP – Appendix IX), a Non-Governmental Organization (NGO), is sponsored by 22 Pacific Islands Countries and 4 Non-Island Members (Australia, France, New Zealand, and the United States). At Noumea, New Caledonia, on 25 November 1986, the members of SPREP adopted the *Convention for the Protection of the Natural Resources and Environment of the South Pacific Region* and associated protocols. The Convention includes a protocol *Concerning Cooperation in combating Pollution Emergencies in the South Pacific Region* that provides a framework for cooperation between Pacific Island countries and territories when responding to marine spills. The United States is responsible for assisting certain Pacific Islands Countries and US territories (American Samoa, Federated States of Micronesia (FSM), Guam, Marshall Islands, Northern Mariana Islands, Palau, and Samoa) in oil spill planning, preparedness, and response. Site visits and country-specific Marine Spill Response Plans have been completed, along with Regional Oil Spill Equipment Strategies packages. These plans remain to be signed and put into effect in each Pacific Island country.

Under the PACPLAN protocols, request for assistance can be made to the United States through the State Department or to neighboring islands during tier three spills. The Request for Assistance form can be found in the PACPLAN.

1003.07.1 *American Samoa Response Policy*

The U.S. Territory of American Samoa Environmental Protection Agency (ASEPA) is the territory's OSC. The Territorial Emergency Management and Planning Council (TEMCO) is available to assist in the coordination of territorial response activities.

The Territory of American Samoa Police and Fire Departments, part of the Department of Public Safety, respond to all reports of pollution.

The territory takes the lead in response to hazardous chemical releases. In villages of the territory, the Village Chief controls the lands and shorelines adjacent to the village. All response activities initiated within the vicinity of a village should be coordinated with the Chief and the territorial agencies.

1003.07.2 *Guam Response Policy*

USCG is the lead agency for all spills in Guam's navigable waters if no PRP is identified. In the event of a major spill, the appropriate local agencies identified in the Appendix Section of the MIACP may be activated in the Territory of Guam or CNMI governments to coordinate state actions, if needed.

1003.07.3 *CNMI Response Policy (TBD)*

1003.08 *Responsible Party Policy*

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

- (i) be consistent with the requirements of the NCP and area contingency plans;

- (ii) identify the qualified individual having full authority to implement removal actions, and require immediate communications between that individual and the appropriate Federal official and the persons providing personnel and equipment pursuant to clause (iii);
- (iii) identify and ensure by contract or other means approved by the President the availability of private personnel and equipment necessary to remove, to the maximum extent practicable, a worst-case discharge (including a discharge resulting from fire or explosion), and to mitigate or prevent a substantial threat of such a discharge;
- (iv) describe the training, equipment testing, periodic unannounced drills, and response actions of persons on the vessel or at the facility to be carried out under the plan to ensure the safety of the vessel or facility, and to mitigate or prevent the discharge or the substantial threat of a discharge;
- (v) be updated periodically; and
- (vi) be resubmitted for approval of each significant change.

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

As defined in OPA, each responsible party for a vessel or a facility from which **oil** is discharged or that **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 OPA § 1002. Any removal activity undertaken by a responsible party must be consistent with the provisions of the NCP, the ORCP, the ACP, and any applicable response plan required by OPA. The responsible party must act accordingly if directed by the OSC at any time during removal activities.

Each responsible party for a vessel or facility from which a hazardous substance is released or that poses a substantial threat of a discharge is liable for removal costs as specified in CERCLA (Title 42 U.S.C. § 9601 et seq.).

1003.09 Spills Involving Multiple Parties

Under OPA, in an incident involving two or more responsible parties, each responsible party for a vessel or facility from which oil is discharged is liable for the removal costs and damages. Each responsible

party's liability extends to the entire incident, not just its own oil. In a multiple party incident, the FOSC may issue administrative orders requiring specific action to be accomplished to each responsible party.

1004 COMPLIANCE GUIDANCE

1004.01 Federal Statutory and Regulatory Guidance

The NCP (Title 40 CFR Part 300) provides much guidance in planning for spills. The NCP lays out a framework for contingency planning within individual regions by way of each RRT. According to the NCP, the RRT is the appropriate regional mechanism for development and coordination of preparedness activities before a response action is taken.

According to the NCP, the role of the standing RRT in planning includes recommending changes in the regional response organization, as needed, and evaluating the preparedness of participating agencies. This planning includes (1) reviewing and commenting on local emergency response plans, (2) evaluating regional and local responses to discharge on a continuing basis, (3) encouraging the state and local community to improve its preparedness for response, (4) conducting advance planning for use of dispersants or other remedial technologies, and (5) conducting or participating in training and exercises necessary for the preparedness of the response community in the region.

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

In limited circumstances, agencies other than U.S. EPA and USCG will act as the lead agency and provide a FOSC. The NCP specifies that DoD or DOE will act as the lead agency if the hazardous material release originates on their property and does not extend beyond their own land. In addition, if there is a Presidential Major Disaster Declaration, the director of FEMA, or upon delegation a local FEMA representative, will act as the official FOSC.

The NCP requires that the National Response Center (NRC) be notified (1-800-424-8802) by the responsible party for oil or hazardous substance discharge and releases. Failure to notify or deliberate discharges can lead to criminal penalties. State of Hawaii notification should be made to Department of Health Hazard Evaluation and Emergency Response at 808-586-4249 (working hours) or 808-247-2191 (after business hours).

1004.02 Comprehensive Environmental Response, Compensation, and Liability Act

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

CERCLA provides a Federal Superfund to clean up uncontrolled or abandoned hazardous waste sites, as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment. Through CERCLA, USCG and U.S. EPA were given power to seek out those parties responsible for any release and ensure their cooperation in the cleanup.

1004.03 Federal Water Pollution Control Act, as amended by the Clean Water Act and Oil Pollution Act of 1990

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

The CWA amended the FWPCA and made the following provisions:

- Established an emergency pollution fund with a reoccurring annual \$50 million limit.
- Defined “reportable and harmful quantities.”
- Authorized the federal assumption of cleanup operations.
- Established the NRC.

OPA streamlined and strengthened USCG's and U.S. EPA's ability to prevent and respond to catastrophic oil spills. A trust fund financed by a "per barrel" tax, interest, cost recovery, and penalties on oil is available to clean up spills when the responsible party is incapable or unwilling to do so. The OPA requires oil storage facilities and oil tankers to submit response plans to the federal government detailing available resources, emergency response plans with notifications, and the overall response strategy to large discharges. The OPA also requires the development of ACPs to prepare and respond to oil spills on a regional scale.

OPA amended the CWA and made the following provisions:

- Created a \$1 billion pollution fund commonly referred to as the Oil Spill Liability Trust Fund (OSTLF).
- Allowed an OSC to issue administrative orders.
- Increased civil penalties.
- Increased spiller liabilities.

1004.04 National Historic Preservation Act

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

NHPA was passed to help prevent loss of irreplaceable historic properties. The act created the Advisory Council on Historic Preservation to advise the President and Congress on matters involving historic, archeological, and cultural preservation. The act also authorizes the Secretary of the Interior to maintain a National Register of Historic Places, which lists sites, districts, buildings, structures, and objects of significance in American history, architecture, archeology, engineering, and culture.

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

Information on the Programmatic Agreement on Protection of Historic Properties during Emergency Response under the NCP may be found on the Internet at the following website: <<http://www.achp.gov/NCP-PA.html>>.

Implementing this programmatic agreement will ensure that the emergency response complies with NHPA § 106. Additional information on NHPA can be found at Title 36 CFR Part 800.

1004.05 Endangered Species Act

The Endangered Species Act (ESA) provides a program for the conservation of threatened and endangered plants and animals and the habitats in which they are found. The U.S. Fish and Wildlife Service (FWS) of the Department of the Interior (DOI) maintains the list of 632 endangered species (326 are plants) and 190 threatened species (78 are plants). Although this list fluctuates, Title 50 CFR §§ 17.11 and 17.12 provide the common name, scientific name, and vertebrate population of endangered or threatened species. Species include birds, insects, fish, reptiles, mammals, crustaceans, flowers, grasses, and trees. Anyone can petition FWS to include a species on this list. The law prohibits any action, administrative or real, that results in a “taking” of a listed species or adversely affects habitat. Likewise, import, export, interstate, and foreign commerce of listed species are all prohibited.

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

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

ESA § 7 mandates that all federal agencies carry out programs for the conservation of endangered and threatened species. This section requires that federal agencies consult with the Secretary before taking any action that may affect a listed species to ensure that the action will not jeopardize the continued existence of the endangered species or result in the destruction or modification of critical habitat for the species. The act is applicable to all federal departments and agencies and to all actions “authorized, funded, or carried out” by them, including federal permits, federal funding, or other federal action necessary to a private project. Federal action cannot occur without consultation between the permitting agencies and the FWS or National Marine Fisheries Service (NMFS) if a listed species may be affected by the planned activity. The consultation process includes issuance of a “biological opinion” by

the agency with jurisdiction over the endangered species evaluating the nature and extent of the jeopardy posed to that species by the agency action.

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

1004.06 Resource Conservation and Recovery Act

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

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

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

The federal Hazardous and Solid Waste Amendments are the 1984 amendments to RCRA that required phasing out land disposal of hazardous waste. Some of the other mandates of this strict law include increased enforcement authority for U.S. EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.

1004.07 National Environmental Policy Act

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

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

1004.08 State Statutory and Regulatory Guidance

1004.08.1 Office of Environmental Quality

Hawaii's Office of Environmental Quality Control (OEQC) was established in 1970 to help stimulate, expand and coordinate efforts to maintain the optimum quality of the state's environment. OEQC implements the Environmental Impact Statement law (Chapter 343, Hawaii Revised Statutes at http://www.capitol.hawaii.gov/hrscurrent/Vol06_Ch0321-0344/HRS0343/HRS_0343-0001.htm). Office staff review and comment on hundreds of environmental disclosure documents each year. OEQC also publishes a periodic bulletin, known as The Environmental Notice (<http://hawaii.gov/health/environmental/oeqc/index.html/notice.html>) that informs the public of all environmental assessments and environmental impact statements in the state being processed under Chapter 343. It is published on the 8th and the 23rd of each month. It also informs the public on NEPA and other federal documents under review, Coastal Zone and Shoreline Notices, Pollution Control Permits, and other news of environmental interest. At the request of the Governor, the Director of OEQC is empowered to coordinate and direct state agencies in matters concerning environmental quality.

1005 PRE-SPILL POLICY, PLANNING, AND EXERCISES

1005.01 Preapproved Response Policies

The use of both dispersants and in situ burning have been preapproved for Hawaii but not in American Samoa, Guam, or CNMI. In cases outside of Hawaii's preapproved areas, the ORRT will be consulted and will review each proposal on a case-by-case basis under specific circumstances and per specific policy and protocols.

The Hawaii ACP allows the use of dispersants and in situ burning under specified conditions. The USCG's webpage has unsigned letters of agreement for the Hawaiian ACP to use for in situ burning and dispersants as Applied Response Technologies (ARTs). The most recently signed letters were 1997 for in situ burning and 1999 for use of dispersants.

The ORCP (Appendices III, IV, V) allows in situ burning and the use of dispersants with approval from the ORRT for the territories of Guam, the CNMI, and American Samoa.

Bioremediation is not allowed in Hawaii, CNMI, or American Samoa's regions.

For more information, see ART Sections 1007 and 4002 in this document. For the Hawaii Dispersant Use Plan, see Appendix II, and for the In Situ Burning Checklists, see Appendix V.

1005.02 Area Committees

Pursuant to the NCP (Title 40 CFR Part 300), area committees have been established for each area of the United States that has been designated by the President. The area committees comprise personnel from federal and state agencies who coordinate response actions with tribal and local governments and with the private sector. Area committees, under the coordinated direction of FOSC, are responsible for developing ACPs. Area committees are also required to work with the response community to develop procedures to expedite decisions for the use of alternative response measures.

The primary role of an area committee is to act as a preparedness and planning body. The primary objective of area committees is to develop, maintain, and exercise ACPs. The Area Committees may also develop Geographical Response Plans (GRPs) designed to provide specific response strategies and detailed response tactics for a particular area.

Because ACPs are community plans, area committees are made up of experienced environmental response representatives from federal, state, territory and commonwealth, and local government agencies with definitive responsibilities for the area's environmental integrity. Each member is empowered by his or her own agency to make decisions on behalf of the agency and to commit the agency to carrying out roles and responsibilities as described in the ACP. The pre-designated FOSC for the area will serve as chairperson of the committee.

The FOSC will designate the vice chair, select the committee members, and provide general direction and guidance for the committee. For the three Oceania coastal zone area committees, a representative from the state, territory, and commonwealth will serve as vice chair. Currently, the ORRT serves as the only area committee for Oceania inland zones, until such time as a formal geographic area committee is established.

The FOSC should solicit the advice of the ORRT to determine appropriate representation from federal and state agencies. The area committee is encouraged to solicit advice, guidance, or expertise from all appropriate sources and to establish subcommittees as necessary to accomplish the preparedness and planning tasks.

Subcommittee participants may include facility owners and 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 subcommittee members. The FOSC directs the area committee's development and maintenance of the ACP.

1005.03 Coastal Zone Area Planning

1005.03.1 Coastal Zone Area Committees

Three area committees are within Oceania (Coast Guard District Fourteen): Hawaiian Islands, Guam and CNMI, and American Samoa. Captain of the Port Honolulu chairs the Hawaiian Island Area Committees and the American Samoa Area Committee. Captain of the Port Guam chairs the Guam and CNMI Area Committees.

1005.03.2 Coastal Zone ACPs

The USCG has the primary role in overseeing the development of the Coastal Zone ACPs. Per USCG Commandant Instruction 16471.3, area committees will format their ACPs following the ACP Template and Management System (ACPTAMS). The content of several sections of the ACPTAMS are applicable to all Coastal Zone area committees in ORRT Region 9, thus it is considered regional content. For this reason, these sections have been removed from the local ACPs and placed in the ORRT 9 ORCP.

1005.03.3 Coastal Zone ACP Revision Schedule

Coastal Zone ACPs are to be revised, as necessary, and at a minimum at least once every 5 years. Changes may be added and documented at anytime if the area committee agrees that the change is necessary and appropriate.

1005.04 Inland Zone Area Planning

At the present time there are no Inland Zone plans and this plan, along with the ACPs serve to support responders to inland spills.

1005.04.3 *Inland Zone ACP Revision Schedule*

Inland zone ACPs, when created and promulgated will be revised as needed and revisited at least once every 3 years.

1005.05 *Area Contingency Plan Exercise Programs***1005.05.1 *National Preparedness for Response Exercise Program***

The National Preparedness for Response Exercise Program (NPREP) was developed to establish a workable exercise program that meets the intent of OPA § 4202(a), amending FWPCA § 311 (j) by adding a new subsection (6) and a new subsection (7) for spill response preparedness [Title 33 U.S.C. § 1321 (j)].

The NPREP was developed to provide a mechanism for compliance with the exercise requirements, while being economically feasible for the government and oil industry to adopt and sustain. The NPREP is a unified federal effort and satisfies the exercise requirements of the USCG, the U.S. EPA, the U.S. Department of Transportation's (DOT) Research and Special Programs Administration (RSPA), Office of Pipeline Safety, and the Minerals Management Service. Completion of the NPREP exercises will satisfy all OPA-mandated federal response exercise requirements for oil pollution.

NPREP addresses the exercise requirements for oil pollution response. Additional industry planning and exercise requirements are contained in other federal statutes that are not addressed in the NPREP guidelines. The NPREP guidelines can be found online at <www.uscg.mil> and then typing in PREP Guidelines in the *search* bar. The NPREP represents the minimum guidelines for ensuring adequate response preparedness. If personnel within an organization believe additional exercises or an expansion of the scope of the NPREP exercises are warranted to ensure enhanced preparedness, they are highly encouraged to conduct these exercises.

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

1005.05.2 *Participation in NPREP*

Plan holders are required to meet the pollution response exercise requirements mandated by the federal agency with regulatory oversight for the specific type of industry involved (e.g., vessels, marine transportation-related facilities, onshore and certain offshore non-transportation-related facilities,

pipelines, offshore facilities, etc.). The NPREP satisfies these requirements. **The NPREP is a voluntary program.** Plan holders are not required to follow the NPREP guidelines, and if they choose not to, may develop their own exercise program that complies with the regulatory exercise requirements. The NPREP guidelines can be found online at <www.uscg.mil> and then typing in “PREP Guidelines” in the *search* bar.

All plan holders, whether participating in the NPREP or following the exercise mandates of relevant agency regulations, will be subject to government-initiated unannounced exercises. Unannounced exercises are mandated by OPA. These exercises are further described in the NPREP guidelines.

Applicability

The NPREP is applicable to all industry response plan holders who elect to follow these guidelines. ACP holders are required to follow the NPREP guidelines.

Industry plan holders electing not to adopt the NPREP as their exercise program will be responsible for developing and documenting an exercise program that satisfies the appropriate federal oversight agency. If an industry plan holder has developed one response plan that covers a fleet of vessels or regional operations of offshore platforms, this plan holder would only be required to conduct one set of exercises for the plan, except for qualified individual notification exercises and emergency procedures exercises, which are required for all manned vessels and unmanned barges (as specified in Title 33 CFR § 155.101 5).

1005.06 Lessons Learned

Following an exercise, area committees should gather their findings (shortfalls, etc.) and incorporate them into their ACPs to improve response preparedness. The USCG has developed CG-SAILS, an online program to help USCG FOSCs capture lessons learned from exercises and actual responses. This USCG intranet-based program can be accessed at <www.uscg.mil> However, because it’s intranet only members of the Coast Guard can access that particular section of the site.

1006 USE OF APPLIED RESPONSE TECHNOLOGIES

This section discusses operational use of ARTs available to the FOSC. Specific planning policies and procedures for the use of ARTs can also be found in [Section 4002](#), Applied Response Technologies; FOSC checklists and all applicable forms can be found in both Area Contingency Plan and the Regional Contingency Plan.

The primary objective of an oil spill response is to reduce the effect of spilled oil on the environment. Physical removal is the preferred method. However, conventional mechanical recovery and removal may be limited by equipment capability, weather and sea conditions, or size and remote location of the spill. The use of applied response countermeasures—dispersants, in situ burning, and other oil spill cleanup agents (OSCA)—will be considered when the environmental benefit of ART use outweighs any adverse effects. Use of dispersants should be a primary consideration for any large offshore discharges of oil, especially in circumstances in which open-water skimming operations may be difficult or where open-water recovery could not occur before the oil affected any of the environmentally sensitive areas located offshore, such as seal rookeries or nesting bird colonies. Sinking agents will not be used in U.S. EPA Region 9.

1006.01 Authority and Applied Response Technology Use Requirements

The NCP § 300.910 authorizes the FOSC, with concurrence of the U.S. EPA representative to the RRT and, as appropriate, concurrence of the state representative to the RRT with jurisdiction over navigable waters threatened by the release of discharge (of oil), and in consultation with the Department of Commerce (DOC) and DOI natural resource trustees, when practicable, to authorize the use of dispersants, other OSCAs, and in situ burning. The Commandant of the USCG has pre-designated the USCG Captains of the Port under his or her jurisdiction as OSCs for oil spills, and has delegated authority and responsibility for compliance with FWPCA § 311 to them. U.S. EPA has been delegated authority under NCP subpart J to authorize use of in situ burning and all OSCAs, including dispersants, for control of oil spills within the inland waters.

U.S. EPA maintains the NCP Product Schedule, a list of dispersants, and all other OSCAs that the FOSC and PRP may consider for use during a spill emergency. The Product Schedule does not authorize or pre-approve use of any of the listed products. The FOSC may not authorize use of a product that is not listed on the Product Schedule. In addition to the Federal Product Schedule, states or territories may have procedures for the approval and use of OSCAs.

The FOSC may consult the Selection Guide when making an OSCA use determination. Unless otherwise stipulated, all ARTs and OSCAs must be reviewed by the ORRT on an incident-specific basis. The FOSC will supply the appropriate members of the ORRT with the information contained in the checklist. The checklist provides information concerning the circumstances of the spill, trajectories, environmental resources at risk, and available decision-makers with the information necessary to make a decision on the use of any OSCA, including dispersants.

During application of the ARTs, the FOSC should consult with the NOAA SSC prior to ART application in the coastal zone of Oceania Region, and the U.S. EPA Environmental Response Team (ERT) in the inland zone. The NOAA Scientific Support Coordinator (SSC) provides oil spill modeling results, interpretation

of environmental sensitivity index (ESI) maps, locations of sensitive areas, chemical effects, and environmental risks. The U.S. EPA Environmental Response Team (ERT) provides technical expertise, including air monitoring, radiation monitoring, bioremediation technologies, oil spill cleanup, veterinary services, and related hazardous materials (HAZMAT) cleanup technologies.

Use of any ART on a regional boundary will include the appropriate RRT members of the bordering region.

1006.02 Exceptions

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

1006.03 Dispersant Use Policy (Operations)

Background

Dispersants have been proven to be an excellent first strike method of minimizing the effects of an oil spill. A quick response to a spill incident using dispersants may greatly reduce the need for mechanical recovery methods, storage, transport, and disposal. Timely dispersal of an oil spill may greatly reduce the possibility and extent of shoreline effects and minimize environmental damage. The following guidelines explain the actions the FOSC will take if an oil spill occurs within his or her respective area of responsibility (AOR).

Policy

Each of the three coastal area committees within Oceania will identify areas for which they are responsible and designate them as either “Dispersants are Preapproved,” “Dispersants are Preapproved with Consultation,” or “ORRT Approval is Required.” Each area committee will identify any preconditions for each designation as outlined in the applicable ACP.

The area committees will provide to the ORRT, as a part of their completed dispersant use plans, a completed ICS-204 form, including all names and titles of pre-designated personnel and a dispersant monitoring plan.

If a spill occurs in a location designated as “Dispersants are Preapproved,” and if all dispersant use criteria have been met, the FOSC will:

- activate the pre-identified dispersant resource(s) for the area of the incident for a quick response (within 4 hours), and
- notify Natural Resource Trustee Representatives (Appendix VII) per the applicable ACP notification process.

If a spill occurs in a location designated as “Dispersants are Pre-approved with Consultation,” the FOSC will:

- gather all supporting data necessary to determine if dispersant use is appropriate;
- contact the designated Natural Resource Trustee Representatives (Appendix VII) within the respective area committee with a request for all pertinent data to the given location (e.g., biological data such as species seasonal migration, spawning, etc.), which will assist the FOSC in making a dispersant use decision;
- activate the pre-identified dispersant resource(s) for the area of the incident for a quick response (within 4 hours);
- notify Natural Resource Trustee Representatives (Appendix VII) per the applicable ACP notification process; and
- if consultation does not result in a recommendation to disperse, the FOSC may activate the ORRT for approval in accordance with Title 40 CFR § 300.910 (b).

If a spill occurs in a location designated “ORRT Approval is Required” prior to any dispersant use, the FOSC will:

- contact the USCG or EPA ORRT co-chair and provide all necessary data concerning the affected location;
- the ORRT co-chair will contact all ORRT resource trustees as noted in Appendix VII to discuss and provide a decision to the FOSC in a timely manner (within 2 hours); and
- if approval is granted by the ORRT, the FOSC will then activate the pre-identified dispersant resource(s) for the area of the incident for a quick response (within 4 hours).

1006.04 Dispersant Preapproval Zone and Process

The FOSC may arrive at a decision to use dispersants through the information-gathering scheme and decision-making process, as outlined in the dispersant preapproval flow chart located in each ACP accordingly, and using the checklists and procedures for each zone. Approval of dispersants within a designated preapproval zone for Hawaii (Appendix II) may be granted by the FOSC and without further concurrence or consultation of the ORRT. However, American Samoa, the Territory of Guam, and the Commonwealth of the Northern Marinas Islands (CNMI) do not have any pre-approval zones. For those areas, each potential use of dispersants will require consultation with the ORRT and will be approved on a case-by-case basis by the ORRT.

Dispersant Preapproval Zones for Hawaii are defined in Appendix II (refer to Letter of Agreement [LOA] between U.S. EPA, DOC, NOAA, DOI, and State of Hawaii).

1006.05 Dispersant Incident-Specific Oceania Regional Response Team Approval Zones and Process

The Hawaii ACP (Appendix II) includes a Dispersant Use Checklist that requires an ORRT review on the last page. It is highly recommended that every dispersant application should engage the ORRT for concurrence; however, it is not required in preapproved zones.

1006.06 Notification of Oceania Regional Response Team

ORRT will always be notified of dispersant use within federal waters off Hawaii. The following list provides guidance on notification requirements in each designated area.

- DISPERSANTS ARE PREAPPROVED: The ORRT co-chairs will be notified by the Unified Command (UC) following a dispersant use decision. The ORRT co-chairs will then communicate this information in a timely manner to the ORRT Natural Resource Trustees.
- DISPERSANTS ARE PREAPPROVED WITH CONSULTATION: After consultation has yielded a recommendation to use dispersants, the ORRT co-chairs will be notified of the potential dispersant use decision. The USCG ORRT co-chairs will then consult with the ORRT Natural Resource Trustees.
- ORRT APPROVAL IS REQUIRED: Once approval for dispersant use has been granted, the co-chairs will keep the appropriate members of the ORRT apprised of the dispersant use activities and ensure documentation, lessons learned, and effectiveness information is available.

1006.07 Use of In Situ Burning

The primary objective of oil spill abatement and cleanup is to reduce the adverse effect of spilled oil on the environment. Physical removal and subsequent disposal or recycling and reuse of spilled oil is

preferred. However, mechanical recovery may be limited by equipment capability, weather and sea conditions, storage and disposal problems, and spill magnitude. Use of in situ burning should be considered by the FOSC when use of this technique will lessen the environmental effects of the spill.

1006.07.1 *Steps for Use of In Situ Burning*

The FOSC is authorized to use in situ burning without permission of the ORRT if the action would occur in the preapproval zone, as outlined in the U.S. Region 9 LOA between USCG, U.S. EPA, DOC, and DOI and the State of Hawaii concerning the use of in situ burning as a response method to oil pollution (Appendix V). These preapproval areas are defined as those areas within the boundaries of the Fourteenth Coast Guard District and in accordance with specific guidelines as prescribed in the LOA. The FOSC will determine if conditions are met to authorize an in situ burn as delineated in the LOA and will notify the ORRT as soon as feasible after the decision is made.

If the in situ burn does not meet the criteria outlined in the LOA, the FOSC must receive the concurrence of U.S. EPA and state representatives to the ORRT, in consultation with DOI and DOC ORRT members.

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

The FOSC will request approval from the ORRT to use any in situ burn on behalf of the responsible party. Use of any in situ burn on a regional boundary should include the appropriate RRT members of the bordering region. The RRT will be notified of any in situ burn use as soon as possible.

1006.07.2 *In Situ Burn Use Checklist*

An in situ burn checklist is available in Appendix V.

1006.07.3 *Case-By-Case Process*

If in situ burning is to be successful, it must typically be undertaken within a small window of opportunity that often can be measured in hours following the release of oil. To facilitate a decision on whether to use in situ burning, the Unified Command must have a mechanism at its disposal. An accelerated review process will be conducted by the Planning Section of the ICS to provide the UC with sufficient information to evaluate whether a request to use in situ burning should be made and to provide members of the ORRT with sufficient information to approve or disapprove use within the first 2 hours of its receipt. The UC is committed to ensuring that stakeholders, including state and federal

trustee agencies, as well as local air districts, have input into any recommendation made for the use of in situ burning. The process for gaining approval for in situ burning by the ORRT on an incident-specific basis can be found in Appendix V.

1006.07.4 *Air Quality Standards*

Burning usually provides for the greatest degree of environmental protection for on-water and nearshore resources (given the ability to remove on-water oil quickly). A key issue for the UC is to ensure that substances from an in situ burn do not have a significant adverse effect to human health. The primary substance of concern is particulate matter (PM) of 10 micrometers, the small PM contained in the smoke plume. As a general guideline, a decision to burn should not be made where humans would be exposed to concentrations greater than 150 micrograms per cubic meter averaged over a 1-hour period. However, the UC must also consider the risk to humans from volatile chemicals that evaporate, since in some circumstances the adverse effect to humans may be greater from volatile chemicals than from PM generated from a burn.

1006.07.5 *Observation and Monitoring*

Air quality monitoring is not required for the approval of an in situ burn. However, a case-by-case approval of in situ burning should be done in a manner that fully considers any potential effect to public health and safety. Monitoring will be instituted as quickly as feasible after the approval to burn. Lack of a monitoring program will not necessarily delay a burn after the ORRT gives approval. Special Monitoring of Advanced Response Technologies (SMART) monitoring protocols can be found in Appendix V.

1006.07.6 *Procedures for a Case-By-Case Request*

The FOSC contacts the proper agency representatives on the ORRT and informs them that a request to use in situ burning may be forthcoming. The FOSC will have the ORRT remain on standby for the conference call.

Under the ICS the ART Unit of Planning Section completes the in situ burning decision-making process and submits summary of findings and information to UC on a Case-by-Case Checklist Form and Supplemental Information Form.

If the FOSC, based on information submitted by the Planning section, decides that a request for in situ burning is appropriate, the FOSC schedules a conference call with RRT representatives or alternates at the first reasonable opportunity.

A conference call is conducted and “Yes/No” decision made based on information provided on the FOSC checklist form, Supplemental Information Form, or any other sources requested by the ORRT, including information from the local air district.

1007 APPLIED RESPONSE TECHNOLOGIES SELECTION GUIDE

Volume 1 of the Selection Guide for Oil Spill Applied Technologies was designed to simplify the evaluation of nonconventional or “applied” and infrequently used technologies for real-time oil spill response. The selection guide provides a step-by-step process for determining which categories of technologies and which specific products and strategies might be useful in various oil spill situations. The information in the first volume was prepared by a national team and designed to be applicable nationwide.

1008 OIL SPILL CONTROL AGENTS OPERATIONAL REQUIREMENTS

An OSCA is defined as any chemical or any other substance used for removing, dispersing, or otherwise cleaning up oil or any residual products of petroleum in or on any of the waters of the state or shorelines thereof. This category of substances would include surface washing agents and shoreline cleaners, dispersants, gelling agents, herding agents, emulsifiers-demulsifiers, chemical booms, sorbents (other than polypropylene or other inert products), and bioremediants.

The purpose of this subsection is to clearly outline the process for operational use of any OSCA during an oil spill response. The use of OSCAs is regulated at both the state and federal levels. The following guidelines consolidate existing federal and state policies and streamline the approval process without jeopardizing proper environmental consideration of the use of an OSCA.

Regional Philosophy

OSCA's are used to further enhance the ability for oil to be removed from the marine and terrestrial environment. While the use of chemical cleaning agents may be appropriate under proper circumstances, certain limitations must be recognized. The potential for toxic responses in indigenous fauna or flora to the cleaning agent must be considered.

Federal NCP Product Schedule Listing Process

The U.S. EPA has primary responsibility for the listing of products on the NCP Product Schedule. Under federal regulations, an OSCA must occur on the Subchapter J Product Schedule of the NCP before it may be used at a spill.

State Guidelines

If a product is licensed by the state and listed on the NCP, it can be used in spill response. The ART unit or group within the Planning Section or Operations Section will provide specific information on the proposed use of the product needs to be submitted for review. The proposal for use of the product must be reviewed and approved by the UC. Once approved by the UC, a formal request must be made to the ORRT. Once the ORRT grants approval, a product can be used.

1008.01 Steps for Application for Use of Oil Spill Control Agents

The FOSC is authorized to use any OSCA without requesting permission if its use is necessary to prevent or substantially reduce a hazard to human life. The ORRT should be notified as soon as practicable. In situations where a human hazard is not present, the FOSC must receive the approval of the ORRT.

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

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

1009 SPECIAL MONITORING OF ADVANCED RESPONSE TECHNOLOGIES AND BURNING AND DISPERSANT MONITORING

SMART is a cooperatively designed monitoring program for in situ burning and dispersants. SMART relies on small, highly mobile teams that collect real-time data using portable, rugged, and easy-to-use instruments during dispersant and in situ burning operations. Data is channeled to the UC to address critical questions: *Are dispersants effective in dispersing the oil? Are particulates concentration trends at sensitive locations exceeding the level of concern?* Having monitoring data can assist the UC with decision-making for on-going dispersant and in situ burning operations.

1009.01 Dispersants

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

Tier I

A trained observer, flying over an oil slick and using photographic job aids or advanced remote sensing instruments, assesses dispersant efficacy and reports back to the UC.

Tier II

Tier II provides real-time data from the treated slick. A sampling team on a boat uses a fluorometer to continuously monitor for dispersed oil 1 meter under the dispersant-treated slick. The team records and conveys fluorometer data to the Scientific Support Team, which forwards it with recommendations to the UC. Water samples are also collected for later analysis at a laboratory.

Tier III

By expanding the monitoring efforts in several ways, Tier III provides information on where the dispersed oil goes and what happens to it: (1) two fluorometers are used on the same vessel to monitor at two water depths; (2) monitoring is conducted in the center of the treated slick at several water depths, from 1 to 10 meters; and (3) a portable water laboratory provides data on water temperature, pH, conductivity, dissolved oxygen, and turbidity.

1009.02 In Situ Burning

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

1009.03 Cleanup Assessment Protocol

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

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

Cleanup may normally be terminated when the following conditions exist:

- The environmental damage caused by the cleanup efforts is greater than the damage caused by leaving the remaining oil or residue in place.
- The cost of cleanup operations *significantly* outweighs the environmental or economic benefits of continued cleanup.
- FOOSC, after consultation with members of the UC, concludes that the cleanup should be terminated.

1009.04 Bioremediation Use Policy

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

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

ORRT Approach for Use of Bioremediation on Oil Spills

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

Based on the results of current research, and a general understanding of the principles of bioremediation, it is ORRT Region 9 policy that this technology should be *used strictly as a shoreline remediation tool, with a preference for nutrient enhancement without the introduction of indigenous and nonindigenous microbes.*

ORRT Policy Guidelines for Bioremediation Use

NCP § 300.910 authorizes the use of biological additives for the dispersion and abatement of oil spills. The product must be listed on the NCP Product Schedule. The following guidelines consolidate existing federal, state, and territory regulations and streamline the approval process.

(A) Decision Process

The FOSC will adhere to the following:

1. Inland and Shoreline Areas: The FOSC will obtain approval from the U.S. EPA and the State of Hawaii HEER office. The U.S. EPA and state representative to the ORRT will consult with DOI and DOC natural resource trustee(s).
2. Documentation and Technical Assistance: U.S. EPA, affected states(s), DOI, and DOC will each have a representative available to coordinate data collection and interpretation and to consult with the OSC.
3. Monitoring: The application process and results must be recorded visually. This record can be accomplished using film or video footage made from the shore or from the air. Visual observations can also be made by a trained observer. Filming should be done without causing delay to the bioremediation application activity.
4. Documentation: A Bioremediation Checklist or Action Memo will be used by the OSC and staff to permanently record the decision to use or not to use bioremediation for a specific incident. Agency resource trustee representatives will be the point of contact for their constituency; the SSC will be the point of contact for all not represented.

1009.05 Fish and Wildlife Acts Compliance**Endangered Species Act Section 7 Consultation Memorandum of Agreement**

In 2001, members of the USCG, U.S. EPA, DOI’s Office of Environmental Policy and Compliance and FWS, and NOAA’s National Marine Fisheries Service and National Ocean Service developed a Memorandum of Agreement (MOA) titled “Inter-Agency Memorandum of Agreement Regarding Oil Spill Planning and Response Activities Under the Federal Water Pollution Control Act’s National Oil and Hazardous Substances Pollution Contingency Plan and the Endangered Species Act.”

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

The MOA and its guidebook can be found by contacting Coast Guard District Fourteen Planning and Force Readiness. The purpose of the guidebook is to familiarize oil spill responders and resource representatives with the MOA; other pertinent documents and management plans; the processes through which cooperation should occur before, during, and after an incident; and the roles of each player in the oil spill response process.

1009.06 Protection of Historic Properties

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

The purpose of the guidelines is to ensure consistent application and interpretation of the National Programmatic Agreement throughout federal U.S. EPA Region 9 by USCG and U.S. EPA FOSCs and representatives of supporting entities including the DOI and U.S. Department of Agriculture (USDA). Although the signatories intend to follow the procedures set forth in these guidelines, the guidelines do not irrevocably bind the signatories to follow the procedures contained in this document.

1009.07 Oceania Regional Response Team

The ORRT is a regional advisory group for planning and preparedness activities before response activities occur, as well as for coordination of assistance and advice to the FOSC during an incident specific team

activation (Title 40 CFR § 300.115 b.2.) The U.S. EPA Co-Chair of ORRT Region 9 is the Chief, Response, Planning and Assessment Branch, Superfund Division. The USCG Co-Chair is the Chief of the Planning and Force Readiness Division, Fourteenth Coast Guard District.

1009.07.1 ORRT Membership

The ORRT membership includes representatives appointed by the Governor from each state and territory. To mirror the NRT, the designated regional representatives of the following federal agencies are members of the ORRT: USDA, DOC, DoD, DOE, FEMA, the General Services Administration (GSA), the Department of Health and Human Services, DOI, the Department of Justice (DOJ), the Department of Labor (DOL), the Nuclear Regulatory Commission, the Department of State (DOS), DOT, USCG, and U.S. EPA.

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

1009.07.2 Roles and Relationships

The ORRT also provides guidance to the marine and inland area committees, as appropriate and defined in the NCP.

The principal components of the ORRT are a standing RRT and incident-specific RRTs. The standing ORRT consists of designated representatives from each participating federal agency listed above and each state. Each incident-specific ORRT is formed from the standing team when the ORRT is activated for a response and consists of representatives of appropriate local governments, state agencies, and federal agencies.

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

The first federal official to arrive at the scene of a discharge or release, provided they have the proper training, should coordinate activities under the NCP, ORCP, and agency guidance until the pre-

designated FOSC is available. That federal official should consult directly with the pre-designated FOSC regarding any necessary initial actions. Fund-financed operations must be authorized by the FOSC prior to implementation.

1009.07.3 *Standing ORRT*

The role of the standing ORRT includes communications and procedures planning, coordination, training, evaluation of responses, preparedness, and related activities on a region- and area-wide basis. These activities include, but are not limited to the following.

- Providing resources for response to major discharges or releases inside the region or outside the region, upon request such as from a member of the Secretariat of the Pacific Regional Environmental Program (SPREP).
- Providing technical assistance for preparedness and conducting and participating as necessary in training and exercises to encourage preparedness activities of the response community within the region; the ORRT will participate in at least one exercise per year.
- Reviewing and updating the ORCP.
- Discussing, modifying, and adopting procedures to enhance the various aspects of response coordination between local, state and territory, regional, and federal response efforts.
- Reviewing and commenting, where practicable, on local emergency response plans (required by SARA, Title III). Such reviews are conducted upon the request of a LEPC, forwarded to the ORRT by a SERC. The standing ORRT may also review and comment on other issues concerning the preparation or implementation of related response plans.
- Providing guidance to area committees, as appropriate, to ensure inter-area consistency and consistency of individual ACPs with the ORCP and NCP.
- Reviewing, evaluating, and commenting on regional and local responses to discharges or releases and recommending improvements, as appropriate.
- Encouraging the state and local response community to improve its preparedness for response.
- Planning for use of ARTs, including dispersants, surface collection agents, in situ burning, biological additives, or other cleanup agents, as appropriate; and approving cleanup agents and techniques for response upon request, following established procedures.

- Meeting at least semiannually to review response actions, address preparedness and pre-response activities, and consider changes to the RCP.
- Providing reports on ORRT activities to the NRT as requested, but no later than January 31 of each year.
- Integrating, to the extent possible, ongoing planning and preparedness activities with ORRT preparedness initiatives, and all ORRT agencies.
- Recommending revisions of the NCP to the NRT, based on observations of response operations.
- Evaluating the preparedness of the participating agencies and the effectiveness of federal response to discharges and releases.
- Preparing an annual work plan to coordinate emergency response and preparedness activities.
- Coordinating planning and preparedness with RRTs in adjacent regions.

The ORRT has established workgroups and committees, with representatives of the co-chair agencies and volunteers of member agencies and states, to identify and facilitate implementation of the annual work plan, which includes preparedness and pre-response responsibilities. Other work groups are established as projects and particular work efforts are identified. The necessity of the work groups is reevaluated annually.

1009.07.4 *Incident-Specific ORRT*

Each incident-specific ORRT is formed from the standing team when the ORRT is activated for a response and consists of representatives of local governments, and the appropriate state, territory and federal agencies.

An incident-specific ORRT has one chair, the regional co-chair from the agency providing the FOSC for the response to the incident. The co-chairs may designate other U.S. EPA and USCG employees to act as the co-chair. The role of the incident-specific team is determined by the operational requirements of the response to a specific discharge or release. Participation is relative to the technical nature and geographic location of the discharge or release. The ORRT chair coordinates with the ORRT membership and the FOSC for the incident to determine the appropriate level of ORRT member activation. Member agencies and states participating with the ORRT must ensure that designated representatives or alternates can function as resource personnel for the FOSC during incident-specific events. .

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

- provide resources and special or technical expertise;
- provide advice, as requested by the FOSC, recommending courses of action for consideration by the FOSC;
- advise the FOSC on the duration and extent of federal response and recommend to the FOSC specific actions to respond to a discharge or release;
- request other federal, state, or local government or private agencies to provide resources under their existing authorities to respond to a discharge or release or to monitor response operations;
- recommend a change of FOSC to the ORRT co-chairs, if circumstances warrant (e.g., substantial movement of the pollution into the pre-designated area of another FOSC lead agency);
- ensure continual communication with the NRC as significant developments occur;
- monitor and evaluate reports from the FOSC; and
- Approve dispersant use in non-preapproved areas.

1009.07.5 *Activation of the ORRT*

An incident-specific ORRT may be activated upon request from the FOSC, or from any ORRT representative, to the co-chair of the ORRT, when a discharge or release:

- exceeds the response capabilities available to the FOSC in the place where it occurs;
- transects state, regional, and international boundaries; or
- poses a substantial threat to public health, welfare, or to the environment, or to regionally significant amounts of property.

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

Levels of activation are listed below.

- **Alert** – Notification of ORRT members that an incident has occurred.
- **Standby** – Notice to some or all ORRT members that their services may be needed and that they are to assume a readiness posture and await further instructions. Notice may be given by telephone.
- **Partial** – Notice to selected ORRT members that their services are required in response to a pollution incident. The activation notice will specify the services requested and the services that will be required. The initial activation notice may be provided by telephone.
- **Full** – Notice to all ORRT members (with the exception of representatives of unaffected states) that their services are requested in response to a pollution incident. The activation notice will specify the services being requested from each ORRT member. The services of some members may be limited to advising the FOSC on general matters. The initial activation notice may be provided by telephone.

The chair can deactivate the ORRT when he or she determines that the FOSC no longer requires ORRT assistance. The time of deactivation will be included in a Pollution Report (POLREP).

1009.08 Federal Agency Response

The federal ORRT member agencies have duties established by Statute, Executive Order, or Presidential Directive that may apply to federal response actions following, or in prevention of, the discharge of oil or release of a hazardous substance, pollutant, or contaminant. Some of these agencies also have duties relating to the rehabilitation, restoration, or replacement of natural resources injured or lost as a result of such discharge or release. It is recognized that tribal response authorities and their communities are entitled to the same cooperation and protection arrangements as the states.

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

- informing the ORRT of changes in the availability of their response resources;

- reporting discharges and releases from facilities or vessels under their jurisdiction or control;
- making necessary information available to the ORRT and FOSCs; and
- providing representatives to the ORRT and otherwise assisting ORRT and FOSCs in formulating RCPs.

1009.09 Multi-Regional Response

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

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

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

The FOSC will be provided by the region within which the release occurs or according to pre-established protocols described in the interregional contingency plans and this ORCP.

Several interregional agencies have been established that have interests within Oceania and have roles in response and planning. The agencies vary considerably in their concerns and capabilities.

1010 NATIONAL RESPONSE

1010.01 National Response Team

The NRT is responsible for oil and hazardous materials spill planning and coordination on a national level. The NRT's membership consists of 15 federal agencies with responsibilities, interests, and

expertise in various aspects of emergency response to pollution incidents. The U.S. EPA serves as chairman and the Coast Guard serves as vice-chairman of the NRT, except when activated for a specific incident. The NRT is primarily a national planning, policy, and coordination body and does not respond directly to incidents. The NRT provides policy guidance prior to an incident and assistance, as requested by an FOSC, via an RRT during an incident. NRT assistance usually takes the form of technical advice, access to additional resources and equipment, or coordination with other RRTs. The NRT responsibilities include evaluating methods of responding to discharges, maintaining national preparedness to respond to a major oil discharge, and developing procedures, in coordination with the NSFCC to ensure the coordination of federal, state, territory and commonwealth, and local governments.

The NRT members are:

- U.S. Environmental Protection Agency
- U.S. Coast Guard
- U.S. Department of Agriculture
- U.S. Department of Commerce
- National Oceanic and Atmospheric Administration
- U.S. Department of Defense
- U.S. Department of Energy
- U.S. Department of Health and Human Services
- U.S. Department of the Interior
- U.S. Department of Justice
- U.S. Department of Labor
- U.S. Department of Transportation
- U.S. Department of Treasury
- Federal Emergency Management Agency
- U.S. General Services Administration
- U.S. Nuclear Regulatory Commission
- U.S. Department of State

1010.02 National Response Plans**1010.02.1 National Response Framework**

The Homeland Security Act established the DHS. HSPD-5 calls for consolidating existing emergency response plans into an integrated, all-hazards national plan addressing the entire life-cycle of an incident—prevention, preparedness, response, and recovery. The NRF, issued by DHS on January 2008, provides an operational framework for the Secretary of Homeland Security to carry out domestic incident management responsibilities outlined in HSPD-5. The NRF provides specific requirements for revising existing plans to reflect new coordinating mechanisms for domestic incident management.

The NRF describes the following coordinating mechanisms to assist the Secretary of Homeland Security in implementing his or her domestic incident management role:

- Assistant to the President for Homeland Security
- PFO
- JFO

In the event of an Emergency or Major Disaster declared by the President or Department of Homeland Security, the National Response Framework will be used to coordinate national support. A Federal Coordinating Officer (FCO), designated by the President, will use the NRF to coordinate national support to the state or territory as required by the event. The FCO will activate the appropriate emergency support functions and coordinate and direct emergency assistance and disaster relief of affected individuals, businesses, and public services. The ORCP comes into play when Emergency Support Function 10 is activated under the NRF.

1010.02.2 National Oil and Hazardous Substances Pollution Contingency Plan

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

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

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

1010.02.4 Federal Radiological Emergency Response Plan

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

Interagency Domestic Terrorism Concept of Operations Plan

The U.S. Government drafted the Interagency Domestic Terrorism Concept of Operations Plan (CONPLAN), which outlines many of the roles federal government agencies play in response to a potential or actual terrorist threat or incident in the United States. The Stafford Act-mandated Federal Response Plan (now known as the National Response Framework) was also modified to include a

Terrorism Incident Annex to outline specifically how the federal government will support state and local governments in response to WMD incident.

Several states have specialized groups or task forces specifically addressing planning and preparedness activities at the state and local levels. State and local emergency response plans are being revised to address acts of terrorism.

1011 SPILL OF NATIONAL SIGNIFICANCE – COASTAL ZONE OVERVIEW

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

The response to a SONS event must be a coordinated response that integrates the FOSC's response organization with the SONS response organization.

1011.01 Spill of National Significance Declaration

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

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

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

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

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

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

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

1011.02 General Organization of Spill of National Significance

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

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

- Set the overall incident related strategic priorities.
- Allocate critical resources based on those priorities.

- Ensure that the incident is properly managed.
- Ensure that incident objectives are met and do not conflict with agency policy.

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

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

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

1011.03 Suggested Composition of an Incident Command System Area Command during a Spill of National Significance

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

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

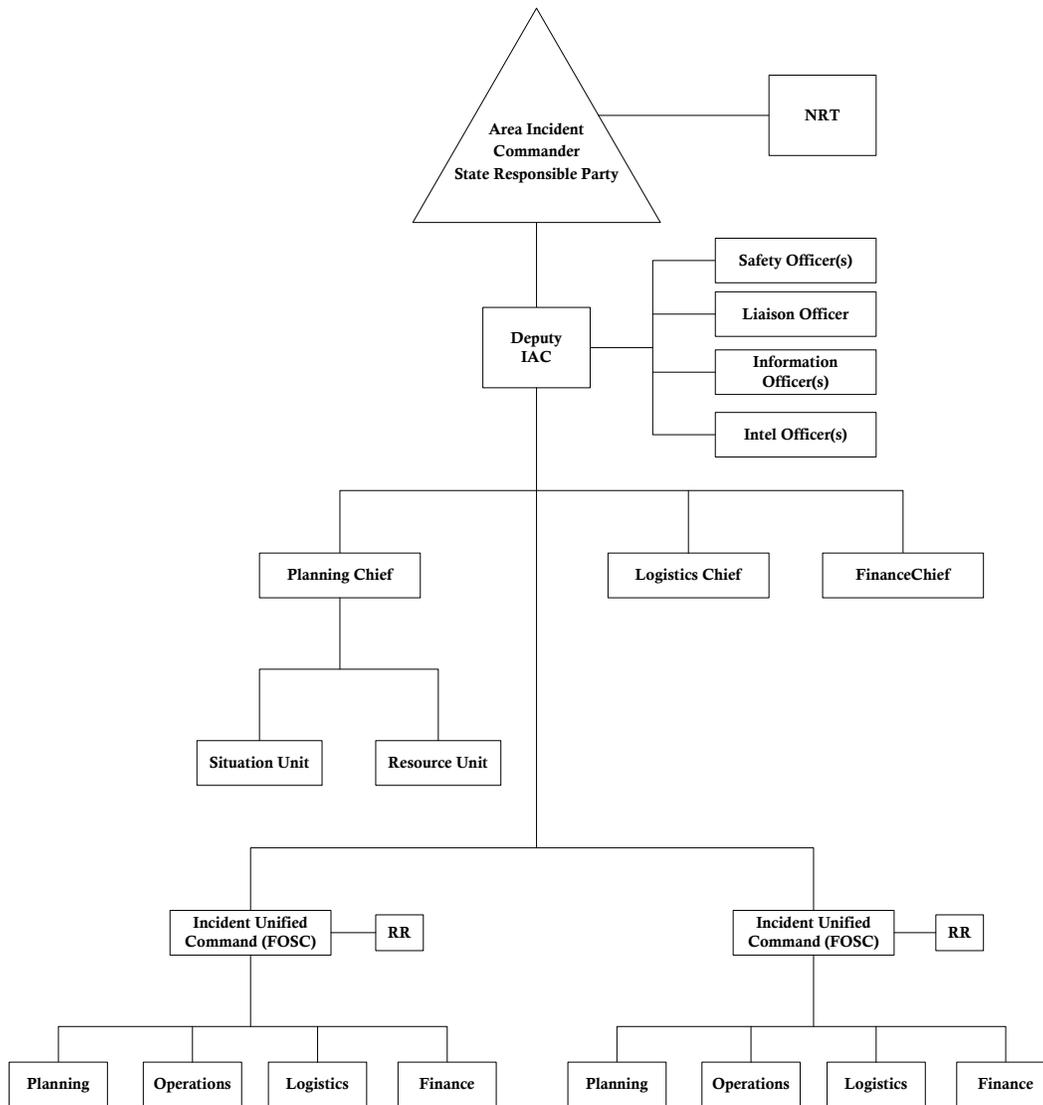
Incident Area Command Position	Suggested and Recommended Billet
ICS Area Unified Commander	USCG Area Commander
Deputy ICS Area Commander	LANT/PACAREA(Am/Pm) (0-6), G-MO,(0-6) or CO NSFCC,(0-6)
Liaison officer	LANT/PACAREA(Am/Pm)(0-6), RRT Co-Chair
Information Officer	G-CP (0-6)
Protocol Officer	G-CC (0-5)
Public Affairs Officer	LANT/PAC AREA (ACP/PCP), (0-4)

Planning Section Chief	NSFCC CO/XO (0-6/5)
Situation Unit Leader	NSFCC PREP Team Leader, (0-4)
Resource Unit Leader	NSFCC OPS, (0-4)
Logistics Section Chief	MLC LANT/PAC, (0-6)

1011.04 Establishment of Command

The establishment of an ICS Area Command can occur with the District Commander filling the role of Incident Area Commander. This organization would be particularly useful for incidents that are challenging to the local commanders but do not demand national attention. At this level, most billets would be drawn from district level resources and aimed at reducing the overhead to be managed by the Incident Commander. Further, Incident Management Teams can be called upon to augment the Incident Commander's staff. This ability to project a flexible response facilitates an expanding or contracting response effort, drawing upon one of the strengths of ICS.

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



1011.05 REGIONAL INCIDENT COMMAND AND NATIONAL INCIDENT COMMAND

Occasionally spills or releases will have more regional or national attention than others. This attention can be based on size, locality, public concern, cause, multiple incidents with limited response resources, or complexity of the incident. These incidents may demand more active involvement and oversight from a regional or national level than others as they are of higher concern. The NRF has adapted to this need and recognizes the formation of Regional Incident Commands (RICs) and National Incident Commands (NICs) to ensure that incidents are properly managed, objectives are met, and strategies are followed. The NCP provides that U.S. EPA or DHS and USCG may classify an oil discharge as a SONS. If a

SONS is declared for the incident, common procedures are for a NIC at the headquarters level to be established and a RIC at the district or regional level to be established.

The organization of the District 14 RIC is event driven and implemented primarily to ensure the most efficient distribution of limited critical resources in support of competing field operations. In accordance with the District 14 OPLAN 9840, if an incident overwhelms the resources of a single group or sector, the District 14 Commander will designate one or more ICs (Coast Guard Incident Commanders) for that incident. If such an event cannot be managed by the existing or augmented Command Center watch, or if the nature of the event is likely to generate a need for extensive coordination with other agencies or merely intense media coverage, the District 14 RIC may be activated, in whole or in part, at the discretion of the District Commander. The RIC will oversee the overall management of the crisis incident(s), focusing primarily on strategic assistance and direction and resolving competition for scarce response resources. The RIC does not supplant the CGICs, but supports and provides strategic direction. Execution of tactical operations and coordination remain the responsibility of the CGICs. Designated RIC watch standers will normally not be in a recall status. The District Commander will establish recall parameters, as necessary, based on emerging intelligence and threat assessment information.

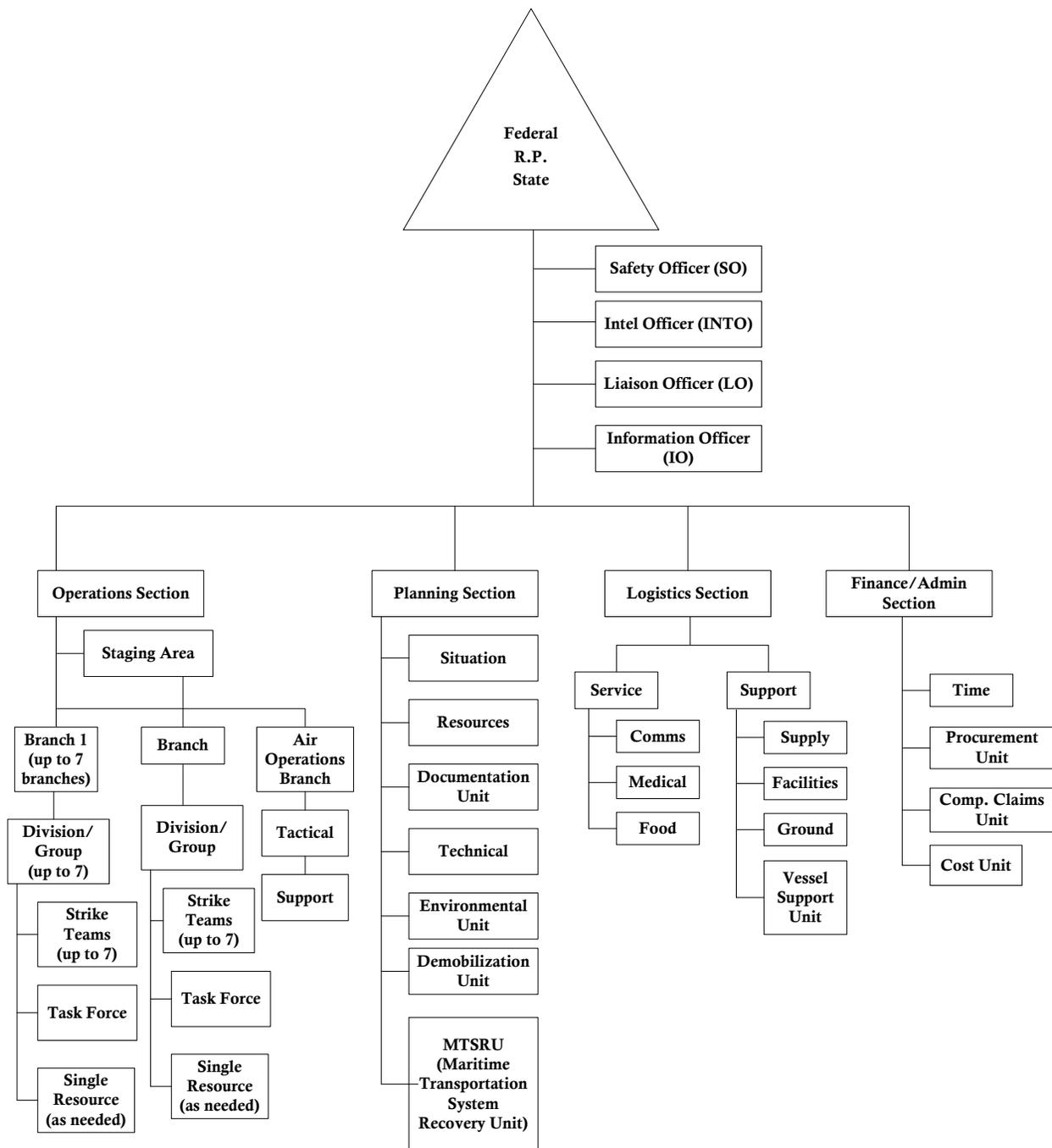
In the event operations escalate enough to merit activation of the USCG District 14 RIC in accordance with the District 14 crisis staffing procedures instruction (D14INST 1601.1), the District 14 Command Center will initiate the RIC standup by augmenting its watch for first level responses (those of a lesser complexity). Normally, this will start by establishing a Planning Section with a Situation Unit, Documentation Unit, and Resources Unit. If the incident is more complex, the RIC will grow in levels accordingly up to a level three response, which has 24-hour, fully staffed Planning, Logistics, and Finance and Administration Sections along with a general staff to support the RIC. There is no Operations Section assigned to a RIC since operational functions are accomplished by the subordinate Incident Commanders. Unless conditions or the District Commander dictate otherwise, the RIC watch will be established in the conference room adjacent to the District 14 Command Center at the federal building. Additional information on RIC structure, implementation, and management can be found in D14INST1601.1.

1012 INTRODUCTION TO INCIDENT COMMAND SYSTEM

The National Incident Management System (NIMS) ICS is the recognized standard with which management systems must demonstrate compatibility and is the measure by which regulatory agency plan reviewers, drill evaluators, and spill responders will gauge adequacy of response actions. Although this system allows considerable operational flexibility, it includes a collaborative planning process that delineates key management position responsibilities, common use of forms, essential incident action plan elements, and response personnel and equipment resource tracking methods.

This RCP has been streamlined by adopting the USCG Incident Management Handbook dated August 2006. Detailed information on all positions within the ICS can be found in this guide. The basic organizational chart, which may be expanded or contracted based on the needs of the incident, is shown on the following page.

Figure 1000-C. Standard Incident Command System



Following the USCG’s adoption of ICS, the format provides information and sections that are understandable to any spill responder trained in the ICS. Each ACP, consistently across the country, is broken down into five main sections reflective of ICS: Command, Operations, Planning, Logistics, and Finance and Administration.

Detailed ICS information can be found on the USCG homeport website. Further detailed position-specific response aids, forms, sample Incident Action Plans and many other items can be found there too.

1013 INTERNATIONAL RESPONSE

On-site international response assistance requires State Department approval for travel and resources. However, under the Pacific Area Plan (PACPLAN), technical assistance to Compact Pacific Island can occur without State Department involvement. Refer to the PACPLAN for specifics on providing technical advice. If an oil or HAZMAT response is deemed necessary, typically it will involve members from the National Strike Force with support from the associated USCG district or U.S. EPA region.

1014 WORKER SAFETY AND HEALTH

The FOSC is responsible for addressing worker health and safety issues prior to and during a response operation, and must comply with all worker health and safety regulations. Under the structure of the ICS and UC, the FOSC may assign individuals to carry out this responsibility and report directly to the OSC.

A Safety Officer may be assigned by the FOSC to develop and recommend measures to the ICS and UC for ensuring personnel health and safety and to assess and anticipate hazardous and unsafe situations. The safety officer also develops the site safety plan, reviews the incident action plan for safety implications, and provides timely, complete, specific, and accurate assessment of hazards and required controls.

1014.01 Occupational Safety and Health Administration Jurisdiction

The DOL is a recognized NRT and RRT member agency. In accordance with the NCP, the DOL and OSHA provide advice and consultation to U.S. EPA, other NRT and RRT agencies, and the OSC on hazards to persons involved in response activities.

The congressionally mandated mission of the DOL and OSHA is to ensure the safety and health of all workers. OSHA jurisdiction within mainland Region 9 is divided between federal and state plan programs. Hawaii has a state OSHA plan and exercises jurisdiction over most private employers in the state. Federal OSHA maintains jurisdiction over employers on navigable waters, marine terminals, shipyards, all federal employees, and other pockets of jurisdiction. American Samoa, Guam, and CNMI do not have state OSHA plans, and all private employers in these locations fall under federal jurisdiction.

The following examples illustrate the delineation of Region 9 OSHA jurisdiction between federal and state OSHA programs. Although some questions on jurisdiction are unambiguous, others are too complex to cover briefly in this document. Please contact federal OSHA for clarification whenever questions arise.

1014.01.1 Federal Employees

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

1014.01.2 State and Municipal Employees

State and municipal employees fall under the jurisdiction of the state OSHA plan, if one exists. Hawaii has a state plan; however, American Samoa, Guam, and the CNMI fall under federal OSHA requirements.

1014.01.3 Private Employers in Region 9

Private contractors in Hawaii fall under the jurisdiction of the state OSHA plan, unless they are working in areas of exclusive federal jurisdiction. See other examples below.

Paid by Federal Contracts – Private contractors under federal contract remain private employers and are under the jurisdiction of the Hawaii OSHA plan, unless they are working in areas of exclusive federal jurisdiction. If the contractor is working on federal property, please contact the federal OSHA office to determine jurisdiction.

Working on Federal Property – Private contractors working on military bases or other federal property fall under the jurisdiction of the Hawaii OSHA plan, unless they are working in areas of exclusive federal jurisdiction. Please contact federal OSHA to determine exact jurisdiction for the location of interest.

Out-of-State Contractors – Private contractors based in other states must comply with the regulations of the state in which their employees are doing work. They fall under the jurisdiction of the Hawaii OSHA plan, unless working in areas of exclusive federal jurisdiction.

Working on Navigable Waters or at Marine Terminals – Privately employed workers at marine terminals and on navigable waters fall under the jurisdiction of federal OSHA, unless they are seamen, who are the jurisdiction of the USCG. Call federal OSHA for specific questions about marine jurisdiction.

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

Shipyards – Workers employed in shipbuilding, ship repair, and ship breaking are under the jurisdiction of federal OSHA.

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

1014.02 Occupational Safety and Health Administration Resources

Upon activation of the ORRT, a joint federal and state OSHA response will provide assistance to the lead federal agency by being the primary support agency for technical expertise and risk management for response and recovery worker health and safety. DOL and OSHA will provide an on-scene agency representative and report to the liaison officer. This representative will provide the benefits of OSHA assets, with minimal presence at the Incident Command Post and Emergency Operations Center. The DOL and OSHA agency representative will coordinate with the joint federal and state OSHA staging area, which will be assembled near the event location. The joint federal and state OSHA response may provide any or all of the following on-scene support functions during all phases of the incident:

- Assess hazards and risk
- Develop site health and safety plan
- Monitor safety, 24/7
- Monitor health, 24/7
- Select personal protective equipment (PPE) and negative pressure respirator and dissemination, 24/7
- Provide PPE and negative pressure respirator training, 24/7
- Fit test negative pressure respirator
- Provide hazard communication and right-to-know training
- Provide HAZWOPER training assistance
- Assist in decontamination planning

- Serve as liaison with unions and employers on safety and health concerns
- Serve as liaison with other federal agencies on safety and health concerns
- Activate OSHA Health Response Team (HRT).

The state of Hawaii, Guam and CNMI also operate an OSHA consultation project designed to assist employers in their worker safety and health efforts.

1014.03 Occupational Safety and Health Administration Standards

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

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

1014.03.1 Access to Exposure and Medical Records

Title 29 CFR § 1910.1020 requires that exposure and medical records be provided to both the DOL and OSHA and to the affected employees when requested. Please see § 1910.1020 for details and exact regulatory language. Each state OSHA plan will have a standard at least as effective as this federal standard. If the employer is under the jurisdiction of the state OSHA plan, the employer must follow the regulations of that state.

1014.03.2 OSHA Inspection History

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

locations of inspections. The database contains information on both federal and state OSHA plan inspections.

1014.04 Hawaii Occupational Safety and Health Administration State Plan

The State of Hawaii, under an agreement with OSHA, operates an occupational safety and health program in accordance with Section 18 of the Occupational Safety and Health Act of 1970. Hawaii's Occupational Safety and Health Plan was approved on January 4, 1974, and was certified on May 9, 1978, as having completed all specified developmental steps. On April 30, 1984, the state was granted final approval and concurrent federal enforcement authority was relinquished under Section 18(e) of the Act. The designated agency for the administration of this program is the Department of Labor and Industrial Relations (DLIR). Within the DLIR, the Hawaii Occupational Safety and Health Division (HIOSH) is responsible for both enforcement and consultation programs. HIOSH is headquartered in the state capital of Honolulu.

Jurisdiction

The Hawaii State Plan applies to all private and public sector places of employment in the state, except for federal employees, the United States Postal Service, private sector maritime, and land that is exclusive federal jurisdiction, which are subject to federal OSHA jurisdiction. See [Title 29 CFR § 1952.314](#).

1015 NON-RESPONDER NEEDS

1015.01 Population Protective Actions

Protective actions for human populations are either shelter-in-place, evacuation, or some combinations of the two (e.g., evacuate the general population but shelter bedridden patients, jail populations, etc.). Guidance is currently being developed by FEMA in conjunction with other federal agencies on the decision-making process between evacuation and in-place sheltering.

1015.02 Hawaii Local Health Offices

Hawaii's policy, similar to FEMA's, recommends shelter-in-place or evacuation through Hawaii State Civil Defense. Hawaii County is the only county with a mandatory evacuation ordinance.

1016 SPILL OR RELEASE INCIDENT RESPONSE PLANNING

All FOSCs are now required to use ICS and UC as their incident management system to respond to all incidents. The ICS remains mandated under CERCLA as amended by SARA and the Occupational Safety and Health Administration Rule Title 29 CFR § 1910.120 for response to hazardous material. The NIMS ICS is a standardized response management system. It is now considered as an “all hazard – all risk” approach to managing crisis response operations, as well as non-crisis events. NIMS was originally designed by a group of local, state, and federal agencies with wild land fire protection responsibilities to improve the ability of fire forces to respond to any type of emergency more effectively and efficiently. A new training curriculum was completed in 1994 to better reflect the “all hazard – all risk” capability of NIMS (e.g., floods, earthquakes, oil spills, fires, planned events, etc.) and continues to be updated and improved upon. NIMS ICS is designed to be organizationally flexible and capable of expanding and contracting to accommodate responses or events of varying size or complexity.

The NIMS consists of six major components that collectively provide a total systems approach to all-risk incident management. These six components are Command and Management, Preparedness, Resource Management, Communications and Information Management, Supporting Technologies, and Ongoing Management and Maintenance.

The adoption of the NIMS ICS provides many advantages, including:

- A flexible, standardized response management system that will allow for the cultivation of response management expertise at all echelons of USCG command.
- Increased support of trained personnel during major incidents.
- NIMS is a “public domain” system that allows unrestricted distribution by commanding officers to improve the capabilities of, and unify the local response community into, a more effective organization.
- Applies to any response situation (“all hazard – all risk”).
- Provides for a logical and smooth organizational expansion and contraction.
- Maintains autonomy for each agency participating in the response.

1016.01 U.S. Coast Guard Coastal Zone Response Management

The USCG initially adopted the NIMS-based ICS for response to oil and hazardous substance releases on February 9, 1996 (COMMANDANT INSTRUCTION 16471.1). On August 28, 1998, the USCG widely

adopted the use of the ICS to provide a standardized response management system for all USCG response operations (COMMANDANT INSTRUCTION 3120.14).

1016.02 U.S. Environmental Protection Agency On-Scene Coordinator Inland Zone Response Management

The U.S. EPA has formally adopted the use of the ICS and UC for response to oil and hazardous substance releases, and is in the process of implementing its guidance and training requirements. The letter from Susan Parker Bodine, Assistant Administrator, dated September 2007, and the associated “National Incident Management System, Incident Command System Implementation Plan” serves as the U.S. EPA’s formal ICS Implementation Plan. The implementation letter can be obtained by contacting Region IX in San Francisco.

2000 COMMAND

2001 INTRODUCTION

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

2002 COMMAND STRUCTURE: UNIFIED COMMAND

The NCP requires FOSCs to direct response efforts and coordinate all other actions at the scene of a spill or release. The NCP further states that the basic format for the response management system is a structure that brings together federal and state agencies and the responsible party to achieve an effective and efficient response. This structure is commonly referred to as the UC (or Unified Command). It should be noted that in this structure, the FOSC retains ultimate authority in an operation for decisions relating to a response. However, the FOSC will exert his or her own authority independent of the UC if he or she determines that other members are not present or are unable to reach consensus within a reasonable time frame. The FOSC is responsible for addressing worker health and safety concerns at a response scene, in accordance with Title 40 CFR § 300.150.

To standardize response management within marine safety, the USCG has adopted the NIMS, based on the ICS. While vessel response plans (VRPs) and facility response plans (FRPs) are required to have a management system compatible with the ACP, there is no requirement for VRPs and FRPs to follow strict ICS.

The ICS organization is built around five major management functions that are applied to the response of any incident, large or small. The functions are IC, Operations, Planning, Logistics, and Admin/Finance. A major advantage of the ICS organization is the **ability to expand and contract organizationally as required by the incident**. For some incidents, only a few of the organization's functional elements may be required. For larger or more complicated responses, additional positions exist within the ICS framework to meet virtually any need.

2002.01 Guidance for Setting Response Objectives

Incident commanders are responsible for providing direction and guidance to the Incident Management Team (IMT). Command must analyze the overall requirements of the incident and identify the most appropriate direction for the management team to follow during the response. This identification is accomplished by making key decisions, setting priorities, developing response objectives, and assigning work (tasks) to primary staff within the IMT. Refer to the USCG's Incident Management Handbook, Commandant Publication P3120.17A for detailed response objectives.

2002.01.1 *United States Policy*

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

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

2002.01.2 *Stop the Source*

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

2002.01.3 *Prevent Ignition*

All hydrocarbon fuels will catch fire and burn. Oils, crude, and heavy paraffin are typically not easy to ignite. However, light ends, refined light oils, and highly volatile hydrocarbon fuels can be highly susceptible to easy ignition. Extreme care must be taken during the planning phase to identify all

possible sources of extraneous ignition and implement steps to eliminate them. Local fire departments consider the prevention of ignition of a non-ignited fuel to be their highest priority. Further, the vapors of all hydrocarbon fuels, oils, crude, and paraffin are heavier than air, and will travel downward and outward seeking an ignition source.

2002.01.4 *Contain the Spill*

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

2002.01.5 *Open Water Response*

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

2002.01.6 *Shoreline Protection and Response*

If open-water recovery objectives cannot be completely met, and the spill threatens to make landfall along the shoreline, planning must direct immediate attention to shoreline recovery and possibly pre-cleaning efforts. Accomplishing these objectives will be affected by many factors, including shoreline topography, tidal backflow, eddies, currents, accessibility, and weather. Natural collection opportunities may be identified respective to the topography and terrain. Planning of each shoreline collection opportunity should be considered on a case-by-case basis. Dedicating open-water containment equipment to protecting these areas is not wise if oil that would otherwise have been recovered is merely free to affect other sensitive areas that have not been pre-boomed. In general, planning must address objectives, which include tactics that do not weaken open-water recovery operations; deployment of resources that are not needed in the open-water operations; and relocation of threatened wildlife by means of capturing, or scattering with propane noise-making cannons (hazing), and closing off narrow channels with sediment dikes, boom, siphon dams, or other natural or manmade materials.

2002.01.7 *Shoreline Cleanup*

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

2002.02 *General Response Priorities*

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

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

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

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

2002.03 Command Representatives

Where appropriate, the FOSC will establish a UC, in its simplest form, consisting of the FOSC, the SOSC, and the Responsible Party Incident Manager. The UC is responsible for assigning individuals from within the response organization (e.g., federal, state, territory and commonwealth, local, or private), as necessary, to fill the designated positions in the NRS incident level response organization. It should be noted, however, that one individual may fill several of the designated positions particularly in the early stages of an incident. These assignments will be based on the nature, size, and complexity of the spill and the availability of staffing. Key positions within the Command Staff and General Staff should be given priority. As those Officers and Section Chiefs feel the need for additional personnel they should not hesitate to order additional personnel resources. Their general responsibilities are as follows:

Public Information Officer (PIO) is responsible for coordination and release of all media releases and the scheduling of press conferences related to the incident. The PIO may also establish a Joint Information Center (JIC) to facilitate the coordinated release of available information.

Liaison Officer is responsible for coordinating with outside agencies, individuals, groups, and key stakeholders involved in the response.

Safety Officer is responsible for the safety of all activities associated with the response and compliance with applicable safety laws and regulations. The Safety Officer is also responsible for assessing hazardous and unsafe situations and developing measures for ensuring personnel are safe.

Intelligence Officer is responsible to provide the UC intelligence information that can have a direct effect on the safety of response personnel and influence the disposition of maritime security assets involved in the response.

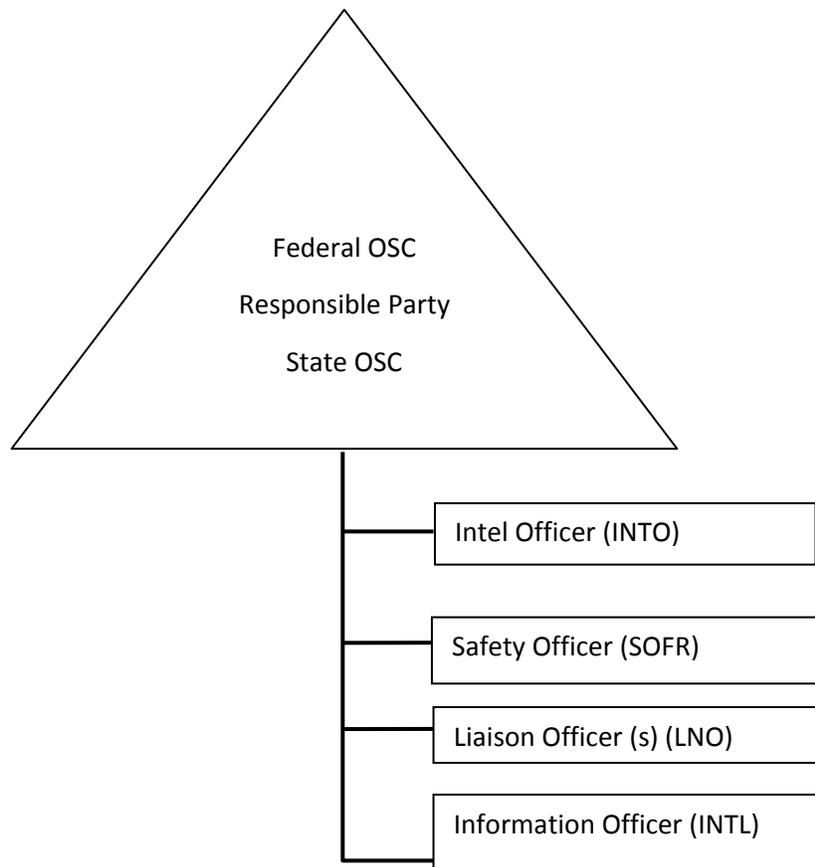
Operations Section Chief is responsible for management of the tactical response to the discharge, including containment and cleanup efforts.

Planning Section Chief is responsible for development of strategies for containment and cleanup of the discharge.

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

Finance Section Chief is responsible for the accounting management of fund expenditures, including documentation for claims and cost recovery. This position will typically be staffed by a District Response

Advisory Team (DRAT) member (see ACP Section 5612.2) or a representative from the National Pollution Funds Center (NPFC).

Figure 2000-A. Command Section Diagram**2002.04 Safety****2002.04.1 Health and Safety Officer**

The Health and Safety Officer is responsible for identifying and assessing hazardous and unsafe situations and developing measures for ensuring personnel safety. The Health and Safety Officer will correct unsafe acts or conditions through the regular line of authority, although the officer may exercise emergency authority to stop or prevent unsafe acts when immediate action is required. The Health and Safety Officer maintains awareness of active and developing situations and includes safety messages in each incident action plan (IAP). The Health and Safety Officer may have assistants, as necessary, and the assistants may also represent assisting agencies or jurisdictions. Other responsibilities of the Health and Safety Officer include:

- identifying hazardous or unsafe situations associated with the incident,

- ensuring the preparation and implementation of the site safety plan,
- reviewing the IAP for safety implications,
- exercising emergency authority to stop and prevent unsafe acts, and
- reviewing and approving the medical plan.

2002.04.2 *Site Characterization*

The Health and Safety Officer will be primarily responsible for characterizing the site hazards and establishing controls for worker safety. In certain cases, a technical specialist may be needed to assist in the site characterization, particularly if the site has unique hazards or particular controls that need to be implemented.

2002.04.3 *Site Safety Plan Development*

Every response will have a site safety plan that may be in the form of standard operating procedures (SOPs) for routine response or require the development of a complete site safety plan specific to hazards on the response. It is also the responsibility of the Health and Safety Officer to develop a procedure for ensuring that all responders, including personnel working in the command post, read and acknowledge the safety plan.

2002.05 *Liaison*

The liaison position is extremely important to a response in helping to filter and keep key stakeholders well informed of the response status. They can also find additional help from stakeholders, if needed.

2002.05.1 *Liaison Officer*

For incidents that are multijurisdictional, or have several agencies involved, a Liaison Officer position may be established on the Command Staff. The Liaison Officer responsibilities include:

- Reviewing common responsibilities (Chapter 2 of the Coast Guard's IMH)
- Providing a point of contact for assisting and cooperating agency representatives
- Identifying representatives from each agency, including communications link and location

- Maintaining a list of assisting and coordinating interagency contacts;
- Establishing and coordinating interagency contacts
- Keeping agencies supporting an incident aware of incident status
- Monitoring incident operations to identify current or potential interorganizational issues and advising IC, as appropriate
- Participating in planning meetings and providing current resource status information, including limitations and capabilities of assisting agency resources
- Maintaining unit and activity log (ICS 214)

2002.05.2 *Multi-Agency Coordination System*

A Multiagency Coordination System (MACS) is a combination of facilities, equipment, personnel, procedures, and communications integrated into a common system with responsibility for coordination of assisting agency resources and supporting agency emergency operations. Each MACS group will be facilitated by a MACS group coordinator and include MACS group agency representatives. The MACS will:

- Evaluate new incidents
- Prioritize incidents, including:
 - Health and human safety
 - Environmental areas threatened
 - Real property threatened
 - High damage potential
 - Incident complexity
- Ensure agency resource situation is current
- Determine specific agency resource requirements
- Determine agency resources availability (available for out-of-jurisdiction assignment at this time)
- Determine need and designate regional mobilization

- Allocate resources to incidents based on priorities
- Anticipate future agency and regional resource needs
- Communicate MACS “decisions” back to agencies and incidents
- Review policies and agreements for regional resource allocations
- Review the need for involvement of other agencies in MACS
- Provide necessary liaison with out-of-region facilities and agencies, as appropriate

2002.05.3 *MACS Group Coordinator*

The MACS group coordinator serves as a facilitator in organizing and accomplishing the mission, goals, and direction of the MACS group. The coordinator will:

- Facilitate the MACS group decision process by obtaining, developing, and displaying situation information
- Fill and supervise necessary unit support positions within the MACS group
- Acquire and manage facilities and equipment necessary to carry out the MACS group functions
- Implement the decisions made by the MACS group.

2002.05.4 *MACS Group Agency Representative*

The MACS agency representative is an individual assigned to represent their agency on a MACS group who acts with full authority on behalf of the agency that the individual represents, with duties including, but not limited to, the following:

- Ensuring that current situation and resource status is provided by their agency
- Prioritizing incidents by an agreed upon set of criteria
- Determining specific resource requirements by the agency
- Determining resource availability for out-of-jurisdiction assignments and the need to provide resources in mobilization centers

- Designating area or regional mobilization and demobilization centers within their jurisdiction, as needed
- Collectively allocating scarce, limited resources to incidents based on priorities
- Anticipating and identifying future resource needs
- Reviewing and coordinating policies, procedures, and agreements, as necessary
- Considering legal and fiscal implications
- Reviewing need for participation by other agencies
- Providing liaison with out-of-the-area facilities and agencies, as appropriate
- Critiquing and recommending improvements to MACS and MACS group operations
- Providing personnel cadre and transition to emergency or disaster recovery, as necessary

2002.05.5 *MACS Situation Assessment Unit*

The MACS Situation Assessment Unit (referred to by some agencies and EOCs as the “Intelligence Unit”) is responsible for collection and organization of incident status and situation information. They evaluate, analyze, and display information for use by the MACS group. Functions include the following:

- Maintaining incident situation, including location, type, size, potential for damage, control problems, and any other significant information
- Maintaining information on environmental issues, cultural and historic resources, or sensitive populations and areas
- Maintaining information on meteorological conditions and forecast conditions that may have an effect on incident operations
- Requesting and obtaining resource status information from the Resource Unit or agency dispatch sources
- Combining, summarizing, and displaying data for all appropriate incidents according to established criteria
- Collecting information on accidents, injuries, deaths, and any other significant occurrences
- Developing projections of future incident activity

2002.05.6 *MACS Resources Unit*

The MAC Resources Unit, if activated in a MACS, maintains summary information by agency on critical equipment and personnel committed and available within the MACS area of responsibility. Status is kept on the overall numbers of critical resources rather than on individual units. Functions can include the following:

- Maintaining current information on the numbers of personnel and major items of equipment committed and available for assignment
- Identifying both essential and excess resources
- Providing resource summary information to the Situation Assessment Unit, as requested.

2002.05.7 *MACS Information Unit*

The MACS Information Unit is designed to satisfy the need for regional information gathering. The unit will operate an information center to serve the print and broadcast media and other governmental agencies. It will provide summary information from agency and incident information officers and identify local agency sources for additional information to the media and other government agencies. Functions can include the following:

- Preparing and releasing summary information to the news media and participating agencies
- Assisting news media visiting the MACS facility and providing information on its function, with an emphasis on joint agency involvement
- Assisting in scheduling media conferences and briefings and preparing information materials, etc., when requested by the MACS group coordinator
- Coordinating all matters related to public affairs (VIP tours, etc.)
- Acting as escort for facilitate agency tours of incident areas, as appropriate

2002.05.8 *Local Government Representative*

Local Government Representative (LGR) is also called the agency representative. One agency representative is designated to be the LGR and will advise the state IC in the UC. The LGR is also called the Local Response Coordinator in local plans and regulations. The initial responding LGR could be replaced with another agency representative by the local MACS group, after the MACS group is established and receives their first briefing. The LGR will be familiar with the local and area plans, will

be capable of committing appropriate resources or be capable of obtaining commitments of resources from jurisdictions involved, and will be capable of obtaining or brokering permits for the operational area. The LGR has the following primary responsibilities:

- Represents the local government as set forth in the MOU for the local plan
- Meets the definition of an agency representative
- Obtains briefing from the Liaison Officer or state IC
- Assists the Liaison Officer with notification to other agency representative(s) and key local personnel
- Provides the Liaison Officer with pertinent information on the availability of local resources
- Upon initial response, works with the Liaison Officer to establish the local MACS group
- Works closely with the state IC in an advisory role while attending meetings
- Assists the state IC or Deputy IC in providing the first local MACS group briefing after the MACS group has been established
- Provides the MACS group's concerns and viewpoints with the state IC to the UC and assists in maintaining information flow between the state IC and MACS group

2002.05.9 *Investigators*

Investigators are often involved during and following an incident and may be positioned in one of several positions in the IC structure. They may serve within the Operations Section as an investigation group or be part of the Technical Specialist Unit, working somewhat autonomously to the response.

2002.05.10 *Federal, State, and Local Trustees*

Trustees will have immediate access to the IC and UC to ensure that trustee-related issues are addressed at that level. They may be federal, state, or local trustees designated to serve in that capacity. It is critical that their input, counsel, and advice is considered during any response or preplanning issues.

2002.05.11 Agency Representative

Agency representatives can be extremely helpful to any incident. They may have caches of resources that can be used by the response. They may also be a conduit of information to and from the response to their agency. This conduit will help keep everyone informed and allow quick access to their potential involvement.

2002.05.13 Natural Resources Damage Assessment

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

The NRDA representative is responsible for coordinating NRDA needs and activities of the trustee NRDA teams with the ICS spill response operations. This responsibility also includes close coordination with the Planning Section for obtaining timely information on the spill and injuries to natural resources. The NRDA representative will coordinate with the SSC, the responsible party, and legal specialists for possible coordination of NRDA or injury determination activities. Additional responsibilities include, but are not limited to, the following:

- Attending appropriate planning meetings to facilitate communication between the NRDA team and ICS elements
- Identifying site access, transportation support, logistics requirements, and staffing needs to the proper ICS elements
- Interacting with ICS elements to collect information essential to NRDA
- Coordinating sampling requirements with sampling specialists and the Situation Unit
- Coordinating with the Liaison Officer and the SSC to identify other organizations available to support NRDA activities
- Ensuring that NRDA activities do not interfere or conflict with response objectives

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

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

DOI is the federal natural resources trustee for migratory birds, certain marine mammals, certain anadromous fish, federally listed threatened and endangered species, and DOI-managed lands such as National Parks, National Recreation Areas, Bureau of Land Management-administered lands, and National Wildlife Refuges.

The DOI Office of Environmental Policy and Compliance manages the department's natural resources trust and response programs for natural and technological incidents, such as oil spills, hazardous substance releases, radiological accidents, floods, hurricanes, and earthquakes, that may affect natural resources or departmental lands or facilities. Responsibilities also include supervision of DOI's participation in contingency planning, response activities, technical assistance, and training exercises. In this regard, the office represents the DOI in the NCP, the FRERP, the National Plan for Federal Response to a Catastrophic Earthquake, and other NRFs for natural and technological hazards on national and regional response teams.

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

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

DOI, DOC, and NOAA can also provide technical assistance to those agencies for the initiation of damage assessments. The federal damage assessment regulations for oil discharges mandated under OPA were developed by NOAA and are now final ([Title 15 CFR Part 990](#)). The regulations developed by DOI under

CERCLA and CWA apply to releases of hazardous substances and are in effect and available for trustee guidance and use ([Title 43 CFR Part 11](#)).

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

2002.05.14 Trustee Agency Coordination

The ORRT is responsible for assisting the FOSC, who will ensure that trustees for natural resources are promptly notified of discharges or releases. The FOSC will coordinate all response activities with affected natural resource trustees and will consult with affected trustees on appropriate removal action to be taken. In accordance with the NCP, FOSCs are required to contact the DOI when a discharge may affect any natural resource, including endangered species or their habitat.

2002.06 Federal Trustees

Pursuant to the NCP, federal trustees are federal officials who are to act on behalf of the public as trustees for natural resources. Federal officials so designated will act pursuant to CERCLA § 107(f), CWA § 311(f)(5), and OPA § 1006.

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

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

Secretary of Commerce – The Secretary of Commerce will act as trustee for natural resources managed or controlled by DOC and for natural resources managed or controlled by other federal agencies and that are found in, under, or using waters navigable by deep draft vessels, tidally influenced waters, or waters of the contiguous zone, the exclusive economic zone, and the outer continental shelf. However, before the secretary takes an action with respect to an affected resource under the management or

control of another federal agency, he or she will, whenever practicable, seek to obtain the concurrence of that other federal agency. Examples of the secretary's trusteeship include the following natural resources and their supporting ecosystems: marine fishery resources, anadromous fish, endangered species and marine mammals, and the resources of National Marine Sanctuaries and National Estuarine Research Reserves.

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

Secretary for the Land Managing Agencies – For natural resources located on, over, or under land administered by the United States, the trustee will be the head of the department in which the land managing agency is found. The trustees for the principal federal land managing agencies are the secretaries of DOI, USDA Forest Service, DoD, and DOE.

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

2002.07 State Trustees

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

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

2002.09 Foreign Trustees

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

2002.10 Public Information Officer (PIO)

The PIO is responsible for developing and releasing information about the incident to the news media, to incident personnel, and to other appropriate agencies and organizations.

Only one primary PIO will be assigned for each incident, including incidents operating under UC and multijurisdictional incidents. The PIO may have assistants as necessary, and the assistants may also represent assisting agencies or jurisdictions. The PIO and JIC job aids should be reviewed on the organization and duties of the PIO.

2002.10.1 Joint Information Center (JIC)

During a major oil spill where media activity is expected to last several days, the lead PIO will establish a JIC to coordinate public affairs activities of participating agencies and parties. The role of the JIC is to:

- provide multiple phone lines for incoming calls, staffed by knowledgeable individuals;
- ensure state and federal government Public Affairs Officers (PAOs) are available to the media;
- develop and produce joint news releases under the UC, which must be approved by the state, federal, and responsible party's ICs, and provide copies to the UC and each section of the ICS; and
- schedule, organize, and facilitate news conferences.

It is recommended that the JIC be in the same building as the Command Center, but in a room separate from other sections. PAOs need to be close to the UC and other sections for effective communication flow, but not so close as to disturb response operations.

Equipment needs for the JIC vary, depending on the size and impact of the incident and media and public interest levels.

If possible, a separate “Press Room” should be established for reporters’ use at spills that attract a great deal of media interest. This room may be used by reporters covering the story, and would ideally be equipped with several phone lines and electrical outlets and a couple of desks or tables and chairs. Maps, status boards, and other visual aids should be displayed so they could be used on camera, and a table should be placed near the door for the latest news releases, fact sheets, and advisories. If there is room for seating and a podium with public address system, the pressroom is a good site for all formal news conferences. This setup allows television news crews to set up cameras in advance and reporters to do stand-ups and call-ins from an easy, central location.

2002.10.2 *Media Contacts*

For local Hawaii media contacts, contact the USCG’s Fourteenth District External Affairs office at 808-535-3230 or www.uscghawaii.com. Primary contacts for Pacific-based media (Hawaii, Guam, American Samoa, and CNMI) are listed below.

Island of Oahu

Honolulu Advertiser	(808) 525-8000 www.honoluluadvertiser.com
Honolulu Star Bulletin	(808) 529-4700 www.starbulletin.com
Midweek	(808) 235-5881 www.midweek.com
Pacific Business News	(808) 955-8100 pacific.bizjournals.com/pacific/aboutus/help.html
Hawaii Navy News	(808)473-2888 www.hawaii.navy.mil/NewsPAO/NewsStand_Index.htm
Associated Press	(808) 536-5510
KHON TV (Fox)	(808) 591-2222 www.khon2.com
KITV TV (ABC)	(808) 535-0429 www.thehawaiiichannel.com
KHNL TV (NBC)	(808) 847-1112 www.khnl.com
KGMB TV (CBS)	(808) 973-9889 www.kgmb.com
Clear Channel Radio	(808) 550-9237
KSSK (92.3 FM)	(808) 528-3981
KQMQ	(808) 591-3981
Armed Forces Network	(808) 448-4262
Fore & Aft	(808) 423-0749

Island of Maui

The Maui News (808) 244-3981
www.mauinews.com

Island of Kauai

Garden Isle News (808) 245-3681
www.kauaiworld.com

Island of Hawaii

West Hawaii Today (808) 329-9311
www.westhawaiiitoday.com

Hawaii Tribune Herald (808) 935-6621
www.hawaii-tribune-herald.com

Guam

Pacific Daily News (671) 472-1736
www.guampdn.com

The Navigator (671) 339-7133
www.guampdn.com/guampublishing/navigator/

Guam

Samoa News (684) 633-5599
webmaster@samoanews.com

2002.10.3 Protocol for Access and Timing of Media Briefings

Scheduling and supporting the media component of any response is extremely important to the overall success of the response. It is critical that the timing and schedule established by the PIO correspond with the Planning “P” or rhythm for the response. Particular meetings, such as the planning meeting,

may have significant information that the media may want to know about. However, it is also critical that media deadlines do not influence the response timing. It should be a coordinated effort with the response as the number one priority.

2003 INCIDENT COMMAND PROTOCOL

2003.01 Investigators

The investigation representatives report directly to their respective ICs. Both federal and state investigative teams will coordinate their investigations within legal discovery guidelines. The investigative specialists operate as separate entities during the incident and are not normally part of the ICS. Investigation information may be provided to support the ICS, within legal guidelines. Investigators perform the following functions:

- Coordinate investigative activities with legal specialists, NRDA representatives, and sampling specialists.
- Contact and coordinate with other response agencies already on scene (USCG, HEER, State Department of Lands and Natural Resources, Harbor Patrol, Police, etc.).
- Provide response essential information (amount of product discharged, location and nature of the source, and health and safety hazards identified) developed as part of the investigation in support the UC.

2003.02 Transition of Federal On-Scene Coordinators

There are occasions when command responsibilities must transition from one FOSC to another; from one FOSC or SOSC to another; or from a SOSC to a FOSC. The transition in FOSCs is often necessitated by a determination of where the greatest impact of a spill is likely to take place. For example, a spill may originate in the inland zone where U.S. EPA has primary responsibility, but the most of the impact from the spill may occur in the coastal zone where USCG has responsibility.

Regardless of the circumstances that necessitate a transition in jurisdictional agency, clear and effective communication is essential to an efficient and safe response. Every effort must be made to share all pertinent information. This exchange of information could involve multiple issues and various amounts of detail, depending on the complexity of the spill. It should include, but is not limited to, the following.

Current Situation

- Status of the source and spill
- Review of the IAP and site safety plan
- Review of site communications
- Discuss resources en route and on scene

Organizational Structure

- UC and responsible party representation
- ICS organizational chart review
- Schedule of meetings

Site Visit and Walk Thru

- Spill investigation and legal issues
- Cause of spill
- Investigation and evidence

Notifications

- What notifications have been made?
- Stakeholders? Tribes?
- Local issues and economics?

Wildlife and Environment

- Wildlife impact issues
- Endangered species
- Environmental sensitive areas

Public Affairs and Media

It is preferred that both OSCs are present through one complete operational period and planning cycle. The transition from one OSC to another should not be considered complete until the oncoming OSC

acknowledges they are comfortable and the transition is documented. Further, when transition between federal agencies is necessary after the Oil Spill Liability Trust Fund is opened and a Federal Project Number (FPN) assigned, it should be documented in a POLREP. Both agencies must also submit cost documentation to account for funds expended during their tenure as OSC.

2004 EVIDENCE COLLECTION ACTIONS

2004.01 Sample Collection Procedures

The FOSC must observe precautions when collecting and handling liquid samples for analyses because the character of the sample may be affected by a number of common conditions. Standard agency protocols are to be followed in the collection and shipment of all samples. Reports of laboratory analyses may be forwarded to the appropriate ORRT co-chair for transmittal to Counsel.

2004.02 Photographic Records

Conditions should be photographed to show the source and the extent of oil or hazardous material, if possible using both color and black-and-white film. The following information should be recorded on the back of each photographic print: (1) name and location of vessel or facility, (2) date and time the photograph was taken, (3) names of the photographer and witnesses, (4) shutter speed and lens opening, and (5) type of film used and details of film processing. In the event a digital medium is used a photo log should be maintained with all digital copies that specify the date, time, location, weather conditions, tides, etc...

2004.03 Chain-of-Custody Record

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

2005 FEDERAL RESPONSE**2005.01 Federal On-Scene Coordinator Response**

The FOSC directs federal response efforts and coordinates all other federal efforts at the scene of a discharge or release. The FOSC may monitor local, tribal, state, or private entity actions to remove a discharge and may provide technical assistance to local, tribal, state, or responsible party response personnel.

If a response action is being conducted through local, tribal, state, or responsible party efforts, the FOSC will ensure adequate oversight of response actions. If local, tribal, or state agencies or the responsible party cannot or will not initiate action to eliminate the threat, or if the removal is not being conducted properly, the FOSC should advise the government agency or responsible party and take appropriate response actions to reduce or remove the threat or discharge.

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

In the case of a federal agency other than U.S. EPA, DoD, or DOE, such agency will provide FOSCs for all removal actions that are not emergencies. U.S. EPA FOSCs may be requested to provide technical assistance to the lead agency FOSC who is responding to a release or threatened release. In the event of an emergency on federal agency property, other than DoD or DOE, U.S. EPA retains response authority and U.S. EPA FOSC's may respond and later initiate cost recovery actions against the potentially responsible party.

When the FOSC has determined that a discharge poses or may present a substantial threat to public health or welfare, he or she is authorized by the NCP to direct all private, state, or federal actions to remove the discharge or to reduce or prevent the threat of such a discharge. In addition, the FOSC may (1) remove or arrange for the removal of the discharge or reduce or prevent the substantial threat of the discharge; and (2) remove and, if necessary, destroy a vessel discharging, or threatening to discharge, by whatever means available, without regard for any other provision of law governing contracting procedures or employment of personnel by the federal government ([Title 40 CFR § 300.322](#)).

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

FOSC responsibilities in the event of a discharge or release include the following:

- Notify the appropriate state and federal agencies pursuant to the NCP.
- Determine whether proper response actions have been initiated. If the party responsible for the release or spill does not act promptly in accordance with the directions of the FOSC or does not take appropriate actions, or if the party is unknown, the FOSC will respond in accordance with provisions of the NCP and agency guidance.
- Collect information concerning the discharge or release; its source and cause; the identification of potentially responsible parties; the nature, amount, location, direction, and time of discharge; exposure pathways to humans and the environment; potential effects on human health, welfare, and safety, and the environment; possible effects on natural resources and property; priorities for protecting human health and welfare and the environment; and estimated cost for the response.
- Coordinate his or her efforts with other appropriate federal, state, territory and commonwealth and local agencies.
- Consult with and inform ORRT members of reported discharges and releases through POLREPs in message format.
- Consult with the appropriate regional or district office on situations potentially requiring temporary or permanent relocation. In the event of a declared federal disaster, coordinate with FEMA's FCO, as appropriate.
- Implement appropriate community relations activities.
- Address worker health and safety issues prior to and during a response operation and comply with all worker health and safety regulations.
- Coordinate with the Agency for Toxic Substances and Disease Registry (ATSDR), as the FOSC deems necessary, on possible public health threats.
- Coordinate with the U.S. EPA Office of Radiation and Indoor Air (ORIA) and the DOE in emergencies involving radiological hazards.

As requested by the NRT or ORRT, the FOSC will submit to the ORRT a complete report on the removal operation and the actions taken. The report will record the situation as it developed, the actions taken, the resources committed, and the problems encountered.

2005.01.1 FOSC Report

FOSC reports will be submitted as required by the ORRT or at the discretion of the FOSC for a particular incident, as stated in [Title 40 CFR § 300.165](#). The ORRT then has 30 days to review the report, provide comments, and forward it to the NRT for review.

2005.02 Regional Response Teams

There are 13 RRTs in the U.S., each representing a particular geographic region (including the Caribbean and the Pacific Basin). RRTs are composed of representatives from field offices of the federal agencies that make up the [National Response Team](#), as well as state representatives. The four major responsibilities of RRTs are (1) response, (2) planning, (3) training, and (4) coordination, as discussed below.

2005.02.01 Response

RRTs provide a forum for federal agency field offices and state agencies to exchange information about their abilities to respond to OSCs' requests for assistance. As with the NRT, RRT members do not respond directly to releases or spills, but may be called upon to provide technical advice, equipment, or manpower to assist with a response.

2005.02.02 Planning

Each RRT develops a regional contingency plan to ensure that the roles of federal and state agencies during an actual incident are clear. Following an incident, the RRT reviews the OSC's reports to identify problems with the region's response to the incident and improves the plan as necessary.

2005.02.03 Training

Federal agencies that are members of the RRTs provide simulation exercises of regional plans to test the abilities of federal, state, and local agencies to coordinate their emergency response activities. Any major problems identified as a result of these exercises may be addressed and changed in the regional contingency plan so the same problems do not arise during an actual incident.

2005.02.04 *Coordination*

The RRTs identify available resources from each federal agency and state within their regions. Such resources include equipment, guidance, training, and technical expertise for dealing with chemical releases or oil spills. When there are too few resources in a region, the RRT can request assistance from federal or state authorities to ensure that sufficient resources will be available during an incident. This coordination by the RRTs ensures that resources are used as wisely as possible, and that no region is lacking what it needs to protect human health and the environment from the effects of a hazardous substance release or oil spill.

2005.03 **Federal Agency Response**

During preparedness planning or in an actual response, various federal agencies may be called upon to provide assistance in their respective areas of expertise, consistent with agency legal authorities and capabilities. Fifteen primary federal agencies support response, with additional support from other their agencies that fall under their umbrella. The primary agencies include USCG, U.S. EPA, FEMA, DoD, DOE, USDA, DOC, DHS, DOI, DOJ, DOL, DOT, DOS, Nuclear Regulatory Commission, and GSA.

2005.04 **Multiagency Response**

A multiagency response is becoming more common as jurisdiction, authority, and resources are not always attached to a single agency. It is critical that agencies meet prior to response to work out differences and better understand how the other agency works. This work can be done through drills, training opportunities, and exercises. The result should be the development of MOUs or MOAs that establish a process to improve working together.

2006 **NATIONAL RESPONSE****2006.01 **National Response Team****

Response planning and coordination is accomplished at the federal level through the [U.S. NRT](#), an interagency group co-chaired by the [U.S. EPA](#) and the [USCG](#) (see [NRT Member Roles and Responsibilities](#) for more information on this group). Although the NRT does not respond directly to incidents, it is responsible for three major activities related to managing responses: (1) distributing information, (2) planning for emergencies, and (3) training for emergencies. The NRT also supports the RRTs.

2006.01.01 *Distributing Information*

The NRT is responsible for distributing technical, financial, and operational information about hazardous substance releases and oil spills to all members of the team. This information is collected primarily by NRT committees whose purpose is to focus attention on specific issues, then collect and disseminate information on those issues to other members of the team. Standing committees of the NRT and the topics that are addressed include:

- Response Committee, chaired by U.S. EPA, addresses issues such as response operations, technology employment during response, operational safety, and interagency facilitation of response issues (e.g., customs on transboundary issues). Response-specific national policy and program coordination and capacity building also reside in this committee.
- Preparedness Committee, chaired by the USCG, addresses issues such as preparedness training, monitoring exercises and drills, planning guidance, planning interoperability, and planning consistency issues. Preparedness-specific national policy and program coordination and capacity building also reside in this committee.
- Science and Technology Committee, chaired by U.S. EPA and the NOAA in alternating years, provides national coordination on issues that parallel those addressed by the SSC on an incident-by-incident basis. The focus of this committee is on identifying developed technology and mechanisms for applying those technologies to enhance operational response. The committee monitors research and development of response technologies and provides relevant information to the RRTs and other members of the NRS to assist in the use of such technologies.

2006.01.02 *Planning for Emergencies*

The NRT ensures that the roles of federal agencies in the NRT for emergency response are clearly outlined in the NCP (see the [NCP Overview](#)). After a major incident, 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](#) develop regional contingency plans. The NRT also reviews these plans to determine whether they comply with federal policies on emergency response.

2006.01.03 *Training for Emergencies*

Training is the key to the federal strategy for preparing for oil spills or hazardous substance releases. Although most training is performed by state and local personnel, the NRT develops training courses and

programs; coordinates federal training efforts; and provides information to regional, state, and local officials about training needs and courses.

2006.01.04 *Supporting Regional Response Teams*

The NRT supports RRTs by reviewing RCPs or ACPs to maintain consistency with national policies on emergency response. The NRT also supports RRTs by monitoring and assessing RRT effectiveness during an incident. The NRT may ask an RRT to focus on specific lessons learned from a particular incident and to share those lessons with other members of the NRS. In this way, the RRTs can improve their own RCPs, while helping to solve problems that might be occurring elsewhere within the NRS.

2007 SPILL OF NATIONAL SIGNIFICANCE

2007.01 Establishment of Command

A discharge may be classified as a SONS by the Administrator of U.S. EPA for discharges occurring in the inland zone and the Commandant of the USCG for discharges occurring in the coastal zone.

For a SONS in the inland zone, the U.S. EPA Administrator may name a senior agency official to assist the OSC in communicating with affected parties and the public and coordinating federal, state, local, and international resources at the national level. This strategic coordination will involve, as appropriate, the NRT, RRT(s), the Governor(s) of affected state(s), and the mayor(s) or other chief executive(s) of local government(s).

A SONS is a spill that, due to its severity, size, location, actual or potential effect on the public health and welfare or the environment, or the necessary response effort, is so complex that it requires extraordinary coordination of federal, state, local, and responsible party resources to contain and clean up the discharge ([Title 40 CFR § 300.5](#)). In the coastal zone, the USCG is responsible for responding to and preparing for a SONS-type scenario. The USCG has a regimented and practiced strategy for planning and preparing for a SONS type incident.

After the NCP was amended to include a section that addressed a SONS, the USCG developed a SONS Exercise Program for responses to oil and hazardous substance spills. This program focused on exercising the entire NRS at the local, regional, and national levels using large-scale, high-probability oil and hazardous material incidents that result from unintentional causes, such as maritime casualties and natural disasters. The purpose of the SONS Exercise Program is to increase the preparedness of the entire oil and hazardous substances response organization, from the field-level to agency heads in Washington, D.C.

SONS Exercise Program has the following major objectives

- Increase national preparedness for a SONS scenario by engaging all levels of spill management in a coordinated response.
- Make sure that agency heads and lawmakers in Washington, D.C., maintain awareness of their roles during a SONS response.

For a SONS in the coastal zone, the USCG Commandant may name a NIC who will assume the role of the OSC in communicating with affected parties and the public, and coordinating federal, state, local, and international resources at the national level. This strategic coordination will involve, as appropriate, the NRT, RRT(s), the Governor(s) of affected state(s), and the mayor(s) or other chief executive(s) of local government(s).

Historically under the NCP, a RIC or a NIC would be established to support a SONS or multiple large-scale incidents. Since the creation of the National Response Plan and the updated NRF, federal response entities like USCG or U.S. EPA are more likely to develop and implement the area command concept rather than the RIC and NIC concept. The concept of the RIC and NIC is still valid and still may be applied. Most SONS or IONS can and will be managed by an area command instead of a RIC.

2008 INTRODUCTION TO INCIDENT COMMAND SYSTEM

Managing a major response, especially a complex, multijurisdictional response, is one of the most important challenges facing the NRS. Effective coordination among local, state, and federal responders at the scene of a response is a key factor in ensuring successful responses to major incidents. An ICS is an efficient on-site tool to manage all emergency response incidents, and UC is a necessary tool for managing multijurisdictional responses to oil spills or hazardous substance releases. Understanding the concepts of ICS and UC is as important for local responders, who generally arrive on scene first and thus are most likely to implement the management system, as it is for state and federal organizations that may be joining the ICS and UC.

The NCP states that the NRS functions as an ICS under the direction of the OSC. The NCP also states that the basic framework for the NRS response management structure is a system (e.g., a unified command system) that brings together the functions of the local government, state government, federal government, and the responsible party to achieve an effective and efficient response. In addition, the Hazardous Waste Operations and Emergency Response (HAZWOPER) standards require the ICS for emergency response. When planned for and practiced, ICS and UC is viewed as the most effective response management system to address discharges or releases. As a result, the NRT and RRTs endorse

the use of ICS and UC and hope that this plan helps the entire response community understand the basic concepts of ICS and UC.

ICS and UC is an integrated and flexible structure that emphasizes cooperation and coordination in local, state, and federal responses to complex multijurisdictional, multiagency incidents. This structure is necessary to use resources effectively, whether the resource comes from the parties responsible for the release or discharge, the NRT and RRT federal agencies, or the affected local governments and states. Although ICS and UC were originally developed for multijurisdictional incidents, the NRT advocates ICS and UC as an effective tool for managing both large and small incidents, especially those involving hazardous substance releases or oil spills.

2009 INTERNATIONAL RESPONSE

The DOS is tasked through the NCP to take the lead in developing international contingency plans. DOS coordinates international response efforts when discharges or releases cross international boundaries or involve foreign flag vessels. DOS also coordinates all requests for aid from foreign governments. Requests for international assistance to oil spills need to be generated through DOS and coordinated through U.S. EPA and USCG headquarters.

3000 OPERATIONS**3001 OPERATIONAL RESPONSE OBJECTIVES**

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

3001.01 Emergency Response

3001.01.1 *Search and Rescue: Refer to USCG Incident Management Handbook COMDTPUB P3120.17A, August 2006 or EPA Incident Management Handbook, 2007 Edition*

3001.01.2 *Salvage Source: Refer to USCG Incident Management Handbook COMDTPUB P3120.17A, August 2006*

3001.01.3 *Marine Fire Fighting: Refer to USCG Incident Management Handbook COMDTPUB P3120.17A, August 2006*

3001.01.4 *Hazmat: Refer to USCG Incident Management Handbook COMDTPUB P3120.17A, August 2006 or EPA Incident Management Handbook, 2007 Edition*

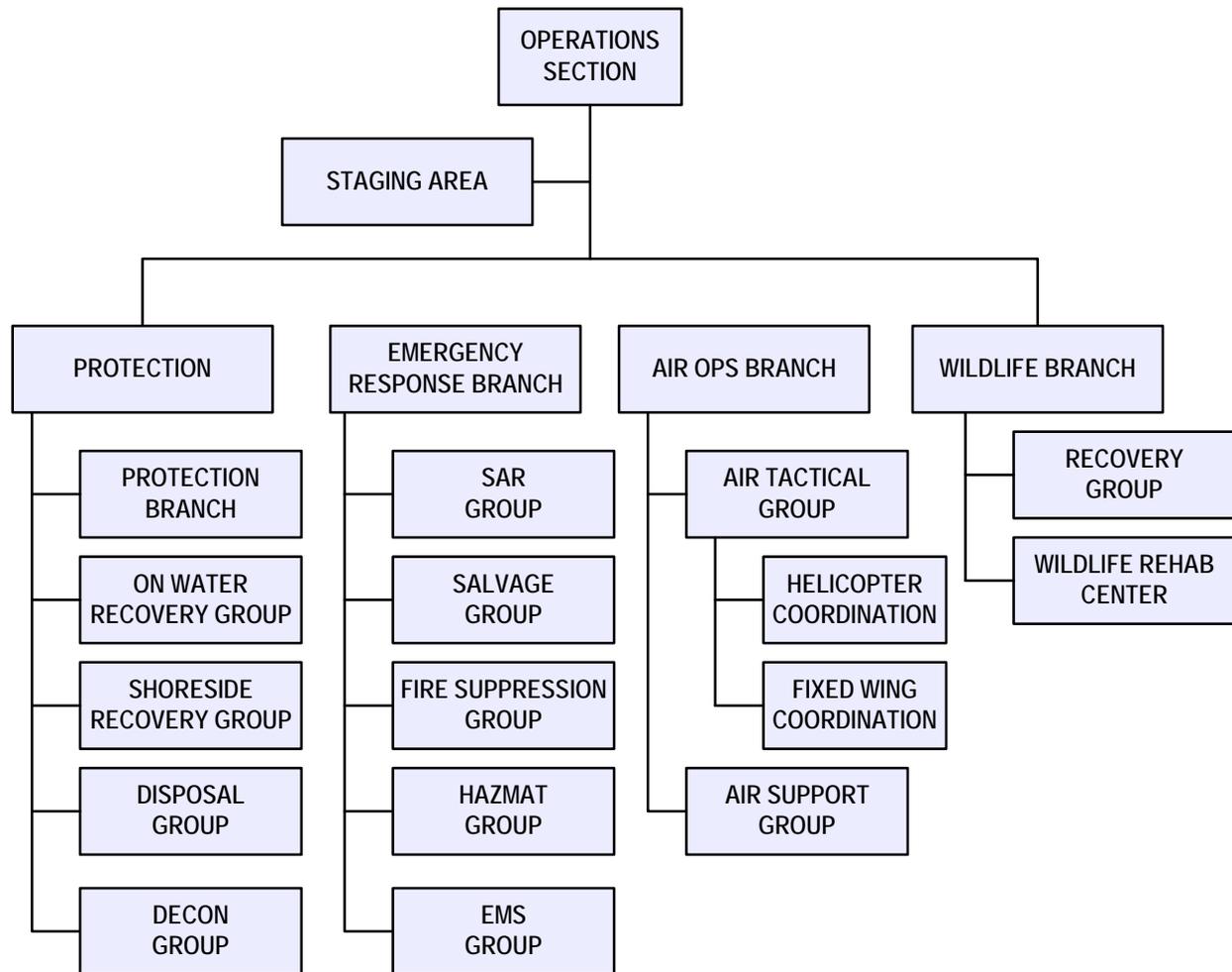
3001.01.5 *Emergency Medical Services: Refer to USCG Incident Management Handbook COMDTPUB P3120.17A, August 2006 or EPA Incident Management Handbook, 2007 Edition*

3001.01.6 ***Law Enforcement: Refer to USCG Incident Management Handbook COMDTPUB P3120.17A, August 2006 or EPA Incident Management Handbook, 2007 Edition***

3002 **ORGANIZATION**

The Operations Section is responsible for direction and coordination of all incident tactical operations. Operations at an incident or event can be set up in various ways, depending on the kind of incident, the agencies involved, and the objectives and strategy used for the response. The Operations Section expands and contracts based on the existing and projected needs of the incident. Initially, the Operations Section usually consists of those few resources first assigned to an incident. These resources will initially report directly to the IC. The Operations Section directs the assignments of the groups, divisions, and branches to better manage the span of control. Operations oversees all aspects of the preparation and execution of tactical operations, requests or releases resources, makes expedient changes to the incident action plan as necessary and reports such changes to the IC and UC. The Staging Area Manager works directly for the Operations Section Chief and must ensure that proper check-in procedures are followed as per the ICS 211 form.

Figure 3000-A. Operations Section Diagram



3002.01 Organization Options

The Operations Section can be broken up many different ways. The key is to ensure that the span of control does not exceed seven for any one manager or supervisor within the section. For an oil spill, it is common to see an Air Operations Branch, a Shoreline Protection Branch, and an On-Water Recovery Branch. All events are built upward from the Operations Section and should include whatever branches and groups are necessary to complete the objectives of the UC. Salvage, environmental, search and rescue, wildlife, and HAZMAT are other common branches within the Operations Section.

3002.02 Roles and Responsibilities

The Operations Section Chief is responsible for management of all operations directly applicable to the primary mission. The Operations Chief directs assets to support the incident objectives with tactics spelled out in the IAP. The Operations Section Chief reports directly to the UC and is normally picked

from the agency or organization with the most responsibility and or expertise in the incident. The Operations Section Chief also assists in the development of the IAPs and salvage plans and requests resources to either join the response or demobilize from the response. It is very common for the Operations Section Chief to have a fully qualified deputy to act as the Operations Section Chief in times of absence, as well as in times when the Operations Section Chief is dealing with the ebb and flow of a given response. The Operations Section Chief will receive direction from the UC via objectives, priorities, and response policies and will need to work closely with the Planning Section Chief to develop and execute timely and realistic action plans. The Operations Section Chief will also work closely with Logistics Section Chief and possibly the Liaison Officer, Safety Officer, and PAO.

3003 ASSESSMENT AND CLASSIFICATION OF OIL DISCHARGE

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

3003.01 Spill of National Significance (SONS)

A SONS is a spill that due to its severity, size, location, actual or potential impact on the public health and welfare or the environment it requires a massive response effort likely to cross jurisdictional boundaries. During a SONS, the necessary response efforts may be so complex that it requires extraordinary coordination of federal, state, territory and commonwealth, local, and responsible party resources to contain and clean up the discharge.

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

3003.02 Worst-Case Discharge

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

A worst-case discharge for the purposes of inland ACPs will be the “Catastrophic Release” as identified in FRPs submitted to U.S. EPA. Since this is a requirement of OPA, only oil scenarios will be listed in the coastal ACPs.

3004 ASSESSMENT AND CLASSIFICATION OF HAZARDOUS SUBSTANCE RELEASES

The top priority of U.S. EPA’s emergency response program is to eliminate any danger to the public and the environment posed by hazardous substance releases and oil spills. To help fulfill this mission, U.S. EPA requires that the person or organization responsible for a release or spill notify the federal government when the amount reaches a federally determined limit. U.S. EPA has established [reporting requirements](#) for hazardous substance releases and oil spills to identify when the federal government should be notified. States also may have separate reporting requirements. Because the party responsible for the hazardous substance release or oil spill may not be aware of these reporting requirements, anybody who discovers a hazardous substance release or oil spill is encouraged to contact the federal government. All it takes is a single telephone call to the [NRC](#) at 1 (800) 424-8802.

3005 DISCHARGE OR RELEASE CONTROL

3005.01 Actions to Lessen Impact

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

- Analysis of water samples to determine the source and spread of the contaminants
- Control of the source of the discharge
- Control source and spread or salvage operations
- Placement of physical barriers to deter the spread of the oil or to protect sensitive environmental resources through coordination with resource agency specialists
- Control of the water discharged from upstream impoundments

If approved, chemicals and other materials will be used to restrain the spread of the product and mitigate its effects, in accordance with the NCP. Use of chemical agents is not preapproved in Region 9.

A detailed review of response planning in U.S. EPA Region 9 can be found in [Section 4000](#).

3006 DECONTAMINATION

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

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

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

3007 RESOURCE PROTECTION

3007.01 Wildlife Operations

FOSC and members of the ORRT recognize that the contamination of wildlife by oil has a high public impact. Public interest, inquiries, criticism, and demands for the cleaning of affected wildlife can seriously hamper the FOSC's ability to proceed with cleanup of the spill. Early inspection of affected or

potentially affected areas known to be wildlife habitat should be made by the FOSC, and at the first sign of wildlife involvement, the FOSC and RPM should contact the DOI representative to the ORRT, the Regional Environmental Officer (see Appendix VII) to request organization and supervision of the wildlife protection efforts. Funding will be required either from a responsible party or the pollution fund for these efforts.

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

- **Protection**: Hazing devices and removal of dead contaminated wildlife may be helpful in keeping other wildlife from contaminated areas. Baiting clean areas is another method of protecting un-oiled wildlife.
- **Collection**: Only trained collectors will be allowed to participate due to safety considerations such as potential for contact with pollutants, physical hazards involved in handling of wildlife, and potential for additional stress placed on wildlife involved. Federal and state permits are required for collection of most wildlife.
- **Rehabilitation**: These medical procedures should be done only under trained and permitted supervision. In addition to trained and permitted rehabilitators, considerable additional resources—including trained volunteers, supplies, and facilities—are critical to a timely and effective rehabilitation effort.

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

Protective measures may include one or more of the following:

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

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

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

3007.02 Cultural Sites

Cultural sites may be affected during the response to a discharge or a release. The NCP, [Title 40 CFR § 300.210\(c\)](#), provides that ACPs are to be developed under the direction of a FOSC. The FOSC will ensure that ACPs include information on the consideration of historic properties and are developed in consultation with the parties involved.

The FOSC is responsible for ensuring these effects are considered during the response and to avoid effects, if possible. This requirement to consider and minimize effects is not intended to interfere with the overall goal of the response to reduce the threat to human health and safety. .

3007.03 Water Intakes

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

Further operational instructions can be found locally in emergency management plans.

3008 WASTE MANAGEMENT**3008.01 Federal Disposal – Hazardous Materials**

To ensure proper treatment and disposal of hazardous substances recovered from CERCLA emergency response or removal sites, NCP § 300.65 requires that off-site transport of hazardous substances use only facilities operating under appropriate federal or state permits or authorization. Hazardous substances removed from such sites may be transferred only to facilities that are operating in compliance with RCRA, Toxic Substances Control Act (TSCA), and all applicable state requirements. These requirements also preclude the use of disposal units that have releases of hazardous wastes or hazardous chemicals and of disposal facilities that have releases that have not been addressed by corrective action.

U.S. EPA issued policies and procedures related to these requirements on November 13, 1987, entitled “Revised Procedures for Implementing Off-site Response Actions” (Office of Solid Waste and Emergency Response [OSWER] Directive 9834.11). Specific FOSC roles and responsibilities for implementing the requirements can be found in Section IV of the “Superfund Removal Procedures Manual,” dated February 1988 (OSWER Directive 9360.03B).

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

3008.02 Federal Disposal – Oil

The NCP, Appendix E to Part 300, Oil Spill Response, Section 5.4, states that oil recovered during cleanup operations will be disposed of in accordance with the RCP, ACP, and any applicable laws, regulations, or requirements. ORRT and ACP guidelines may identify the disposal plans to be followed during an oil spill response and may address (1) sampling, testing, and classifying of recovered oil and oiled debris; (2) segregating and stockpiling of recovered oil and oiled debris; (3) prior state disposal approvals and permits; and (4) routes, methods (e.g., recycle and reuse, on-site burning, incineration, land filling, etc.), and sites for disposal of collected oil, oiled debris, and animal carcasses.

The Solid Waste Disposal Act, as amended by the Used Oil Recycling Act (1980), and the Hazardous and Solid Waste Amendments (1984) provide the statutory authority for RCRA, as amended regulations applying to recovered oils and oily wastes. In 1992, U.S. EPA promulgated new used oil regulations at [Title 40 CFR Part 279](#); these regulations incorporate the old used oil fuel requirements formerly codified at [Title 40 CFR Part 266, Subpart E](#) (1986 - 1992 CFRs). The new used oil management standards at 40 CFR Part 279 apply **only** to “used oil,” defined as any oil that has been refined from crude oil, used, and, as a result of such use, contaminated by physical and chemical impurities. If used oil is destined for

disposal, the Title 40 CFR Part 279 regulations reference the RCRA hazardous waste management standards. *Mixtures* of waste oil (i.e., spilled, unused product oils) and used oil are regulated as used oil. Waste oil and oily wastes are subject to the hazardous waste management regulations at [Title 40 CFR Parts 124, 260-266, 268, and 270](#). Nonhazardous used oil may be disposed of in an industrial or a municipal solid waste landfill (each State may have additional, more stringent requirements), in accordance with [Title 40 CFR Parts 257 and 258](#).

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

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

Call the RCRA Hotline at 1 (800) 424-9346 for answers to spill cleanup questions.

The U.S. EPA is responsible for all permitted disposal of material in ocean waters, including vessels under [Title 40 CFR § 229.3](#) unless it is an emergency situation where the Captain of the Port and the U.S. Army Corp of Engineers has the ability to deem it an emergency and scuttle the vessel [Title 40 CFR § 229.3(3)]. This authority should be exercised carefully, and consultation with ORRT for concurrence is highly recommended. Vessels that are to be disposed of through the general permitting process will go through U.S. EPA's approval process with a detailed explanation of need to dispose of the vessel and alternatives considered along with their reason for rejection. (See Waste Management Strategies Appendix XI)

4000 PLANNING

4001 PLANNING SECTION ORGANIZATION

The Planning Section is responsible for collection, evaluation, and dissemination of tactical information related to the incident and for preparation and documentation of action plans. The section also maintains information on the current and forecasted situation and on the status of resources assigned to the incident. The Planning Section includes the Situation Unit, Resources Unit, Documentation Unit, Environmental Unit, and Demobilization Units, as well as technical specialists. In addition, a Marine Transportation System Recovery Unit may be established to restore the port's operation as quickly as possible. This step is a recent addition to maritime related spills.

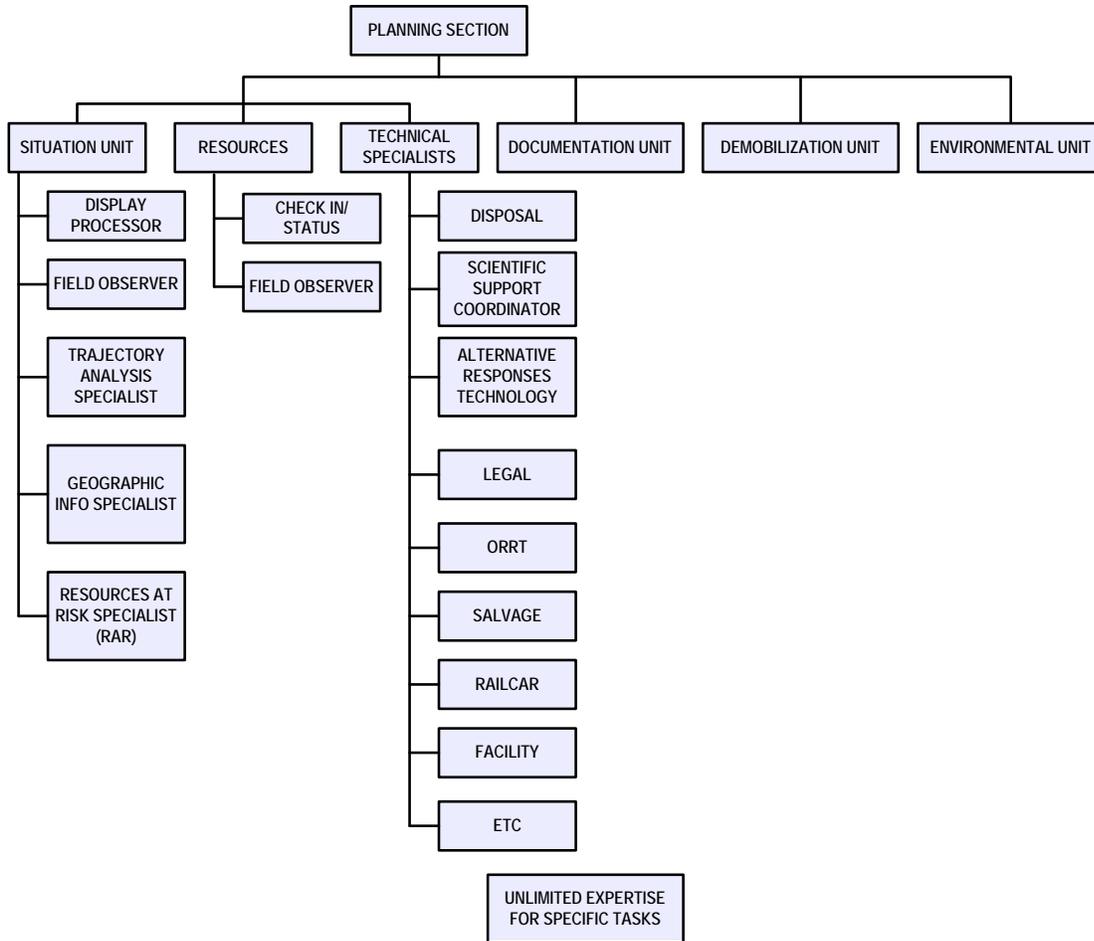
Several Planning Section units may be established. Duties of each unit are covered in other modules in this document. Not all of the units may be required, and they will be activated based upon need. The Planning Section units are shown on Figure 4000-A.

Figure 4000-A. Planning Section Diagram

Oceania Regional Contingency Plan

October 2008

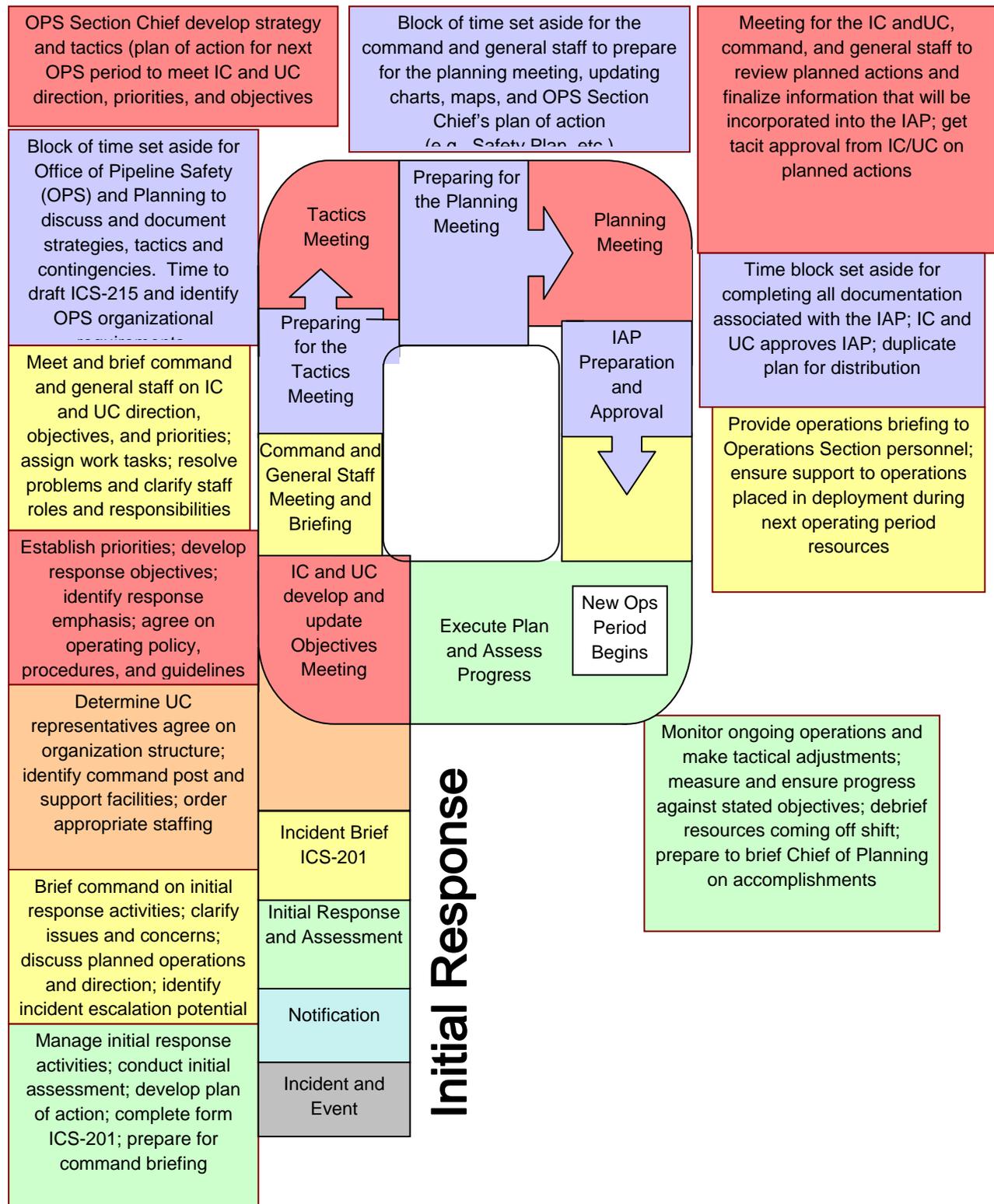
Section 4000 – Planning



4001.01 Planning Section Cycle Guide

4001.02 The Planning “P” is what sets the pulse of the ICS. It should not be viewed as a timeline but rather a series of procedures that need to occur in a particular order. The planning cycle may occur in 6 hours up to 6 months; the typical cycle is usually 24 hours in length. It denotes the “operational period” and allows the command and the field responders to compartmentalize their thinking. This cycle also provides the Planning Section a way of looking ahead at a specific time to determine what they can accomplish. Typically, to get through the first planning cycle one can expect about 18 hours of time to complete the IAP and go through the entire planning cycle. The stem of the “P” is only used during the initial response, and there should never be a need to return to the stem unless, a new or different incident occurs.

Figure 4000-B. Planning Section Planning Cycle Guide



4001.02 Roles and Responsibilities**4001.02.1 *Planning Section Chief***

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

4001.02.2 *Situation Unit Leader*

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

4001.02.3 *Resources Unit Leader*

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

4001.02.4 *Environmental Unit Leader*

The Environmental Unit Leader is responsible for environmental matters associated with the response, including strategic assessment, modeling, surveillance, and environmental monitoring and permitting. This unit leader prepares environmental data for the Situation Unit. Technical specialists frequently assigned to the Environmental Unit may include the SSC or sampling technician, ARTs, trajectory analysis, weather forecaster, resources at risk, shoreline cleanup assessment team, historical and cultural resources (State Historic Preservation Officer [SHPO]), and disposal technical specialists.

4001.02.5 Documentation Unit Leader

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

4001.02.6 Demobilization Unit Leader

The Demobilization Unit Leader is responsible for developing the incident demobilization plan, and assisting sections and units in ensuring that an orderly, safe, and cost-effective demobilization of personnel and equipment is accomplished from the incident.

4001.02.7 Technical Specialists

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

4001.02.7(a) NOAA Scientific Support Coordinator

The SSC, in accordance with the NCP, will provide the FOSC scientific advice with regard to the best course of action during a spill response. The SSC will obtain consensus from the federal natural resource trustee agencies and provide spill trajectory analysis data, information on the resources at risk, weather information, tidal and current information, etc. The SSC will be the point of contact for the Scientific Support Team from NOAA's Hazardous Material Response and Assessment Division.

4001.02.7(b) U.S. EPA Environmental Response Team Support

The ERT offers an array of products to assist other environmental practitioners both in the field and in the office. They offer immediate download of items such as software packages, guidance related to a wide variety of environmental sampling procedures, analytical and quality assurance SOPs, fact sheets, and bulletins.

4001.02.7(c) Legal Specialist

The legal specialist will act in an advisory capacity during an oil spill response.

4001.02.7(d) Alternative Response Technologies Specialist

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

4001.02.7(e) Waste Management

The waste management specialist is responsible for providing the Planning Section Chief with a waste management plan that details the collection, sampling, monitoring, temporary storage, transportation, and waste management of all anticipated waste streams generated as a result of the spill response.

4001.04 Incident Action Plan

The IAP is a written plan containing the IC and UC objectives reflecting the overall strategy for managing an incident. It may include the identification of operational resources and assignments. It may also include attachments that provide direction and important information for management of the incident during one or more operational periods. The IAP will have a cover sheet with the name of the incident, the time period it covers, and a signature block for the IC and UC that must be signed for the IAP to be official. In addition, the following ICS forms, at a minimum, will be identified as included within the plan: ICS-202, -203 or -207, -204 and -204A (depending on risk involved), -205, -206, and some type of map or chart of the incident. Additional plans and critical information may also be included and either put into the plan or noted as being located within the command post.

4001.05 Documentation Unit

The Documentation Unit is responsible for maintenance of accurate, up to date incident files. Examples of incident documentation include IAPs, incidents reports, communication logs, injury claims, situation status reports, etc. Thorough documentation is critical to post-incident analysis. Some of the documents may originate in other sections. The Documentation Unit will provide duplication and copying services for all other sections and will store incident files for legal, analytical, and historical purposes.

4001.06 Required Correspondence, Permits, and Consultation**4001.06.1 Administrative Orders**

Issuance and enforcement of Administrative Orders are under the authority of Title 33 U.S.C. § 1321 (c) and (e). An FOSC may issue orders to responsible parties to ensure effective and immediate removal of a discharge or the mitigation or prevention of substantial threat of a discharge of oil or a FWPCA hazardous substance.

4001.06.2 Notice of Federal Interest

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

4001.06.3 Notice of Federal Assumption

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

4001.07.4 Letter of Designation

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

4001.07.5 Fish and Wildlife Permits**Migratory Bird**

The Migratory Bird Treaty Act (MBTA) requires that all persons, including federal employees, capturing, holding, or otherwise “taking” migratory birds be appropriately permitted. The MBTA permit regulations can be found in Title 50 CFR Part 21.

This requirement is met for FWS field biologists involved in emergency response by blanket permits issued annually to regional directors.

Regulations for rehabilitators, including minimum requirements for facilities and experience, can be found in the Fed. Reg., Volume 68, No. 207, Monday October 27, 2003, titled “Migratory Bird Permits.” See also the “Best Practices Manual,” November 2003, for care of migratory birds during oil spill response.

Endangered Species

Under the ESA of 1973, as amended, it is unlawful for any person to “take” an endangered or threatened species without prior issuance of a permit from the FWS or National Marine Fisheries Service, depending upon the species involved.

In accordance with Title 50 CFR § 17.21, FWS, National Marine Fisheries Service, and state conservation agency personnel are allowed to “take” an endangered species without a permit if the action is necessary to “Aid a sick, injured, or orphaned specimen... .”

All others involved in an oil spill response who must “take” an endangered or threatened species must hold the necessary permits.

Marine Mammal

The Marine Mammal Protection Act prohibits taking of a marine mammal without prior issuance of a permit by the FWS or National Marine Fisheries Service, depending upon the marine mammal species involved.

In accordance with Title 50 CFR § 18.22, federal, state, or local government personnel are not required to possess a permit for the “taking” of a marine mammal (not including whales and porpoises), if it is “taken” as part of official duties. The “take” must be in a humane manner, for the protection or welfare of the organism, and ensure that the organism is returned to its natural habitat. If marine mammals are injured during a spill or discharge, FWS and National Marine Fisheries Service personnel are allowed to capture the organism and possess it for rehabilitation purposes without the need for a permit.

4001.06.6 *Ocean Disposal*

The criteria for ocean disposal deal with the evaluation of the proposed dumping of material in ocean waters in relation to continuing requirements for effective management of ocean disposal sites to prevent unreasonable degradation of the marine environment from all wastes being dumped in the ocean. These criteria apply to dredged material disposal sites only as specified in 40 CFR §§ 228.4(e), 228.9, and 228.12.

Management of a site consists of regulating times, rates, and methods of disposal and quantities and types of materials disposed of; developing and maintaining effective ambient monitoring programs for the site; conducting disposal site evaluation and designation studies; and recommending modifications

in site use and designation (e.g., termination of use of the site for general use or for disposal of specific wastes).

Each site, upon interim or final designation, will be assigned to either an U.S. EPA regional office or to U.S. EPA headquarters for management. These designations will be consistent with the delegation of authority in 40 CFR § 225.1. The designated management authority is fully responsible for all aspects of the management of sites within the general requirements specified in § 220.4. Specific requirements for meeting the management responsibilities assigned to the designated management authority for each site are outlined in §§ 228.5 and 228.6. (Oceania Emergency Disposal Sites – Appendix X)

4001.06.8 *Decanting*

Decanting of water from oily mixtures is a common procedure used during a spill response incident. Decanting is the process of draining off recovered water from portable tanks, barges, collection wells, or other storage containers to increase the available storage capacity of recovered oil.

During a response, it may be necessary for an OSRO to request the FOSC and SOSC approval to decant water while recovering oil so that response operations do not cease or become impaired. Authorization from the FOSC is required in all cases; authorization from the SOSC is required for decanting activities in state waters. Expeditious review and approval, as appropriate, of such requests is necessary to ensure rapid and efficient recovery operation. The request, decision, and permission to decant must be documented.

The following criteria should be considered when determining whether decanting is applicable, unless circumstances dictate otherwise:

- All decanting should be done in a designated response area within a collection area, vessel collection well, recovery belt, weir area, or directly in front of a recovery system.
- Vessels employing sweep booms with recovery pumps in the apex of the boom should decant forward of the recovery pump.
- All vessels, motor vehicles, and other equipment not equipped with an oil-water separator should allow retention time for oil held in internal or portable tanks and should transfer oil-water mixtures to a vessel or onshore equipment with approved oil-water separation technology. Unequipped vessels should not decant oil-water mixtures.

- Visual monitoring of the decanting area will be maintained at all times so that discharge of oil in the decanted water is detected promptly.

4001.06.9 *Endangered Species Act Consultation*

The ESA requires that federal agencies ensure that the actions they authorize, fund, or carry out are not likely to jeopardize listed species or destroy or adversely modify their designated critical habitat. Response to an oil spill is an emergency; however, this does not relieve the responding federal agencies of their responsibility under the ESA. During emergencies, this responsibility can be fulfilled by the responding agency relatively quickly through informal consultation, with formal consultation being completed if needed after the emergency response is complete and the case is closed. The NCP provides that area committees and FOSCs consult during planning for sensitive areas [Title 40 CFR § 300.210(c)(4)(i)] and during response [Title 40 CFR § 300.305(e)]. The MOA for spill planning and response under the FWPCA's NCP and ESA provides guidance for implementing these provisions, as well as the emergency consultation provisions in the interagency regulations implementing Section 7 of the ESA (Title 50 CFR § 402.05).

4001.06.10 *Demobilization*

A sample demobilization plan can be found in both Hawaii's and Guam's Area Contingency Plan and by going to the US Coast Guard Homeport web page.

4001.06.11 *Cease and Desist Orders*

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

4001.06.12 *Legal Notice to Suspected Releaser (out of place)*

The owner, operator, or other appropriate responsible person will be notified of federal interest and potential action in an oil or hazardous materials release by the agency furnishing the FOSC. This notice will include advice of the owner or operator's potential liability for proper response to the release; the

need to perform removal in accordance with existing federal and state statutes and regulations, this plan, and the NCP; and identification of the FOSC.

4001.06.13 Oil or Hazardous Materials Release Report

The appropriate information for each oil or hazardous material release should be obtained by the FOSC and reported in the appropriate format established by the Emergency Response Division, Washington, D.C. Statements of witnesses, photographs, analyses of samples, and related documentation will be retained by the FOSC for possible use in enforcement actions. In all major spills, the oil or hazardous material incident report should be completed and forwarded to the ORRT chair.

4001.11 Waste Management Strategies

It is the goal of any response to have the oil removed from affected areas as soon as possible and to ultimately treat or dispose of the oily waste in the most efficient and environmentally sound manner (see Appendix XI).

One of the major problems associated with an oil spill response is the disposal of collected product and contaminated cleanup materials, soil, and debris. Each category of waste has its own type of response and management problem. The following subsections present a general approach to the management of the various types of wastes collected during an oil spill.

4001.12 Waste Minimization and Recycling Opportunities

Reference to Waste Management Appendix XI

4001.13 Temporary Storage

Reference to Waste Management Appendix XI

To expedite removal of spilled oil, refined products, and contaminated material from marine waters during an emergency response, temporary storage sites may be erected at appropriate onshore locations. The transportation of oil and contaminated material to temporary storage sites during the emergency response is exempt from handling and permitting requirements.

Temporary storage device (TSD) sites should be available at an onshore location convenient to the recovery operations to temporarily store recovered petroleum products and contaminated materials and debris. A TSD site may require an emergency permit from the state or territory the TSD site is

located. It is important to minimize material transfer, so if a TSD is erected it is ensured that its location is efficient and effective for offloading or transporting the product to its final destination. Every time a transfer occurs, risk is exponentially increased.

Staging of the temporary facility must be done with the concurrence of the USCG and state FOSC, Department of Toxic Substances Control (DTSC), the local Regional Water Quality Control Board (RWQCB), and the local health, fire, and emergency services departments.

TSDs can include Baker tanks, tank trucks, oil drums, or empty fuel storage tanks. If suitable containers are not available, oily wastes may be temporarily stored in pits dug in the soil. These pits must be lined with plastic sheeting to prevent oil leakage and soil penetration.

4001.14 Initial Treatment

Petroleum and petroleum contaminated cleanup materials can potentially be treated at a temporary storage site. One of the treatment processes that may be used is transportable treatment units (TTU). The most likely treatment process undertaken with a TTU will be separation of seawater from collected petroleum. Another method employed for separating water is decanting water from temporary storage tanks.

Any water generated through the separation of petroleum and seawater may be potentially discharged to a sanitary sewer system or back to marine waters. The sanitary sewer discharge will require a permit from the local sanitation district, which will establish effluent requirements for the discharged water. Should a sanitation district not allow the discharge of water to its system, the recovered seawater would either be discharged back to the adjacent marine waters or transported off site for disposal. The discharge of recovered seawater to state waters will require a National Pollutant Discharge Elimination System permit from the local RWQCB.

A portable incinerator may be another type of TTU available during a spill response for use with contaminated material. The use of an incinerator will require a permit from the local air quality agency. The potential use of any TTU and regulatory standards must be discussed with DTSC.

4001.15 Characterization of Recovered Material

Recovered petroleum and contaminated debris not recycled must be characterized to determine their waste classification before the waste can be shipped to a proper waste management facility for final disposal. The actual testing may be conducted on representative samples of each type of waste by a state or territory laboratory.

It is the responsibility of the generator and responsible party to have petroleum and contaminated material managed as waste accurately classified as hazardous or nonhazardous for proper disposition. A generator who incorrectly determines and manages a hazardous waste is in violation of the hazardous waste requirements.

Federal criteria are presented in Title 40 CFR §§ 261.30 through 261.33. These criteria can apply to any oily water, sorbents, booms, and debris generated as a result of an oil spill cleanup. Based on waste characterization, the wastes can be further defined as either a federal RCRA waste (hazardous waste regulated under federal regulations) or non-RCRA waste or nonhazardous waste. Nonhazardous waste in this instance is defined as designated waste. Once the waste is characterized, disposal options can then be selected. Removal of recovered material from temporary storage will require the authorization of the OSC.

4001.16 Transportation

Recovered petroleum product not accepted at a refinery or recycling facility and contaminated material must be transported to an approved waste management facility. The type of waste management facility will be based on the results of the waste characterization performed.

4001.17 Waste Management Facilities

Reference to Waste Management Appendix XI

4001.19 Situation and Pollution Reports Guidance

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

For EPA Pollution Reports (POLREPS) guidance, refer to the following website: www.epaosc.org/offlinepolrep. The site will provide instruction for completion of the POLREP. You will need an account and password to access the on-line portion of the web site.

4002 APPLIED RESPONSE TECHNOLOGIES

4002.01 Introduction

This section discusses ARTs available to the UC, as well as applicable appendices. The primary objective of an oil spill response is to reduce the effect of spilled oil on the environment. Physical removal of the

oil is the preferred method. However, conventional mechanical recovery and removal may be limited by equipment capability, weather and sea conditions, and the size and the remote location of the spill. The use of alternative response countermeasures; dispersants, in situ burning, and other OSCAs, including bioremediants, shoreline cleaning agents, herding agents, and elasticizers, will be considered when the preferred recovery methods and cleanup or remediation techniques are inadequate and the environmental benefit of ART use outweighs any adverse effects.

The use of ARTs is governed by both federal and state requirements. The NCP requires that any product considered for oil spill response must be listed on the NCP Product Schedule, and California state law requires that products must be licensed by the state for use within state waters. The NCP further requires that the regional contingency plans and ACPs will, as appropriate, include applicable authorization plans and address the specific contexts in which such products should and should not be used (Title 40 CFR § 300.910). The use of dispersants and in situ burning are governed by specific policies outlined in [Section 4002.05 and 4002.06](#), respectively, as well as Appendices II, III, IV and V. The use of all other ARTs and OSCAs must be approved on a case-by-case basis by the RRT at the time of a spill incident and are governed by policies outlined in [Section 4002.04](#).

4002.02 Authorities

Subpart J of the NCP provides that the FOSC may authorize the use of ARTs upon concurrence of the U.S. EPA and the state and territory representative to the ORRT and in consultation with the DOC and DOI, when practicable and subject to listing on the NCP Product Schedule. Prespill planning is subject to the concurrence of the four agencies listed above. The U.S. EPA has been delegated authority to maintain a schedule of chemical countermeasures that may be authorized for oil discharges in accordance with procedures set forth in NCP (Title 40 CFR § 300.900).

Commander, USCG Fourteenth District, has pre-designated the two USCG Captains of the Port as the FOSCs for oil discharges in their respective port zones. The authority and responsibility for compliance with the FWPCA within the zone, as defined in Title 33 CFR Part 3 and subject to joint response boundary agreements with U.S. EPA as described in Appendix I (TBD) to the ORCP, is delegated to each Captain of the Port.

4002.03 Policy

It is the policy of the ORRT that ARTs are an integral part of spill response and ought to be available and used, as appropriate, in a timely and efficient manner. A quick response to an oil spill incident using an appropriate ART may greatly reduce the need for mechanical recovery methods, storage, transportation, and disposal, as well as greatly reduce the possibility and extent of shoreline effects and greater environmental damage. The use of ARTs other than dispersants and in situ burning are

governed by the incident-specific RRT approval process, which is done on a case-by-case basis at the time of a spill. The following subsections discuss the process for gaining approval for the use of ARTs or under what conditions preapproval of a specific technology is applicable.

4002.04 Applied Response Technologies and Oil Spill Cleanup Agents (OSCA)

At the time of an oil spill incident, the IC and UC can request the use of an OSCA. This request is made through a formal request by the FOSC to the ORRT. All ARTs must be approved in advance of use by the ORRT. All products proposed for use must be listed in the NCP Product Schedule and, if applicable, licensed by the appropriate state agency. It is the policy of the ORRT to provide “approval” or “denial” of an OSCA request within 2 hours of the request being made. Once the ORRT grants approval, a product can be used and a summary of findings must be prepared and submitted to the ORRT.

4002.05 Dispersants

Hawaii is the only Captain of the Port zone that has a formalized dispersant plan in the Fourteenth District (see Appendix II for more details on the dispersant plan).

4002.06 In Situ Burning

See Appendix V for details on in situ burning procedures and protocols.

4003 RESOURCE PROTECTION

Mitigation and clean up of spills requires knowledge of resources at risk. Because many source locations and pollutant paths are possible, a strict prioritization of protection strategies is difficult. However, identification of resources potentially at risk before an incident and discussion of their relative importance are useful processes, both technically and from communications and human standpoints.

Planning is the preferred means to identify protection strategies because it reduces the time required to implement effective protective measures and improves coordination through prior personal contact among responsible agencies. Where planning has not been completed, early notification and coordination with appropriate agencies is critical. This section identifies types of resources to be considered for protection. Additional contacts for resource information are provided in Appendix VII.

4003.01 Fish, Wildlife, and Sensitive Environments

The Fish and Wildlife performs the following tasks:

- Identifies and establishes priorities for fish and wildlife resources and their habitats and other important sensitive areas requiring protection from any direct or indirect effects from discharges
- Provides mechanisms for timely identification of protection priorities during a spill response

Sensitive areas include, but are not limited to, federally and state-managed natural resource areas, endangered species habitats, potable water intakes, marinas, and archeological and tribal use areas.

Owners and operators, in the preparation of their FRPs, should also incorporate locally managed environmentally and economically sensitive area information for inclusion in the FRP.

The following agencies listed below can provide technical assistance and expertise on potential effects on fish and wildlife and their habitats, or other sensitive environments that can be found in the affected area.

- FWS field response coordinators are the primary federal contact for information about migratory birds, endangered and threatened species, and fish and wildlife at risk as a result of spills in the inland and coastal zones.
- Each state has fisheries and wildlife biologists who may be assigned to a Department of Natural Resources or other state agencies. These personnel are assigned to geographic areas within a state (district or region) and are listed in Appendix VII. They can also be identified through state emergency response agencies or FWS pollution response coordinators.
- Each state has a Natural Heritage or Natural Features Inventory. These databases were initiated by The Nature Conservancy and have been turned over to states for management. These inventories incorporate observations of endangered, threatened, and otherwise specially designated species of fish, wildlife, and plants. The inventory is generally housed in the State Department of Natural Resources. Telephone numbers for Region 9 inventories are listed in Appendix VII. This information is generally available during business hours only.
- Sea grant universities and extension agents may be a source of local knowledge outside the public sector. These agents have contact with local scientists, fishermen, environmental groups, and other sources that may supplement information provided by regulatory agencies. They may be contacted through the NOAA SSC.

- A variety of protected areas such as forests, parks, preserves, reserves, management areas, etc., are managed by public or private organizations such as The Nature Conservancy and Heritage Foundation. Additional sources of this information include federal or state land management agencies, which include the DOI, USDA Forest Service, and DOC at the federal level and their counterpart agencies at the state and local levels.

4003.02 Cultural Sites

The “Programmatic Agreement [PA] on Protection of Historic Properties During Emergency Response Under the National Oil and Hazardous Substances Pollution Contingency Plan” establishes national policy and procedures for the protection of cultural resources during emergency response under the NCP. Under the PA, the FOSC, as the federal official designated to coordinate and direct response actions, is responsible for ensuring that cultural sites are appropriately considered during planning and during emergency response. In-depth information regarding the PA may be found at <http://www.achp.gov/NCP-PA.html>.

Identification of culturally sensitive sites in the vicinity of a spill can be accomplished by contacting the SHPO or the appropriate trustee agency, if the spill occurs on its land, especially for the USDA Forest Service or the BLM. The SHPO is generally associated with the State Historic Preservation Office or Society, which may or may not be within a department of state government, and can act as liaisons with other agencies, as can USDA Forest Service personnel. A list of contacts for culturally sensitive sites in Region 9 is provided in Appendix VII. These contacts are generally available during business hours only.

The State of Hawaii SHPO is Laura Thielan and the Deputy SHPO is Nancy McMahon the administrator is Pau Aiu. They can be reached at 1 (808) 692-8040;

4003.03 Drinking Water Intakes

One of the major differences between coastal marine spills and freshwater spills is the potential effect to drinking water supplies. In many cases, users of surface waters do not have an alternate source of supply nor do they have treatment or monitoring facilities for oil or chemical contamination.

Water intakes are surface sources of public drinking water with 15 service connections or that regularly serve 25 individuals. Due to the scope and detail required to identify these areas, information on drinking water intakes will be provided in the specific area plans. Identification of drinking water authorities responsible for the water intakes in surface waters may be found in ACPs, state health departments, and in local emergency management plans.

Mitigation and cleanup of spills requires knowledge of resources at risk. Because many source locations and pollutant paths are possible, a strict prioritization of protection strategies is difficult. However, identification of resources potentially at risk before an incident and discussion of their relative importance are useful processes, both technically and from communications and human standpoints.

4004 NATURAL RESOURCES DAMAGE ASSESSMENT

The mission of the DOI's NRDA and restoration program is to restore natural resources injured as a result of oil spills or hazardous substance releases into the environment. In partnership with other affected state, tribal, and federal trustee agencies, damage assessments provide the basis for determining the restoration needs that address the public's loss and use of these resources.

Every action the restoration program takes is done with the goal of restoring injured natural resources. Damage assessments are the first step toward resource restoration and are not done for the sake of science. They are a key milestone toward the ultimate goal, which is restoration of natural resources for the American public.

The restoration program's website (<http://restoration.doi.gov/homepage.html>) is designed to provide one with a guide to information about the DOI's restoration program—the organizational makeup; the laws, regulations, authorizing statutes, and DOI guidance and policies that govern the program; damage assessment cases and restoration projects; budget overviews; and, in the near future, an informational library containing helpful tools and links to other sources of information surrounding the field of NRDA and restoration.

The restoration program assesses damages and injuries to natural resources entrusted to the DOI and negotiates legal settlements or takes other legal actions against the responsible parties for the spill or release. Funds from these settlements are then used to restore the injured resources at no expense to the taxpayer. Settlements often include the recovery of the costs incurred in assessing the damages. These funds are then used to fund further damage assessments.

4007 WEATHER INFORMATION SECTION

NOAA's National Weather Service offices are operated 24 hours a day and provide weather forecasts and warnings. In addition, many can provide hydrological information. The regional weather service forecast offices provide weather information, including raw data (e.g., wind speed and direction, temperature, barometric pressure, humidity, etc.) The phone numbers provided are manned 24 hours per day and connect to the lead forecaster or warning coordinator. These numbers should not be provided to the public.

4008 MODELS

Areal Locations of Hazardous Atmospheres (ALOHA) is a modeling program that estimates threat zones associated with hazardous chemical releases, including toxic gas clouds, fires, and explosions. A threat zone is an area where a hazard (such as toxicity, flammability, thermal radiation, or damaging overpressure) has exceeded a user-specified [level of concern](#). The program includes the following key features:

- Generates a variety of scenario-specific output, including threat zone plots, threat at specific locations, and source strength graphs.
- Calculates the rate of release for chemicals escaping from tanks, puddles (on both land and water), and gas pipelines and predicts how that release rate changes over time.
- Models many release scenarios, including toxic gas clouds, BLEVEs (Boiling Liquid Expanding Vapor Explosions), jet fires, vapor cloud explosions, and pool fires.
- Evaluates different types of hazard (depending on the release scenario), including toxicity, flammability, thermal radiation, and overpressure.
- Displays threat zones on MARPLOT maps (and on ArcView and ArcMap with the Arc Tool extensions)
- Works seamlessly with companion programs CAMEO and MARPLOT; it can also be used as a standalone program.

ALOHA was developed jointly by NOAA and the U.S. EPA, and it runs on both Macintosh and Windows computers.

5000 LOGISTICS

5001 LOGISTICS SECTION ORGANIZATION

The Logistics Section is responsible for providing facilities, all services, and materials needed for the incident. The FOSC acting as the IC will determine the need to establish a Logistics Section on the incident. This determination is usually based on the size of the incident, complexity of support, and how long the incident may last. Once the IC determines that there is a need to establish a separate logistics function, an individual will be assigned as the Logistics Section Chief.

Six functional units can be established within the Logistics Section. A two-branch structure is used to facilitate span of control. The titles of the units are self-descriptive. Not all of the units or both branches may be required, and they will be established based upon need. Branches and Units in the Logistics Section are shown in Figure 5000-A.

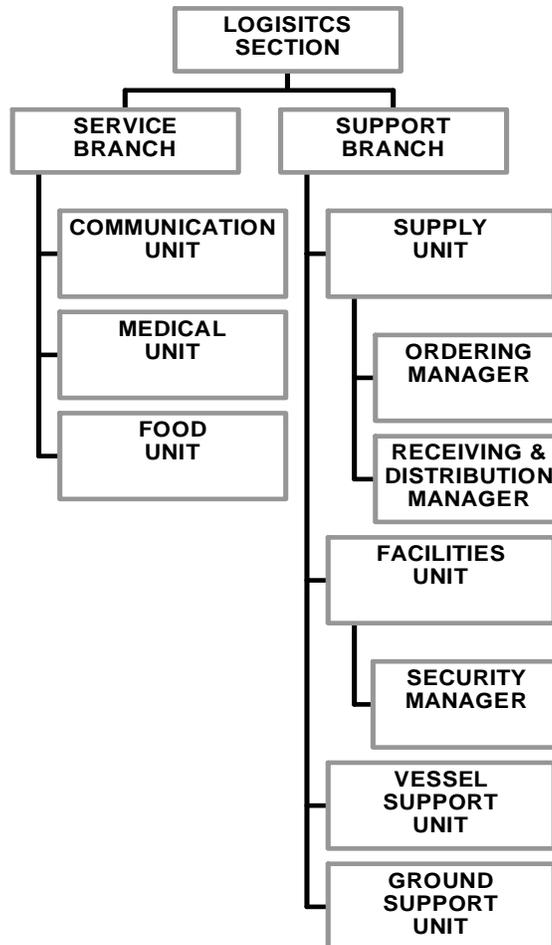
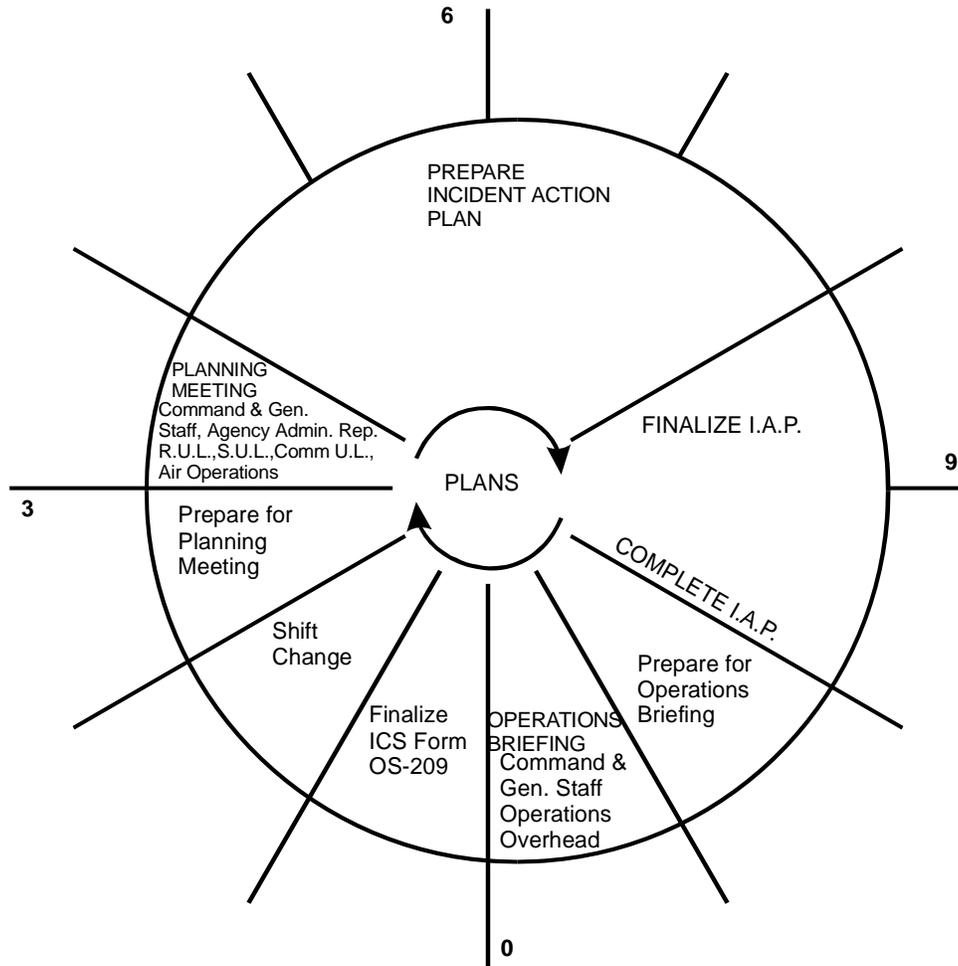


Figure 5000-A. Logistics Section Diagram

5001.01 Logistics Section Planning 'P'

Figure 5000-B. Logistics Section Planning Cycle Guide



Based on a 1- hour operational period, the Planning “P” may be modified based on actual duration of operational period (e.g., 24, 36, etc.).

5002 ROLES AND RESPONSIBILITIES

5002.01 Logistics Section Chief

The Logistics Section Chief, a member of the general staff, is responsible for providing facilities, services, and material in support of the incident response. The Logistics Section Chief participates in developing and implementing the IAP and activates and supervises branches and units within the Logistics Section.

5002.02 Service Branch Director

The Service Branch Director, when activated, is under the supervision of the Logistics Section Chief and is responsible for managing all service activities at the incident. The Service Branch Director supervises the operations of the Communications, Medical, and Food Units.

5002.03 Communications Unit Leader

The Communications Unit Leader, under the direction of the Service Branch Director or Logistics Section Chief, is responsible for developing plans for the effective use of incident communications equipment and facilities, installing and testing communications equipment, supervising the Incident Communications Center, distributing communications equipment to incident personnel, and communications equipment maintenance and repair.

5002.04 Medical Unit Leader

The Medical Unit Leader, under the direction of the Service Branch Director or Logistics Section Chief, is primarily responsible for developing the medical emergency plan, obtaining medical aid and transportation for injured and ill incident personnel, and preparing reports and records. The Medical Unit Leader may also assist the Operations Unit in supplying medical care and assistance to civilian casualties at the incident, but is not intended to provide medical services to the victims.

5002.05 Food Unit Leader

The Food Unit Leader, under the direction of the Service Branch Director or Logistics Section Chief, is responsible for determining feeding requirements and supplying food and water at all incident facilities, including menu planning; determining the cooking facilities required; preparing food; serving; providing food and potable water, including all remote locations; and general maintenance of the food service areas.

5002.06 Support Branch Director

The Support Branch Director, when activated, is under the direction of the Logistics Section Chief and is responsible for developing and implementing logistics plans in support of the IAP, including providing personnel, equipment, facilities, and supplies to support incident operations. The Support Branch Director supervises the operation of the Supply, Facilities, Ground Support, and Vessel Support Units.

5002.07 Supply Unit Leader

The Supply Unit Leader is primarily responsible for ordering personnel, equipment, and supplies; receiving and storing all supplies for the incident; maintaining an inventory of supplies; and servicing nonexpendable supplies and equipment.

5002.08 Ordering Manager

The Ordering Manager is responsible for placing all orders for supplies and equipment for the incident. The Ordering Manager reports to the Supply Unit Leader.

5002.09 Receiving and Distribution Manager

The Receiving and Distribution Manager is responsible for receiving and distributing all supplies and equipment (other than primary resources) and the servicing and repairing tools and equipment. The Receiving and Distribution Manager reports to the Supply Unit Leader.

5002.10 Facilities Unit Leader

The Facilities Unit Leader is primarily responsible for the layout and activation of incident facilities (e.g., base, camp(s) and IC Post). The Facilities Unit provides sleeping and sanitation facilities for incident personnel and manages base and camp operations. Each facility (base or camp) is assigned a manager who reports to the Facilities Unit Leader and is responsible for managing the operation of the facility. The basic functions or activities of the Base and Camp Manager are to provide security service and general maintenance. The Facility Unit Leader reports to the Support Branch Director.

5002.11 Security Manager

The Security Manager is responsible to provide safeguards for protecting personnel and property from loss or damage. The Security Manager reports to the Facilities Unit Leader.

5002.12 Vessel Support Unit Leader

The Vessel Support Unit Leader is primarily responsible for (1) coordinating transportation of personnel, supplies, food, and equipment for waterborne resources; (2) fueling, servicing, maintaining, and repairing vessels and other vessel support equipment; (3) implementing the vessel routing plan; and (4) supporting out-of-service waterborne resources.

5002.13 Ground Support Unit Leader

The Ground Support Unit Leader is primarily responsible for (1) coordinating transportation of personnel, supplies, food, and equipment on land; (2) fueling, servicing, maintaining and repairing vehicles and other ground support equipment; (3) implementing the incident traffic plan; and (4) supporting out-of-service on-shore resources. The Ground Support Unit Leader reports to the Support Branch Director.

5003 SITE SECURITY

Generally, local law enforcement or the responsible party provide site security at the scene of a response. However, upon the recommendation of the Security Manager, the FOSC has the authority to provide for site security as necessary. When additional security is necessary, GSA can expeditiously arrange for contract guards.

5004 COMMUNICATIONS

Effective communications, information management, and information and intelligence sharing are critical aspects of domestic incident management. Establishing and maintaining a common operating picture and ensuring accessibility and interoperability are principal goals of communications and information management. A common operating picture and systems interoperability provide the framework necessary to:

- formulate and disseminate indications and warnings;
- formulate, execute, and communicate operational decisions at an incident site, as well as between incident management entities across jurisdictions and functional agencies;
- prepare for potential requirements and requests supporting incident management activities; and
- develop and maintain overall awareness and understanding of an incident within and across jurisdictions.

Prior to an incident, entities responsible for taking appropriate pre-incident actions use communications and information management processes and systems to inform and guide various critical activities. These actions include mobilization or pre-deployment of resources, as well as strategic planning by preparedness organizations, multiagency coordination entities, agency executives, jurisdictional authorities, and EOC personnel. During an incident, incident management personnel use

communications and information processes and systems to inform the formulation, coordination, and execution of operational decisions and requests for assistance.

5005 EMERGENCY NOTIFICATION SERVICE

The Emergency Notification Service (<http://ens.ncs.gov>) is a 24 hour, 7 days a week service to notify critical government personnel during emergencies using multiple communication channels, including telephone, short message service, pager, and e-mail. Within minutes of receiving an activation order from an authorized representative of an organization, an automated process makes multiple attempts to reach intended recipients until they confirm delivery or until a predetermined number of attempts have been made. After 30 minutes, a report detailing confirmation of delivery is returned to the originator of the notification. Messages can be recorded in advance or when the notification is initiated and can be sent as a general notification or a sensitive notification. General notification requires no authentication of identity from notification recipients before delivery of message content. Sensitive notification requires positive authentication of identity from notification recipients before delivery of message content

5006 TELECONFERENCE SERVICES

The National Response Center is capable of establishing a teleconference of up to 60 participants. The system is intended for use in support of emergency response operations, but can be made available on a limited basis for routine matters. FOSCs and ORRT chairs may request establishment of a teleconference by contacting the National Response Center Duty Officer. They may request emergency conferences at any time, but should provide 1-day advance notice whenever possible. The National Response Center can be contacted at 1 (800) 424-8802.

GSA can prearrange a teleconference system (instant meeting) capable of handling 20 participants. The cost is normal line charges. It must be used at least once a quarter or it is discontinued. In addition, FEMA has a dedicated teleconference system capable of handling 10 participants.

5007 TRANSPORTATION (AIR, LAND, AND WATER)

Generally, government and personal vehicles or commercial airlines are used as transportation during response incidents. If necessary, charter services may be contracted, particularly under an emergency.

5008 SPECIAL TEAMS AND OTHER ASSISTANCE AVAILABLE TO ON-SCENE COORDINATORS

Different federal agencies can provide special forces that a FOSC may call upon for assistance during an oil spill or hazardous substance release. These special forces are described below. They may be requested through the agency's ORRT member.

5008.01 National Strike Force

The NSFCC and Pacific Strike Team (PST) can be contacted at:

NSFCC (919) 331-6000

Pacific Strike Team (415) 883-3311

The National Strike Force consists of the three USCG strike teams, the Public Information Assist Team, and the NSFCC. The National Strike Team is available to assist FOSCs in both preparedness and response. The strike team provides trained personnel and specialized equipment to assist the FOSC in training, spill stabilization and containment, and monitoring or directing response actions. The NSFCC can provide coordination support to the FOSC and assist in locating spill response resources.

The Pacific Strike Team (PST) is a pollution control team equipped and trained to assist in the response to oil or chemical incidents. The PST has personnel on standby to respond to incidents occurring worldwide and can provide:

- technical expertise,
- supervisory assistance,
- cost documentation,
- deployment of salvage and pollution control equipment, and
- training in pollution response techniques.

5008.02 U.S. Environmental Protection Agency Scientific Support Center

The U.S. EPA support centers can be contacted at:

U.S. EPA Scientific Support Center

(732) 321-6740

U.S. EPA ERT

(732) 321-6660 (24-hrs)

The U.S. EPA ERT provides access to special response equipment, including decontamination, sampling, and air monitoring equipment. The ERT can provide advice to the FOOSC in hazard evaluation, safety, cleanup techniques and priorities, dispersant application, and training.

The ERT has expertise in treatment technology, biology, chemistry, hydrology, geology, and engineering and can provide access to decontamination equipment for chemical releases. It can also advise the FOOSC in the following areas:

- hazard evaluation and risk assessment,
- multimedia sampling and analysis,
- water supply decontamination and protection, and
- degree of cleanup required.

5008.03 Radiological Emergency Response Team

The Radiological Emergency Response Team (RERT) can be contacted at: 1 (800) 424-8802.

RERTs have been established by U.S. EPA ORIA to provide response and support for incidents or sites containing radiological hazards. Expertise is available in radiation monitoring, radionuclide analysis, radiation health physics, and risk assessment. RERTs can provide on-site support, including mobile monitoring laboratories for radiochemical sampling and analysis. Requests for support may be made 24 hours a day via the National Response Center or directly to the regional U.S. EPA Radiation Program Manager in the Air and Radiation Division. Assistance is also available from the Nuclear Regulatory Commission, DOE, and other federal agencies.

5008.04 EPA National Decontamination Team

Formed in 2004, The National Decontamination Team (NDT) is a federal scientific and technical resource for decontamination science that supports actions to protect human health, the environment, and national security. NDT provides coordination, communication, and delivery of decontamination expertise to local, national, and international agencies supporting hazardous material response and remedial operations. The team consists of highly specialized and experienced emergency responders,

engineers and scientists dedicated to providing immediate technical decontamination expertise at the scene of a chemical, biological, or radiological attack. NDT is a resource for expertise and support to On-Scene Coordinators (OSCs) on decontamination of buildings or other structures in the event of an incident involving releases of radiological, biological or chemical contaminants.

5008.05 Agency for Toxic Substances and Disease Registry and Centers for Disease Control

ATSDR, the lead federal agency for hazardous materials incidents, can provide the following experts for consultation and advice:

- an emergency response coordinator (within 10 minutes);
- a preliminary assessment team consisting of a toxicologist, chemist, environmental health scientist, physician, and other health personnel, as required (within 20 minutes); and
- an on-site response team (within 8 hours if the incident warrants).

5008.06 Navy Supervisor of Salvage

The Navy Supervisor of Salvage and Diving, Office of the Director of Ocean Engineering (SUPSALV) can be contacted at:

SUPSALV (202) 781-1731

Emergency Activation (24 hour) (202) 781-3889

The SUPSALV maintains special equipment and trained teams for response to salvage-related oil and hazardous substance incidents. SUPSALV maintains an extensive inventory of oil pollution abatement equipment located primarily at Williamsburg, Virginia, and Point Hueneme, California, which is containerized for immediate deployment by air or truck.

5008.07 National Oceanic and Atmospheric Administration Scientific Support Coordinator

The NOAA SCC can be contacted at: 1 (206) 526-6317

The NOAA SCC provides scientific support in environmental chemistry, oil spill trajectories, natural resources at risk, environmental tradeoffs of countermeasures and cleanup, and information management. FOSC requests for SCC support can be made directly to the SCC assigned to the area, to the NOAA HAZMAT program office in Seattle, Washington, or to the DOC ORRT representative.

The SSC serves on the FOSC's staff and, at the request of the FOSC, leads the scientific team and is responsible for providing scientific support for operational decisions and for coordinating on-scene scientific activity. The SSC may also facilitate the FOSC's work with the lead administrative trustee for natural resources to ensure coordination between damage assessment data collection efforts and data collected in support of response operations. The SSC can also support the RRTs and area committees in preparing RCPs and ACPs and in conducting spill training.

The NOAA SSC serving the USCG Fourteenth District is Ruth Yender located at 7600 Sand Point Way NE, Seattle, Washington 98115 (Phone: 1 [206] 526-6829). The Assistant SSC is LCDR Demian Bailey.

The NOAA SSC can provide the following information:

- weather forecasts, water levels, and currents;
- spill trajectory forecasts;
- oil observations and over flight maps;
- information management;
- natural resources at risk;
- consensus from the natural resource trustee agencies;
- environmental tradeoffs of countermeasures and cleanup;
- environmental chemistry, including oil fingerprinting;
- provide health and safety recommendations; and
- support to RRTs and area committees in preparing RCPs and ACPs and in conducting spill training and exercises.

5008.08 U.S. Coast Guard District Response Group

The USCG District Response Group can be contacted at: 1 (808) 535-3333.

The USCG District Response Group provides the FOSC with technical assistance, personnel, and equipment. The group comprises USCG personnel and equipment in the district and a District Response Advisory Team to coordinate movement of USCG resources.

5008.09 U.S. Department of Transportation Office of Pipeline Safety

The DOT Office of Pipeline Safety (OPS) can be contacted at:

Patricio Romero, DOT RSPA, HazMat Safety (909) 937-7224

Hossein Monfared, DOT RSPA, OPS (909) 225-1386

John Hess, DOT Office of Pipeline Safety (202) 366-4595

The Regional Emergency Transportation Representative for DOT Region 9 plans, coordinates, and implements region-wide transportation emergency preparedness plans and programs and serves as the primary contact point for emergency notification, response, and recovery operations within the region. When activated under the NRF, the Regional Emergency Transportation Representative assists federal agencies, state, and local government entities, and voluntary organizations requiring transportation capacity to perform response missions following a major disaster or emergency.

5008.10 General Services Administration

U.S. EPA Region 9 has entered into an agreement with GSA Region 9 to provide initial funding of \$50,000 to deploy these teams and fund their operations until additional funding becomes available.

Real Estate (Leasing) Team – Expedited, emergency leasing can be performed by one or a team of real estate specialists as necessary. Using “Unusual and Compelling Urgency” space, including office, warehouse, and logistics facilities can be leased in as little as 1 day. The property becomes “Federal Property” with attendant rights and responsibilities.

Contracting Team – Expedited, emergency contracting using “Unusual and Compelling Urgency” can be performed by one or a team of experienced contracting officers, including those with unlimited warrants as necessary.

Telecommunications Team – The telecommunications representative will coordinate the communications assets and the fulfillment of communications and network requirements of all responding agencies in accordance with priorities established by the FOSC. In severe emergency circumstances, coordination with National Communications System and the lead federal agency can be done to declare a telecommunications emergency.

5010 FEDERAL AGENCIES

Emergency Support Function (ESF No. 10) provides for a coordinated federal response to actual or potential oil and hazardous materials incidents under the NRF. Response to oil and hazardous materials incidents is generally carried out in accordance with the NCP, Title 40 CFR Part 300. The NCP is an operational supplement to the NRF. Under the NCP, the USCG has been given responsibility to oversee response to oil and hazardous material spills in the coastal areas and seaward. The U.S. EPA has been given responsibility to oversee inland oil spills and hazardous material releases. Other federal agencies may have a support role in the incident response, but will not assume the FOSC role under the UC. The U.S. EPA or DHS and USCG may also request DHS to activate other NRF elements for such incidents, if needed, while still retaining overall leadership for the federal response. If the oil spill or hazardous material release is part of a bigger incident such as terrorism or a major hurricane, the DHS may activate several ESFs and a JFO may be established to oversee the entire incident. Likely, other federal agencies will be asked to take support roles within the IC structure based on its area of expertise or concern. For instance, NOAA regularly takes on the role of SSC within the planning section, and FWS regularly assumes roles concerning environmental resources at risk. In some occasions, the spill or release may take place on a federally owned facility, in which case the tenant agency may assume the role of responsible party or incident commander.

5011 STATE ORGANIZATIONS

For services discussed in this section, contact the appropriate state representative to the ORRT.

5011.01 Hawaii

Hawaii Ocean Safety Team (HOST) is a nonprofit organization whose purpose is to promote stewardship of Hawaii's waters and enhance ocean safety. Everyone has responsibility for the care of Hawaii's oceans, and as their name implies, HOST believes this commitment can only be fulfilled by working as a team. Membership and participation with HOST is open to the public. HOST encourages participation by a wide variety of public sectors to ensure the best information is available. All members are able to bring safety issues before the HOST committee.

HOST's Vision: To promote and enhance the safe and pollution free use of Hawaii's waters through proactive prevention.

HOST's Mission: To provide an open forum for government and industry to identify problems and propose solutions to today's maritime issues.

HOST focuses on the human element to identify root causes of marine casualties. HOST develops and agrees upon SOPs when necessary to provide for effective and efficient operations and evolutions. HOST engages the public to ensure buy-in from Hawaii's citizens.

Hawaii plays a critical role in the Asia-Pacific region, serving as a strategic hub for vessels crossing the Pacific Ocean. In addition to being a major center of commerce, Hawaii is also renowned throughout the world for its beautiful beaches, water sports, and activities. Balancing the needs of all the users of Hawaii's oceans is necessary to protect Hawaii's precious marine environment and ensure the safety of all users.

HOST comprises representatives from maritime industries, government, and the community who are committed to identifying maritime concerns and developing solutions before they become major issues.

HOST believes that when it approaches concerns as a team with input from various perspectives, all of Hawaii benefits. It is the only way HOST can get to the root causes of issues and develop creative and innovative solutions.

Since it was formed in 1998, HOST has tackled a number of issues to make Hawaii's waters safer and cleaner. For example, HOST has addressed pollution and garbage dumping on Hawaii's beaches, conflicts between boaters, surfers and jet-skiers, and other challenging issues.

HOST provides a forum to bring the interests of various groups together for open, honest communication to establish solutions that work for all parties involved.

5012 TERRITORY AND POSSESSIONS

The ORRT is unique in that its area of responsibility includes several remotely located territories and possessions. OPA § 1001, which promulgates the NCP (Title 40 CFR Part 300), defines the "United States" and "States" as "the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or possession of the United States." Therefore, U.S. possessions in the Pacific, which include Wake Island, Midway Island, Johnston Atoll, Kingman Reef, Palmyra Island, Jarvis Island, Howland Island, and Baker Island all fall under the jurisdiction of the FOSC for purposes of pollution response and removal action in the navigable waters of those islands.

The SPREP is a branch of the Secretariat of the Pacific Community, a nongovernmental agency that assumes an oversight and advisory role over member Pacific Islands. SPREP provides coordination and

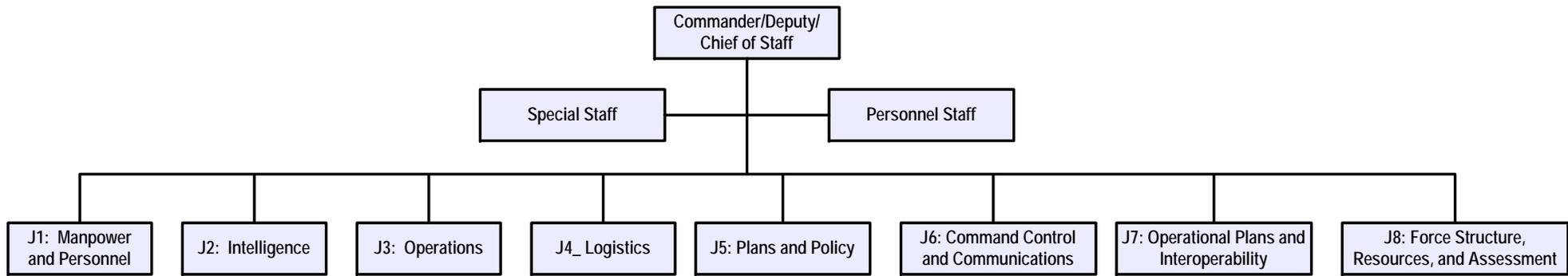
promotes cooperation between member Pacific Islands in preventing and responding to oil spills and other hazardous material releases. To do this, SPREP drafted a “PACPLAN,” which serves the same purpose as this OCRP. There are 26 parties to the plan, including American Samoa, CNMI, and Guam. However, it is noted that the islands that are covered under this OCRP and subject to OPA 90 and the NCP are not bound by the PACPLAN but may request external assistance from non-U.S. parties under § 6 of the PACPLAN. Likewise, non-U.S. parties may request assistance from the U.S. and U.S. Pacific Islands, which are parties to the plan.

5013 BASIC ORDERING AGREEMENT CONTRACTORS

Basic ordering agreement (BOA) contractors have pre-negotiated rates for labor, equipment, and materials. BOA contractors may be activated by contacting a U.S. EPA FOSC. For non-BOA contractors, securing the services of a non-BOA contractor will require negotiation of rates by a CO. These contractors may require some assistance in understanding documentation and invoicing procedures. The USCG Maintenance and Logistics Command publication will help the contractor understand this process.

5014 MILITARY ORGANIZATIONS

Response personnel may find themselves working in a Joint-Staff (J-Staff) organization in support of DoD operations, or DoD personnel may find themselves working in support of a federal or state agency within an ICS organization. The J-Staff diagram presented on the following page is provided to enable those trained in an ICS position to identify where their ICS skills best fit in a J-Staff organization. Conversely, if J-Staff-qualified individuals find themselves working in an ICS organization in support of a response they can use this diagram to find where their J-Staff training and experience will best fit in the ICS organization. For example, if an individual is trained as a Resources Unit Leader in ICS and they report to a J-Staff organization, their skills in ICS would best fit under J-1 (Manpower and Personnel). It is important to remember that the J-Staff was not intended to be an emergency response organization.

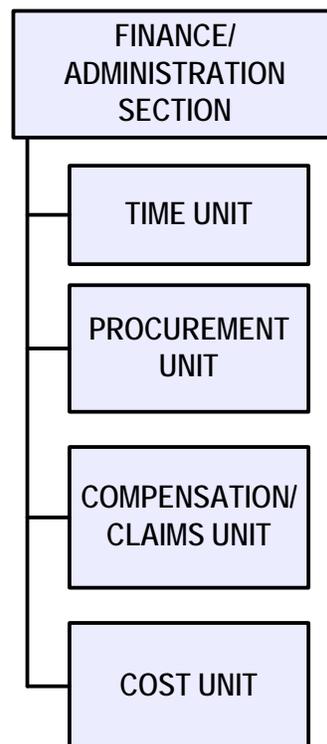


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6000 FINANCE AND ADMINISTRATION**6001 FINANCE AND ADMINISTRATIVE SECTION ORGANIZATION**

Figure 6000-A is an organizational chart of the Finance and Administrative Section and its subordinate units. It serves as an example and is not meant to be all-inclusive. The functions of the Finance and Administrative Section must be accomplished during an incident; however, they can be performed by one individual or can be expanded, as needed, into additional organizational units with appropriate delegation of authority. Information on the Finance and Administration Section and staff positions within the command can be found in the Incident Management Handbook, August 2006.

Figure 6000-A. Finance and Administrative Section Organizational Chart

**6002 ROLES AND RESPONSIBILITIES**

Finance is usually staffed in large-scale or complex incidents. All functions not assigned by the Section Chief remain the responsibility of the Section Chief.

6002.01 Finance Section Chief

The Finance Section Chief must provide for the documentation of all incident costs and provide guidance to the IC and UC on financial issues that have an effect on incident operations. These responsibilities include:

- future payments;
- involved party limits of liability;
- future budgeting;
- payment of personnel costs;
- cost recovery;
- timely administration of contracts;
- meet with assisting and cooperating company/agency representatives, as required;
- maintain daily contact with company and agency(s) administrative headquarters on finance matters;
- ensure that all personnel time records are transmitted to company and agency according to policy; and
- ensure that all obligation documents initiated at the incident are properly prepared and completed.

The Finance Section Chief is responsible for all finance functions needed for an incident. This individual should establish functional units when needed to maintain an acceptable workload and span of control. Subordinate finance functions may be combined when workload permits.

The Finance Section Chief should be assigned before implementation of subordinate units to prevent an excessive span of control or information overload for the ICS.

6002.02 Time Unit Leader

The Time Unit Leader is responsible for equipment and personnel time recording and for managing the commissary operations. Within the Time Unit, it can be further divided to the Equipment Time

Recorder, responsible for overseeing the recording of time for all equipment assigned to an incident. Also under the Time Unit, a Personnel Time Recorder is responsible for overseeing the recording of time for all personnel assigned to the incident.

6002.03 Equipment Time Recorder

Under supervision of the Time Unit Leader, the Equipment Time Recorder is responsible for overseeing the recording of time for all equipment assigned to an incident.

6002.04 Personnel Time Recorder

The Personnel Time Recorder reports to the Time Unit Leader and records personnel information.

6002.05 Procurement Unit Leader

The Procurement Unit Leader is responsible for administering all financial matters pertaining to vendor contracts.

6002.06 Compensation and Claims Unit Leader

The Compensation and Claims Unit Leader is responsible for the overall management and direction of all compensation for injury specialists and claims specialists assigned to the incident. Within this unit, it is common to have a lawyer assist with third-party claims.

6002.07 Cost Unit Leader

The Cost Unit Leader is responsible for collecting all cost data, performing cost effectiveness analyses, and providing cost estimates and cost-saving recommendations for the incident.

6003 GENERAL

The person or persons responsible for discharges or releases are liable for costs of cleanup. The FOSC will attempt to have the party responsible for the discharge or release voluntarily assume responsibility for containment, removal, and disposal operations. If the FOSC determines that the responsible party has caused the discharge of oil or release of hazardous substances, he or she may initiate appropriate response actions established by OPA, CWA, or CERCLA. Action will be initiated by the agency administering the funding mechanism to recover such expenditures from the party responsible for the

discharge, if known. The FOSC may also issue an Administrative Order, either by consent or unilaterally, to require financially viable responsible parties to conduct the removal action.

Until new guidance is published, all incidents requiring funding must be screened by category: CWA § 311(k) for oil releases only and CERCLA for any release or threat of release of a hazardous material as defined by CERCLA. A U.S. EPA and USCG headquarters agreement states that response to any potentially hazardous material that is an oil and hazardous materials mixture will be CERCLA-funded.

6004 OIL POLLUTION ACT-FUNDED RESPONSES

6004.01 National Pollution Fund Center

The NPFC is the fiduciary agent for the OSTLF and the response component to CERCLA and Superfund manager for the funds provided by U.S. EPA for hazardous materials incident response.

OPA established the OSTLF to pay for oil spill cleanups and damages in cases where the responsible party cannot or will not pay for the cleanup. The NPFC currently administers the disbursement of the OSTLF money. The NPFC has several responsibilities, including:

- providing funding to permit timely removal actions,
- initiating NRDA's for oil spills,
- compensating claimants for damages caused by oil pollution,
- recovering costs owed by the responsible parties for oil pollution damages, and
- certifying the financial responsibility of vessel owners and operators.

OPA effectively permits other federal agencies, the states, and Native American Tribes access to the OSTLF for a variety of purposes. The OSTLF can be used following an incident for removal actions and actions necessary to minimize damage to the public health or welfare and natural resources. Access to the OSTLF is partially governed by OPA § 6002, Title 33 U.S.C. § 2753. Federal, state, territory and commonwealth, and local agencies may get funding for removal costs through the FOSC or by submitting a claim to the NPFC. The NPFC can be contacted at:

NPFC (703) 235-4700
4200 Wilson Blvd., Ste. 1000
Arlington, Virginia 22203-1804

6004.02 Inland Zone**6004.02.1 U.S. EPA Access to OSLTF**

Following spill notification, the FOSC should:

- contact the U.S. EPA Budget Office in Cincinnati and obtain an account number;
- if necessary, initiate proper contracting mechanisms (such as BOA, and START) to assist in the cleanup effort; and
- if necessary, use federal support structure as defined in the NCP. A FOSC may obtain assistance from USCG and strike teams, NOAA, ERT, etc.

During the actual response, the FOSC should:

- document progress including costs with copies to NPFC; and
- track costs using U.S. EPA Removal Cost Management System or USCG paperwork.

In the case of a cleanup that lasts 30 days or less, the FOSC must submit a cost documentation package within **30** days of cleanup completion. For cleanups that extend beyond 30 days, the FOSC must submit a cost documentation package every **45** days. The documents to be included in cost documentation package are listed below.

- Summary letter
- Personnel costs
- Personnel travel costs
- Other U.S. EPA costs, including U.S. EPA vehicles and other equipment
- U.S. EPA contractor costs
- USCG BOAs
- Other government agency costs (federal, state, territory and commonwealth, and local)

When the cleanup has been completed, the FOSC should write a completion report, which should be sent to the NPFC and to the EPA Region 9 Superfund Division Director. The report should be similar to the FOSC report developed at the end of a CERCLA response. The final Report for the response can serve as the completion report, unless the ORRT requests a formal report. The report should include:

- a summary of the response events, including spill location, cause, responsible party actions, and beginning and ending dates;
- an appraisal of the effectiveness of the removal actions taken by the responsible parties, federal agencies, contractors, private groups, and volunteers; and
- recommendations for prevention of future incidents.

6004.02.2 *State Access to OSLTF*

In accordance with regulations promulgated under OPA § 1012(d)(1), the President, upon the request of a Governor of a State or the individual designated by the Governor, may obligate the OSLTF through the NPFC for payment in an amount not to exceed \$250,000 for removal costs consistent with the NCP required for the immediate removal of a discharge or the mitigation or prevention of a substantial threat of a discharge of oil. Requests for access to the OSLTF must be made by telephone or other rapid means to the FOSC.

In making a request to access the OSLTF, the person making the request must do the following:

- indicate that the request is a state access request under Title 33 CFR Part 133;
- give their name, title, department, and state;
- describe the incident in sufficient detail to allow a determination of jurisdiction, including at a minimum the date of the occurrence, type of product discharged, estimated quantity of the discharge, body of water involved, and proposed removal actions for which funds are being requested under this part; and
- indicate the amount of funds being requested.

For further information, refer to the USCG Technical Operating Procedures for State Access under OPA § 1012 (d)(1) (NPFC Instruction 16451.1, November 1992) and the flow chart, State Access to OSLTF under OPA § 1012(d)(1), Title 33 U.S.C. § 2712. These documents are available through the NPFC.

6004.02.3 *Trustee Access to OSLTF*

Pursuant to Executive Order 12777, dated October 22, 1991, the authority to obligate funds from the OSLTF to initiate NRDA is delegated to the Secretary of the DOT. This authority has been delegated to the NPFC. Federal trustees must obtain FOSC approval prior to expenditure of federal funds for removal costs incurred while responding to an oil or hazardous substance discharge under the direction of the FOSC. If a trustee believes that a federal response action is necessary to protect natural resources, whether or not the response action has been federalized, the trustee must notify the FOSC to ensure that any response action taken is authorized and in accordance with the requirements of the NCP (Title 40 CFR Part 300). If a natural resources trustee wishes to access the OSLTF to assess the damage to natural resources, the trustee must work directly with the NPFC.

6004.02.4 *Reimbursable Expenses*

OPA authorizes payment of removal costs, including the costs of monitoring removal actions, consistent with the NCP. This authorization allows payment of incident-specific costs authorized by a FOSC, including costs of monitoring a responsible party's cleanup, as well as actual federal cleanup activities. The fund may pay:

- costs of containment and removal of oil from water and shorelines;
- costs to prevent and minimize oil pollution where there is a substantial threat of discharge of oil; and
- costs of taking other related actions necessary to minimize damage to the public health or welfare, including, but not limited to, damage to fish, shellfish, wildlife, public and private property, shorelines, and beaches.

Examples of incident-specific federal removal costs payable from the fund include out-of-pocket expenses (e.g., per diem, travel, and vehicle mileage costs; replication, transmission, and delivery of reports; rental cars; and field consumable costs), contracted costs, costs of U.S. EPA technical assistance teams, specific salary costs for temporary government employees hired or activated for the duration of the spill response, and specific salary costs for federal employees not ordinarily available for oil spill response.

6004.02.5 *Procedures for Reimbursement*

To seek reimbursement from the Federal Pollution Fund, federal agencies must submit their reimbursable expenses on Form SF 1080, "Voucher for Transfer between Appropriations and/or Funds,"

to the FOSC for certification. The FOSC will submit certified requests for reimbursements to NPFC within 60 days after completion of the cleanup action (Title 33 CFR § 153.417). The USCG will transfer the funds to the agency requesting reimbursement and prepare a billing for the discharger from information on recoverable expenditures on the USCG form, “Personnel Vehicle and Miscellaneous Cost Accounting Sheet” (available from USCG). State agencies that do not have a formal agreement must submit a letter to the FOSC requesting reimbursement. This letter must include a detailed itemized statement of reimbursable expenditures. Please refer to the USCG Marine Safety Manual for additional information.

6004.02.6 *Cost Recovery Action*

All agencies participating in a federal response must submit an itemized account of all recoverable costs to the FOSC within 60 days of the completion of a cleanup operation.

6004.02.7 *Recoverable Costs*

The discharger incurs liability, up to the discharger’s legal limit of liability, for all actual costs associated with the federal removal following the federal assumption of response activities. Recoverable costs include:

- direct expenditures from the fund (i.e., payment of contractors or vendors);
- all reimbursable agency expenses;
- all personnel costs, including salaries of response personnel;
- equipment costs, including depreciation and maintenance;
- administrative overhead; and
- pollution removal damage claims.

6004.02.8 *Liability Limits*

OPA sets limits of liability that apply to all removal costs and damages sought under the act. The limits may be adjusted for inflation every 3 years, based upon the consumer price index. The following limits are set by OPA:

- Tank vessels: \$1,200 per gross ton; \$10 million if 3,000 gross tons or greater; \$2 million if less than 3,000 gross tons.

- Any other vessel: \$600 per gross ton or \$500,000.
- Offshore facility except Deep Water Ports: \$75,000,000.
- Onshore facility and Deep Water Port: \$350,000,000.

There are certain exceptions to these limits of liability. The following limits do not apply:

- if the incident was caused by gross negligence or willful misconduct;
- if the incident was a result of a violation of applicable federal safety, construction, or operating regulations; or
- if the responsible party fails to report the incident, provide all reasonable cooperation and assistance required by a response official, or comply with an order issued by the FOSC.

In addition, OPA does not preempt state laws regarding liability, so in areas where state law places a higher limit, compensation for damages up to the liability limit established by the state law may be pursued.

6004.03 Coastal Zone

6004.03.1 Oil Spill Liability Trust Fund

In August 1990, when President George H. W. Bush signed the [Oil Pollution Act \(OPA\)](#) into law and authorized use of the Oil Spill Liability Trust Fund (OSLTF), the Fund was already four years old. Congress created the Fund in 1986, but did not pass legislation to authorize the use of the money or the collection of revenue necessary for its maintenance. It was only after the *Exxon Valdez* grounding and the passage of OPA that authorization was granted

The Emergency Fund is available for Federal On-Scene Coordinators (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 OSTLF is the fund established under § 9509 of the Internal Revenue Code of 1986 (Title 26 U.S.C. § 9509). The following procedures apply to FOSCs (either USCG or U.S. EPA) that are performing oil removal operations under the NCP and require funding support from the OSTLF.

The FOSC accesses CANAPS via the Internet and requests issuance of an FPN and a corresponding ceiling amount. CANAPS will confirm via email and issue all necessary notifications by priority message. The message format is generated by CANAPS and sent via CGMS.

Authorized users of CANAPS can act as surrogates to request a ceiling ON BEHALF OF other authorized users when their access to CANAPS is disrupted. District OPCENs have this authority/capability for units within their AOR, including EPA Federal On-Scene Coordinators (FOSCs)/Regions. EPA Regions are also able to act as surrogates for their FOSCs when available. The NPFC has the ability to act as a surrogate for any authorized CG or EPA field user of CANAPS. NPFC can also issue numbers manually in the event CANAPS is completely unavailable.

If no funding has been expended against an FPN for the removal, the FOSC can request cancellation of the FPN via CANAPS. The OSC ensures that obligations from the OSLTF remain within the authorized ceiling, and if necessary, promptly obtains additional ceiling via CANAPS.

Requesters should be prepared to have, at minimum, the following information available:

- name of all known vessels and facilities involved;
- source of the discharge or potential discharge, if known;
- responsible Party, if known;
- location and date of discharge;
- identification of the body of water impacted or threatened;
- distribution of funds between contractor costs and all other costs; and
- cleanup contractors selected, if any.

NPFC (703) 235-4700
4200 Wilson Blvd., Ste. 1000
Arlington, Virginia 22203-1804

6004.03.2 Procedures for Reimbursement

The FOSC in charge at the scene of a release may be from any one of several agencies. It is necessary, therefore, to establish uniform procedures for notification of counsel and for collection of samples and information consistent with the several phases in federal response situations. Necessary information

and sample collection must be performed at the proper times during federal involvement in a spill for later use in identifying the party responsible for cost recovery. Time is of great importance, because wind, tide, and current may disperse or remove the evidence and witnesses may no longer be available. Thus, during the response phases, the FOSC must take the necessary action to ensure that information, records, and samples adequate for legal and research purposes are obtained and safeguarded for future use. Detailed guidance on preferred procedures can be found in “Enforcement Considerations for Evaluations of Uncontrolled Hazardous Waste Disposal Sites by Contractors,” U.S. EPA, National Enforcement Investigation Center, April 1980.

NCP § 300.335 outlines the types of funds that may be available to address certain oil and hazardous substances discharges. For releases of oil or a hazardous substance, pollutant, or contaminant, the provisions discussed below apply.

During all phases of response, the lead agency will complete and maintain documentation to support all actions taken under the ACP and to form the basis for cost recovery. In general, documentation will be sufficient to provide the source and circumstances of the release; the identity of responsible parties; the response action taken; accurate accounting of federal, state, or private party costs incurred for response actions; and effects and potential effects to the public health and welfare and the environment. Where applicable, documentation will state when the NRC received notification of a release of a reportable quantity.

The information and reports obtained by the lead agency for OSLTF-financed response actions will, as appropriate, be transmitted to the NPFC. Copies can then be forwarded to the NRT, members of the RRT, and others as appropriate.

6004.04 State Access to the Oil Spill Liability Trust Fund - Direct and Indirect (Title 33 CFR Part 133)

Information about state access to the OSLTF is found in Title 33 CFR Part 133 and Title 33 CFR Part 136, with additional guidance in the NPFC’s User Reference Guide. Information from the user guide can be obtained by accessing the NPFC website: <http://www.uscg.mil/npfc/>. For additional information on these procedures or related subjects, state representatives, FOSCs, and other interested parties are urged to contact the NPFC at (202) 493-6700.

6004.05 Local Access to the State Oil Spill Liability Trust Fund

If the OSLTF is opened to provide funds for a spill incident, local agencies should seek reimbursement through the FOSC. If federal funds are not available or will not be available in an adequate period of time, and a responsible party does not exist or is unable or unwilling to provide adequate and timely

cleanup and to pay for the damages resulting from a marine oil spill, then the appropriate state or territory must be consulted to pursue other funding sources.

6004.06 Lead Administrative Trustee Access to the Oil Spill Liability Trust Fund

Executive Order 12777 (October 22, 1991) requires the federal natural resources trustees to select a representative as the federal LAT. In general, the LAT serves as the federal contact for all aspects related to damage assessment, resource restoration, and federal funding for NRDA activities. Depending on the resources affected and other relevant factors, it might be appropriate for most administrative duties to be undertaken by a lead trustee from a non-federal agency. In such cases, a LAT would still be selected to work with the representatives of the OSTLF to secure federal funds to initiate the damage assessment. The non-federal lead trustee would coordinate all other administrative duties regarding damage assessment activities. This lead trustee or trustee agency will be selected by consensus of all participating trustees. The trustees will notify the USCG of the LAT and, when applicable, non-federal lead trustee as soon as possible after an oil spill.

The trustees intend to execute a general MOA to coordinate their damage assessment and restoration activities. Among other things, the MOA will identify trustees, establish criteria for selecting the LAT, and provide procedures for decision-making and monetary recoveries.

The LAT will contact the FOSC or his or her representative to secure money to initiate the assessment of natural resource damages following an oil spill. The LAT will provide an outline of studies jointly agreed upon by the participating trustees for which funding is sought and how such funds will be allocated among the trustees. Each participating trustee will provide documentation of all expenditures, costs, and activities. The LAT is responsible for coordinating all such documentation to the representatives of the OPA fund.

6004.07 Claims Against the Oil Spill Liability Trust Fund (Title 33 CFR Part 136, Subpart C)

Information about claims against the OSLTF can be found in Title 33 CFR Part 133 and Title 33 CFR Part 136, with additional guidance in the NPFC's User Reference Guide. A full copy of the user guide can be obtained by contacting the USCG Fourteenth District at 1 (808) 535-3333. For additional information on these procedures or related subjects, state representatives, FOSCs, and other interested parties are urged to contact the NPFC at 1 (202) 493-6700.

6004.08 Cost Recovery and Documentation Procedures (Title 33 CFR Part 136, Subpart B)

Information about cost recovery and documentation and cost recovery and documentation forms are provided in Title 33 CFR Part 133 and Title 33 CFR Part 136, with additional guidance in the NPFC's User Reference Guide. A full copy of the user guide can be obtained by contacting the USCG Fourteenth District at 1 (808) 535-3333. For additional information on these procedures or related subjects, state representatives, FOSCs, and other interested parties are urged to contact the NPFC at 1 (202) 493-6700.

6005 COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT-FUNDED RESPONSES**6005.01 Inland Zone**

Two mechanisms exist for funding a response and response-related activities of another Federal agency other than U.S. EPA: an agency's Superfund budget and an IAG authorizing access to the CERCLA Superfund account. Response operations for hazardous substances or mixture of hazardous materials and oil may be funded from the CERCLA Superfund account. Removal actions will not continue after \$2 million has been obligated or 12 months have elapsed from the date of the initial response, unless U.S. EPA grants an exemption in accordance with CERCLA § 104(c)(1), as amended. Additionally, CERCLA-funded action may not be taken in response to a release or threat of a release:

- Of a naturally occurring substance in its unaltered form or altered solely through naturally occurring processes or phenomena, from a location where it is naturally found.
- From products that are part of the structure of, and result in exposure within, residential buildings or business or community structures.
- Into public or private drinking water supplies as a result of system deterioration through ordinary use.

U.S. EPA may, however, respond to any release or threat of release if it is determined that it constitutes a public health or environmental emergency and no other person with the authority and capability to respond to the emergency will do so in a timely manner.

USCG FOSCs have direct access to CERCLA funds via the NPFC, and the U.S. EPA Region 9 Superfund Division Director has been delegated the authority to approve actions costing up to \$2 million. State and local governments are not authorized to take actions that involve expenditures of CERCLA funds, unless an appropriate contract or cooperative agreement has been established.

The FOSC is responsible for identifying whether technical assistance from another agency is necessary and for making arrangements for that assistance. In addition, FOSCs are responsible for initiating and processing any site-specific IAGs necessary for reimbursing federal agency participation.

U.S. EPA FOSCs may develop, negotiate terms, and award IAGs for site-specific, U.S. EPA-led actions. For these IAGs, the FOSC:

- Defines the scope of work to be performed; outlines the responsibilities of each agency; determines the performance period; identifies primary contacts in each agency; names contractors and the dollar amounts of any contracts, if applicable; and determines the overall reporting, invoicing, and amendment requirements.
- Prepares four copies of the IAG and amendment (U.S. EPA Form 1610-1) and prepares the commitment notice and the transmittal and decision memorandum.

The FOSC then monitors accomplishment of work in accordance with the IAG scope of work.

6005.02 Coastal Zone

The following procedures apply to FOSCs (either USCG or U.S. EPA) that are performing hazardous substance response operations under the NCP and require funding support from the CERCLA fund.

The FOSC contacts the NPFC case officer and requests issuance of a CERCLA Project Number and a corresponding ceiling amount. The following additional information is needed:

- Sector and OSC point of contact;
- name of incident and location (city, county, and state);
- latitude and longitude;
- date incident occurred and was discovered and date FOSC action commenced;
- description of threat;
- ceiling amount requested; and
- contractor(s) hired and amount obligated for each.

The NPFC will respond promptly to all requests, with confirmation by priority message no later than the next business day. Initial CERCLA ceiling requests are limited to \$250,000.

All messages, POLREPS, or others messages related to the incident where the CERCLA fund has been accessed will include the FOSC, NPFC, district Response division CG FINCEN, and cognizant MLC contracting branch as INFO addresses, in addition to current reporting requirements.

There are special FOSC requirements for CERCLA incidents that place additional reporting requirements. See the NPFC User Guide for more information.

6007 REIMBURSEMENT TO LOCAL GOVERNMENTS FOR EMERGENCY RESPONSE

CERCLA § 123 and OPA § 1002 (b)(2)(F) authorize U.S. EPA to reimburse local governments for some and (in rare cases) possibly all of the expenses incurred in carrying out temporary emergency measures in response to hazardous substance threats or releases. These measures or operations are necessary to prevent or minimize injury to human health or the environment.

The intent of this provision is to reduce any significant financial burden that may have been incurred by a local government (city, county, municipality, parish, township, town, federally recognized Native American Tribe, or other official political subdivisions designated by a particular state) that takes the above measures in response to hazardous substance threats. Traditional local responsibilities, such as routine firefighting, are not eligible for reimbursement. States are not eligible for this program and may not request reimbursement on their own behalf or on the behalf of a political subdivision within a given state (Title 40 CFR §§ 310.20 and 310.30).

The following criteria must be met before a request for reimbursement is to be considered:

- Local government must have had a Title III plan by October 1, 1988.
- Response occurred after the effective date of this rule (October 17, 1986).
- Local government informed U.S. EPA or the NRC as soon as possible, but not more than 24 hours after initiating response.
- Response actions were consistent with CERCLA, the NCP, and EPCRA.
- The request contains assurances that the response reimbursement does not supplant local funds normally provided for such activities.

The applicant must have first attempted to recover the costs from all known PRPs and any other possible sources of reimbursement (state funds, insurance companies, etc.). Sixty days must be allowed for the above responsible party to respond by making payment, expressing an intent to pay, or demonstrating willingness to negotiate payment.

CERCLA limits the amount of reimbursement to \$25,000 per single response. If several agencies or departments are involved in a response, they must determine among themselves which agency will submit the request for reimbursement. U.S. EPA must receive any request within 6 months of the related response action.

Some of the allowable costs may include, but are not limited to, the following:

- Disposable materials and supplies acquired and used specifically for the related response.
- Employee compensation for response work that is not provided in the applicant's operating budget.
- Rental or leasing of equipment.
- Replacement costs of equipment contaminated to the extent that it is beyond reuse or repair.
- Decontamination of equipment.
- Special technical services needed for the response, such as those provided by experts or specialists.
- Other special services, such as utilities.
- Laboratory analysis costs related to the response.
- Costs associated with supplies, services, and equipment procured for a specific evaluation.

A review panel will evaluate each request and will rank the requests on the basis of financial burden. Financial burden is based on the ratio of eligible response costs to the locality's per capita income adjusted for population. If a request is not reimbursed during the review period for which it is submitted, the U.S. EPA reimbursement official has the discretion to hold the request open for a 1-year reconsideration.

An application package can be obtained by contacting the RCRA and Superfund Hotline at U.S. EPA headquarters at 1 (800) 424-9346. The application package contains detailed, line-by-line instructions for completing the application.

States can access the OSLTF in three ways:

- **Direct Access.** States must request direct access through the FOSC. State access must be approved by the FOSC. The request must come only from the official designated by the Governor. A proposal must be submitted to the FOSC and include anticipated funding and scope of work to be taken at the site. Ceiling increases and changes in the scope of work must be approved by the FOSC.
- **Pollution Removal Funding Authorization (PRFA).** The state acts as a contractor to the FOSC on site and can oversee site activities. The state can oversee federal contractors under a PRFA. The FOSC will prepare cost documentation and submit to the NPFC. State and other agency rates can be developed in conjunction with the NPFC. Each agency involved in the spill must have a separate PRFA.
- **Claims.** Costs for spill cleanup can be submitted to the NPFC after the incident if direct access or a PRFA was not used. An FOSC is not involved in the claims process. The NPFC will determine whether all actions taken at the site were consistent with the NCP.

6008 NATIONAL RESPONSE FRAMEWORK AND EMERGENCY SUPPORT FUNCTION #10

The NRF replaced the National Response Plan in March 22, 2008, and was developed under the Disaster Relief Act of 1974, as amended by The Robert T. Stafford Act Disaster Relief Act and Emergency Assistance Act of 1988 and the Disaster Mitigation Act of 2000. The NRF established a foundation for coordinating federal assistance to supplement state and local response efforts to save lives, protect public health and safety, and protect property in the event of a natural disaster, catastrophic earthquake, or other incident declared a major disaster by the President.

The delivery of federal assistance is facilitated in the NRF through 15 annexes, or ESFs, which describe a single functional area of response activity: Transportation, Communications, Public Works and Engineering, Fire Fighting, Emergency Management, Logistics and Public Health, Information and Planning, Mass Care, Resource Support, Health and Medical Services, Urban Search and Rescue, Hazardous Materials, Agriculture and Natural Resources, Food, and Energy, Long-Term Community Recovery, and External Affairs. The Hazardous Materials Annex, ESF #10, addresses releases of oil and hazardous substances that occur as a result of a natural disaster or catastrophic event and incorporates

preparedness and response actions carried out under the NCP. U.S. EPA serves as the Chair of ESF #10 and is responsible for oversight of all preparedness and response actions associated with ESF #10 activities, when assigned by FEMA. All NRT and RRT departments and agencies serve as support agencies to ESF #10 activities.

6009 DOCUMENTATION FOR ENFORCEMENT AND COST RECOVERY

Documentation is critical to every response today. Good and comprehensive documentation will be the key to a successful response that is both efficient and effective. Do not underestimate the need for a competent and reliable Documentation Unit Leader (DOCL). A large component of good documentation is a simple yet effective way to capture all the documentation that is developed during the course of the incident. Documentation can be arranged chronologically by date or by section or even by unit, group, or objective. It is at the discretion of the DOCL to decide what works best if no specifics are provided by the command. Again, the key is making it a simple process for everyone to abide by. Also, the DOCL should provide appropriate logs and record-keeping paperwork, so that all responders are essentially using the same type of paperwork, which makes the DOCL's job easier.

Today, there is also the challenge of electronic media and maintaining the integrity of those mediums. A portable, dedicated hard drive is often a great way to manage the electronic documentation. This hard drive could include, pictures, sample data sheets, IAPs, etc. Flash drives will make this effort much easier, because they can easily be transported throughout the command post.

Documentation efforts must start from the first minute of the response. Do not try to catch up the documentation after the second or third day, because it will be very difficult to go back and capture critical missing data. Make documentation a priority from the beginning of every response and practice the process that you will be using.