

NRT-RRT

August, 1998

Factsheet

Prepared by the
National Response Team
Preparedness Committee



With 16 federal agency members, the National Response Team (NRT) is the primary national contingency planning, policy, and coordination organization for oil and hazardous substances emergency response. The member agencies of the NRT have expertise and interests in various aspects of emergency preparedness and response. But rather than directly participating in a response, the NRT manages a National Response System (NRS), which facilitates our ability nationally to respond effectively and efficiently to oil discharges; releases of hazardous substances, pollutants and contaminants; and to a lesser extent, radiological substances — whether accidental or deliberate.

The NRS provides a framework for coordination among federal, state, and local responders and responsible parties to respond effectively to the kinds of discharges and releases just described, and includes four levels of contingency planning (federal, regional, area and local, and site-specific industry) that guide response efforts. (See Figure 1: Relationship of Plans.) Coordinated planning is no small effort; it requires integrating elements of a host of federal and state statutes and implementing regulations with disparate purposes.

According to the Presidential Review report, “The potential consequences to public safety and the environment of a severe hazardous materials accident and the complexity of the existing contingency planning system necessitate close and continued coordination across agencies and among all levels of government.” (*A Review of Federal Authorities for Hazardous Materials Accident Safety*, Report to Congress 112(r)(10) CAA as Amended, December 1993.)

Active and effective participation by states is integral to the effective working of this complex national response system. The member agencies of the NRT have produced this factsheet to help state and local planners understand the maze of federal statutes and regulations that complicate — but must be considered in — contingency planning. The purpose of this factsheet is to summarize relevant emergency planning requirements for national, regional, area, and local level public sector entities to provide an overview of the various requirements and to promote consistency among plans. While there are many factors affecting public safety, including available funding, prevention programs, and site-safety, the focus of this factsheet is contingency planning requirements. Therefore, prevention, remediation and other safety-related programs are included only to the extent they have an emergency planning component. This factsheet also provides information, such as a description of the plans required of private sector facilities, that can be useful in the public sector planning process.

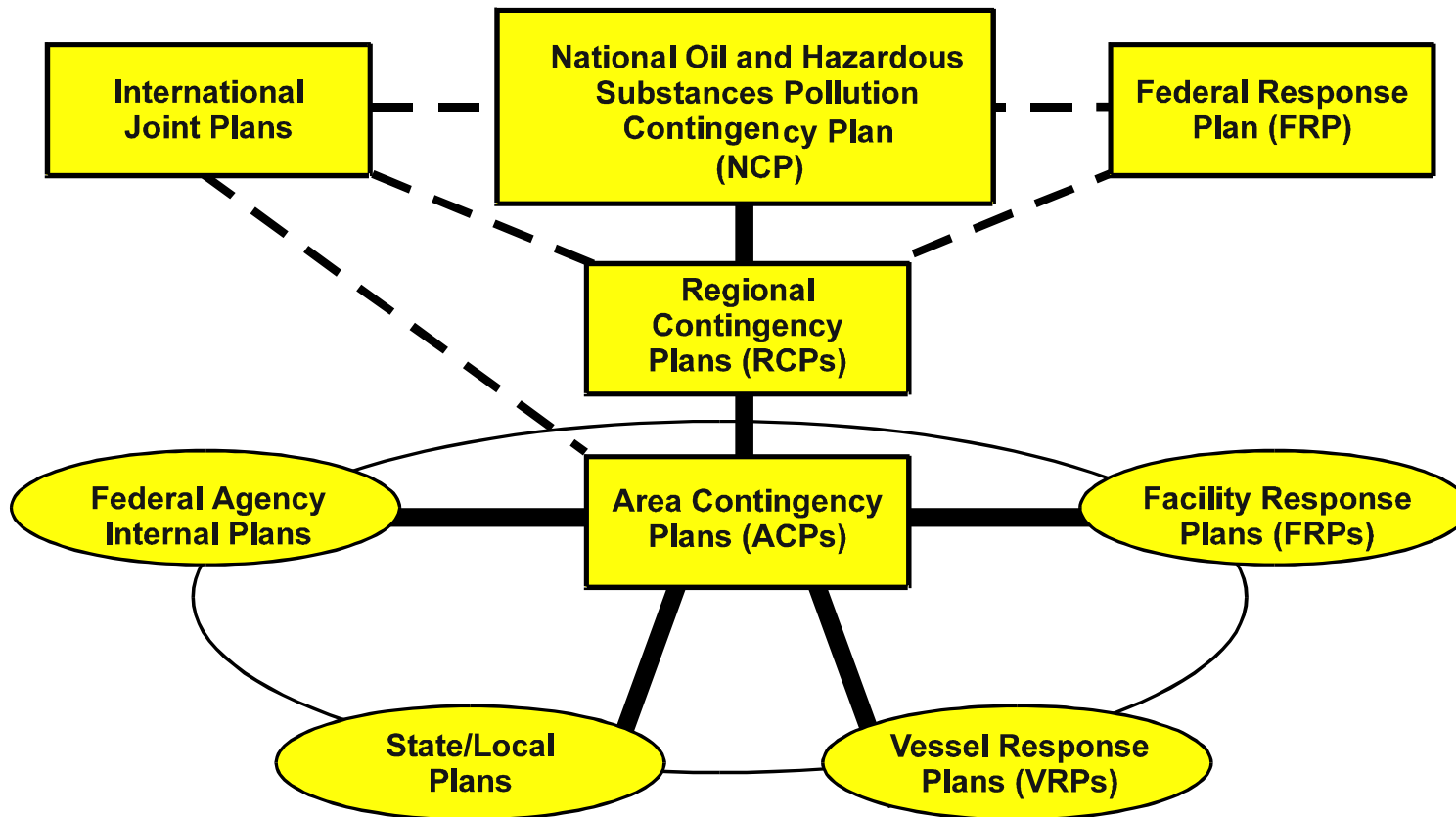
What’s Inside:

To help readers focus better on their area of interest, this factsheet is organized as follows: National and Regional Planning Requirements begin on Page 3; Area and Local Planning Requirements begin on Page 4 (including Emergency Response and Remedial Cost Recovery); Site-Specific Industry Planning, including Integrated Contingency Plan (ICP) Guidance, begins on Page 8; and Planning Resources are on Page 11.

PLANNING

FIGURE 1

Relationship of Plans



█ Plans of the National Response System (NRS)
- - - Points of coordination within the NRS
— Plans integrated with the ACP

Figure 4 at 40 CFR § 300.205(g).

☞ Look for this icon if you wish to know a little more about the programs discussed here. It will direct you to the federal citations of the relevant programs. If you must be sure of what these documents say, go directly to the federal sources. Also, be sure to check out the NRT's homepage at <http://www.nrt.org> which has a direct link to the CFR as well as the full text of several important statutes and regulations, including the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The NRT homepage (see Publications) will also link you to a handy Appendix with information about the programs and a list of related web sites.

I. NATIONAL and REGIONAL PLANNING REQUIREMENTS

Planning Requirements: The Clean Water Act (a.k.a. CWA, the Federal Water Pollution Control Act, and FWPCA) provides the basis for the National Response System. Key planning requirements are embodied in this statute, which has been amended several times by various public laws, including in 1990, by the Oil Pollution Act (OPA). Some of the requirements that stem from this Act are: the NCP; the Area Contingency Plans; Response Plans for tank vessels, offshore facilities and certain onshore facilities; emergency response drills; inspection of response equipment; and EPA's listing of hazardous substances other than oil. (Through the Emergency Planning and Community Right-to-Know Act [EPCRA or SARA Title III], Congress recognized the necessity of creating a relationship between these national planning requirements and local planning. EPCRA is discussed on page 7 of this document.)

Federal Planning Bodies and Plans: The CWA provides the authority for the establishment of the National Response System, the National Response Team, the National Response Center, the National Response Unit and Coast Guard Strike Teams, Regional Response Teams, Area Committees, Coast Guard District Response Groups, and federal On-Scene Coordinators (OSCs).

The National Contingency Plan: The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) establishes the roles and responsibilities of various federal agencies to provide for efficient, coordinated, and effective action to minimize damage from oil discharges and hazardous substances releases. An essential element of the NCP framework for response management is the Incident Command System (ICS) led by a unified command. This unified command approach brings together the

functions of the federal government, state and local government, and the party responsible for an incident to achieve an effective and efficient response. Unified Command (UC) is a necessary tool for effectively managing multi-jurisdictional responses to oil spills and hazardous substances releases.

The Federal Response Plan: The Federal Response Plan is activated when the President declares a "major disaster," in response to a request from a governor. The Federal Response Plan is the federal government's primary plan for coordinating responses to catastrophic disasters, such as floods, hurricanes, and earthquakes. This plan implements the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended. The Federal Response Plan generally is administered under the Federal Emergency Management Agency (FEMA).

Under the Federal Response Plan, which is based on functional units, Emergency Support Function #10: Hazardous Materials (ESF #10) covers planning and response to prevent, minimize, or mitigate the threat to public health or the environment of releases of hazardous materials, which include oil and hazardous substances. Although the NCP and the Federal Response Plan can be activated concurrently, they serve different purposes. The former is for responses to oil discharges and hazardous substances releases, regardless of whether there is a Federal Response Plan activation; the latter is for declared major disasters of any kind.

☞ The text of ESF #10 and the Federal Response Plan is on the NRT's homepage at <http://www.nrt.org>. (See 100+ Preparedness and Response Links, Laws, and Regulations.)

The NRS structure addresses national emergency planning and response □ irrespective of whether the cause of an incident is accidental or deliberate. When a release is deliberate, it may be categorized as a terrorist incident. Presidential Decision Directive #39 (PDD #39) sets out Executive branch policy and structure for federal counter-terrorism (CT) efforts; it defines a crisis management phase (led by FBI) and a consequence management phase (coordinated by FEMA) to a federal counter-terrorist response. These phases are explained in the Federal Response Plan (FRP) Terrorism Incident Annex.

Title XIV of the National Defense Act of 1996 (the Nunn-Lugar-Domenici Act) requires the federal government to prepare for incidents involving the deliberate release of a weapon of mass destruction (WMD) such as a nuclear, biological, or chemical (NBC) agent. The planning mechanism for the

consequence phase of response is the Federal Response Plan.

As appropriate, federal planners should amend the relevant Federal Response Plan ESFs to define their responsibilities in the consequence management phases of a terrorist incident.

Federal Radiological Emergency Response Plan: Another federal plan that should be used is the Federal Radiological Emergency Response Plan (FRERP). It covers any peacetime radiological emergency requiring assistance by the federal government.

☞ *The FRERP was last published on May 8, 1996, and is available at 61 FR 20944, or on the NRT homepage at <http://www.nrt.org>. (See *Laws and Regulations under Preparedness and Response Links*.)*

Regional Contingency Plans: Section 300.210 (b) of the NCP requires Regional Contingency Plans (RCPs) as part of the National Response System. The Regional Response Teams (RRTs) (which include the same federal agencies in the NRT and a member from each state in the region) develop a plan for each standard federal region, Alaska, Oceania in the Pacific, and the Caribbean. (In this context, Oceania and the Caribbean refer to U.S. territories in the Pacific and the Caribbean Sea.) The purpose of an RCP is to ensure that in an actual incident, the roles and responsibilities of federal, state, local, and other responders are clearly defined. To facilitate accomplishing that goal, RCPs include information on useful government, commercial, academic, and other facilities and resources in each federal region. RCPs also specify the lines of authority for inland and coastal zones upon which EPA and the Coast Guard have agreed.

(NCP § 300.210(c)), and Title III local emergency response plans (NCP § 300.215). The best way to ensure this coordination is to involve State Emergency Response Commissions (SERCs) in the RCP process, and provide technical support to Local Emergency Planning Committees (LEPCs) for developing local plans.

☞ *The NCP is codified at 40 CFR part 300. The most recent revision of the NCP was September 15, 1994; the revision and the preamble explaining it appear at 59 FR 47384. For the official text of the rule on RCPs, see 40 CFR § 300.210(b). The entire NCP is on the NRT's homepage at <http://www.nrt.org>. (See 100+ *Preparedness and Response Links, Laws and Regulations*.) To understand the statutory authority for National planning, see the Clean Water Act ("CWA" or "FWPCA") as amended by the Oil Pollution Act of 1990. The CWA is codified at 33 U.S.C. § 1251 et seq., and the planning provisions are in § 1321. If you are using a public law as your reference, see provisions amending § 311 of the CWA. See also the *Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA" or "Superfund")*, codified at 42 U.S.C. § 9601 et seq. (also on the NRT's homepage). If you are using a public law as your reference, see provisions amending §§ 104 and 105. For more information, visit the NRT homepage (see *Publications*).*

II. AREA AND LOCAL PLANNING REQUIREMENTS and EMERGENCY RESPONSE COST RECOVERY

PLANNING AND COST RECOVERY UNDER THE OIL POLLUTION ACT OF 1990

Area Committees and Area Contingency Plans: An OPA amendment to the CWA established, among other things, new planning entities and requirements for the National Response System to deal specifically with oil spills and CWA hazardous substances during preparedness and response. The Area Committee is one such entity, and Area Contingency Plans (ACPs) are planning requirements initiated by OPA. In the inland zone, where there are region-wide ACPs, sub-area plans provide the detailed information required by the NCP in § 300.210(c).

Opportunities for Coordinated Planning:

To the greatest extent possible, any RCP must follow the NCP format and must be coordinated with state emergency response plans, Area Contingency Plans

Opportunities for Coordinated Planning

Under OPA, Area Committees also are charged with the responsibility to work with state and local officials to enhance contingency planning and to assure early planning for joint response efforts. Among the things Area Committee assistance should include are appropriate procedures for the following: mechanical recovery; dispersal; shoreline clean-up; protecting sensitive environmental areas; and protecting, rescuing, and rehabilitating fisheries and wildlife. Area Committees also should help state and local planners to expedite decisions for the use of dispersants and other mitigating substances and devices.

Under § 4202(a) of OPA (codified at 33 U.S.C. 1321[j][4]), an ACP must be developed for worst case discharges of oil and CWA hazardous substances. It must be reviewed and updated periodically, and must:

- ⇒ When implemented in conjunction with other NCP provisions, be adequate to remove a worst case discharge and prevent a substantial threat of such a discharge, from a vessel, offshore facility, or onshore facility operating in the area;
- ⇒ Describe the area covered by the plan;
- ⇒ Describe in detail the responsibilities of an owner or operator and of government agencies in removing, mitigating, or preventing a discharge;
- ⇒ List all equipment, dispersants, or other mitigating substances and devices available to an owner or operator and government agencies to ensure effective and immediate removal, mitigation, or prevention of a discharge;
- ⇒ Describe the procedures to follow for getting an expedited decision regarding dispersant use;
- ⇒ Describe in detail how the ACP is integrated with other ACPs, site-specific and industry plans approved under the CWA as amended, and operating procedures of the National Response Unit; and
- ⇒ Include any other information that the President requires.

In certain Areas for which an ACP is required, the OPA amendments to the CWA also require periodic drills of removal capacity without prior notice.

Section 300.210(c) of the NCP implements the requirement for area contingency planning. Under the current NCP, the Area Committees are charged with developing ACPs for oil spill response within each designated area. OPA and the implementing provisions of the NCP make OSCs responsible for overseeing the development of ACPs for their areas of responsibility. An OSC coordinates, directs, and reviews the contingency planning work of various planners including Area Committees, responsible parties, and contractors.

Other key players in the NRS include natural resource trustees. These are federal, state, and Indian tribal officials who act on behalf of the public (of the nation, state, or tribe) by participating in NRS preparedness and response activities intended to avoid or minimize injury to natural resources; assessing damages for injury to, destruction of, or loss of natural resources under their trusteeship; obtaining compensation from the responsible party for these damages; and developing and ensuring implementation of a plan for restoration of injured resources. Contact information for natural resource trustees should be included in RCPs and ACPs.

☞ *To understand the statutory authority for area and local planning requirements under OPA, see the Oil Pollution Act of 1990, Pub Law 101-380, § 4202(a), August 18, 1990. Check it out at <http://www.nrt.org>. (See 100+ Preparedness and Response Links, Laws and Regulations.) Title III of this public law is International Oil Pollution Prevention and Removal, and contains important provisions amending the CWA. Citations to the codified CWA appear earlier in this factsheet. Title I of this public law is Oil Pollution Liability and Compensation; it is the source of information on the Oil Spill Liability Trust Fund. Much of Title I is codified at 33 U.S.C 2701 et seq. For more information, visit the NRT homepage at <http://www.nrt.org> (see Publications).*

The Coast Guard has issued Commandant Notices 16471 of September 30, 1992, and June 24, 1996. These Notices address area contingency planning in the coastal zone. The earlier Notice, *Establishment of Area Committees and Development of Area Contingency Plans*, specifies the role of the various response planners, including the OSC, in developing ACPs for the coastal zone. The later Notice, *Development of Hazardous Substance Response Planning Criteria within Area Contingency Plans*, addresses incorporating hazardous substances response information into ACPs, which previously addressed planning only for oil discharges.

Industry Plans: OPA requires emergency response plans for tank vessels, offshore facilities, and onshore facilities that may cause substantial harm to the environment by discharging into U.S. navigable waters, adjoining shorelines, or the exclusive economic zone. (See the discussion under *Oil Planning Regulations for Facilities and Vessels on page 8.*)

The Oil Spill Liability Trust Fund: OPA also establishes the Oil Spill Liability Trust Fund (OSLTF) as a source for funding removal costs, including the cost of monitoring removal actions, consistent with the NCP.

§ Emergency Planners may want to consider the OSLTF as a funding resource to recover costs associated with removal actions. To get more information on the process of applying for funds, contact the National Pollution Funds Center (NPFC) at (703) 235-4700 or at <http://www.dot.gov/dotinfo/uscg/hq/npfc.htm>.

Emergency planners may want to consider this funding resource to recover costs associated with removal actions. The OSLTF is administered by the Coast Guard National Pollution Funds Center (NPFC) and consists of the Principal Fund and an Emergency Fund Component. The Emergency Fund is used to fund removal actions by OSCs, initiate Natural Resources Damage Assessments, and fund immediate removal actions by states. The Principal Fund is used to pay claims against the OSLTF and for Congressional appropriations to carry out other OPA requirements. The OSLTF also implements the OPA-mandated limits on liability for owners and operators of vessels and facilities from which oil is discharged or poses a substantial threat of discharge. The Fund is available for use to pay uncompensated removal costs determined to be consistent with the NCP or uncompensated damages.

Opportunities for Coordinated Planning:

The NCP makes OSCs responsible for overseeing the development of ACPs for their areas of responsibility. An OSC coordinates, directs, and reviews the contingency planning work of various planners including Area Committees, responsible

parties, and contractors. Any CWA response plan must meet the minimum requirements set out under CWA § 311 (codified at 33 U.S.C. § 1321). In addition, the NCP recommends coordination among the NCP, RCP, ACP, and LEPC plans.

PLANNING AND COST RECOVERY UNDER CERCLA

The Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA" or "Superfund") as modified by the Superfund Amendments and Reauthorization Act of 1986 (SARA) provides the government with authority to compel persons to clean up releases of hazardous substances for which they are responsible. It also contains provisions that make responsible parties liable for the cost of clean-up, and creates the hazardous substance Superfund that funds federal OSC response actions. CERCLA provides authority for responses under the NCP to substantial threats or actual releases of hazardous substances, pollutants, or contaminants.

Local Government Reimbursement: Local response personnel should also consider the Local Government Reimbursement (LGR) program as a resource to help recover costs associated with some necessary emergency actions. Under Title I of CERCLA, EPA has authority to reimburse local community authorities for expenses incurred in carrying out temporary emergency measures necessary to prevent or mitigate injury to human health or the environment associated with the release or threatened release of any hazardous substance (or pollutant or contaminant). Under this provision, a local government can recover costs for such temporary emergency measures as erecting security fencing to limit access, response to fires and explosions, and taking other measures which require immediate local response. The amount of reimbursement for any single emergency response may not exceed \$25,000.

☞ To understand the statutory authority for LGR, see CERCLA. CERCLA is codified at 42 U.S.C. § 9601 et seq. Check it out at <http://www.nrt.org>. (See 100+ Preparedness and Response Links, Laws and Regulations.) For Reimbursement to Local Governments, see especially § 9623. If you are using a public law as your reference, see provisions amending § 123 of CERCLA. For

§ EPA has authority to reimburse local community authorities for expenses incurred in carrying out some temporary emergency measures. To get more information on the process of applying for LGR funds, contact Ms. Lisa Boynton at (703) 603-9052 or the LGR Helpline at (800) 431-9209.

more information, visit the NRT homepage (see Publications).

LOCAL PLANNING REQUIREMENTS UNDER SARA TITLE III (OR "EPCRA")

Planning Requirements: EPCRA requires that industry inventory, classify, and report potential chemical hazards on site to support the community planning process. It also requires that local planning bodies (LEPCs) use the information submitted by industry in the development of local emergency response plans.

Planning Bodies: Section 301 of EPCRA requires that the governor of each state establish a State Emergency Response Commission (SERC). The SERCs are then tasked with designating Local Emergency Planning Committees (LEPCs) in all local emergency planning districts throughout the state. Both of these planning bodies are comprised of individuals from diverse backgrounds, including environment, health, safety, transportation, fire, and other areas.

Local Emergency Response Plans: Section 303 of EPCRA requires that LEPCs prepare various potential accident scenarios for facilities with extremely hazardous substances in their community and develop a local emergency response plan that must be exercised, reviewed annually, and updated as necessary.

Section 303 of EPCRA lists the elements that must be included in a local emergency response plan. These elements are:

- ⇒ Identifying facilities and transportation routes of extremely hazardous substances;
- ⇒ Describing emergency response procedures, on-site and off-site;
- ⇒ Designating a community coordinator and facility coordinator(s) to implement the plan;
- ⇒ Outlining emergency notification procedures;
- ⇒ Describing methods for determining the occurrence of a release and the probable affected area and population;

- ⇒ Describing a training program for emergency response personnel; and
- ⇒ Presenting methods and schedules for exercising emergency response plans.

As plans are updated, be sure to update the list of potential hazards. As NRT-1 (*Hazardous Materials Emergency Planning Guide*; March 1987) indicates, local planners should evaluate all the chemical hazards in their community. In today's world, this includes addressing those hazards associated with a deliberate release. In 1995, following the deliberate release of sarin in the Tokyo subway, EPA issued a reminder to SERCs and LEPCs about planning for deliberate releases. (*Thinking About Deliberate Releases: Steps Your Community Can Take*; 1995.)

☞ To obtain either NRT-1 or the *Deliberate Releases Fact Sheet*, telephone the RCRA/EPCRA/Superfund Hotline at (800) 424-9346.

Facility Requirements under EPCRA: EPCRA has reporting requirements for facilities to support the planning process. (See the discussion under *Site-Specific, Industry Planning Requirements* below.) The information received on facility chemical inventories contributes substantially to the LEPC plan. However, regardless of threshold quantities at a facility, an LEPC may initiate a requirement to report. Upon request of an LEPC under § 303(d)(3), a facility owner or operator must submit information for developing and implementing an emergency response plan.

Opportunities for Coordinated Planning:

In developing the LEPC plan, ensure consistency with the RCP and NCP as called for by the NCP. An LEPC can request RRT review of a local emergency plan. Also coordinate with your Area Committee to promote consistency between the ACP and the LEPC plan.

☞ To understand the statutory planning requirements under EPCRA, see 42 U.S.C. § 11002 et seq. and 40 CFR parts 300-372. For more information, visit the NRT homepage at <http://www.nrt.org> (see Publications).

III. SITE-SPECIFIC, INDUSTRY PLANNING REQUIREMENTS

OIL POLLUTION ACT: OIL AND HAZARDOUS SUBSTANCES RESPONSE PLANS

Oil Planning Regulations for Facilities and Vessels: The CWA, as amended by OPA, requires the preparation and submission of response plans for tank vessels, offshore facilities, and onshore facilities that could reasonably be expected to cause substantial harm to the environment by discharging oil and hazardous substances into or upon the navigable waters, adjoining shorelines, or the exclusive economic zone. Submitted response plans must:

- ⇒ Be consistent with the NCP and the applicable ACP;
- ⇒ Identify a qualified individual with responsibility to activate the response plan;
- ⇒ Identify and ensure by contract or other approved means the availability of private personnel and equipment necessary to remove a worst case discharge (including a discharge resulting from fire or explosion), and to mitigate or prevent a substantial threat of such a discharge;
- ⇒ Describe the training, equipment testing, periodic unannounced drills, and the response action of persons on the vessel or facility;
- ⇒ Be updated periodically; and
- ⇒ Be resubmitted for approval of each significant change.

In certain Areas for which an ACP is required, the OPA amendments to the CWA also require both periodic inspection of response equipment (33 U.S.C. 1321[j][6]) and periodic drills of removal capacity without prior notice (33 U.S.C. 1321[j][7]). The amendments also establish new administrative and civil penalties for violations of the CWA and expand administrative provisions under the CWA. The federal agencies designated by Executive Order 12777 have established regulatory programs further implementing the OPA amendments and must approve response plans for tank vessels, offshore facilities, and onshore facilities that reasonably may cause significant and substantial harm to the environment.

Opportunities for Coordinated Planning:

Any facility or vessel response plan must meet the minimum requirements set out under CWA § 311 (codified at 33 U.S.C. § 1321), and various implementing federal regulations. Among these minimum requirements is consistency with the NCP and ACPs.

Hazardous Substances Planning Regulations for Facilities and Vessels: The OPA provision amending the CWA to require oil vessel and facility response plans also requires hazardous substances response plans. A regulatory structure is in place for oil response planning under the OPA amendments, but there is not yet a similar structure for hazardous substances.

On May 3, 1996, the Coast Guard published an Advance Notice of Proposed Rulemaking (ANPRM) providing its early thinking on creating a hazardous substances response plan regulatory structure for certain vessels and marine transportation-related facilities subject to USCG jurisdiction under Executive Order 12777 and the CWA as amended. (See 61 FR 20084.) The Coast Guard intends to issue an NPRM.

Facility Reporting Requirements under EPCRA: EPCRA covers any facility that has on site, in a quantity at or above the specified threshold planning quantity, any of the 360 substances published under 40 CFR 355 as well as the more than 700 hazardous substances subject to the emergency notification requirements under CERCLA § 102(a). (See the list of CERCLA hazardous substances codified at 40 CFR 302.4). Under §§ 302, 311, and 312 of EPCRA, these facilities must make an inventory and classify the potential chemical hazards on site, and report this information to the appropriate LEPC and SERC, and the fire department with jurisdiction over the facility. The facility owner or operator must take the initiative in reporting under §§ 302, 311, and 312.

However, regardless of threshold quantities at a facility, an LEPC may initiate a requirement to report. Upon request of an LEPC under § 303(d)(3), a facility owner or operator must submit information for developing and implementing an emergency response plan.

Opportunities for Coordinated Planning:

Facility owners and operators should review the guidance on Integrated Contingency Planning (a.k.a. One Plan) on Page 10 to learn how to consolidate

multiple federally required plans into one functional emergency response plan.

☞ *To understand the statutory authority for EPCRA planning requirements, see 42 U.S.C. § 11001 et seq. If you have Public Law 99-499 of October 17, 1986, as a reference, see §§ 302, 303, 311, and 312. For more information, visit this site: <http://www.epa.gov/swercepp/rules/epcra.html> or the NRT homepage at <http://www.nrt.org> (see Publications).*

CLEAN AIR ACT AMENDMENTS OF 1990 § 112(R)

Planning Requirements: The Clean Air Act Amendments of 1990 (CAA) § 112(r) requires certain source (facility) owners and operators to prepare a risk management program, which must include an Emergency Response Program for specific regulated substances.

Summary: Under § 112(r), as amended, the owner or operator of a stationary source (facility) that has more than a threshold quantity of a regulated substance in a process must develop a risk management program. The statute required EPA to promulgate a list of at least 100 substances known to cause serious health and environmental effects upon release. The final list includes those substances that, upon release to air, pose the most significant risks to the community. The principal goal of 112(r) is to prevent accidental releases of chemicals that can cause serious harm to the public and the environment from short-term exposures and to mitigate the severity of releases that do occur.

Facility Requirements: Each “covered” facility must develop a risk management program and maintain documentation of the program at the site. The program must include an analysis of the potential off-site consequences of an accidental release, a five year accident history, a release prevention program, and an emergency response program.

Each facility must develop and submit a Risk Management Plan (RMP), which summarizes the risk management program. The RMP must be submitted to EPA no later than June 21, 1999. A facility must update the RMP and the risk management program when there are process or chemical changes, or if required by rule or audit.

☞ *To understand the statutory requirements for the risk management program, including emergency response planning, see the CAA as amended, codified at 42 U.S.C. § 7401 et seq. For more*

information visit this site:

<http://www.epa.gov/swercepp/rules/caaa112r.txt> or the NRT homepage (see Publications).

RESOURCE CONSERVATION AND RECOVERY ACT

Planning Requirements: The Resource Conservation and Recovery Act (RCRA) requires that facilities prepare Facility Contingency Plans and Used Oil Refiners Contingency Plans.

Summary: RCRA establishes requirements for facilities dealing with the generation, transportation, treatment, storage, or disposal of solid and hazardous wastes. RCRA has several programs, including very detailed and specific requirements, for facilities that deal with hazardous wastes, non-hazardous solid wastes, underground storage tanks, and used oil. There are five categories of facilities under RCRA: Treatment, Storage, or Disposal Facilities (TSDFs); Large Quantity Generators (LQGs); Small Quantity Generators (SQGs); Boilers and Industrial Furnaces (BIFs); and Used Oil Processors and Re-refiners. In general, the RCRA regulations address the day-to-day management of these wastes.

Facility Plans: Contingency plans must be designed to minimize hazards to human health or the environment from RCRA operations and must provide information on facility emergency equipment, evacuations, and emergency coordinators. A copy of these plans must be submitted to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services.

☞ *See 40 CFR parts 260-282. For more information, visit the NRT homepage at <http://www.nrt.org> (see Publications).*

OCCUPATIONAL SAFETY & HEALTH (OSH) ACT

Planning Requirements: The Occupational Safety and Health Administration (OSHA) standards require a process safety management program and facility emergency response plans.

Process Safety Management: The OSHA Process Safety Management Standard requires the preparation of emergency response plans for employers to prevent or minimize the consequences of catastrophic releases of highly hazardous chemicals in the workplace. Employers must also develop a formal process safety management program for facility processes that involve a listed

highly hazardous chemical at or above the specified threshold quantity.

The HAZWOPER Standard: OSHA has several standards related to emergency response planning for facilities that handle, store, or transport hazardous substances and waste. The requirements of the Hazardous Waste Operations and Emergency Response (HAZWOPER) Standard are directed at the protection of facility employees and emergency responders. The standard establishes requirements to protect the safety of workers involved in such operations. This includes clean-up at uncontrolled hazardous waste sites; corrective actions and routine hazardous waste operations at RCRA TSDFs; and emergency response operations regardless of location. Employers (including government agencies) must implement a program that includes a written safety and health program, site evaluation and control, training, personal protective equipment, monitoring, medical surveillance, decontamination procedures, and an emergency response program.

☞ See the OSHA HAZWOPER Standard codified at 29 CFR 1910.120 and the OSHA Process Safety Management Standard at 29 CFR 1910.119. For more information, visit the NRT homepage (see Publications).

INTEGRATED CONTINGENCY PLAN GUIDANCE

Summary: The National Response Team has developed Integrated Contingency Plan (“ICP” or “One Plan”) Guidance. The ICP Guidance provides a way to consolidate into one functional emergency response plan, the multiple plans that a facility may have prepared to comply with various regulations. The ICP Guidance resulted from recommendations in the December 1993 NRT Report to Congress: *A Review of Federal Authorities for Hazardous Materials Accident Safety*. Facilities can use the ICP Guidance to consolidate their existing plans and to simplify their plan development and update process. The ICP is available to facility owners and operators who must prepare emergency response plans for responding to oil discharges and releases of non-radiological hazardous substances. The NRT and the agencies responsible for reviewing and approving federal response plans agree to accept plans prepared in the ICP format if the ICP option is appropriate for the facility.

Opportunities for Coordinated Planning:

In addition to providing a mechanism for consolidating multiple facility response plans, the ICP Guidance also will improve coordination of response activities within the facility and with outside responders, minimize duplication, and simplify plan development and maintenance. The ICP sample format is based on the Incident Command System or “ICS.” Organizing an ICP according to the ICS structure will allow the plan to dovetail with established response management practices and promote the usefulness of any given plan in an emergency. Response planners can use ICP-formatted plans to coordinate facility response plans with those maintained by LEPCs, and as a tool for determining whether the facility complies with multiple agency regulations.

☞ The ICP is not a statute or a regulation; therefore, there is no codified document. You can find the ICP Guidance published at 61 FR 28642, June 5, 1996. Check it out at the NRT homepage. (See 100+ Preparedness and Response Links, NRT Publications.) For more information, visit the NRT homepage at <http://www.nrt.org>. (See Publications.)

For more information, please visit the NRT homepage at <http://www.nrt.org> (see Publications) or write to:

National Response Team
c/o U.S. EPA
401 M Street, SW, Mail Code 5104
Washington, DC 20460

IV. PLANNING RESOURCES

GRANTS FOR EMERGENCY PLANNING AND RESPONDER TRAINING UNDER THE HAZARDOUS MATERIAL TRANSPORTATION ACT

Summary: The Hazardous Materials Emergency Planning (HMEP) grant program evolved from the effort to reauthorize the Hazardous Material Transportation Act of 1974 (HMTA). As amended in 1990, HMTA creates a role for the federal government to provide financial, technical, national

direction, and guidance to enhance state and local hazardous materials emergency planning and training. The HMEP grant program builds upon existing programs and relationships. The HMEP grant program was designed to support the framework and working relationships established within the National Response System and EPCRA.

HMTA authorizes funds in annual planning grants to states, Territories, and Native American Tribes with a required 75% pass-through of funds to LEPCs. The planning grants are to be used for: developing and improving emergency plans under EPCRA; conducting commodity flow studies; and determining the need for regional hazardous material response. HMTA also authorized funds for annual training grants to states, Territories, and Native American Tribes with 75% of the funding used to provide training to local responders, including volunteers. Training grants are to be used for training public sector employees to respond safely and efficiently to accidents and incidents including those involving the transportation of hazardous materials.

The Training and Curriculum subcommittee of the National Response Team's Preparedness Committee, chaired by the DOT, provides coordination for the HMEP grant program at the federal level. Participating states can qualify courses they use for hazardous material training based on curriculum guidelines prepared by a national consensus process that demonstrates the full partnership in effect between the federal government and the states.

☞ *To understand the statutory authority for these grants, see 49 U.S.C. 5101-5127. To obtain copies of the HMEP grant program Guidelines for Public Sector Hazardous Materials Training, contact the National Emergency Training Center at (301) 447-1009.*