



THE NATIONAL RESPONSE SYSTEM

[Event Name]

[Speaker]

Information for Presenter:

- This presentation was developed by the National Response Team (NRT) for use by members of the National Response System (NRS) in conducting outreach regarding the preparedness and response authorities, resources, and capabilities of the NRS.
- Members of the NRS are encouraged to use and adapt this presentation to meet their individual needs. It includes a Base presentation and additional Optional slides in an appendix at the end of the presentation. The Base presentation is fairly long in order to be more inclusive of a wide range of NRS information, but it may be shortened as desired to suit the target audience.
- **Target Audience:** Federal, state, local, tribes, private sector, and international organizations that may have an interest in the NRS mission.

PRESENTATION OVERVIEW

- History and Authorities for Oil and Hazardous Materials Incident Response
- National Response System (NRS) Components
- Planning & Preparedness
- Response Funding
- How the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) fits into Presidential Policy Directive 8 (PPD-8) and the National Response Framework (NRF)
- Natural Resource Damage Assessment (NRDA)
- Spill of National Significance (SONS)

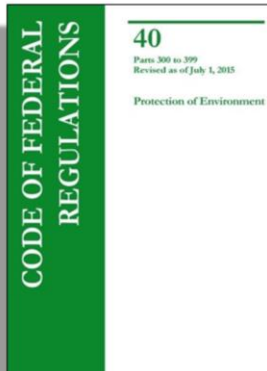
This is an overview of the topics we'll be covering today.



HISTORY AND AUTHORITIES

NATIONAL OIL & HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN (NCP)

The NCP, 40 CFR Part 300, is administered by the Environmental Protection Agency (EPA)



NCP describes the national preparedness and response system (NRS) for oil and hazardous substances

- Includes chemical, biological, radiological, and nuclear (CBRN) releases to the environment
- Both accidental and intentional (including terrorist) releases

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- The primary federal plan for responding to oil and hazardous material releases to the environment is called the National Oil and Hazardous Substances Pollution Contingency Plan, or NCP. The NCP describes the organizational structure and procedures for “preparing for” and “responding to” an oil or hazmat incident – this system is called the National Response System, or NRS.
- The NCP applies to incidents involving the potential or actual discharge of oil or release of a hazardous substance, pollutant, or contaminant. That includes biohazards and radiological contamination. In this presentation, we’ll sometimes use the phrase “hazardous materials” to refer to hazardous substances, pollutants, and contaminants.
- The NCP applies to accidental releases, as well as intentional releases and terrorist attacks. The NCP is contained in regulations at 40 CFR Part 300, and is administered by the U.S. Environmental Protection Agency with assistance from other federal Departments and Agencies that have a role in supporting this mission. Many federal agencies that respond to public emergencies have emergency response plans, but few are codified in a regulation and have the force of law – the NCP is somewhat unique in that regard.
- The NCP and NRS are also critical components of the broader and overarching National Response Framework (NRF) that is administered by the Department of Homeland Security – I’ll describe how the NCP is related to the NRF later.

ORIGIN OF THE NCP

- NCP first developed in 1968 in response to the massive oil spill from the oil tanker Torrey Canyon
- Provided the first comprehensive national system for oil spill reporting and response



The Torrey Canyon 1967

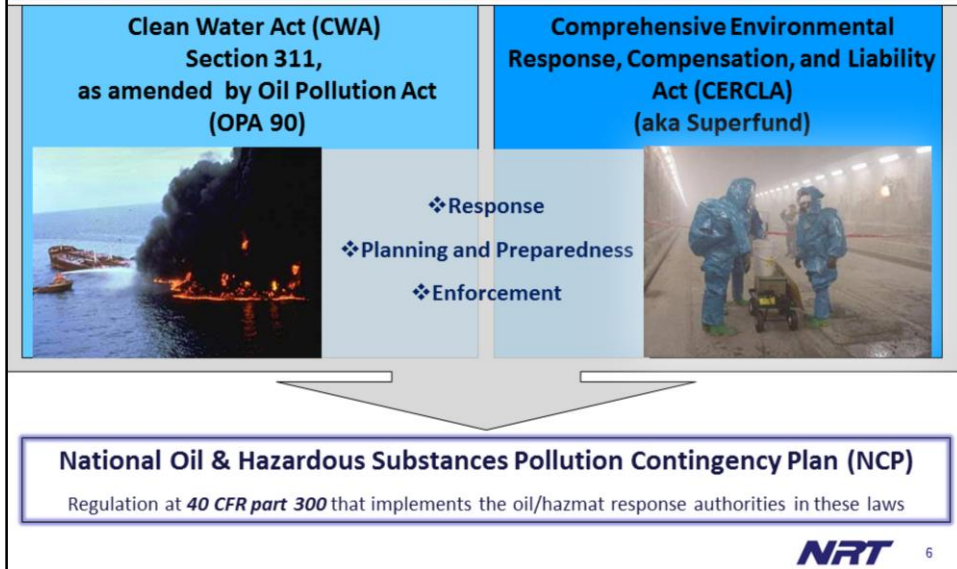
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- **The first NCP -- called the “National Multi-Agency Oil and Hazardous Materials Contingency Plan” -- was developed and published in 1968** in response to a massive oil spill from the oil tanker **Torrey Canyon** off the coast of England. More than 37 million gallons of crude oil spilled into the water and eventually washed ashore on English and French beaches, **causing massive environmental and economic damage and concern for public health.**
- To address the problems faced by response officials involved in this incident, under President Johnson’s direction, the U.S. developed a coordinated approach to cope with potential spills in U.S. waters. **The 1968 plan provided the first comprehensive national system for oil spill reporting and response.** The plan applied to oil spills into navigable waters of the U.S.
- The original NCP was just a federal plan, not a regulation, and was not developed under any legislative mandate.

Additional OPTIONAL talking points/background on history of original NCP:

- 1966: Ken Biglane [DOI/Federal Water Pollution Control Administration (FWPCA)] met with DOT/USCG representatives at a favorite watering hole in Washington DC to sketch out the first concept of the NCP.
- March 1967: *Torrey Canyon* oil spill. A six-person team of FWPCA and USCG reps traveled to the site to observe cleanup efforts, and reported to President Johnson on coordination problems, such as no clear lines of authority, no response plans, no overall strategy.
- May 1968: The President’s National Council on Marine Resources and Engineering Development (which included DOI) sent recommendations to the President regarding oil spill response that included assigning DOI with primary responsibility for developing multi-agency oil spill contingency plans. The recommendations were approved by President Johnson in June 1968.
- September 1968: DOI, with input from the White House, DOT/USCG and other agencies, finalized the first NCP and sent it to President Johnson for signature. In November 1968, while the NCP was still sitting in the President’s in-box, the *Hess Hustler* barge ran aground off Rehoboth Beach, Delaware, causing an oil spill. One of President Johnson’s daughters happened to be vacationing in the area at the time and called her father to ask him to do something about the oil spill. The President called DOI Secretary Udall, and DOI told the President a plan was waiting in his in-box, so if he’d sign it, they’d get moving. (source: Ken Biglane letter to Al Smith, April 1991)
- November 1968: President Johnson approved the first NCP.

AUTHORITIES



The National Response System is written in law.

These laws are: (1) section 311 of the Clean Water Act (CWA), as amended by the Oil Pollution Act (OPA) of 1990, and (2) Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), which is better known as the Superfund law.

In general, the purpose of these laws is to address releases or threatened releases into the environment of oil and other hazardous materials in order to protect public health, welfare, and the environment.

The CWA/OPA addresses authorities with regard to oil.

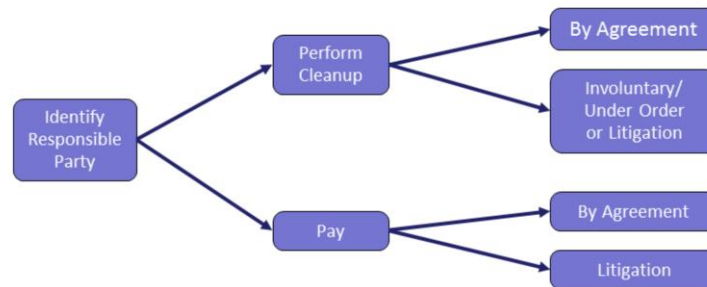
CERCLA addresses authorities with regard to hazardous substances, excluding oil. CWA/OPA also covers certain hazardous substances, but in practice, CERCLA is usually used to address those substances.

Both laws give the federal government enforcement authorities over the parties responsible for spills and require polluters to pay for cleanup.

Both laws have planning and preparedness components, and both laws established Trust Funds that can pay for federal responses (and some other costs) when needed. We'll talk more about these components later.

The implementing regulations for these statutes are found in the National Oil and Hazardous Substances Pollution Contingency Plan, or NCP. The NCP describes the organizational structure and procedures for "preparing for" and "responding to" an oil or hazmat incident – this system is called the National Response System, or NRS.

KEY CERCLA & CWA/OPA ENFORCEMENT AUTHORITIES



Each law defines which costs the responsible party is liable for:

- CERCLA – response costs, natural resource damage assessment and restoration
- CWA/OPA – response costs, certain damages including natural resource damage assessment and restoration

Three defenses to liability:

1. Act of God
2. Act of War
3. Act or omission of third party (no relationship)

This is a simplified overview of some of the key enforcement authorities under CERCLA and the CWA/OPA.

Both laws promote identification of the parties responsible for the incident, and provide the federal government with the authority to either make that party clean up the spill, or to pay for the costs of cleanup.

In some cases, the responsible party may voluntarily perform or pay for the cleanup, and in others, the federal government may have to order them to perform the cleanup, or go to court to compel them to perform or pay for the cleanup.

Under both laws, responsible parties are liable for paying for response costs, as those costs are defined under each law. Under CWA/OPA, responsible parties are also liable for certain types of “damages,” such as property damage and loss of income. EPA leads the cost recovery process for CERCLA responses and USCG leads the cost recovery process for CWA/OPA responses.

In addition to the enforcement authorities shown on the slide, both laws provide for civil and criminal penalties for non-compliance with requirements as specified in those laws.

Under both laws, responsible parties are liable for paying for damages to natural resources and can be required to implement natural resource restoration activities. This is managed through a separate process we’ll be talking about in more detail later.

Both laws provide 3 defenses to liability for payment: Act of God; Act of War; and Act or Omission of a Third Party, as long as there was no relationship (contractual, employee, agent) between the responsible party and the third party.

A few points to keep in mind:

- (1) For some incidents, it may not be possible, or easily possible, to identify the RP;
- (2) In some cases, the RP may be unable to perform or pay for the cleanup – they may not have the technical expertise to conduct the cleanup, and/or may not be financially strong enough to perform or pay for the cleanup; and
- (3) In emergency situations, if the RP is not already adequately responding or if a viable RP can’t be quickly identified, we will typically go ahead and undertake a federal response and follow up with RP identification and cost recovery later.

ABOUT THE NRS

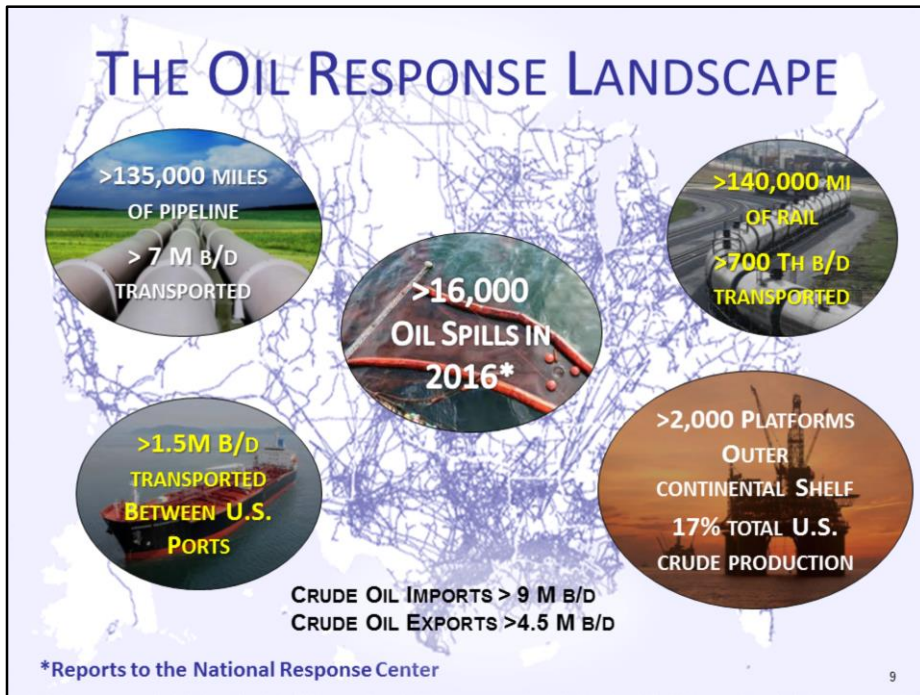
- NRS is divided into local, regional, and national organizational levels
- Participants include federal, state, local, and private sector agencies and organizations, with interests in or responsibilities for oil and hazardous substances emergencies
- Federal agencies in the NRS provide on-site response capability at the local level



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The National Oil and Hazardous Substances Response System (NRS)

- As explained earlier, the system that was established under the NCP for preparing for and responding to oil and hazmat spills is called the National Response System.
- While the NCP is promulgated by the federal government, the National Response System it established provides for a coordinated response by all levels of government to a real or potential oil or hazardous substances incident. The NRS functions through a network of interagency and intergovernmental and private sector relationships and plans, which we'll be discussing in more detail.
- A primary mission of the system is to be able to provide federal response resources at the on-site level. The NRS provides an important safety net that can support state and local response activities.



As I mentioned, the NRS responds to both oil and hazardous substance spills.

With regard to oil, it is largely transportation that poses the greatest risk of accidental spills. As you can see in the slide, the energy sector transports an enormous quantity of oil as well as other fossil fuels.

With the recent energy renaissance, the risks are changing and the response community is adapting to those changes. For example, transportation by rail and pipeline has increased dramatically.

New products have entered the market, including highly volatile shale oils – that have resulted in numerous explosive accidents – like the devastating train derailment that destroyed downtown Lac Megantic, Quebec in 2013 killing over 40 people and destroying 30 buildings.

And non-floating oils, like the diluted bitumen from the Athabasca Oil Sands, pose new response challenges and can result in environmentally devastating spills. For example, the Enbridge Pipeline rupture in 2010 spilled an estimated one million gallons of diluted bitumen in a tributary to the Kalamazoo River in Michigan at a clean up cost of over \$750 Million and penalties of \$177 Million.

The National Response Center, which is part of the National Response System, is the nation’s single point of contact for reporting oil spills and hazardous substances releases. In 2016, more than 16,000 oil spills were reported to the NRC.

2016 Stats (for Oil):

Total Reported Incidents of Oil Spills 16,012

Rail: 718 Incidents, Average size 203 gal (5 bbl)

Pipelines: 448 Incidents, Average size 10,225 gal (243 bbl)

Vessels: 3883 Incidents 2,945 gal (70 bbl)

Nationally, for every 1 million gallons of oil transported, only 3 gallons are spilled.

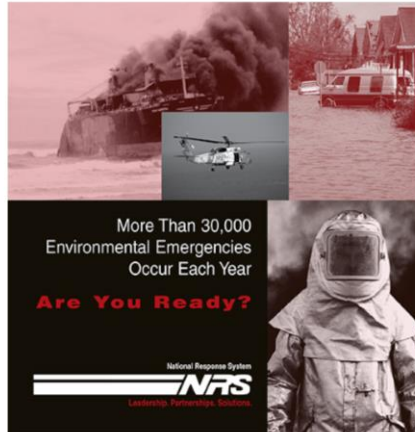
Note: background graphic depicts pipeline network



NATIONAL RESPONSE SYSTEM (NRS) COMPONENTS

KEY NRS COMPONENTS

- National Response Center (NRC)
- Federal On-Scene Coordinators (OSCs)
- 13 Regional Response Teams (RRTs)
- National Response Team (NRT)
- Area Committees
- State/Local Governments
- Special Teams
- Joint Response Teams with neighboring countries
- Regulated Industry

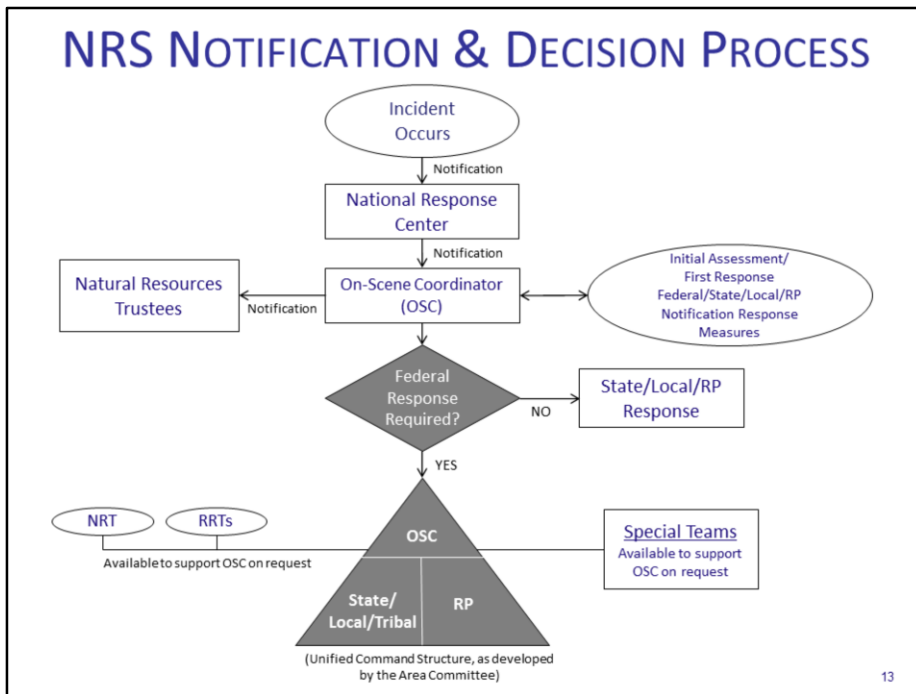


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- These are the primary entities and organizations that support the NRS.
- We'll talk more about some of these in the following slides.

[Presenter: Refer to last 2 bullets]

- We work with Canada, Mexico, and Cuba on coordinating responses that have cross-border impacts and have developed joint contingency plans with those countries. We also have multi-lateral agreements with the Arctic Nations and the Caribbean nations.
- Under the NCP and its authorizing legislation, industry is responsible for being prepared for, responding to, and paying for cleanup and certain damages from its pollution incidents.



- This is an overview of how some of the key NRS components fit together during the response process.
- As explained earlier, federal law requires responsible parties to report spills of oil and hazardous substances to the National Response Center.
- The National Response Center then forwards these notifications to the pre-designated federal OSC assigned to the area for the incident. The NRC also forwards these notifications to other appropriate federal and state entities, including the DHS National Operations Center.
- The OSC gathers information about the incident in order to determine whether a federal response is warranted. The OSC may gather information via phone from state and local agencies and the responsible party, or may deploy to the site to collect information, depending on the incident.
- If the incident impacts resources overseen by a federal or state natural resource trustee, the OSC would also notify that trustee.
- An OSC may determine that a federal response is not required if appropriate actions are already being taken by a state or local agency or the responsible party and the release doesn't constitute a significant public health or environmental threat.
- If a federal response is warranted, the OSC typically enters into a unified command with responding state/local agencies, and possibly the responsible party when appropriate.
- The OSC may call upon other NRS assets for assistance as needed, including the federal special teams, the RRTs, and NRT.

NATIONAL RESPONSE CENTER (NRC)

- Receives reports of oil & hazardous substances releases that trigger federal notification requirements, including those related to infrastructure security breaches, suspicious activities, and terrorist-related events

– **Approximately 30,000 incident notifications each year**

- Notifies Federal and State OSCs
- Notifies Environmental Protection Agency (EPA) and U.S. Coast Guard (USCG) Headquarters
- Preparedness role
 - Supports NRS planning activities



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- The National Response Center is the communications core of the NRS.
- It is located at the USCG headquarters and is staffed 24 hours a day.
- The NRC receives more than 30,000* NRC incident notifications each year. From these notifications, NRC watch officers generate reports and relay them to the appropriate OSCs in EPA regional and USCG district offices and to State Emergency Response Commissions.
- The federal laws mentioned earlier require the responsible party to report oil spills, gas and hazardous pipeline releases, chemical releases and radiological releases to the NRC.

Note for speaker: if asked - Technically, the NRC should be notified of 'oil spills causing sheens' and releases of hazardous substances that are listed and exceeding 'reportable quantities'

Optional Information

- NRC report data can be found at : <http://www.nrc.uscg.mil/>

FEDERAL ON-SCENE COORDINATORS (OSCs)

USCG FOR COASTAL ZONE

36 pre-designated OSCs



EPA FOR INLAND ZONE

~ 230 pre-designated OSCs

- Authority to conduct, direct, and coordinate all response efforts at the incident scene
- Protect the environment, public health, as well as worker safety & health
- Responsible for developing Area Contingency Plans (ACPs) and Chairing Area Committees

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EPA and USCG are the primary agencies that coordinate NCP preparedness and response activities and provide **Federal On-Scene Coordinators (OSCs)**.

- EPA is the lead agency and provides OSCs for the inland area.
- USCG is the lead agency and provides OSCs for the coastal area.
- Other federal agencies with oil and hazmat jurisdiction and expertise support EPA and USCG.

The OSC is the federal incident commander during an emergency response. OSCs are highly skilled men and women who conduct, direct, and coordinate emergency response actions as needed - taking whatever actions are necessary and consistent with federal law to remove the pollution or contamination threat.

There are approximately 230 pre-designated EPA OSCs and 36 pre-designated USCG OSCs. They are located in and deploy from EPA regional offices and USCG Sectors across the nation.

[**OPTIONAL**] DOE and DOD are the other two agencies that have the authority and responsibility to provide the federal OSC for emergency hazardous substance releases specifically from DOE and DOD facilities and materials. (They do not have OSC authority for their oil releases – EPA or USCG would be the federal OSC for oil spills from DOE and DOD facilities/materials.)

FEDERAL OSC RESPONSE

- The OSC may:
 - Lead response (and sometimes must)
 - Provide assistance
 - Oversee response by state/
local/tribe/Responsible Party (RP)
- Typical response actions:
 - Sample/monitor to assess
environmental contamination
 - Stabilize/control release
 - Treat/remove contamination &
decontaminate environment/buildings
 - Manage waste



OSC RESPONSE ASSETS



EPA Mobile Command Post

- Enforcement authorities to ensure that the RP cleans up the spill or release
- Access to federal technical assistance and contractors for cleanup and salvage
- Authority to access Superfund and/or Oil Spill Liability Trust Fund (OSLTF) funding
- Technical expertise from federal agencies & special teams
- Special equipment

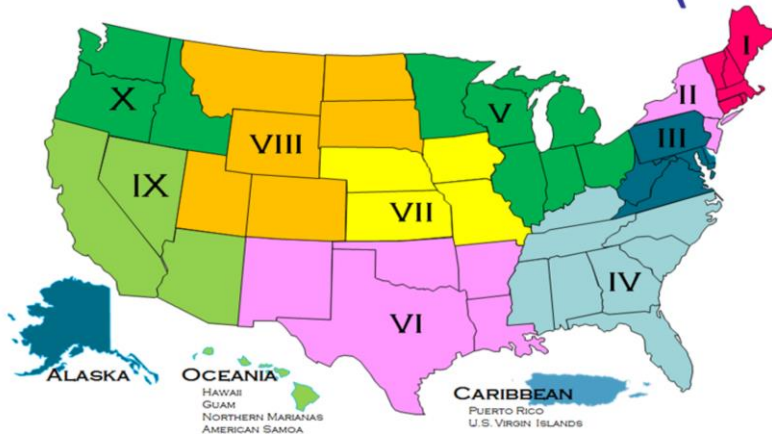
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- Enforcement authorities under CERCLA and the Clean Water Act include the authority to request information, obtain access to an incident site, compel responsible parties to undertake cleanup actions, and obtain reimbursement of federal response costs.

- The OSC typically responds with the assistance of federal contractors with expertise in environmental cleanup.

- Federal funds are available to the OSC to undertake federal response actions

REGIONAL RESPONSE TEAMS (RRTs)



- 13 RRTs comprised of 15 federal agencies plus state/territorial and tribal representatives
- Co-chaired by EPA and USCG
- Engage in planning and training activities year-round
- Coordinate decision making process for certain response strategies that have not been preapproved
- Provide technical expertise and resources to the OSC during a response

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- There are 13 RRTs – one for each EPA region, plus Alaska, Oceania, and the Caribbean.
- The RRTs’ membership includes the Regional representatives of 15 Federal agencies, plus state representatives (tribes may also participate):
 - EPA
 - US Coast Guard
 - Dept of Health and Human Services
 - Dept of Labor/OSHA
 - Dept of Commerce/NOAA
 - Dept of Interior
 - Dept of Transportation
 - Dept of Agriculture
 - Federal Emergency Management Agency
 - Dept of Defense
 - Dept of Energy
 - Dept of State
 - Dept of Justice
 - U.S. Nuclear Regulatory Commission
 - General Services Administration
- The RRTs are co-chaired by EPA and the USCG year round. During a response, the agency providing the OSC chairs the RRT.
- RRTs have both preparedness and response roles.
- While called a “response team,” RRTs do not actually deploy as a team to incident sites, but members reach back into their organizations to deploy and make available resources needed by the OSC. Individual RRT members may, however, deploy to the incident site as resources from their agencies. RRTs also provide technical advice and recommendations to the OSC.

NATIONAL RESPONSE TEAM (NRT)



Mission: *To provide technical assistance, resources and coordination on preparedness, planning, and response activities for emergencies involving hazardous substances, pollutants and contaminants, hazmat, oil, weapons of mass destruction in natural and technological disasters and other environmental nationally significant incidents.*

- Comprised of 15 federal agencies/departments
- EPA – Chair; USCG – Vice Chair
- National-level planning, policy, and coordinating body
- Provides policy advice and national-level assistance to the OSC and RRT(s) during a response

Logos of member agencies: EPA, USCG, US Coast Guard, Department of Commerce, US Fish and Wildlife Service, Department of Justice, Department of Energy, US Nuclear Regulatory Commission, FEMA, US State Police, US Health and Human Services, USDA, and GSA.

At the head of the National Response System is the U.S. National Response Team (NRT) - an organization of the 15 Federal departments and agencies that are responsible for coordinating emergency preparedness and response to oil and hazardous substance pollution incidents.

The Environment Protection Agency (EPA) and the U.S. Coast Guard (USCG) serve as Chair and Vice Chair respectively.

The NRT meets regularly and has a robust organization of chartered committees and subcommittees preparing response guidance and other resources for the field and reviewing oil and hazmat responses to determine how to improve future responses.

The NRT provides its assistance to the regional and on-scene components of the NRS -- the On-Scene Coordinator and Regional Response Teams.

The NRT and your NRT members are the subject matter experts on national response policy and should be a key resource that Senior Executives in the agency rely on and coordinate with when an oil/hazmat incident is significant enough to warrant participation by your senior leadership. During significant oil/hazmat incidents, we expect that regional or on-scene components may request the NRT convene to coordinate interagency actions at the Washington DC/HQ level, so we want to be sure that NRT members in each NRT agency are linked to their senior leadership

For briefings within NRT agencies, if possible, be prepared with some examples of past or current NRT activities that are important to the specific agency being briefed.



To help the OSCs, the NRS includes a variety of federal “Special Teams” that can provide OSCs with more in-depth expertise in certain technical and response capabilities. As you can see, these teams come from several of the federal agencies on the NRT.

It’s important to understand that during an NCP response, the Special Teams respond to support the OSCs; they do not lead NCP responses. Additionally, these are “national” resources under the NRS and identified in the NCP.

[For briefings in agencies that provide Special Teams that will be described further in Agency-specific section, mention here that the Agency rep will be talking about the Agency's team in more detail later.]

USCG - National Strike Force (NSF) – includes the NSFC and three Strike Teams (Pacific, Atlantic, and Gulf); Incident Management Assist Team (IMAT); Public Information Assist Team (PIAT); District Response Groups (DRGs); National Pollution Fund Center (NPFC)

EPA - Environmental Response Team (ERT); Radiological Emergency Response Team (RERT); National Criminal Enforcement Response Team (NCERT); CBRN Consequence Management Advisory Team (CMAT); and Scientific Support Coordinators (SSCs)

DOL OSHA - Specialized Response Team – chemical, biological, radiological, and structural collapse

DOC NOAA - Scientific Support Coordinators (SSCs)

DOD Navy Supervisor of Salvage (SUPSALV) – underwater salvage technical support

DOI Bureau of Safety & Environmental Enforcement (BSEE) – Source Control Support Coordinator (SCSC)

DOE – Assorted Radiological Response Teams

EPA ENVIRONMENTAL RESPONSE TEAM (ERT)

Focus: “Classic Environmental” Emergencies

- Air Monitoring
- Risk Assessment
- Responder Health & Safety (H&S)
- Lab & Analytical Support
- Cleanup Technologies
- Information & Data Management
- Training & Education



≈28 experienced responders + trained contractors

Key Assets include Trace Atmospheric Gas Analyzers (TAGAs), mobile labs, Dive Team, specialized rad gear, information management platforms

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- Multi-disciplinary staff in 4 locations: Edison NJ, Cincinnati OH, Las Vegas NV, Durham/RTP NC – with contractor support
- Expertise includes treatment technology, biology, chemistry, hydrology, geology, and engineering.
- Expertise in hazardous substances and oil spill response training and health and safety education, and offers technical courses each year to federal, state, and local first responders
- Focus: “Classic” oil and hazmat emergencies -- a separate EPA Special Team focuses on WMD/CBRN incidents
- Provides both expertise and equipment
- ERT ‘s specialized assets include TAGA labs, a dive unit, specialized radiation resources, and information management support tools to help manage environmental data and other response information
- ERT’s “TAGA” (Trace Atmospheric Gas Analyzer) vans are mobile laboratories that can perform real-time sampling and analysis of air emissions.


EPA

RADIOLOGICAL EMERGENCY RESPONSE TEAM (RERT)

≈27 person forward team (All Feds/No Contractor Support)

Focus: Radiation Monitoring and Evaluation

- Sampling/Monitoring
- Hazard Evaluation
- Planning Decontamination
- Risk Assessment
- Lab Analysis
- Characterization
- Cleanup
- Waste Disposal



Key Assets include RadNet System, Mobile Environmental Response Laboratory (MERL), Scanner Vans, deployables

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With locations in Washington DC, Las Vegas, NV, and Montgomery, AL, EPA's RERT provides specialized technical advice, assistance, and specialized radiation detection equipment for radiological incidents.

Radiological laboratories: RERT has both a fixed and mobile laboratory. The fixed laboratory – the National Analytical Radiation Environmental Laboratory (NAREL) -- is located in Montgomery, AL, and is capable of complex analyses to identify specific radioisotopes in a variety of environmental media. The mobile lab -- called the Mobile Environmental Radiation Laboratory (MERL) -- can be used to conduct field assessments of low-level contamination from environmental samples. RERT's MERL can be driven to any site in the continental U.S., and can deploy 24-48 hours from receiving a request for assistance.

RadNet: The nationwide system monitors the nation's air, precipitation, and drinking water to track radiation in the environment. Over time, RadNet sample testing and monitoring results show the normal background levels of environmental radiation. The system will also detect higher than normal radiation levels during a radiological incident. RadNet has tracked radiation from atmospheric nuclear weapons tests and nuclear accidents at Chernobyl, Ukraine, and Fukushima, Japan.

RadNet has more than 130 stationary (fixed) radiation air monitors in 50 states, Puerto Rico, and Washington DC. Another 40 portable (deployable) air monitors can be sent anywhere in the U.S. if needed. RadNet runs 24 hours a day, 7 days a week, and sends near-real-time measurements of beta and gamma radiation to EPA's NAREL in Montgomery.

EPA

NATIONAL CRIMINAL ENFORCEMENT RESPONSE TEAM (NCERT)

Mission: Provides evidence collection support for environmental crime investigations and law enforcement support/liaison to EPA's OSCs/responders

Liaison between OSC and Federal Bureau of Investigation (FBI)

Focus: Environmental criminal investigations

- All-hazards response (Levels A–D)
- Contaminated crime scene management, processing, and evidence collection/decontamination
- Reach-back to EPA 's National Enforcement Investigations Center in Denver
- Law enforcement support/liaison



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- EPA's NCERT provides specially trained Law Enforcement Officers with all-hazards response capability.
- They provide law enforcement support to OSCs, and act as a liaison between OSCs and the FBI and other law enforcement agencies.
- They have the capability to collect and manage forensic evidence located within the contaminated zone at an incident site.
- NCERT also has reach-back capability to EPA's National Enforcement Investigations Center (NEIC) in Denver, which supports EPA's Special Agents and OSCs by providing comprehensive chemical analytical capabilities needed for forensic and rapid public health assessments. The Center is accredited and nationally recognized in forensic environmental analysis.

EPA

CBRN CONSEQUENCE MANAGEMENT ADVISORY TEAM (CMAT)

Mission: Provides scientific and technical expertise for all phases of chemical, biological, radiological, and nuclear (CBRN) environmental consequence management

Focus: Operational preparedness for CBRN agents. Maintain ASPECT aircraft and PHILIS labs

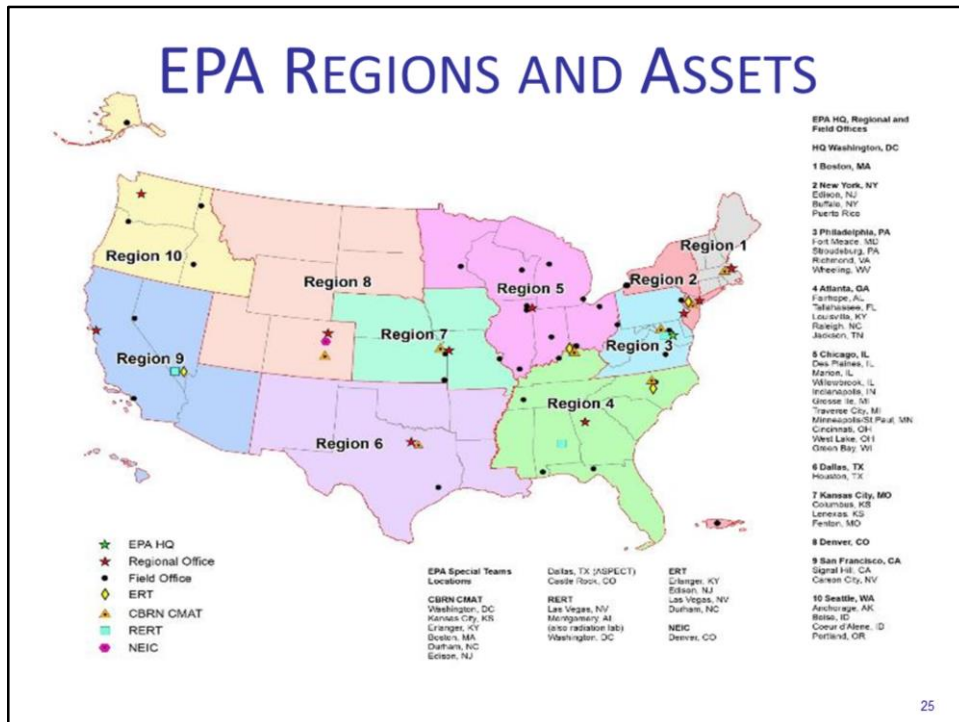
Support: All phases of CBRN environmental response, including characterization, decontamination, clearance and waste management

Buildings, infrastructure, indoor and outdoor environments, transportation sectors



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- The approximately 17 member CMAT team is spread throughout the country -- including Washington DC, Research Triangle Park NC, Erlanger KY, Kansas City KS, Edison NJ, Boston, MA, and Castle Rock, CO -- and provides technical expertise to OSCs on environmental characterization, decontamination, clearance and waste management for radiological, chemical, and biological incidents.
- Focus on all phases of CBRN environmental response, including characterization, decontamination, clearance and waste management
 - ✓ Buildings, open spaces, transportation and water systems
 - ✓ Advice on protective cleanup levels
- Team includes structural engineers, industrial hygienists, materials and HVAC engineers, health physicists, chemists, toxicologists, environmental scientists, and disposal experts.
- CMAT also manages and focuses on EPA's ASPECT (Airborne Spectral Photometric Environmental Collection Technology) aircraft, which provides chemical/radiological mapping capability, and the PHILIS Toxic Industrial Chemical and Chemical Warfare Agent mobile labs.



EPA has a primary Regional office in each of these 10 regions.

In addition to the 10 EPA Regional Offices, most Regions have additional OSCs out-posted to other field and satellite offices to reduce response times.

EPA's Special Teams have personnel in various locations, as shown on the map.

USCG NATIONAL STRIKE FORCE (NSF)

Mission: Provide rapidly deployable technical experts, specialized equipment, and incident management capabilities for Lead Agency Incident Commanders and Federal OSCs for their response and preparedness missions

National Strike Force Coordination Center: Provides support and standardization guidance for the Atlantic, Gulf, and Pacific Strike Teams and oversees the maintenance of the Response Resources Inventory (RRI), Oil Spill removal organizations (OSRO) Classification Program, and National Maintenance Contract (NMC)



Atlantic Strike Team, Pacific Strike Team, and Gulf Strike Team: Specialized cadre of Coast Guard professionals who rapidly deploy any time to any place or Hazard



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- The USCG National Strike Force is comprised of the National Strike Force Coordination Center (NSFCC), the Incident Management Assist Team (IMAT), the Public Information Assist Team (PIAT), and the National Strike Teams (NSTs).
- The **NSFCC** supports the OSC through technical assistance, coordination, and plans & exercise review. The Coordination Center oversees the NSTs, the IMAT, and the PIAT; and maintains a national inventory of oil spill response resources.
- The **NSTs** are made up of highly-trained USCG professionals who rapidly deploy to incidents. They supply a range of specialized equipment including oil spill response & lightering/pumping equipment, Chem/Bio/Rad (CBR) & **monitoring/detecting equipment**, and general response/damage control equipment, as well as land vehicles, boats, & mobile command posts. The NSTs use their acute incident management skills to assist and support Lead Agency/Incident Commanders and OSCs for both crisis and consequence management. Each strike team typically has between 20 and 30 deployable members at any one time. (Source: www.uscg.mil/hq/nsfweb/)
- National Strike Force resources are available to both USCG and EPA On-Scene Coordinators

If not including individual unit slides –

- The **IMAT** provides highly trained National Incident Management Command System trained, qualified, and experienced personnel to assist Incident Commanders and On-Scene Coordinators in all hazards response.
- The **PIAT** is composed of a highly skilled unit of public affairs specialists prepared to complement the existing public information capabilities of the OSC.

USCG

INCIDENT MANAGEMENT ASSISTANCE TEAM (IMAT)

Mission: Provide Deployable Specialized Forces to assist Operational Commanders to prepare for, respond to, recover from, and mitigate the effects of all risks and all hazards incidents and events

Capabilities: *Deployable* National Incident Management System (NIMS) Type 1 and 2 IMATs; *Incident Command System (ICS)* training for USCG components; and *Exercise Support* and evaluation at the national and regional level



NRT 27

Incident Management Assist Teams

The Coast Guard Incident Management Assist Team (CG-IMAT) provides National Incident Management System (NIMS) Incident Command System (ICS) trained, qualified and experienced personnel to deploy and assist Coast Guard Incident Commanders to protect against, respond to, recover from and mitigate the effects of all-hazard incidents and events to reduce the loss of life, property, and impact to the environment.

The CG-IMAT is responsible for providing support during all-hazard incidents for Incident Commanders, assisting in national and regional large-scale exercises with NIMS ICS oversight, support, coaching and training as requested, and providing participation and assistance as ICS instructors and subject matter experts when the unit is not deployed.

Other agencies are developing, or have, IMATs.

Specific capabilities/services:

- Assist in overall management of an event or incident; developing measures for assuring personnel safety and assess and/or anticipate hazardous and unsafe situations;
- provide interagency crisis communication teams and technical expertise to maintain transparency to the public during events or incidents;
- assist in management of all financial aspects of an incident;
- order supplies and services and manage all equipment rental agreements;
- assist in providing facilities, services and material in support of the incident;
- assist in management of all tactical operations;
- assist in maintaining the status of all assigned resources at an incident;
- assist in developing an Incident Action Plan (IAP);
- assist in collection, evaluation and dissemination of all incident information.

Positions the IMAT Provides:

- Incident Commander • Safety Officer • Liaison Officer • Public Information Officer • Agency Representative • Operations Section Chief • Air Operations Branch Director • Division/Group Supervisor • Planning Section Chief • Resources Unit Leader • Situation Unit Leader • Logistics Section Chief • Supply Unit Leader • Finance Section Chief • Environmental Unit Leader

USCG

PUBLIC INFORMATION ASSIST TEAM (PIAT)

Mission: Provide rapidly deployable highly-trained crisis communications professionals to help Incident Commanders and Federal OSCs meet their objectives of truth and transparency of operations for the public

Capabilities: *Deployable personnel and equipment* to meet public affairs needs during the initial response (e.g., staff Public Information Officer (PIO), establish and manage a Joint Information Center (JIC), coordinate media relations, produce public information products, and provide Public Affairs (PA) guidance for all response personnel); *Training and Exercise support* in risk communications and ICS-based joint information center operations for all NRS components; *Area Contingency Plan review* for adequacy of public information management sections and customized communication plans



The **Public Information Assist Team (PIAT)** is available to help Incident Commanders meet their communications needs during an incident. The PIAT is a four-person team that provides crisis communications expertise during all-hazards events and is highly trained in establishing and managing the NIMS Joint Information Center.

The JIC is a central location that facilitates public information responsibilities during an incident.

The PIAT responds to incidents at the request of an OSC and is prepared to staff all levels of the JIC, including Public Information Officer and Assistant Public Information Officer positions.

PIAT members also teach risk communication techniques and Joint Information Center organization to Coast Guard, other federal, state and local agencies, and industry personnel. The PIAT also helps develop federal and industry-led pollution response exercises, and acts as coaches and evaluators during exercises.

USCG DISTRICTS AND STRIKE TEAMS



The USCG has nine distinct Districts in two Areas – Atlantic and Pacific. Strike Teams are conveniently located along each coast, though any team can be deployed anywhere in the country as needed.

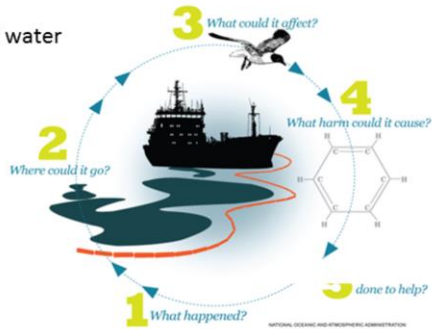
NOAA & EPA

SCIENTIFIC SUPPORT COORDINATORS (SSCs)

- SSCs are designated as a “Special Team” to advise the OSC on scientific and technical issues.
- Typically, National Oceanic and Atmospheric Administration (NOAA) SSCs support the USCG in the coastal zone; and EPA SSCs support the EPA in the inland zone.

Expertise includes:

- Pollutant Transport Modeling in air and water
- Oil & Hazmat Fate and Effects
- Natural Resources at Risk
- Environmental Chemistry and Toxicity
- Environmental Trade-off of Countermeasures and Cleanup
- Environmental sampling
- Data & Information Management
- Contingency Planning
- Liaison to Scientific Community



NRT 30

SSCs (SSC as Special Team, 40 CFR 300.145(c))

NOAA and EPA Scientific Support Coordinators (SSCs) -- SSCs are key advisors for scientific issues, communication with the scientific community, and coordination of scientific assistance requests from State and Federal agencies. SSCs provide personnel and specialized equipment to assist federal OSCs in stabilizing and containing spills or releases, monitoring or directing response actions, and training for spill response.

OSHA

SPECIALIZED RESPONSE TEAM



- Chemical
- Biological
- Radiological
- Structural Collapse
- Members include:
 - Certified Industrial Hygienists
 - Professional Engineers
 - Occupational Physicians
 - Specialized Safety Experts
- Support the OSC in the area of worker health and safety
- Can also support through National Response Framework (NRF) Worker Safety and Health Support Annex

NRT 31

- OSHA's Specialized Response Team is available for on-site and reach-back assistance to the OSC.

- The team can provide safety and health specialized expertise and support for incidents involving toxic industrial chemicals, chemical warfare agents, biological agents, ionizing and non-ionizing radiation, collapsed structures, demolition, and other construction-type activities. The team is comprised of certified industrial hygienists, certified health physicists, professional engineers, toxicologists, occupational physicians, and specialized safety experts.

- In addition to the technical subject matter expertise in recognizing and evaluating health and safety hazards, the team can assist with risk assessment and risk management in the area of response worker safety and health. The team is equipped with specialized monitoring and personal protective equipment for use in emergency response activities.

- Team leadership, equipment, and coordination assets are located at the OSHA Salt Lake Technical Center (SLTC), in Sandy, Utah.

- The team can assist OSCs during a routine NCP response, or be activated under the NRF Worker Safety and Health Support Annex for larger incidents being managed

under the NRF.

DoD

NAVY SUPERVISOR OF SALVAGE & DIVING (SUPSALV)

- Waterborne Pollution Response and Recovery
- Salvage, Wreck Removal, Diving, Deep Ocean Recovery
- Technical Support in Salvage, Ocean Engineering, and Spill Response



NRT 32

“SUPSALV represents the Department of Defense to the National Response Team. Under its Emergency Ship Salvage Material System, SUPSALV manages a worldwide network of stockpiled emergency response equipment, which includes sites in Alaska, Hawaii, and the east and west coasts of the U.S. As a “special team” available to support a Federal On-Scene Coordinator, SUPSALV support ranges from salvage technical and operational assistance to mobilization of SUPSALV and other Navy resources in response to a marine casualty.”

Photo: USS MISSISSINEWA oil removal operations. USS MISSISSINEWA was a U.S. Navy oiler that sank in WWII. In a SUPSALV directed operation, with the support of Navy divers and commercial salvors, the Navy removed nearly 2 million gallons of oil from the wreck in 2003.

B. SUPSALV background details.

The Navy is committed to operating in a manner compatible with the environment and meeting all federal requirements. The purpose of the Chief of Naval Operations’ Environmental Readiness Program is to ensure the ability of United States Navy forces to effectively operate world-wide in an environmentally responsible manner, both ashore and afloat. Prevention is the Navy’s first line of defense, with the goal of reducing the number of spills that occur, and along with Preparedness and Response, these are the pillars of the Oil and Hazardous Substance Spill Response Program.

The Salvage Operations Division maintains standing worldwide commercial contracts for salvage, emergency towing, deep ocean search and recovery operations, and oil pollution abatement. Additionally, we own, maintain and operate the worldwide Emergency Ship Salvage Material (ESSM) system, which incorporates the world’s largest inventory of salvage and pollution abatement equipment. We also own, maintain, and operate a large number of deep ocean search and recovery systems, with depth capabilities up to 20,000 feet. We also routinely provide salvage technical assistance to fleet salvors, as well as to other federal agencies.

Within the National Contingency Plan, SUPSALV has been assigned as one of the “Special Teams” available to the Federal On-Scene Coordinator (OSC). SUPSALV provides assistance (personnel and/or equipment) for commercial oil or hazardous substance spills, or potential spills (i.e. salvage operations), as requested by any OSC through existing agreements with the USCG and the USACE, or as tasked by higher military authority. Assistance ranges from salvage technical or operational support to mobilization of SUPSALV and other Navy resources to support a partial or full federal response to a marine casualty.

SUPSALV has an extensive array of specialized contracts, equipment, and trained personnel available for use in these areas. Its spill response inventory is stockpiled in warehouses on the east coast (Williamsburg, VA), west coast (Point Hueneme, CA), Alaska and Hawaii, and most of it is containerized for immediate deployment by air or truck.

BSEE

SOURCE CONTROL SUPPORT COORDINATOR (SCSC)

The Bureau of Safety and Environmental Enforcement (BSEE) SCSC is the principal advisor to the OSC for source control operations

The SCSC can:

- Provide expertise and inspection resources for analysis and monitoring of proposed well intervention or pipeline source control operations;
- Quantify flow rate information from the source and provide forecasting for flow rate modeling; and
- Facilitate consultations, knowledge integration, and consensus from government agencies, academic and research institutions, and industry for source control



NRT

33

The **Source Control Support Coordinator (SCSC)** is a source control technical specialist provided by the Department of Interior (DOI) Bureau of Safety and Environmental Enforcement (BSEE) during a loss of well control or pipeline incident on the Outer Continental Shelf (OCS). The SCSC serves on the OSC's staff as the principal advisor for source control operations. The SCSC provides support for operational decisions and coordination regarding source control activities.

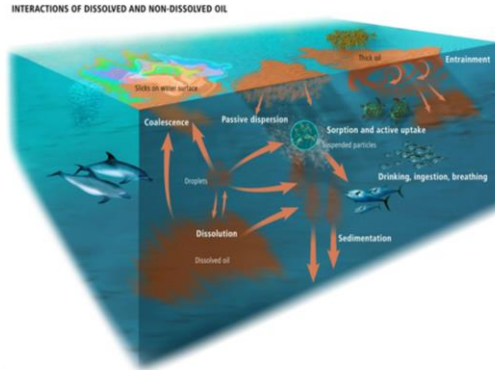
The SCSC and other BSEE technical specialists:

- (i) Provide expertise and inspection resources for analysis and monitoring of proposed well intervention or pipeline source control operations;
- (ii) Quantify the flow rate information from the source and provide forecasting for flow rate modeling; and
- (iii) Facilitate consultations, knowledge integration, and consensus from government agencies, academic and research institutions, and industry for source control issues.

In addition to the SCSC, other BSEE source control technical specialists can be placed throughout the response organization to ensure source control operations are adequately supported and integrated into the overall response. The OSC may request support from the BSEE Regional Office.

NATURAL RESOURCE TRUSTEES' ROLE AND RESPONSIBILITIES

- Work with RP and state and tribal trustees to restore natural resources and services that are injured as a result of spills or releases
- Conduct scientific Natural Resource Damage Assessments to determine injuries, prioritize restoration needs, and seek compensation for lost public use of injured natural resources
- Engage the responsible parties to secure restoration through either settlement or litigation



NRT 34

Trustees for Natural Resources (Subpart G, 40CFR300.600)

ROLE OF THE RESPONSIBLE PARTY



- Responsible for:
 - Cleaning up the spill
 - Response costs
 - Certain damages
 - Environmental restoration
- Often a response partner and part of the Unified Command

NRT 35

One of the unique characteristics of the National Contingency Plan is the role of **the Responsible Party (RP)**.

The RP is responsible for cleaning up the spill, paying for the response, paying for certain damages as a result of the spill, and environmental restoration following the response. If the RP cannot be identified or is not capable of conducting an adequate response, a federal response may be needed.

Commonly, the RP works cooperatively with the On-Scene Coordinator as a response partner – providing an integrated joint response effort.

You can probably remember the Deepwater Horizon Spill in 2010 and the prominent role BP played in the response effort and claims payment.

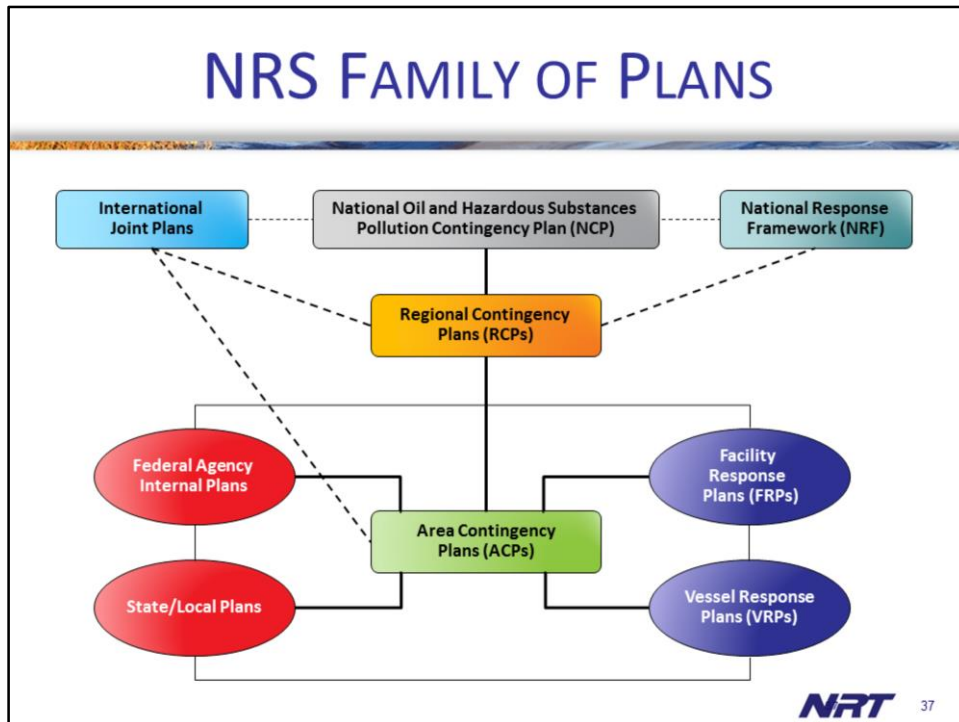
However, it is important to note that although the RP is responsible for the clean up, it is still the federal OSC that directs and oversees the response.



PLANNING & PREPAREDNESS

NRT 36

Timely and effective response relies on advanced planning and preparedness



Talking Points:

The NRS provides a framework for coordination among federal, state, and local responders and responsible parties to respond effectively on-scene to oil discharges and releases of hazardous substances, pollutants and contaminants -- whether accidental or deliberate. Coordinating planning requires integrating elements of a host of federal and state statutes and implementing regulations with different purposes.

The NRS accomplishes this through the development and maintenance of a family of layered and interlocking contingency plans. Plans required under the NRS authorities are shown here with solid lines. These plans are required under regulation to be consistent. The family of plans includes multiple levels to provide an integrated approach to responding to oil/hazmat incidents.

The Area Contingency Plan is the center of the solar-system of plans and the ACP and its associated Area Committee is where the agency-industry relationship is nurtured (though industry reps are not "members" of Area Committees).

Industry plans, which must be compatible with ACPs, are an integral component of the NRS, and the NCP provides for unique responsibilities of entities responsible for a spill – referred to as the Responsible Party or RP.

This family of oil/hazmat plans integrates with and supports the National Response Framework (NRF), which is issued by DHS under presidential directive. We'll be discussing the NRF later in this presentation.

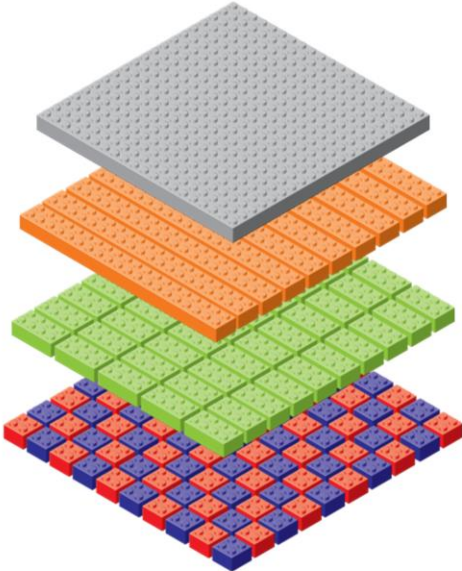
KEY FOR CHART:

- Larger solid lines = Plans of the NRS
- Small solid lines = Plans integrated with the ACP
- Dotted lines = Points of coordination with the NRS

NRS Plans and Planning Groups

NRS Plans

- National Contingency Plan
- Regional Contingency Plans
- Area Contingency Plans
- Local Emergency Planning Committee Plans
- Industry Plans



Planning Groups

- National Response Team
- Regional Response Teams
- Area Committees
- State Emergency Response Commissions
- Local Emergency Planning Committees
- Industry

REGIONAL CONTINGENCY PLANS (RCPs)



- Developed by multiagency RRTs
- Provide for effective regional response coordination
- Ensure clear roles and responsibilities
- Follow NCP format



- Include information on government, commercial, and academic facilities and resources in each region
- Coordinate with ACPs and Local Emergency Planning Committee (LEPC) plans
- Designate the boundary between the coastal and inland zones
- Include applicable preauthorization plans for the use of dispersants and other oil spill control agents listed on the NCP Product Schedule, and burning agents for in-situ burn operations

- Regional Contingency Plans (RCPs) are maintained by the Regional Response Teams
- There are 13 RCPs, one for each RRT (the 10 EPA regions plus Oceania, Caribbean, and Alaska).
- The RCP provides the common elements for local and area planning within that region.
- The RCP covers both the inland and coastal zones within the region.

AREA CONTINGENCY PLANS (ACPs)



- Developed by Area Committees led by Federal On-Scene Coordinators (OSCs)
- Provides for effective response coordination for worst case discharges
- There are 36 Coastal ACPs and 13 Inland ACPs



NRT 40

- Area Committees include federal, state, and local agencies with responsibilities in developing ACPs.
- Areas of Responsibility may include several local planning districts and/or parts of such districts.
- ACP contents include the topics listed on the slide. In addition, ACPs contain special plans such as response protocols for:
 - Pre-authorized use of dispersants and other alternative countermeasures
 - Firefighting
 - Salvage
 - Places of refuge
 - Wildlife response
 - Use of volunteers
- *Optional:* Traditionally, EPA has embraced a regional organization in which, in practice, the RCPs often serve as the ACPs for the inland zones, while the USCG has planned from a local perspective, with separate ACPs prepared for different coastal zone areas under the RCP. Efforts to establish inter-agency planning protocols are being established via the Regional Response Teams.

STATE, TERRITORIAL, TRIBAL, AND LOCAL PREPAREDNESS



Emergency Planning and Community Right-to-Know Act (EPCRA) (or SARA Title III)

- Purpose is to help communities prepare for chemical emergencies
- Resulted in State Emergency Response Commissions (**SERCs**), Tribal Emergency Response Commissions (**TERCs**) and over 2,000 Local Emergency Planning Committees (**LEPCs**)
- Requires the development of local emergency response plans for responding to releases of extremely hazardous substances
- Under the NCP, RCPs/ACPs are integrated with state and local plans

NRT 41

- EPCRA was a 1986 amendment to CERCLA. It was passed after a toxic gas leak from a chemical plant tank in Bhopal, India killed about 3800 people and injured many others. The incident raised concerns about the adequacy of state and local planning for an incident of this magnitude in the U.S.
- Under EPCRA, a SERC is to be appointed by the Governor of each state. The SERC is to designate emergency planning districts, appoint LEPCs, supervise and coordinate their activities, and review local emergency response plans. The Chief Executive Office of a Tribe appoints the TERC. TERCs have the same responsibilities as SERCs.
- Each LEPC prepares a local emergency response plan for its community and establishes procedures for receiving and processing requests from the public for information generated by requests under Title III reporting requirements.

PREPAREDNESS FOR RESPONSE EXERCISE PROGRAM (PREP)

Co-owned by four agencies (USCG, EPA, DOI/BSEE and DOT/PHMSA) - PREP are the OPA-90 exercise requirements and associated policies consolidated into one guidebook.



- ### Facility/Vessel Plan Holder Exercises
- QI notification exercises
 - Remote assessment and consultation exercises (SMFF) for vessels
 - Emergency procedures exercises for vessels
 - Emergency procedures exercises for facilities (optional)
 - IMT exercises
 - Shore-based salvage and shore-based marine firefighting management team exercises for vessels
 - Equipment deployment exercises; and
 - Government-Initiated Unannounced Exercises (GIUEs)

- ### Area Exercises (OSC driven)
- Quarterly Area Notification Drill
 - Annual Area Incident Management Team Table Top Exercise (TTX)
 - Annual Equipment Deployment Drills
 - Quadrennial Area Full Scale Exercise (FSE)



The National Preparedness for Response Exercise Program and associated guidelines are a conglomeration of OPA 90 exercise requirements and associated policies consolidated into one guidebook.

The guidelines are co-owned/co-authored by the four agencies that regulate response preparedness: the U.S. Coast Guard (USCG), the Environmental Protection Agency (EPA), the Pipeline and Hazardous Materials Administration (PHMSA), and the Bureau of Safety and Environmental Enforcement (BSEE).

The PREP Guidelines address two exercise domains: Facility/Vessel plan holder exercises and Area exercises (tests ACPs)

RESPONSE FUNDING

NRS FUNDING MECHANISMS

Oil Spills

- Oil Pollution Act of 1990 (OPA 90)
 - Oil Spill Liability Trust Fund (OSLTF)



Hazardous Substances Releases

- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), a.k.a. Superfund
 - Superfund Trust Fund

NRT 44

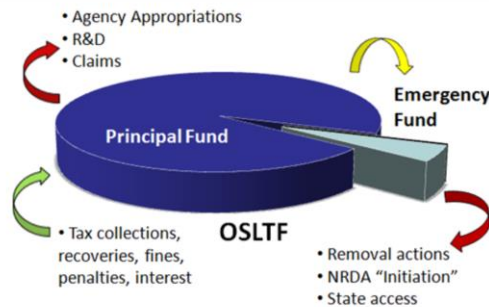
In addition to providing the federal government with authorities and responsibilities for responding to oil spills or hazardous substance releases, both the Oil Pollution Act and Superfund provide a number of mechanisms and funding options to pay for emergency response activities.

Most importantly, both laws hold the Responsible Party liable for paying for response costs- when the RP can be identified and is financially viable. However, both laws establish funds to ensure a rapid, effective response.



OIL SPILL LIABILITY TRUST FUND

- Administered by U.S. Coast Guard (USCG) National Pollution Funds Center (NPFC)
- OSLTF established to provide funding for:
 - Emergency response actions to protect public health, safety and environment
 - Natural Resource Damage Assessments (NRDA) initiation
 - Compensation for claimants who demonstrate that oil pollution caused damages
 - Research and development
 - Other specific appropriations
- Source of funding is tax on oil and civil penalties associated with incidents
- Per incident expenditures from the fund limited to \$1 billion, of which NRDA initiation and claims are limited to \$500 million



NRT 45

- The Oil Spill Liability Trust Fund, administered by the National Pollution Funds Center (NPFC), is used for response to spills of oil and oil products.
 - There are two primary components to the OSLTF, the *Emergency Fund* and the *Principal Fund*.
 - The Emergency Fund is available to pay Federal response costs (Federal oil removal costs under CWA 311(c)) and for initiation of NRD assessments by the Trustees.
 - To ensure rapid, effective response to oil spills, the President has the authority to make the Emergency Fund available--without Congressional appropriation--up to \$50 million each year to fund removal activities and initiate NRDA's.
 - An additional \$100M annually can be advanced to the Emergency Fund from the Principal Fund if needed and reported to Congress.
 - Emergency Fund amounts are available until expended. Current Emergency Fund balance is 122.3M (Feb 2017).
 - The Principal Fund contains the balance of the Fund.
 - Funds third party claims and annual appropriations to federal agencies; largest use of the fund has been for annual agency appropriations (e.g. CG, EPA, DOI, DOT) to administer and enforce OPA and Federal response authority.
 - The total Fund balance is \$5.14 billion as of 31 JAN 2017
 - There are four primary ways the fund can be accessed:
 - By the federal On-Scene Coordinator directly - or by working as a contractor for the federal OSC.
 - Through a state funding request for up to \$250,000 per incident. States still need to request funding through their federal OSC in order to obtain funding through this mechanism.
 - By submitting a claim to the USCG National Pollution Funds Center (NPFC) - Claims can be submitted by individuals, companies, state governments, or federal agencies requesting compensation for removal costs or damages, including natural resource damages.
 - And finally, the OSLTF may be accessed for the initiation of natural resource damage assessments, to be submitted by a lead federal trustee for a particular incident.
- Per incident expenditures from the OSLTF are limited to \$1 billion, of which Natural Resources Damage Assessments and Natural Resource Damage claims are limited to \$500M.

SUPERFUND TRUST FUND

- Administered by Environmental Protection Agency (EPA)
- Can be accessed in three ways:
 - Federal On-Scene Coordinator (OSC)
 - Claims Process
 - Claims can be submitted by individuals or states
 - Response actions must be preauthorized for reimbursement
 - Local Government Reimbursement (LGR) program
- Federally-funded “removal” responses limited to \$2 million/ 12 months unless certain statutory findings can be made



NRT 46

The Superfund Trust Fund is used for releases of hazardous substances -- not oil.

The Superfund Trust Fund is administered by EPA, in cooperation with individual states and tribal governments. Additionally, the NPFC administers Superfund cases in the coastal zone through Regional IAGs (Interagency Agreements)

Superfund can be accessed in three ways:

- By the OSC - enabling them to conduct cleanup actions.
- Through the claims process. Claims can be made by: (1) any person other than the US Government, States, and their political subdivisions, except to the extent the claimant is otherwise compensated for the loss; and (2) States and political subdivisions if they are potentially responsible parties. Only response actions that EPA has preauthorized are eligible for reimbursement through the claims process. In practice, the claims process is used primarily as an enforcement tool in settlements with responsible parties. *[Optional: Used where one responsible party is willing to clean up a site where multiple RPs contributed. Provides partial reimbursement to that party. Ref: CERCLA 112(b), 40 CFR 307]*
- Through the Local Government Reimbursement program (LGR):
 - Established in 1986
 - Frequently used by local governments to recover costs associated with necessary emergency actions for hazardous substance incidents. Federally-recognized Indian Tribes also eligible for reimbursement, but States are not.
 - Local governments can be reimbursed up to \$25,000 per incident for costs incurred while performing temporary emergency response measures. Examples: disposable materials and supplies; rental or leasing of equipment; special technical and laboratory services; evacuation services; decontamination of equipment; overtime pay for employees; and replacement of lost or destroyed equipment.
 - Incidents involving releases of oil or oil-related products are not covered, unless the oil is mixed with a hazardous substance.
- Under Superfund, the federal government may undertake a response itself or oversee a response by another party. When the federal government conducts a “removal” response, the Superfund law limits the response to \$2 million and 12 months, unless certain findings described in the law can be made.

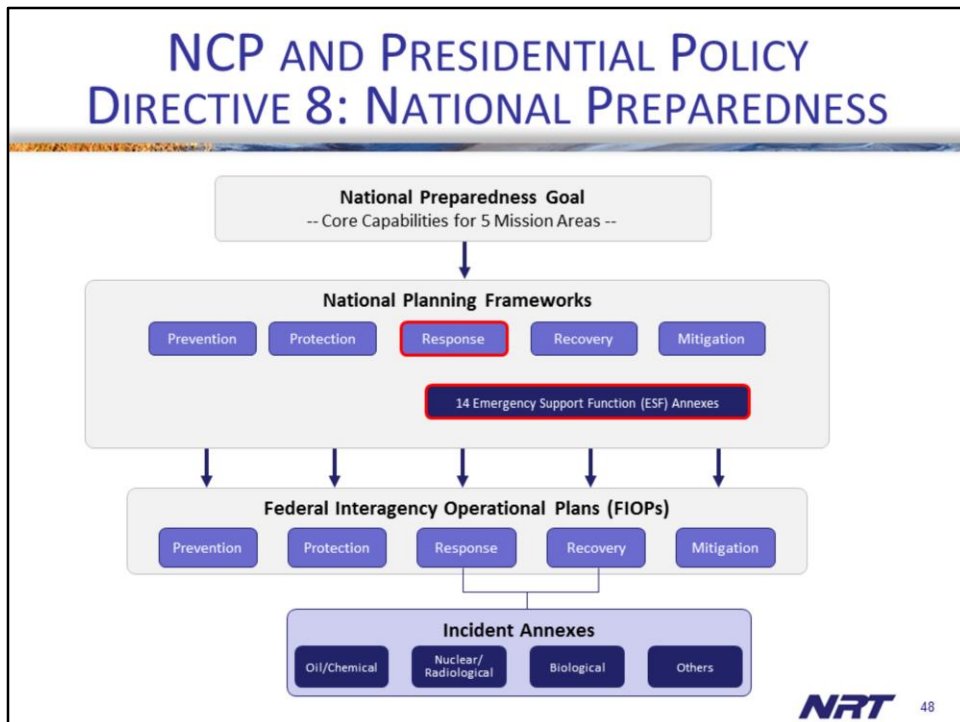


THE NCP RELATIONSHIP TO PPD-8 AND THE NRF

NRT 47

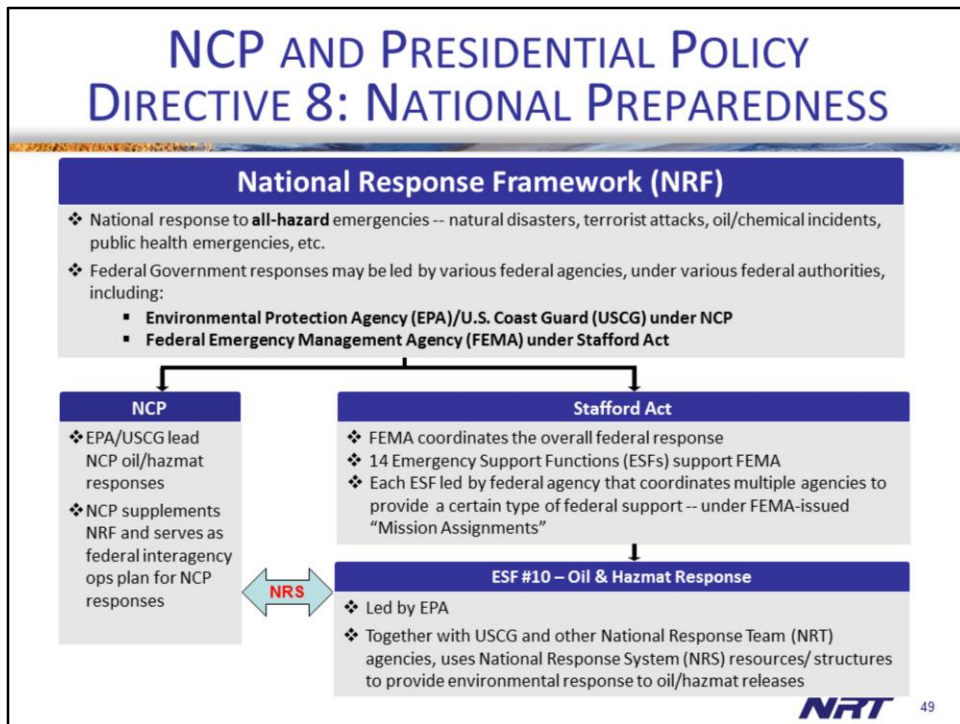
Now we'll discuss how the NCP fits into the overall federal approach to managing all types of domestic incidents under Presidential Policy Directive-8, and one of the components of PPD-8, the National Response Framework.

NCP AND PRESIDENTIAL POLICY DIRECTIVE 8: NATIONAL PREPAREDNESS



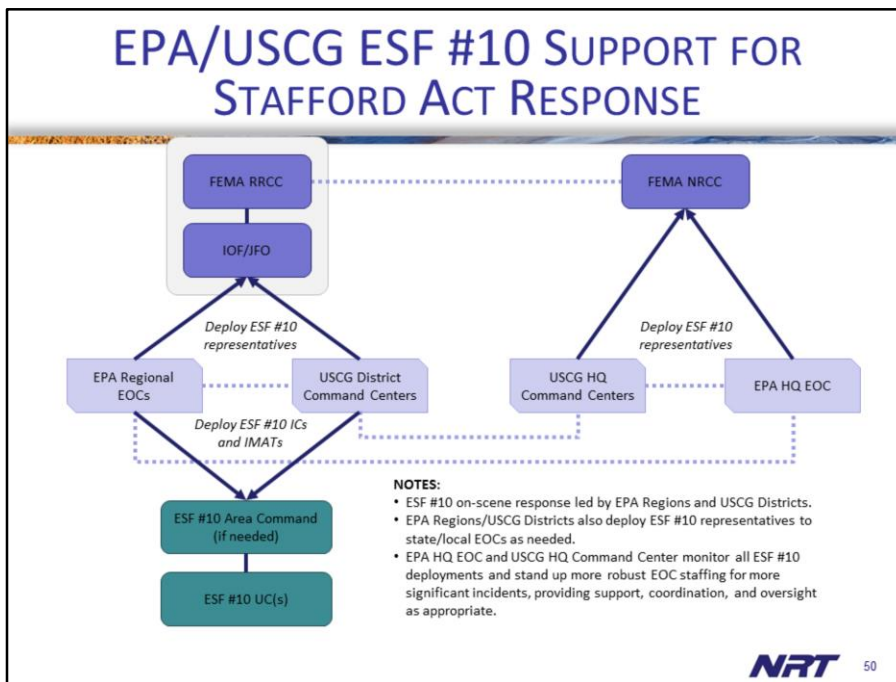
- PPD-8 is a presidential policy directive signed by the President in 2011. It created a comprehensive system of planning documents to describe and guide how the Nation manages emergency incidents
- As you can see, it covers 5 mission areas – from prevention of terrorist attacks, to protection of the Nation’s critical infrastructure, to responding and recovering from incidents, to taking actions to mitigate the impacts of incidents
- Agencies have various roles and responsibilities under this PPD-8 framework. Today we’re going to just talk about how the NCP and National Response System fits into PPD-8.
- We’re going to explain how the NCP fits into the Response mission area of PPD-8 that is outlined in red.

NCP AND PRESIDENTIAL POLICY DIRECTIVE 8: NATIONAL PREPAREDNESS



[Speaker note: Tailor the amount of explanation provided to the knowledge level of the specific audience. Talking points assume audience is not familiar with NRF and Stafford Act.]

- The **National Response Framework** describes how the Nation responds to “all-hazard” incidents
- **All-hazard** incidents include **natural disasters** – like hurricanes and tornadoes; **terrorist and other intentional acts**; **oil/chemical incidents**; **public health emergencies** -- like the Ebola and Zika viruses; and **other emergencies**.
- “Nation” includes federal, state, and local governments and the private sector
- For the **Federal Government**, the Framework recognizes that **federal responses may be led by various federal agencies, under various federal authorities**
- These include responses to **oil/hazmat incidents led by EPA/USCG under the NCP, which we’ve been discussing**. The NCP serves as the federal interagency ops plan under the Framework, for responses carried out under the NCP. [Speaker note: *If asked how NCP relates to Response FIOF on previous slide: The Response FIOF focuses on federal response to catastrophic Stafford Act disasters, not NCP incidents.*]
- The Framework also recognizes that **FEMA may coordinate federal responses under the Stafford Act**. In this case, **the National Response System may also have a role to play in providing support to FEMA through activation of ESF #10**.
- When FEMA coordinates a federal response under the Stafford Act, FEMA is supported by a broad spectrum of federal agencies, whose support is organized into “Emergency Support Functions” or ESFs. There are **14 ESFs – and each ESF can provide a different type of federal support during an incident**. [Speaker note: *If your specific briefing will include a discussion of ESF #15 – External Affairs, and you are asked why it is ESF #15 if there are only 14 total ESFs, the answer is: The ESFs are numbered #1-#13, and #15. There is no ESF #14 – was superseded by National Disaster Recovery Framework.*]
- **ESFs are led by the federal agency with the most expertise or authority in providing that type of support**, but the lead agency is supported by other federal agencies that also have authorities and expertise in that area.
- **EPA is the lead agency for “ESF #10 – Oil & Hazmat Response.”** EPA uses the resources and structures of **National Response System to provide the ESF #10 response**. So **NRT/RRT agencies may be asked to provide support to EPA during ESF #10 responses, and the NRT/RRT may be activated as interagency coordination mechanisms for ESF #10 responses if necessary**. ESF #10 is usually activated multiple times each year for natural disasters that result in oil/hazmat releases, like Hurricanes Sandy and Katrina.
- One **difference to note between an NCP response and an ESF #10 Stafford Act response**: Under the Stafford Act, states or tribes ask FEMA for the specific types of federal help they need, and FEMA then activates the ESFs that can provide that support and issues them “**Mission Assignments**” that task the ESFs to do the specific work requested. FEMA then reimburses the ESF agencies from the Stafford disaster fund. So **when ESF #10 is activated, we are responding to the specific tasks we’ve been assigned in the FEMA Mission Assignment**.
- However, EPA and USCG still maintain their ability to exercise their independent NCP authorities if needed during a Stafford Act response. So it is **possible to have both an ESF #10 and NCP response to a Stafford Act incident**.



Here's an overview of what an ESF #10 response looks like if ESF #10 is activated by FEMA during a Stafford Act response.

FEMA generally starts the process of coordinating a federal Stafford Act response by activating its Regional Response Coordination Centers (RRCCs) in the FEMA regional offices that are in the impacted area. They ask the ESFs that might be needed to deploy representatives to the RRCC. The EPA Region and USCG District in the impacted area send ESF #10 personnel to the RRCC. (Both EPA and USCG respond if the incident impacts both the inland and coastal zones – and they coordinate their response at the field and HQ levels as needed.)

If requested, EPA/USCG can also send ESF #10 representatives to state/local EOCs. During an ESF #10 response, EPA/USCG coordinate closely with our state environmental agency counterparts.

As the response progresses, FEMA establishes an Initial Operating Facility/Joint Field Office in each State affected by the incident to assess the damage and determine the need for federal assistance. Again, EPA Regions and USCG Districts deploy ESF #10 representatives to the IOF/JFO if requested by FEMA.

When ESF #10 receives a tasking from FEMA to conduct field work, the initial ESF #10 personnel are deployed by the EPA Regions/USCG Districts in the incident area -- unless incapacitated by the incident -- and additional support can be provided if needed by other EPA Regions/USCG Districts. At the incident scene level, EPA and USCG sometimes co-locate as an ESF #10 UC, and sometimes establish separate ESF #10 ICPs, but coordinate activities through a UC approach.

For larger-scale incidents, FEMA may also activate its National Response Coordination Center (NRCC) to monitor or oversee a response. In that case, EPA and USCG HQ deploy ESF #10 representatives to the NRCC if requested by FEMA. EPA and USCG may also activate their HQ operations centers to monitor or oversee larger-scale ESF #10 responses.

So, as you can see, **EPA and USCG use a decentralized** approach where ESF #10 on-scene deployments are led by **EPA Regions/USCG Districts**.

KEY DIFFERENCES: NCP VS STAFFORD ACT

NCP Removal/Emergency Response Program		Stafford Act
Oil/haz sub/pollutant/ contaminant releases	Hazard Addressed	Various natural and man-made incidents
EPA or USCG	Lead Agency	FEMA
On-Scene Coordinator (OSC)	Field Individual Leading	Federal Coordinating Officer (FCO)
Lead, support, or monitor, plus enforcement over responsible parties	Type of Authority	Support
Anyone – states/tribes/locals can request at any level	Who Can Make Request	Governor or Tribal Chief Executive
No – Federal Gov't makes independent evaluation of need for federal response	Federal Response Dependent on Receiving Request?	Yes – except for certain emergencies involving primary federal responsibility
No	State Cost Share	Yes – unless waived
May be less broad than Stafford	Scope of Federal Assistance	Broad

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The NCP addresses releases or threats of releases of oil, hazardous substances, pollutants, and contaminants into the environment. The Stafford Act can address a broader array of hazards, including natural disasters, such as hurricanes, floods, and tornadoes, as well as man-made incidents, such as the 9/11 terrorist attacks and Columbia Shuttle explosion.

As you know, under the NCP, OSCs can either lead, support, or monitor responses – OSCs do have “command” authority if needed.

Under the Stafford Act, the federal government is in a support role to states; the Feds do not take over the response.

Under the NCP, anyone can make a request for assistance – states/tribes/locals at any level, citizens, industry.

Under the Stafford Act, only a State/Territory Governor or the Chief Executive of a Tribe can make a request for federal help.

Under the NCP, the federal government doesn't have to wait for a request for a federal response. Once we learn of an incident, we make an independent evaluation on whether a federal response is needed or not.

Under the Stafford Act -- with one exception for certain emergencies involving primary federal responsibility – the federal government waits for a request from a State or Tribe.

No state cost share is required for NCP removal/emergency responses, while state cost share is

required for Direct Federal Assistance under the Stafford Act, unless waived.

And finally, the scope of Federal assistance that can be provided under the Stafford Act is very broad – far beyond just environmental cleanup. The range of federal response and assistance that can be provided under CERCLA and the CWA/OPA is likely not as broad.

NRS ROLE IN TERRORISM INCIDENTS UNDER THE NRF

- OSCs and Special Teams can support Federal Bureau of Investigation (FBI) and Department of Homeland Security (DHS) during crisis phase:
 - Technical support (e.g., hazard evaluation, modeling)
 - Evidence collection
- Provide federal leadership or support for environmental assessment and cleanup through ESF #10 activation or NCP



NRT 52

Terrorist incidents may include releases of oil or hazardous substances to the environment. In that case, the OSC and other NRS assets can:

- Support FBI and DHS during the initial investigation of crime scenes that are contaminated; and
- Clean up the environmental contamination afterwards.

The NRS response may occur under either the NCP or ESF #10, depending on what federal authority is being used to respond to the incident.

Example: ESF #10 was activated to support the federal response to the World Trade Center incident under the Stafford Act.



NATURAL RESOURCE DAMAGE ASSESSMENT (NRDA)

NRDA: WHAT IS IT?

A regulatory & scientific process to determine

- Injuries to natural resources and lost public use
- Appropriate amount & type of restoration needed to return environment and natural resources to “baseline” pre-spill conditions



Goal is to “make public whole” following release of hazardous substances and oil by restoring the injured natural resources

Federal, state, and tribal “Trustees” represent the public and are required to demonstrate causality between release and resource injuries and lost public uses



NRT 54

After an oil spill or hazardous substance release, response agencies such as the U.S. EPA or the USCG lead efforts to control and clean up the substance in order to eliminate or reduce risks to human health and the environment.

However, these efforts may not fully restore injured natural resources or address their lost uses by the public. This is the point when a Natural Resource Damage Assessment may become necessary.

OPA 90 - 33 U.S.C. 2701 et seq.

Specific Natural Resource Trustee Authorities:

Section 1002: establishes liability for injury to, destruction of, loss of, or loss of use of natural resources

Section 1006: designates natural resource trustees, authorizes recovery of natural resource damages as the result of oil spills, and defines natural resource damages to include—

- the cost of restoring, rehabilitating, replacing or acquiring the equivalent of the damaged resources
- the reasonable cost of assessing those damages, and
- the diminution in values of those natural resources pending restoration requires NOAA to promulgate regulations for assessing natural resource damages under OPA

PER THE NCP, NATURAL RESOURCE TRUSTEES ARE...

- Secretaries of Federal Departments
 - Interior
 - Commerce (NOAA)
 - Agriculture
 - Defense
 - Energy
- State Governors
- Tribes
- Foreign Governments
(under OPA 90)



NRT 55

Several [federal laws](#) charge certain other federal agencies (DOI-USFWS, DOC-NOAA, and land owners e.g., DOI, USDA, DOD, DOE) states, and Indian tribes—collectively known as “trustees”— with evaluating the impacts of oil spills, releases of hazardous substances, and ship groundings on public natural resources. DOC-NOAA is a federal trustee for coastal and marine natural resources, including marine and migratory fish, endangered species, marine mammals, and their habitats.

DOI is a federal trustee for inland and coastal natural resources and their supporting ecosystems; including migratory birds; anadromous fish; endangered species and marine mammals; federally owned minerals; and certain federally managed water resources.

The Secretary of the Interior shall also be [trustee](#) for those [natural resources](#) for which an [Indian tribe](#) would otherwise [act](#) as [trustee](#) in those cases where the [United States acts](#) on behalf of the [Indian tribe](#).

Several federal agencies are public land owners and therefore trustees. “**Secretary for the land managing agency.** For [natural resources](#) located on, over, or under land administered by the [United States](#), the [trustee](#) shall be the head of the department in which the land managing agency is found. The [trustees](#) for the principal federal land managing agencies are the Secretaries of DOI, USDA, DOD, and DOE.”

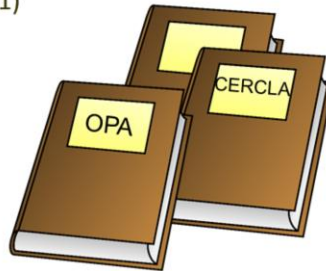
NCP: **40 CFR 300 Subpart G** - Trustees for Natural Resources

Optional note: EPA is a member of the Trustee Council for the Deepwater Horizon Spill

NRDA AUTHORITIES

Derived from Public Trust Doctrine

- Clean Water Act (CWA)/Oil Pollution Act (OPA 90) (15 CFR 990)
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (43 CFR 11)
- National Marine Sanctuaries Act (NMSA) (16 USC 1431 et seq.)
- National Park Services-System Unit Resource Protection Act (SURPA) (16 USC 19 JJ)



NRT 56

The United States of America has enacted a suite of laws to address the degradation of our natural environment. Some of these specifically authorize specific federal agencies (previous slide) to act on behalf of the public when natural resources are injured. In carrying out these responsibilities as a natural resource trustee, agencies also adhere to other relevant laws, as well as direction provided by Executive Orders and guidance documents.

Other laws of relevance:

[Rivers and Harbors Act](#)

[Fish and Wildlife Coordination Act](#)

[Anadromous Fish Conservation Act](#)

[National Environmental Policy](#)

[Coastal Zone Management Act](#)

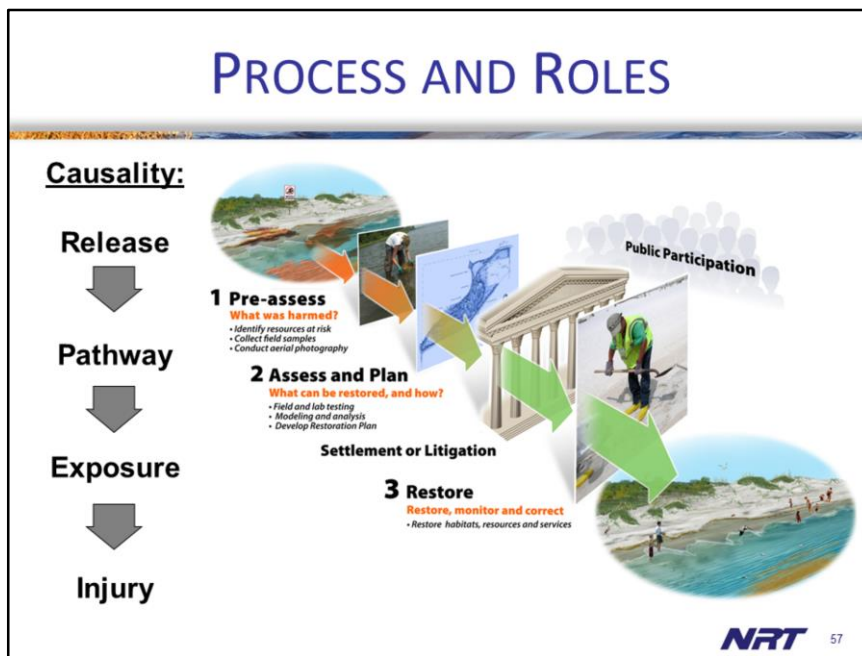
[Marine Mammal Protection Act](#)

[Endangered Species Act](#)

[National Oil and Hazardous Substances Pollution Contingency Plan \(NCP\)](#)

[Magnuson-Stevens Fishery Conservation and Management Act](#)

PROCESS AND ROLES



NRDA under OPA and CERCLA is similar, but there are important differences WRT funding of the process and RP liabilities.

Under both laws, the trustees must show *causality* – that the release of the contaminant lead to the injury of public resources.

1st phase of NRDA is **pre-assessment**.

In this phase, the trustees determine whether impacts to natural resources have occurred as a result of the spill, chemical release or vessel grounding. This includes collecting time-sensitive data and reviewing scientific literature about the released substance and its impact to determine the extent and severity of environmental damage.

Mathematical models may be used to help predict the fate and effects of the spill on natural resources. If resources are damaged as a result of the incident, trustees proceed to the **injury assessment phase**.

2nd phase: the **injury assessment phase**, trustees use scientific studies to determine which resources have been injured and to what degree (quantification). Economic studies may be used to assess the loss of public use of these resources. In a parallel process, the trustees also begin to identify possible restoration projects to offset injuries and lost uses. These studies form the scientific foundation of a *restoration plan*, which outlines alternative approaches to speed the recovery of impacted natural resources and compensate for their loss or impairment from the time of impact to recovery.

3rd: Trustees evaluate proposed **restoration** options and seek public comment before finalizing a restoration plan. Examples of restoration include enhancing wetlands and beaches, dam removals, creating oyster reefs, conducting species recovery and monitoring programs, and projects to enhance recreational access and use.

Once the restoration plan is complete, the trustees then move on to implementing the approved restoration projects.

INJURY ASSESSMENT AND RESTORATION

Combine scientific, economic and legal analyses of:

Resources: e.g., fish, marine mammals, turtles, birds, wildlife
Habitat: e.g., subtidal, intertidal, beach, estuarine, marsh
Lost Recreational Use: e.g., fishing, hunting, bird watching, swimming



Focus on Restoration:

Primary Restoration

Actions taken to decrease injury or replace resources

Compensatory Restoration

Actions taken to compensate for interim losses of resources, services and human uses



NRT 58

The **damage assessment** is the process of determining the value of the injured resources. This is commonly done by determining the cost of restoring the resource to pre-spill conditions and any “lost uses” incurred during the injury.

Restoration actions fall into one or more categories, including:

Primary restoration returns the impacted resources to the condition that would have existed if the incident had not occurred.

Compensatory restoration addresses losses from the date of injury until recovery is completed. While the resource is impaired, it is unable to provide services on which other parts of the ecosystem and the public rely (such as fish nursery habitat or recreational use). Restoration projects address the period from injury until recovery.

Emergency restoration includes actions taken prior to the completion of the damage assessment and restoration planning process to prevent or reduce continuing natural resource impacts and prevent potential irreversible loss of natural resources.

Early restoration is a form of compensatory restoration. If the responsible party agrees, it can be implemented prior to the completion of the NRDA process to achieve restoration more quickly.

NRDA FUNDING

For OIL SPILLS: Trustees are expected to negotiate with RPs for NRDA support. However in the absence of an agreement with the Responsible Party (RP), or the absence of a viable RP, the Trustees can access the Oil Spill Liability Trust Fund (OSLTF) for NRDA-related activities associated with oil spills.

The National Pollution Funds Center (NPFC) adjudicates claim requests and is responsible for seeking recovery of Damages and Assessment costs from viable RPs.

Type of Activity		OSLTF Access
Initiate Requests	Collection of ephemeral (short-lived) NRD data	By Federal Lead Administrative Trustee through OSLTF Emergency Fund
Assessment Claims	Assessing the damage to the injured natural resource	By (Federal, State, or tribal) Trustee through OSLTF Principal Fund
Restoration Claims	Implementation of preferred restoration alternatives (per DARP)	By (Federal, State, or tribal) Trustee through OSLTF Principal Fund
Emergency Restoration Claims	Actions to avoid or minimize irreversible loss of natural resource resulting from a spill or threat of spill	By (Federal, State, or tribal) Trustee through OSLTF Principal Fund

For HAZARDOUS SUBSTANCES RELEASES: There are no provisions in CERCLA for use of the Superfund Trust Fund for NRDA or to pay Natural Resource Damages (NRD) claims related to releases of hazardous substances.

NRT 59

OIL SPILLS - OSLTF provides funding for restoring natural resource damages in several ways.

Initiate Requests

A funded initiate request allows the trustee (in this case limited to a Federal Lead Administrative Trustee, as per Executive Order 12777) through an interagency agreement (IAA) with NPFC to use the OSLTF's Emergency Fund money to collect ephemeral (short-lived) NRD data.

Assessment Claims

A funded assessment claim allows the trustee (Federal, state, or tribal) to use OSLTF Principal Fund money to pay for assessing the damage to the injured natural resource, establishing the nexus between the incident and injury, and then the nexus of the injury to the natural resource damages. Assessment claims can either be paid upfront or after the Natural Resource Damage Assessment is completed.

Restoration Claims

A funded restoration claim allows the trustee (Federal, state, or tribal) to use OSLTF Principal Fund money to pay for the implementation of the preferred restoration alternative(s) as identified by the Damage Assessment and Restoration Plan. The goal of the restoration alternative(s) is to restore, rehabilitate, replace, or acquire equivalent natural resources and natural resource services so that the natural resource or service and the public are made whole with respect to their loss. This can be done by primary and/or compensatory restoration.

- **Primary restoration** seeks to restore the natural resource or service to the level (baseline) had the incident not occurred.
- **Compensatory restoration** seeks to address the interim losses that occurred between the incident and the return to baseline.

Emergency Restoration Claim

In situations where the threat to natural resources is particularly severe and time is of the essence, an emergency restoration claim allows a trustee (Federal, state or tribal) to use OSLTF Principal Fund money to pay for actions whose goal is to avoid or minimize irreversible losses of natural resource and natural resource services resulting from either an oil spill or a substantial threat of an oil spill. Emergency Restoration claims can either be paid upfront or after the emergency restoration action has occurred.

HAZARDOUS SUBSTANCES RELEASES- Unlike the OSLTF, the SUPERFUND cannot fund NRDA activities or NRD claims. The cost for all NRDA activities must be front loaded by the participating Trustee agencies. Trustees must file a NRDA claim directly against an RP. The claim CAN include the reasonable

cost of NRD assessment.

SUMMARY

NRDA is Restoration-Focused

- Purpose is to determine type and amount of restoration needed to compensate the public for injuries to their resources
- Restoration is considered early and throughout the process
- Injuries are balanced against, and directly scaled to restoration



NRDA is a Cooperative Process

- Getting to restoration requires a common vision and coordination with Co-Trustees and the public
- Moves faster if RP shares the same vision and works cooperatively with the Trustees



NRDA is a Legal Process

- Trustees are required to demonstrate causality between release and resource injury and lost use; sound science is key to success!
- Strategy must be encompassing and flexible





SPILL OF NATIONAL SIGNIFICANCE (SONS)

OIL SPILL OF NATIONAL SIGNIFICANCE

EPA Administrator (for inland oil spills)
or USCG Commandant (for coastal oil spills) may declare spill a

“Spill of National Significance” (SONS)

- First declared SONS: 2010 *Deepwater Horizon* spill
- EPA Administrator may name a **Senior Agency Official (SAO)** to assist OSC, or USCG may name a **National Incident Commander (NIC)** to assume role of Federal On-Scene Coordinator (OSC), in following tasks:
 - **Communicating with affected parties and public**
 - **Coordinating federal/state/local/international resources at national level**
 - **Conducting strategic coordination with governors/mayors, National Response Team (NRT), Regional Response Team(s) (RRT)**



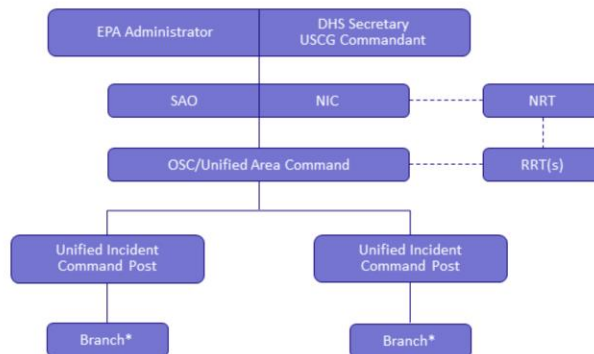
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An oil spill of great complexity or scope may be declared a “Spill of National Significance” or SONS by EPA or USCG.

The Deepwater Horizon spill in 2010 was the first and only declared SONS (though the Exxon Valdez spill of 1998 was the impetus for writing SONS regulations into the NCP).

During a SONS, the USCG may appoint an National Incident Commander or EPA a Senior Agency Official to assume the responsibilities of, or assist, the OSC with communications and resource coordination, respectively.

EXAMPLE SONS RESPONSE STRUCTURE



* Geographical branches may be established under Operations Section to enhance the ability of local government representatives with jurisdiction to participate.

NRT 63

This diagram provides an example of what a response structure might look like for a SONS that impacts 2 states, requiring an Area Command with separate Incident Command Posts in each state.

In such a case, Branches may be established under the Operations Section of each ICP as needed to maintain functional, geographic, or jurisdictional responsibility for major parts of the incident operations. Geographic branches may be established to enhance the ability of local government representatives who have jurisdiction to participate in response operations.

The UAC and ICPs are expected to be in field locations. The SAO or NIC may be based primarily in EPA or USCG HQ in Washington DC, but would likely travel frequently to the incident location as well.. In EPA, it is also possible the SAO may be based primarily in an EPA Regional office.

The SAO or NIC would be coordinating with the NRT as needed for additional interagency coordination and support, while the OSC would be coordinating with the affected RRTs.

SONS EXERCISE AND TRAINING PROGRAM

Led by Coast Guard's Director of Incident Management and Preparedness Policy



Revised focus from full-scale operational deployments to strategic seminars and tabletops, aimed to familiarize senior-level decision-makers with:

- NCP response doctrine and policy
- interagency coordination
- strategic communication challenges

Participants include:

- NRT Member Agency Executives
- National Security Council staff

NRT 64

Since 2002, senior leader seminars and executive-level tabletop exercises included in the Coast Guard's SONS Exercise and Training Program have provided senior Coast Guard officers, Department of Homeland Security (DHS) officials and members of the National Response Team (NRT) with an opportunity to explore and discuss policy considerations related to a major oil spill.

Prior to the *Deepwater Horizon* oil spill, the SONS Exercise and Training Program focused on implementing the National Response System using a series of full-scale exercises based on high probability oil and hazardous material incident scenarios. The exercises varied in size, complexity, and cost. By the end of March 2010, six exercises had been conducted in various regions across the country. The program settled into a 3 year cycle, with the exercise design and execution focused on operational issues and command-and-control of forces.

In April 2010, the *Deepwater Horizon* oil spill occurred. This was the first declared SONS and first use of a National Incident Commander. The NRT Assessment Report: Feedback from the Deepwater Horizon Oil Spill (2012) noted that the experience "gained through regular SONS exercises conducted since the post-Exxon Valdez rewrite of the NCP...was essential to the effectiveness of the entire response organization." However, the report also noted that senior leadership at the national and regional level was not sufficiently aware of or practiced in addressing critical issues that could arise during a SONS.

In an attempt to increase senior leadership participation in SONS exercises, the Coast Guard outlined a new approach to conducting SONS exercises, which was approved in early 2012. This approach involved re-shaping the SONS Exercise Program from full-scale operational deployments to a progressive series of policy and strategic seminars and tabletops, with a heavy focus on senior agency executive involvement.

The SONS Exercise and Training Program is led by the Coast Guard with the Coast Guard's Director of Incident Management and Preparedness Policy Director as the Chair of the SONS Executive Steering Committee or SONS ESC. The ESC is composed of the NRT member agencies, DHS, and the National Security Council Staff members that help to plan, prepare, and evaluate SONS exercises, training, and workgroup products.

2010 DEEPWATER HORIZON SPILL



In the DWH case, the uncontained release from the well-head lasted 87 days, releasing over 200 Million gallons (4.9 million barrels) of oil; oiling 1,300 miles of shoreline, and the response employed over 47,000 responders.

Additional Stats from DWH:

- Almost all NRT agencies were involved to some extent in the response
- Estimated released of 4.9 M barrels (206 M gallons) of oil; Oily water mixture recovered 826,988 barrels (35 M gallons)
- More than 47,000 responders
- 12.6 Million feet of boom (2,382 miles); 835 Skimmers; 6,131 Vessels (3,190 Vessels of Opportunity; 2,475 other vessels)
- 123 aircraft --78 rotary wing and 45 fixed wing
- Subsea dispersants applied: 771,272 gallons; Aerial & Vessel Surface dispersants applied :1,072,514 gallons
- Received 68 offers of assistance from foreign governments; Accepted 47 offers for critical resources
- Incident Command Posts in 4 states with 17 subordinate branches; 18 Staging Areas for equipment
- At its maximum extent, oil covered 15,300 square miles, an area about 10 times larger than Rhode Island
 - Contaminated over 1,300 miles of shorelines from Texas to the Florida Panhandle.
 - State Coordination: TX, LA, MS, AL, FL

MORE INFORMATION ON THE NRS CAN BE FOUND AT: WWW.NRT.ORG

THE U.S. NATIONAL RESPONSE TEAM

Home | About NRT | Member Agencies | RRTs | Events | Resources | Contact | Logout

WORKING TOGETHER TO PROTECT AGAINST THREATS TO OUR LAND, AIR AND WATER

The U.S. National Response Team (NRT) provides technical assistance, resources and coordination on preparedness, planning, response and recovery activities for emergencies involving hazardous substances, pollutants and contaminants, oil, and weapons of mass destruction in natural and technological disasters and other environmental incidents of national significance.

To Report Oil and Chemical Spills, and Hazardous Material Releases Call the National Response Center:
1-800-424-8802 or 202-267-2675 [More info >>](#)

REGIONAL RESPONSE TEAMS (RRTs)

There are 13 Regional Response Teams (RRTs), one for each of ten federal regions, plus one for Alaska, one for the Caribbean, and one for the Pacific Basin. Each RRT maintains a Regional Contingency Plan (RCP) and has state, as well as federal government, representation.

[More info >>](#)

RECENT UPDATES

Name	City	State	Updated
National Environmental Compliance Subcommittee	Washington	DC	8/29/2016
NRT WMD S&T Subcommittee (Chemical Workgroup)	Edison	NJ	8/26/2016
NRT WMD S&T Subcommittee (Biological Workgroup)	Washington	DC	8/26/2016
2016 NRT Worker Safety and Health Technical Conference	Washington	DC	8/26/2016
NRT Current Responses	Washington	DC	8/26/2016

[More Updates >](#)

RESOURCES

- Laws, Regulations & Directives -
- Guidance, Technical Assistance & Planning -
- Training, Exercises & Lessons Learned -
- International Coordination -

[Current Events](#)

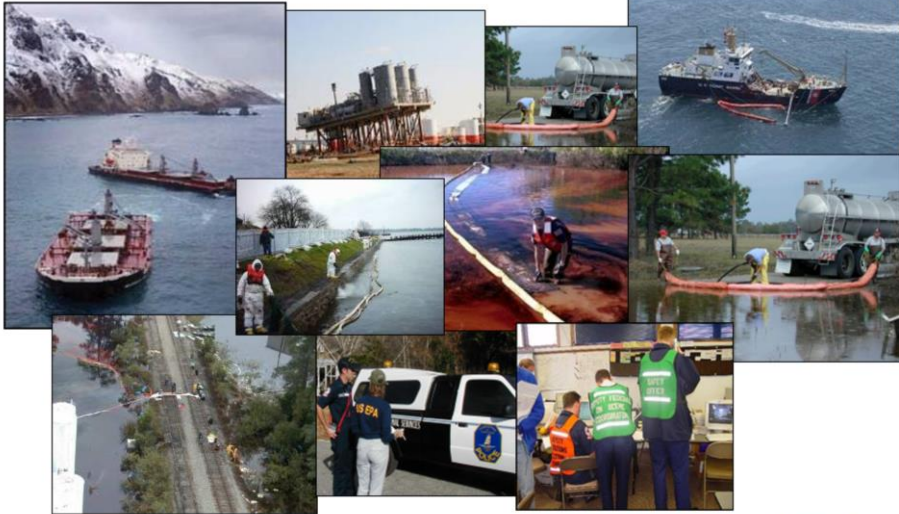
NRT 66

This concludes this brief introduction to the NRS. I would be happy to answer questions. Also, if you would like additional information on the NRS, please visit the NRT homepage at: WWW.NRT.ORG

[**NOTE TO SPEAKER:** Depending on your audience, you may also want to conclude by stressing the following planning organizations:

- State;
- Local communities;
- Responders;
- RRTs;
- LEPCs; and/or
- LEPCs and Area Committees]

QUESTIONS?



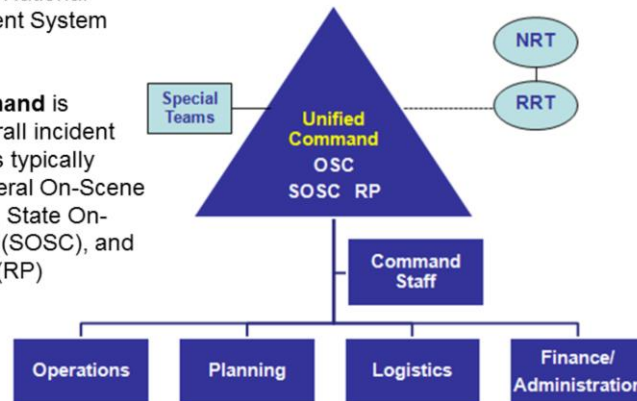
APPENDIX

OPTIONAL SLIDES

RESPONSE STRUCTURE IN THE FIELD

The National Response System (NRS) employs the National Incident Management System (NIMS)

The **Unified Command** is responsible for overall incident management and is typically made up of the federal On-Scene Coordinator (OSC), State On-Scene Coordinator (SOSC), and Responsible Party (RP)



Presidential directive requires federal agencies to follow NIMS for planning for and managing emergencies -- so the NRS adopted NIMS, which includes an "Incident Command System" for organizing a response.

The Incident Command System is a scalable, flexible construct not unique to pollution response. ICS is a standardized approach to the command, control, and coordination of emergency response providing a common hierarchy within which responders from multiple agencies can be effective.

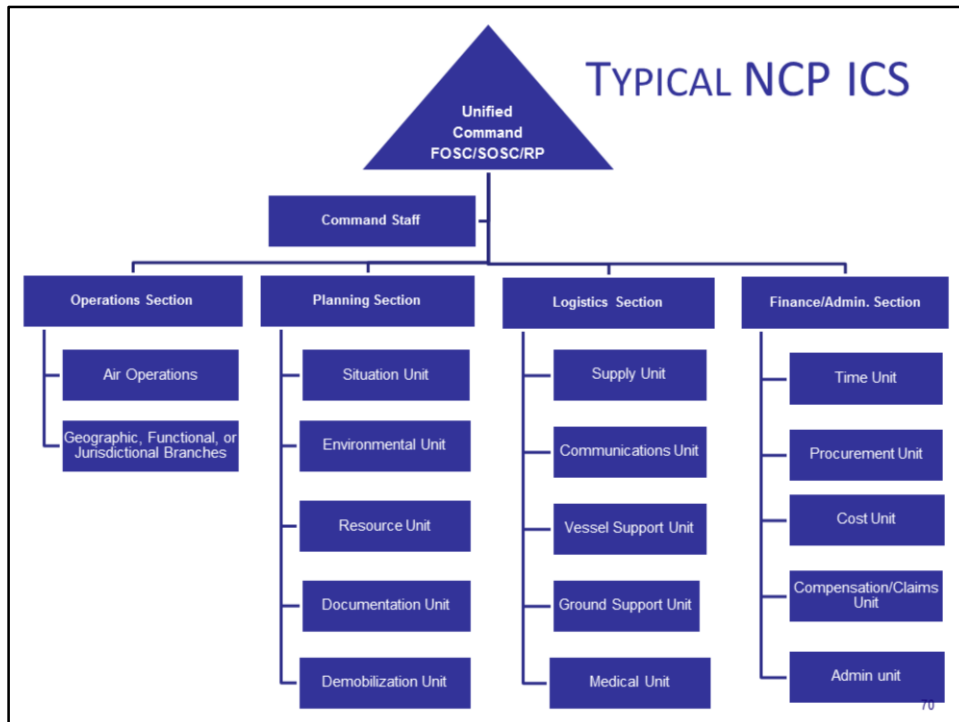
All NRT agencies have personnel trained and certified to plug into the ICS structure as needed during a response.

Please note that this is a simplified graphic - Under each of the sections there can be and generally are many cascading components.

ICS not only includes a defined structure but also a defined Operational Planning Cycle. The Operational Planning Cycle describes the planning process used by the Unified Command to determine what activities are going to be conducted during the next operational period of the response -- which might be, for example, the next 12 hours, or the next 24 hours. Those activities are planned and set forth in an "Incident Action Plan" created for each operational period.

Operational period is an important concept. It sets the rhythm for a response -- it determines when information will be collected from the field, when response decisions will be made, when public information will be disseminated.

Also important is the concept of a Unified Command. In a unified command, those with response authorities collectively manage the overall response. For NCP responses this typically includes the federal OSC, the state OSC, and the RP. However the federal OSC always maintains ultimate authority (51% of the vote).



- This is an example of a typical Incident Command System for an NCP response
- NRS uses Incident Command System (ICS) for emergency responses under NCP and ESF #10 activations under NRF
- OSC coordinates oil/hazmat response from Incident Command Post (ICP) level
- The Unified Command concept allows agencies with different legal, geographic, and functional responsibilities to work together to plan and execute the response.
- In general, the Planning Section plans the response; the Operations Section executes the response; and the Logistics and Finance Sections provide support functions.

RESPONSE INFORMATION MANAGEMENT

- Important to maintain integrity and timeliness of response information
- For large incidents, a web-based Common Operating Picture (COP) will be utilized
- COP and scheduled briefings provide most reliable response information
- National Response Team (NRT) Member can advise national-level executives on information coordination protocols for incident

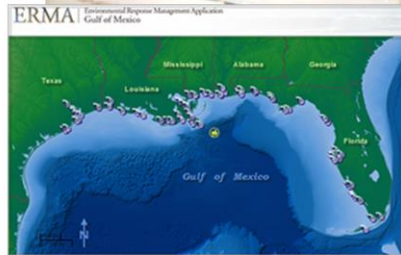


Photo credit: Santa Barbara Independent

NRT 71

During a major spill event, managing the integrity and timeliness of response information are critical parts of a successful response.

The lead agency will establish the process for information sharing and management.

This process will include defining an Operational Planning Cycle -- which might be, for example, every 12 hours or every 24 hours. For each cycle, the Unified Command will develop a new "Incident Action Plan" that:

- Analyzes the data and information collected so far in the response, and
- Uses that up-to-date information to determine and define the specific response activities to be taken during that planning cycle.

A new "Incident Action Plan" is created for each Operational Planning Cycle – in this way, the latest response information is always used to determine the appropriate next steps in the response. The Operational Planning Cycle is an important concept because it sets the battle rhythm for a response – it determines when information will be collected from the field; when response decisions will be made; and when public information will be disseminated.

When an emergency response has high visibility, it can be challenging when senior agency leadership, the White House, or the press want requested information upon demand. If the response to these information requests isn't allowed to be synced up with the operational planning periods, then:

- The RFIs can disrupt the response operations, and
- The information provided may be of lesser quality -- e.g., information may be released without adequate QA/QC; decisions may be made without adequate information.

So whenever possible, it is best when the response to RFIs regarding on-site response operations is allowed to be synced up with the operational planning process. And information provided during planned briefings will be more reliable and complete than response information released off-cycle.

Another aspect of managing response information involves information-sharing. For large responses, the lead agency will establish a Common Operating Picture, or COP -- a web-based platform where response information is posted and updated to provide participating responders and agencies with the same information on the same schedule.

Regularly scheduled briefings and COP access can provide leadership with reliable response specific information to answer the bulk of RFIs.

PUBLIC INFORMATION

- HOW, WHEN, and WHAT information is shared is one of the biggest public affairs challenges during a response
- Important to be transparent, credible, and consistent
- Joint Information Center (JIC) may be established as hub for information dissemination to the public
- Be cognizant of, and respect, established process of public response communication during an incident



NRT 72

During a major spill event, integrity and timeliness of external communications is paramount.

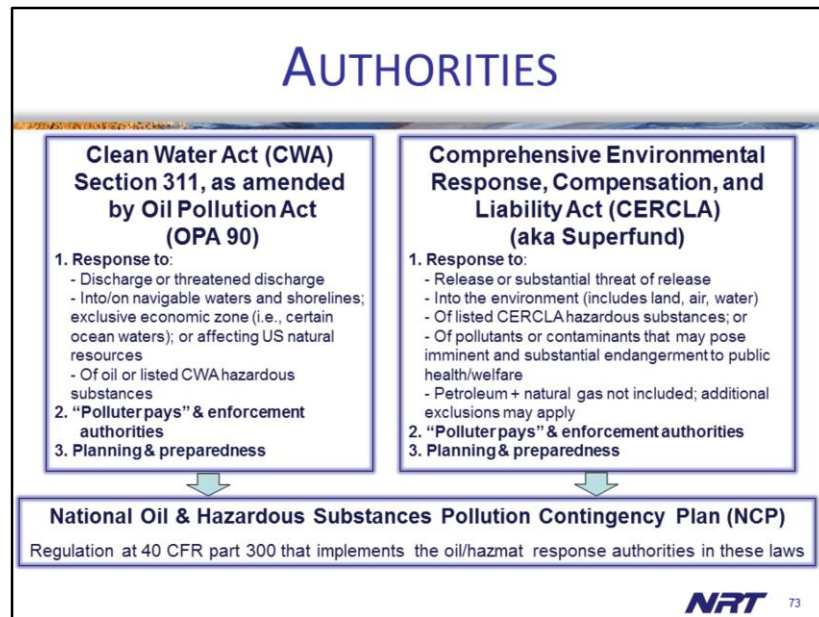
A response is only as successful as the public perceives it to be.

There are well established mechanisms for external communications under both the NCP and NRF. For smaller incidents, a Public Affairs Officer in the Command Staff may be assigned to help coordinate external communications. For larger incidents, a Joint Information Center may be established to coordinate external communications across all participating agencies.

Under the NRF, there is also an ESF focused on coordination of external affairs, led by either the DHS or FEMA public affairs office. This ESF may be activated for a SONS or significant hazmat response under the NCP or for a federal response under the Stafford Act, in support of the lead agency for the response. DHS external communications tools that may be used include coordinated telephone conferencing capabilities at the national, state, and private sector levels during an emergency (NICCL/SICCL/PICCL).

The goal is for all public information to be released in accordance with the processes established for the particular incident. Agencies are discouraged from releasing information outside of the defined process to avoid conflicting messaging.

AUTHORITIES



- While that initial 1968 NCP was issued under President Johnson’s direction, rather than under a law, Congress did eventually pass a series of laws that adopted the NCP concept into legislation and also broadened the scope of the NCP. These laws provide the statutory authority for today’s NCP.
- These laws are: (1) section 311 of the CWA, as amended by OPA, and (2) CERCLA, which is better known as the Superfund law.
- In general, the purpose of these laws is to address releases or threatened releases into the environment of oil and other hazardous materials in order to protect public health, welfare, and the environment.
- The CWA/OPA addresses spills to water – specifically to navigable waters and adjoining shorelines and the other categories you see here. It covers oil spills, and certain hazardous substances listed in other CWA related regulations. [Optional: In practice, CERCLA/Superfund is usually used for federal responses to CWA hazardous substances to water.]
- CERCLA/Superfund is somewhat broader in that it addresses releases to the environment in general, which would include land, water, and air. It applies to a broader list of regulated hazardous substances -- the CERCLA list of hazardous substances includes the CWA list as well as other hazardous substances. CERCLA also allows a federal response to other “pollutants and contaminants” that are not specifically listed in federal regulations, but the threshold for responding to these substances is higher – there must be an imminent and substantial endangerment to public health/welfare.
- Note that CERCLA excluded petroleum – so responses to oil spills are addressed under our CWA/OPA authorities. CERCLA also excludes natural gas, and has some other exclusions that could limit the federal government’s authority to respond to certain types of hazmat situations under CERCLA.
- Also note that CERCLA established 2 programs to clean up hazardous waste sites – a “removal” program which allows quick response, and a “remedial” program targeted at longer-term, often more complex, cleanups. Today’s presentation focuses primarily on the “removal” program under CERCLA, which encompasses the emergency response part of CERCLA.
- Both laws give the federal government enforcement authorities over the parties responsible for spills and require polluters to pay for cleanup.
- Both laws have planning and preparedness components, and both laws established Trust Funds that can pay for

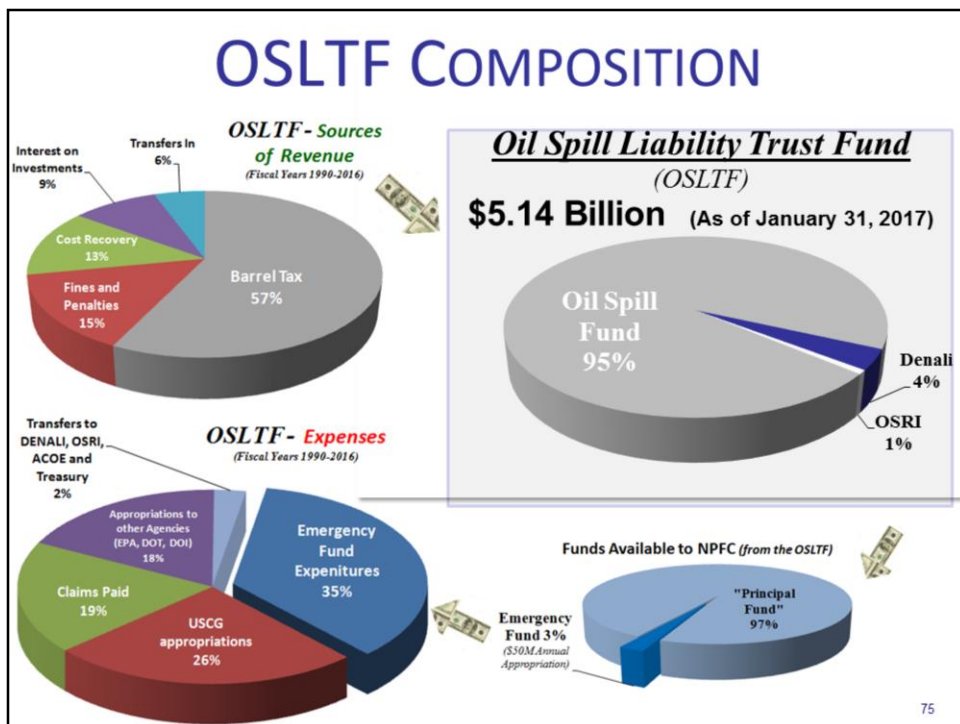
federal responses (and some other costs) when needed.

FEDERAL FACILITY RESPONSES

Responsibilities for on-site and off-site removal actions			
Agency property or source of release	CERCLA Emergency Removal Actions	CERCLA Non-emergency Removal Actions	Oil Removal Actions
Release on, or sole source from, DOE facility or vessel	DOE	DOE	EPA – inland USCG - coastal
Release on, or sole source from, DOD facility or vessel	DOD	DOD	EPA – inland USCG - coastal
Incidents involving DOD weapons/munitions or weapons/munitions under DOD control	DOD	DOD	n/a
Release on, or sole source from, a federal agency facility/vessel other than DOE/DOD	EPA – inland USCG - coastal	Federal agency	EPA – inland USCG - coastal

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- This table provides a summary of responsibilities under the NCP for CERCLA releases and oil discharges involving federal facilities (NCP §300.120)
- DOE and DOD are responsible for all removal actions for CERCLA releases that are on, or when the sole source of the release is from, their facilities or vessels. “Facility” includes pipelines, motor vehicles, rolling stock, and aircraft.
- DOD is also responsible for all CERCLA removal actions for incidents involving DOD weapons and munitions, and for weapons and munitions under the jurisdiction, custody, or control of DOD.
- For CERCLA releases that are on, or the sole source is from, a facility or vessel of another federal agency, the responsibility for CERCLA removal actions is split. EPA or USCG is responsible for “emergency” removal actions, and the federal agency with jurisdiction, custody, or control is responsible for any removals that are not “emergencies.”
- For oil discharges from any federal facility or vessel, only EPA and USCG have NCP removal response authority.
- Note that in all cases, whenever an agency is responsible under the NCP, they are responsible for taking both on-site and off-site actions.



The OSLTF is established at 26 US Code 9509 (Balance \$5.14 Billion as of January 31, 2017)

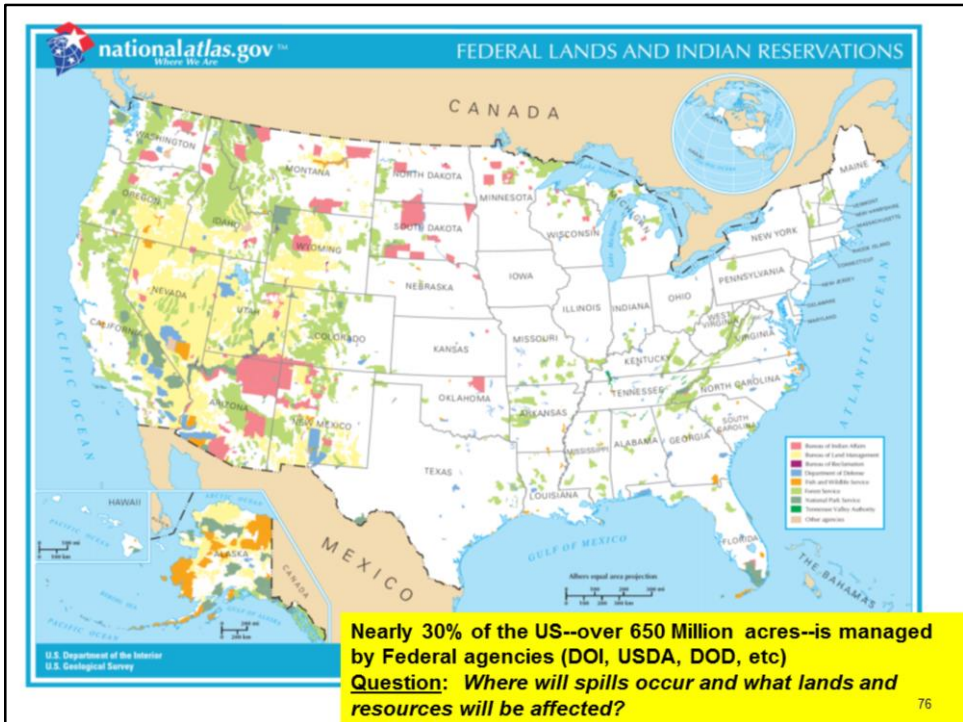
Sources of revenue:

- 8 cents a barrel fee on domestic and imported oil; increasing to 9 cents; expiring 12/31/17
- Investment interest on the Fund's principal
- Costs recovered from responsible parties
- Penalties from responsible parties

Two primary components to the OSLTF, the *Emergency Fund* and the *Principal Fund*.

1. The Emergency Fund is available to pay Federal response costs and to initiate NRD assessments. It is financed by \$50M made available annually from the Principal Fund without further appropriation. The NPFC can advance additional \$100M annually to the EF if needed and report to Congress.
2. The Principal Fund contains the balance of the Fund and funds claim payments and annual appropriations to federal agencies to administer and enforce OPA and Federal response authority.

Amounts paid from the OSLTF for any one incident are limited to \$1B (\$500M for NRD)



AGENCY SLIDES

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

- NOAA works to understand and predict changes in climate, weather, oceans, and coasts, and to conserve and manage coastal and marine ecosystems and resources
- Under the NRS, NOAA provides a wide variety of scientific support, such as:
 - Dedicated Scientific Support Coordinators to the OSC,
 - Natural Resource Trustees,
 - Meteorological and oceanographic data and forecasts,
 - Hydrographic surveys & nautical charts , and
 - Satellite & Aircraft remote sensing & photogrammetry



NRT 78



NOAA is an agency that enriches life through science. NOAA's reach goes from the surface of the sun to the depths of the ocean floor as we work to keep citizens informed of the changing environment around them. --- From daily weather forecasts, severe storm warnings, and climate monitoring to fisheries management, coastal restoration and supporting marine commerce, NOAA's products and services support economic vitality and affect more than one-third of America's gross domestic product. NOAA's dedicated scientists use cutting-edge research and high-tech instrumentation to provide citizens, planners, emergency managers and other decision makers with reliable information they need when they need it.

DOC/NOAA Role (Fed Agency Roles, 40CFR300.175(b))

SSCs (SSC as Special Team, 40CFR300.145(c))

Trustees for Natural Resources (Subpart G, 40CFR300.600)

Natural Resource Damage Assessment (NRDA) Regulations (43CFR11, 15CFR990)

Under the National Contingency Plan:

§ 300.175 Federal agencies: additional responsibilities and assistance.

(b) The federal agencies include:

(7) **DOC, through NOAA**, provides trust resource representation to the NRT and RRTs, consultations on protected and endangered species, and scientific and operational support for responding to emergency events and contingency planning in coastal and marine areas and the Great Lakes. NOAA resources are available through the regional NOAA SSC, RRT representative, or through the NOAA Desk at the DHS National Operations Center. Specific NOAA responsibilities and capabilities are:

(i) Scientific support for oil and other hazardous materials spill operations, including weapons of mass destruction events; on-scene SSCs; assessments of the hazards that may be involved; predictions of movement and dispersion of the pollutant through trajectory modeling; information on the sensitivity of coastal environments to oil; field assessments of oil distributions on water or shorelines; sampling and/or monitoring and analytical analysis; recommendations on best practices for protection of resources; coordination on the development of cleanup endpoints; recommendations on cleanup or mitigation techniques; and information management for environmental data;

(ii) Scientific Support Coordinators as a special team, described in § 300.145(c); established in a nationwide network, providing direct assistance to federal OSCs, coordinating scientific information from federal, state, local agencies, academia, tribes and private industry, supporting all aspects of response operations;

(iii) Expertise and consultation on living marine resources and their habitats and other trustee resources, including endangered species, marine mammals, essential fish habitat, and National Marine Sanctuary ecosystems; ecological, historical, and cultural resources at risk; recommendations on best practices for protection of Endangered Species Act species, essential fish habitat, and marine mammals; on-scene or remote support for oiled wildlife recovery and rehabilitation practices for NOAA trust resources; access to user communities, local and state resource management agency partners and injury assessment staff; and natural resource damage assessment;

(iv) Meteorological and oceanographic data and forecasts; information on actual and predicted meteorological, hydrological, ice, and oceanographic conditions for marine, coastal, and inland waters, and tide and circulation data for coastal and territorial waters and for the Great Lakes; and on-scene or remote National Weather Service support to include Incident Meteorologists or Warning Coordination Meteorologists;

(v) Dissemination of informational messages associated with specific hazardous events through the use of NOAA All Hazards Radio and other NOAA alert broadcast methods;

- (vi) Rapid hydrographic surveys to locate underwater obstructions and update navigational charts; and
- (vii) Satellite and aircraft remote sensing and photogrammetric data.

DEPARTMENT OF DEFENSE

- DoD responds to releases where either the release is on any facility or from any vessel under DoD jurisdiction, custody, or control
- DoD may support other federal agencies consistent with operational requirements
- DoD responders include:
 - U.S. Northern Command
 - Army Corps of Engineers
 - Navy's Supervisor of Salvage and Diving
 - Army's 20th CBRNE Command (Chemical, Biological, Radiological, Nuclear, Explosives)



NRT 79

“The Department of Defense responds to its own pollution releases, and as a member of the National Response Team may provide technical experts and bring to the incident a wide range of response capabilities. U.S. Northern Command maintains a civil support mission that includes domestic disaster relief operations. Other Department of Defense components, including the Army, Navy, and National Guard, maintain unique capabilities ranging from oil and hazardous substance spill response to decontamination services following a chemical, biological, or radiological incident.”

Photo: Supervisor of Salvage and Diving (SUPSALV) supporting USCG in removal of more than 10,000 gallons of fuel near historic St. George, Alaska, by providing offload hoses and pumping system components after fishing vessel Mar-Gun went aground on March 5, 2009.

U.S. Northern Command (USNORTHCOM) was established October 1, 2002, to provide command and control of Department of Defense (DOD) homeland defense efforts and to coordinate defense support of civil authorities. USNORTHCOM defends America's homeland — protecting our people, national power, and freedom of action.

USNORTHCOM's civil support mission includes domestic disaster relief operations that occur during fires, hurricanes, floods and earthquakes. Support also includes counter-drug operations and managing the consequences of a terrorist event employing a weapon of mass destruction. The command provides assistance to a Primary Agency when tasked by DOD. Per the Posse Comitatus Act, military forces can provide civil support, but cannot become directly involved in law enforcement.

In providing civil support, USNORTHCOM generally operates through established Joint Task Forces subordinate to the command. An emergency must exceed the capabilities of local, state and federal agencies before USNORTHCOM becomes involved. In most cases, support will be limited, localized and specific. When the scope of the disaster is reduced to the point that the Primary Agency can again assume full control and management without military assistance, USNORTHCOM will exit, leaving the on-scene experts to finish the job.

Army Corps of Engineers. In the Corps' words: The U.S. Army Corps of Engineers has approximately 37,000 dedicated Civilians and Soldiers delivering engineering services to customers in more than 130 countries worldwide.

With environmental sustainability as a guiding principle, our disciplined Corps team is working diligently to strengthen our Nation's security by building and maintaining America's infrastructure and providing military facilities where our servicemembers train, work and live. We are also researching and developing technology for our war fighters while protecting America's interests abroad by using our engineering expertise to promote stability and improve quality of life.

We are energizing the economy by dredging America's waterways to support the movement of critical commodities and providing recreation opportunities at our campgrounds, lakes and marinas.

And by devising hurricane and storm damage reduction infrastructure, we are reducing risks from disasters.

Our men and women are protecting and restoring the Nation's environment including critical efforts in the Everglades, the Louisiana coast, and along many of our Nation's major waterways. The Corps is also cleaning sites contaminated with hazardous, toxic or radioactive waste and material in an effort to sustain the environment.

Supervisor of Salvage and Diving (SUPSALV).

Within the National Contingency Plan, SUPSALV has been assigned as 1 of 7 "Special Teams" available to the Federal On-Scene Coordinator (FOSC) [If giving full brief, see separate slide on SUPSALV]. SUPSALV provides assistance (personnel and/or equipment) for commercial oil or hazardous substance spills, or potential spills (i.e. salvage operations), as requested by any FOSC, and as tasked by higher military authority. Assistance ranges from salvage technical or operational support to mobilization of SUPSALV and other Navy resources to support a partial or full federal response to a marine casualty.

SUPSALV has an extensive array of specialized contracts, equipment and trained personnel available for use in these areas. Its spill response inventory is stockpiled in warehouses on the east coast (Williamsburg, VA), west coast (Point Hueneme, CA), Alaska and Hawaii, and most of it is containerized for immediate deployment by air or truck.

Army's 20th CBRNE (Chemical, Biological, Radiological, Nuclear, Explosives) Command (from its website)

Mission: The 20th CBRNE Command (Chemical, Biological, Radiological, Nuclear, Explosives) integrates, coordinates, deploys, and provides trained and ready CBRNE forces. Capable of exercising command and control of specialized CBRNE operations to support joint and Army force commanders primarily for overseas contingencies and warfighting operations, but also in support of homeland defense. Maintains technical links with appropriate joint, Army, Federal and State CBRNE assets, as well as the research, development, and technical communities to assure Army CBRNE response readiness.

Capabilities:

Full time focus on combating WMD, countering CBRNE threats and defeating all types of IEDs - tactical through strategic command and control joint, Army and other government agencies' specialized WMD/CBRNE analytic, staff and operational forces.

Force provider of trained and ready expeditionary CBRNE force packages to execute the wide range of combating WMD missions.

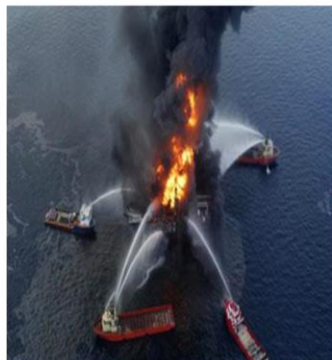
Reachback communications connectivity from field to subject matter experts at headquarters, national level laboratories, industry, academia or other

State/Federal CBRNE resources.

Core element of Joint Task Force for Elimination of Weapons of Mass Destruction (JTF-E).

DEPARTMENT OF JUSTICE

- Provides expert advice on legal questions arising during an incident
- Represents the federal government in litigation relating to hazardous substance, oil, chemical, or biological releases
- The Federal Bureau of Investigation (FBI) is the lead federal agency for the coordination of law enforcement and investigative activities in response to threats or acts of terrorism



NRT 80

The **United States Department of Justice (DOJ)** represents the United States in all criminal prosecutions and civil suits in which the United States has an interest and provides legal counsel to all federal agencies and departments on a variety of issues, including hazardous substance, oil, chemical, or biological releases. As a member of the NRT, DOJ in coordination with legal counsel of the federal agencies and departments, provides expert advice on legal questions arising during an incident. In addition, DOJ represents the federal government, including its agencies, in litigation relating to hazardous substance, oil, chemical, or biological releases.

Through the Federal Bureau of Investigation (FBI), DOJ is the lead federal agency for the coordination of law enforcement and investigative activities in response to threats or acts of terrorism.

Slide and notes complete

DEPARTMENT OF LABOR OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

- OSHA has the responsibility and authority to ensure that response workers are protected from safety and health hazards
- OSHA provides technical assistance and enforcement, as appropriate, and requires training, hazard and exposure controls, and personal protective equipment to ensure that workers are properly protected during the response and cleanup



NRT 81

DOL, through OSHA and the states operating plans approved under section 18 of the Occupational Safety and Health Act, has authority to conduct safety and health inspections of hazardous waste sites to assure that employees are being protected and to determine if the site is in compliance with:

Example Strategic Technical Assistance and Support and Enforcement Objectives for OSHA during an NCP response:

Technical Assistance and Support Objectives

- **Objective 1:** Provide technical assistance and support to Federal, state, tribal, and local response and recovery agencies and organizations to protect response and recovery worker safety and health during the incident. Work with other response agencies and organizations to anticipate, identify, and mitigate response and recovery worker risks and hazards.
- **Objective 2:** Ensure that employers are informed of their responsibilities for protecting workers. Continually monitor and evaluate the employers' efforts to implement necessary precautions to fully protect all workers from the safety and health hazards associated with response and cleanup activities.
- **Objective 3:** Educate workers regarding their right to a safe work environment, their right to have a "voice in the workplace," and how to obtain OSHA's assistance.
- **Objective 4:** Ensure that all workers are adequately trained for their jobs in a manner and language they understand.
- **Objective 5:** Provide information for the press and stakeholders to convey the risks associated with the response – what are the hazards, what has been shown not to be a hazard, and what safeguards are necessary to protect workers from known safety and health hazards. Personnel should coordinate with the information officer in the JIC and use already-approved OSHA public service announcements where possible.

Enforcement Objectives

- **Objective 6:** Investigate violations of worker safety and health regulations and standards that occurred at the worksite prior to the response (e.g. PSM violations at the facility prior to the incident). Pursue enforcement actions as appropriate.
- **Objective 7:** Investigate complaints, referrals, fatalities, and catastrophes regarding response worker safety, health, and training violations, and protect whistleblowers. Pursue enforcement actions as appropriate.

To give you a better sense of what OSHA does during a response, some examples of OSHA activities to protect workers, communicate with its stakeholders, and elevate safety and health in past response efforts are shown below:

- Integrated staff into the overall oil spill response command structure at the local, regional, and national levels and partnered with other federal agencies to protect workers.
- Before oil reached shore, performed detailed assessments to determine what hazards response and cleanup workers were likely to face.
- Conducted site visits to assess hazards and ensure that the responsible party was protecting workers adequately.
- Compelled the responsible party to implement consistent incident-wide controls to protect workers from the most significant health threats (i.e. heat stress) to the response and cleanup workers.
- Ensured that workers were aware of their rights and had clear avenues for voicing complaints.
- Put health and safety information and data in the hands of workers and the public through printed materials and the OSHA website.
- Ensured that training and written materials were provided in multiple languages and at an appropriate literacy level to all response and cleanup workers.
- Conducted extensive air monitoring and other exposure assessments, and evaluated the exposure data of the responsible party and other government agencies.

- Made science-based recommendations about controls, including personal protective equipment, required for specific jobs.
- Established a significant community outreach program to address community concerns and to contact hard-to-reach workers.

DEPARTMENT OF HEALTH AND HUMAN SERVICES



- ASPR/OEM
 - Principal entity coordinating overall HHS response
- CDC/ATSDR:
 - On-call and on-site specialists to answer human health questions
 - Facilitate OSC interactions with state/local public health
 - Facilitate access to other HHS assets
- NIEHS:
 - worker training program and on-site just-in-time training.



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Health and Human Services (HHS) provides advice and support on issues related to human health implications of pollution events. The Centers for Disease Control (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR) maintain teams of specialists on call to answer questions over the phone or respond to the scene for on-site support. Either CDC or ATSDR can help coordinate state and local public health interactions with the OSC and facilitate access to other HHS assets. CDC takes the lead during petroleum releases regulated under the CWA and OPA, while ATSDR takes the lead during chemical releases under CERCLA. Both agencies are mutually supportive and have a centralized point of contact for supporting NCP responses.

For larger responses HHS's, Office of the Assistant Secretary for Preparedness and Response (ASPR), through its Office of Emergency Management (OEM), coordinates other assets to provide support to OSC and state response to include medical strike teams.

Food and Drug Administration (FDA) operates a mandatory safety program for all fish and fishery products under the provisions of the Federal Food, Drug and Cosmetic Act, the Public Health Service Act, and related regulations. Provides OSCs advice and support on issues impacting commercial fishing waters closing for public health reasons and again when they are reopened to harvest, contaminated food items not addressed by the state.

National Institute of Environmental Health Sciences (NIEHS) a part of the National Institutes of Health (NIH), Under section 126 of SARA, maintains a worker training program and can provide on-scene, just-in-time training for larger responses. Under Title IX, section 901(h) of the Clean Air Act Amendments, NIEHS supports research on health and mental health impacted by release.

National Institute for Occupational Safety and Health (NIOSH) provides technical assistance on worker health hazard risk assessment and personal protective equipment (PPE) selection tools used to train workers.

Substance Abuse and Mental Health Services Administration (SAMHSA) provides support for mental health & substance abuse related issues for public and workers health.

Indian Health Service (IHS) provides public health support to OSC when response activities impact Federally recognized Native American populations. Due to the unique government to government relationship between tribes and US Government they can provide liaisons for local tribal populations.

U.S. NUCLEAR REGULATORY COMMISSION

- Regulates civilian nuclear facilities and nuclear materials
- Lead federal agency during radiological events involving its licensees
- Provides expertise during other radiological incidents



NRT 83

The Nuclear Regulatory Commission (NRC) is an independent, Executive Branch, Federal agency that regulates civilian nuclear facilities and civilian use of nuclear materials. The NRC regulates nuclear reactor and nuclear fuel cycle facility operations through a combination of regulatory requirements; licensing; safety and security oversight, including inspection, assessment of performance and enforcement; operational experience evaluation; and regulatory support activities.

The regulatory requirements are designed to focus on those facility activities that are most important to safety and security. The process uses inspection findings and performance indicators to assess each nuclear power plant's performance.

Nuclear Power Plant Preparedness Requirements:

- Create an Emergency Plan (E-plan) for the Site
- Provide Protective Action Recommendations (PARs) to Offsite Response Organizations (OROs) to help in decision making
- Provide staff, equipment & training to OROs.
- Implement all regulatory requirements or guidance from the NRC and FEMA
- NPP's are required to exercise and demonstrate proficiency in the plans every 2 years (evaluated by NRC)

State, Local, Tribal and Territorial (SLTT) Government Preparedness:

- Establish a radiological annex to the community All Hazard E-Plan
- Make the final decisions and issue any Protective Action Decisions (PADs) needed to keep their citizens safe
- Only a State or local government can order shelter or evacuation- Not NRC, FEMA, or the Nuclear Power Plant
- SLTTs are required to exercise and demonstrate proficiency in the plans every 2 years (evaluated by FEMA)

The NRC serves as the lead federal agency during radiological events involving its licensees or NRC licensed materials. The NRC also provides expertise during other radiological incidents.

Authorities:

Atomic Energy Act of 1954, as amended

Established regulations on civilian uses of nuclear materials and facilities

Energy Reorganization Act of 1974

Established NRC

National Response and National Disaster Recovery Frameworks, Response and Recovery Federal Interagency Operational Plans (FIOPs),

and Nuclear Radiological Incident Annex to the Response and Recovery FIOPs

NRC is national lead for coordinating Federal response to events at nuclear power plants.

If event reaches the severity to become a national / international event US Department of Homeland Security coordinates federal effort, NRC is still the lead for "onsite" activities.

DEPARTMENT OF AGRICULTURE

The **Department of Agriculture (USDA)** can provide a variety of assets to the Incident Command System teams: wildlife services, communications, laboratory analysis, geospatial and soil analysis, mapping and other technical expertise

- **Forest Service** has personnel, laboratory, and field capability to measure, evaluate, monitor, and respond on lands under its jurisdiction, custody, or control.
- **Agriculture Research Service** has a network of laboratories that are permitted to manipulate/analyze samples of select agents regulated by the United States/Department of Health and Human Services/USDA.
- **Animal and Plant Health Inspection Service** can regulate movement of diseased/infected organisms and assist in animal carcass disposal.
- **Natural Resources Conservation Service** has personnel in nearly every county in the nation who are knowledgeable in soil, agronomy, engineering, and biology and can predict the effects of pollutants on soil and its movements over and through soils.



The **United States Department of Agriculture (USDA)** provides leadership on food, agriculture, rural development, and nutrition, while protecting and managing natural resources within the Nation's national forests and national grasslands. USDA has scientific and technical capability to measure, evaluate, and monitor, either on the ground or by use of aircraft, situations where natural resources including soil, water, wildlife, and vegetation have been impacted by fire, insects and diseases, floods, oil spills, releases of hazardous substances, and other natural or man-caused emergencies.

USDA should be contacted through the Environmental Management Division (EMD), Response and Restoration Group, who are designated National Response Team (NRT) members. USDA has delegated USDA Regional Response Team authority to USDA agencies. EMD is the official USDA point-of-contact for oil and hazardous substances pollution emergency preparedness and response. USDA through NRT and RRT representation, provide input to preparedness and response documents and activities, and coordinate USDA resource assistance to support emergency response actions in the event of an incident as needed. USDA plays a critical role in the decision-making for response actions that effect natural and cultural resources on lands under their jurisdiction custody and control.

USDA is involved in every emergency support function of the National Response Framework and can provide a variety of assets to the ICS (Incident Command Structure) teams, such as wildlife services, communications, laboratory analysis, geospatial analysis and mapping, soil analysis, and other technical expertise. Examples of relevant USDA agency capabilities and expertise are as follows:

- Forest Service** has responsibility for protection and management of national forests and national grasslands. Forest Service has personnel, laboratory, and field capability to measure, evaluate, monitor, and respond, as needed and consistent with its legal authorities, to releases of pesticides and other hazardous substances on lands under its jurisdiction, custody or control. Forest Service can also provide Incident Management Teams and support logistics such as communications and personnel.
- Agriculture Research Service (ARS)** administers an applied and developmental research program in animal and plant protection and production; the use and improvement of soil, water, and air; the processing, storage, and distribution of farm products; and human nutrition. ARS has the capabilities to provide oversight, evaluation and training for ARS employees exposed to biological, chemical, radiological, and industrial hazards. In emergency situations, ARS can assist action agencies in identifying, controlling, and abatement of contamination/pollution in the areas of air, soil, wastes, pesticides, radiation, and toxic substances for ARS facilities, and through applied research programs develop detection assays and countermeasures. ARS has a network of laboratories that are permitted to manipulate and analyze samples of U.S. Department of Health and Human Services (HHS)/USDA regulated select agents.
- Natural Resources Conservation Service** has personnel in nearly every county in the nation who are knowledgeable in soil, agronomy, engineering, and biology. These personnel can help to predict the effects of pollutants on soil and their movements over and through soils. Technical specialists can assist in identifying potential hazardous waste disposal sites and provide review and advice on plans for remedial measures.
- Animal and Plant Health Inspection Service (APHIS)** can respond in an emergency to regulate movement of diseased or infected organisms to prevent the spread and contamination of non-affected areas and assist in animal carcass disposal by providing expert advice or coordination, or leading the effort when there is a foreign animal disease present. APHIS can also provide assistance in the assessment of wildlife impacts, hazing and wildlife capture and deterrence, and other wildlife-related services.

(v) **Food Safety and Inspection Service (FSIS)** ensures the safety and wholesomeness of the Nations' supply of meat,

DEPARTMENT OF THE INTERIOR

- Through its various bureaus and offices, provides scientific expertise to On-Scene Coordinators (OSCs) to help protect sensitive natural, recreational, and cultural resources and areas
- Provides experts on remote sensing; mapping surface and ground water contamination; contaminant transport; oil, gas, and mineral development; source control of off-shore wells
- Facilitates environmental recovery efforts
- Facilitate wildlife response activities



NRT 85

The Department of the Interior (DOI) protects, manages, and provides access to U.S. natural and cultural resources and historic properties and to mineral resources in offshore waters of the U.S. Outer Continental Shelf (OCS). DOI protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors the Nation's trust responsibilities and special commitments to American Indians, Alaska Natives, and affiliated island communities. DOI manages the National Park System, national wildlife refuges and fish hatcheries, the public lands, and certain water projects in western states. DOI is responsible for migratory bird and wildlife conservation; historic preservation; endangered species conservation; surface-mined lands protection and restoration; mapping, geological, hydrological, and biological science for the Nation; and financial and technical assistance for the insular areas. DOI also regulates exploration, development, and production of mineral resources in the OCS and regulates offshore alternative energy activities. DOI should be contacted through the Office of Environmental Policy and Compliance (OEPC) Regional Environmental Officers (REOs), who are the designated members of RRTs. OEPC is the official DOI point-of-contact for oil and hazardous substances pollution emergency preparedness and response (www.doi.gov/oepec). OEPC represents DOI on the RRTs and NRT, providing coordinated DOI input to RRT and NRT preparedness and response documents and activities. OEPC REOs receive initial notification of actual (or potential) oil discharges and hazardous substances releases from OSCs and RPMs. OEPC subsequently contacts the appropriate DOI Bureau(s) and coordinates DOI participation in NRS activities. When necessary, OEPC serves as the DOI representative for incident-specific RRT and NRT activations and provides DOI input to decision-making on response actions to protect natural and cultural resources, which may address the use of chemical countermeasures and identification of places of refuge for vessels needing assistance. DOI bureaus and offices have relevant expertise as follows:

- (i) United States Fish and Wildlife Service (USFWS): Provides expertise to protect threatened and endangered species and their habitats, migratory birds, anadromous fish, certain marine mammals, sea turtles on-shore, and historic properties, including input on appropriate cleanup techniques, actions and end points. Serves as the focal point within DOI for providing consultations to OSCs/RPMs regarding threatened or endangered species and their habitats. Coordinates all federal permitting for and oversight of bird hazing, collection, and treatment activities and coordination of all federal permitting activities for hazing, collecting, rescuing, and holding migratory birds, certain marine mammals, and threatened and endangered species. Authorizes entry to, and oversees activities on, national wildlife refuge system lands.
- (ii) National Park Service (NPS): Responsible for protection and management of units of the National Park System including, but not limited to, National Parks, National Recreation Areas, National Seashores, National Historic Sites, National Battlefield Parks, National Monuments, and Wild and Scenic Rivers. Provides advice on and participates in activities affecting historic properties and cultural resources. For incidents involving NPS lands and/or resources, NPS can participate in preparedness activities and response decision-making to address access, sensitive natural and cultural resources and historic properties, protection priorities, public health and safety, law enforcement, and other issues related to removal and remediation actions taken or planned on NPS-managed lands. NPS also has independent authority under the Park System Resource Protection Act 16 U.S.C. 191j for recovery of costs on response actions taken to minimize the destruction, loss, or injury to park system resources.
- (iii) U.S. Geological Survey (USGS): Performs research in support of biological resource management; inventories, monitors, and reports on the status of and trends in the nation's biotic resources; and transfers the information gained in research and monitoring to resource managers and others concerned with the care, use, and conservation of the nation's natural resources. USGS biologic research laboratories can advise and support NCP responses. USGS can also provide support services related to geology, hydrology (ground water and surface water), geospatial information, and natural hazards.
- (iv) Bureau of Land Management (BLM): Responsible for authorization of entry to, and resource protection of, the land and minerals managed by BLM. BLM provides expertise in emergency response, particularly for fire and hazardous materials incidents. Many BLM offices are equipped to provide assistance with sampling, investigation, surveillance, and security. BLM also has expertise in on-shore energy production, cadastral survey, cultural and historic properties, natural resources, and federal property acquisition and disposal.
- (v) Bureau of Ocean Energy Management (BOEM): Promotes energy independence, environmental protection, and economic development through responsible, science-based management of offshore conventional and renewable energy and marine mineral resources. BOEM's Office of Environmental Programs conducts environmental reviews, including National Environmental Policy Act analyses and compliance documents for each major stage of energy development planning. These analyses inform the bureau's decisions on its five year OCS oil and gas leasing program, and conventional and renewable energy leasing and development activities. Additionally, BOEM's scientists conduct and oversee environmental studies to inform policy decisions relating to the management of energy and marine mineral resources on the OCS.
- (vi) Bureau of Safety and Environmental Enforcement (BSEE): Regulates and oversees the exploration, development, and production operations for oil and natural gas on the OCS to ensure that it is done in a safe and environmentally responsible manner. BSEE's functions include oil and gas permitting, facility inspections, regulations and standards development, safety research, environmental compliance and enforcement, and oil spill prevention and readiness for facilities located in both federal (OCS) and state waters seaward of the coastline that handle, store, or transport oil. BSEE reviews and approves producers' oil spill response plans, and conducts readiness capability assessments through unannounced oil spill exercises and inspection of oil spill response equipment. During oil spills from offshore facilities seaward of the coastline, BSEE provides expertise on source control activities under the direction of the federal OSC. BSEE also funds applied oil spill response research and manages Ohmsett -- the National Oil Spill Response and Renewable Energy Test Facility -- through its Oil Spill Response Research Program.
- (vii) Bureau of Reclamation (BOR): Provides advice and information on operation, control, and maintenance of water systems and related resources, including dams, reservoirs, and channels. BOR has expertise in engineering and hydrology and can provide design services, construction, contracting, oversight and administration activity.
- (viii) Office of Surface Mining Reclamation and Enforcement: Provides advice on surface coal mining, including abandoned coal mined lands, coal outcrop fires, coal mine wastes, waste bank stability, and toxic drainage.
- (ix) Bureau of Indian Affairs (BIA): Assists in coordinating and communicating with, and obtaining access to, Indian lands and tribal officials. BIA has many programs to assist tribal governments and uphold Indian trust responsibilities.
- (x) Office of Insular Affairs: Provides assistance to American Samoa, Guam, the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands. May provide intergovernmental expertise to foster communications to implement the NCP in these areas.
- (xi) Office of Aviation Services: Provides access to DOI-approved aircraft, including on-scene inspection and certification teams, and arranges for air traffic control via the Federal Aviation Administration.

GENERAL SERVICES ADMINISTRATION

- GSA may facilitate response and recovery efforts by providing commodity support, telecommunications support, transportation services or other support through use of GSA's Federal Supplies Schedules
- GSA may also provide leasing support for needed federal facilities or space as requested utilizing staff from among its national cadre of realty specialists



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General Services Administration (GSA) provides logistical support for a variety of goods and services via its acquisitions capability to federal, state, tribal, local and non-governmental organization entities. GSA also provides leasing support for needed facilities; transportation services for air, land, or sea; and telecommunications support. GSA can provide advisory assistance to other government agencies to facilitate lodging, charter air, and vehicle rentals, among other items, off of its Federal Supply Schedules.

DEPARTMENT OF TRANSPORTATION

- The Pipeline and Hazardous Materials Safety Administration (PHMSA) manages national transportation safety programs for hazardous materials and oil by all modes of transportation and pipelines.
- PHMSA provides technical assistance to the planning and response communities, including publication of the DOT Emergency Response Guidebook



NRT 87

The **Department of Transportation** provides response expertise pertaining to transportation of oil or hazardous substances by all modes of transportation.

Through the Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT offers expertise in the requirements for packaging, handling, and transporting regulated hazardous materials.

DOT, through PHMSA, establishes oil discharge contingency planning requirements for pipelines, transport by rail and containers or bulk transport of oil.

FEDERAL EMERGENCY MANAGEMENT AGENCY



- Lead agency for administering financial and technical assistance during a Presidentially declared disaster or emergency under the Robert T. Stafford Disaster Relief Act (Stafford Act)

- Responsible for providing hazardous materials response guidance and training for emergency first responders



FEMA

NRT 88

FEMA is an agency in DHS whose mission includes providing guidance, policy and program advice, and technical assistance in hazardous materials, chemical, and radiological emergency preparedness activities (including planning, training, and exercising).

The FEMA Protection and National Preparedness Office administers financial and technical assistance to state and local governments to support their efforts to develop and maintain an effective emergency management and response capability.

DEPARTMENT OF ENERGY

- DOE provides the designated On-Scene Coordinator (OSC)/Remedial Project Manager (RPM) for non-oil releases from or on any facility or vessel under its jurisdiction
- DOE may also provide advice and assistance to other OSCs/ RPMs on emergency actions necessary to control immediate radiological hazards



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

In addition, DOE provides advice and assistance to other OSCs/RPMs for emergency actions essential for the control of immediate radiological hazards. Incidents that qualify for DOE radiological advice and assistance are those believed to involve source, by-product, or special nuclear material or other ionizing radiation sources, including radium, and other naturally occurring radionuclides, as well as particle accelerators. Radiological assistance is available as described in § 300.145(n).

The number to contact the DOE Watch Office (24X7) is: **202-586-8100**

NATIONAL NUCLEAR SECURITY ADMINISTRATION

The DOE's **National Nuclear Security Administration (NNSA)** is ready to respond to any deliberate or accidental incident that results in real, potential, or perceived release of radioactive material by monitoring, assessment, & working with local, state, & federal agencies and officials to resolve the situation

- NNSA Consequence Management Capabilities include:
 - Atmospheric Dispersion Modeling
 - Radiation Modeling (samples, analysis, etc.)
 - Radiation Medicine
- NNSA is responsible to maintain the operational readiness of, and to deploy the **Federal Radiological Monitoring and Assessment Center (FRMAC)** upon request.
- FRMAC is an interagency body used to provide OSC/RPMs with radiological monitoring and assessment assistance.



NRT

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NNSA's mission is to provide timely, scientifically-defensible and actionable planning and decision support to State, territorial, tribal and local incident response officials to provide for the protection of the public, responders and the environment. NNSA may be involved in any deliberate or accidental incident that results in real, potential, or perceived release of radioactive material that exceeds the capacity of local responders (**e.g. nuclear detonation, RDD, nuclear facility accident, weapon accident**).

Consequence Management Capabilities

• **Atmospheric Dispersion Modeling**

- National Atmospheric Release Advisory Center (NARAC)

• **Radiation Monitoring (includes sampling & analysis)**

- Radiological Assistance Program (RAP)
- Aerial Measuring System (AMS)
- Consequence Management Response Team (CMRT)
- Consequence Management Home Team (CMHT)

• **Radiation Medicine**

- Radiation Emergency Assistance Center/Training Site

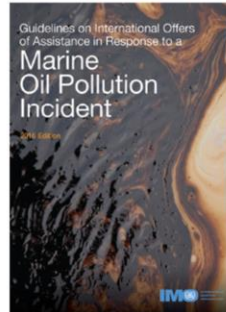
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The **Federal Radiological Monitoring and Assessment Center (FRMAC)** is an interagency federal asset available on request by the Department of Homeland Security (DHS) and state and local agencies to respond to a nuclear or radiological incident.

DOE can provide radiological monitoring and assessment assistance to the OSC/RPM as part of the FRMAC, when the FRMAC is activated. DOE leads the FRMAC for the initial response, then transitions FRMAC leadership to EPA at a mutually agreed upon time.

DEPARTMENT OF STATE

- Coordinates international response and notification efforts when discharges or releases may affect international interests, including when they involve foreign flag vessels or threaten impact beyond U.S. jurisdiction
- Coordinates requests for National Response System (NRS) assistance from foreign governments



Canada-United States Joint Contingency Plan



MEXUS Plan

Joint Contingency Plan between the Secretariat of the Navy of the United Mexican States and the United States Coast Guard Regarding Pollution of the Marine Environment by Discharges of Hydrocarbons or Other Hazardous Substances

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