

**CARIBBEAN REGIONAL RESPONSE TEAM
POLICY FOR
USE OF IN-SITU BURNING
IN OCEAN AND COASTAL WATERS**

INTRODUCTION

This is the Caribbean Regional Response Team (CRRT) in-situ burn policy for ocean and coastal waters. It is structured as five sections. Section I defines the purpose, authority and scope of the policy. Section II describes the established ocean and coastal waters zones for pre-authorized and conditional in-situ burning. Section III contains protocols for conducting in-situ burning, applicable to all open water burns throughout the Caribbean RRT region. Section IV is a signature page where the CRRT members representing the United States Coast Guard (USCG), the United States Environmental Protection Agency (EPA), the United States Department of the Interior (DOI), the United States Department of Commerce (DOC), the Commonwealth of Puerto Rico and the United States Virgin Islands (USVI) have by signature agreed to accept this regional policy for their respective agency or territory. Section V contains appendices and includes:

- Regional maps showing pre-authorized burn zones.
- Separate Letters of Agreement (LOAs) for Puerto Rico and the U. S. Virgin Islands, which will establish specific conditions for conducting any in-situ burning inside territorial waters (3 miles or less from shore), and for special federally managed areas if applicable.
- Biological assessments and letters pertaining to Section 7 consultations with the National Marine Fisheries Service (NMFS) and the United States Fish and Wildlife Service (USFWS) for protection of endangered species during in-situ burning operations.
- The U. S. Coast Guard Gulf Strike Team administered Special Response Operations Monitoring Program (SROMP) for in-situ burn operations in the CRRT region.
- In-situ burn equipment lists.
- Decision tree and application/checklist form.

SECTION I

Caribbean Regional Response Team In-situ Burn Policy Agreement

Purpose

The purpose of this Agreement is to provide concurrence of the USCG, EPA, DOC, DOI, and the Puerto Rico and USVI representatives to the CRRT for the pre-authorized use of in-situ burning in response to oil discharges within the jurisdiction of the CRRT.

The CRRT recognizes that in some instances the physical containment and collection of oil is infeasible or inadequate, and the effective use of in-situ burning as an oil spill response technique should be considered. Pre-authorization within the set guidelines of this agreement allows the USCG On-Scene Coordinator (OSC) to employ in-situ burning to: (1) prevent or substantially reduce a hazard to human life, (2) minimize the environmental impact of the spilled oil or, (3) reduce or eliminate economic or aesthetic losses which would otherwise presumably occur without the use of this technique.

Authority

Subpart J of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) provides that the OSC, with the concurrence of the EPA representative to the CRRT, and as appropriate, concurrence of the CRRT representatives from the Commonwealth of Puerto Rico and United States territory of the USVI (hereby referred to as states) with jurisdiction over the navigable waters threatened by the release or discharge, and in consultation with DOC and DOI natural resource trustees, when practicable, may authorize the use of in-situ burning agents on oil spills. Pre-authorization of in-situ burning may be adopted with concurrence from all of the above mentioned CRRT representatives.

Commandant, U.S. Coast Guard, has pre-designated the USCG Captains of the Port as On-Scene Coordinators for coastal oil spills; and has delegated authority and responsibility for compliance with Section 311 of the Federal Water Pollution Control Act, as amended, to them. The EPA has delegated its authority for authorization of in-situ burning to the EPA representative to the Regional Response Team. The CRRT representatives from the DOC, DOI, Puerto Rico and the USVI have been delegated authority by their respective agencies or governments to represent natural resource trustee concerns and to serve as consultants to the OSC on these matters.

Scope

The USCG, EPA, DOI, DOC, Puerto Rico, and the USVI have adopted in-situ burning as an approved tool to remove spilled or discharged oil from ocean and coastal waters within the jurisdiction of the CRRT. This agreement covers protocols under which in-situ burning is pre-authorized for use by the USCG On-Scene Coordinator on waters off the coasts of Puerto Rico and the USVI which are within the boundaries of the CRRT region.

SECTION II

Pre-authorization of In-situ Burning

The term "in-situ burning" applies to operations conducted for removal of oil by burning. These operations may apply during daylight or nighttime hours. In-situ burning operations will be conducted within the jurisdiction of the CRRT in accordance with this policy and, in addition, where applicable, in accordance with protocols established in Letters of Agreement (LOA) between the USCG, EPA, DOI, DOC, and the affected state(s). The authority to authorize the use of in-situ burning provided under this agreement to the USCG OSC may not be delegated. The following four zones have been established to specify pre-authorized locations and conditions under which burning may occur:

1.) "A" ZONES — PRE-AUTHORIZATION FOR OPEN-WATER BURNING

The "A" zone is defined as any area in the CRRT region, falling exclusively under federal jurisdiction; and not classified as a "B", "C", or "R" zone; which is at least 6 miles from any state coastline; and outside of any state waters. In the event that state jurisdiction extends beyond 6 miles from a state shoreline, pre-authorization for the "A" zone applies only to those areas outside the state jurisdiction.

Within "A" zones, the USCG, EPA, DOC, DOI, and the state(s) agree that the decision to initiate in-situ burning rests solely with the pre-designated USCG OSC, and that no further concurrence or consultation on the part of the USCG OSC with EPA, DOC, DOI, or the state(s) is required.

The USCG agrees with EPA, DOC, DOI, and the state(s) that the USCG will immediately notify said agencies and state(s) of a decision to conduct burning within the "A" zone, via each agency or state's respective CRRT representative.

2.) "B" ZONES — PRE-AUTHORIZATION WITH FAVORABLE WIND CONDITIONS

The "B" zone is defined as any areas under CRRT jurisdiction, not classified as an "A", "C", or "R" zone; which are at least 3 miles from any state coastline; and outside of any state waters. In the event that state jurisdiction extends beyond 3 miles from a state shoreline, pre-authorization for the "B" zone applies only to those areas outside the state jurisdiction.

Within "B" zones, the USCG, EPA, DOC, DOI, and the state(s) agree that the decision to initiate in-situ burning rests solely with the pre-designated USCG OSC if and only if the prevailing wind direction is decidedly seaward and is expected to remain in the seaward direction throughout the duration of the planned in-situ burning operations. If this is the case, no further concurrence or consultation on the part of the USCG OSC is required with EPA, DOC, DOI, or the state(s). If the prevailing wind direction is not decidedly seaward, or is expected to carry a smoke plume over populated or environmentally sensitive areas, the initiation of in-situ burning is not pre-authorized in the "B" zone. When a burn is proposed under those conditions, the situation and circumstances must be reviewed and discussed on a case-by-case basis, following standard consultation and concurrence procedures. In either case, if threatened or endangered species are present in the burn area, then the trustee agency must be consulted prior to initiating burning operations."

The USCG agrees with EPA, DOC, DOI, and the state(s) that the USCG will immediately notify said agencies and state(s) of a decision to conduct burning within the "B" zone, via each agency or state's respective CRRT representative.

3) "C" ZONES — WATERS REQUIRING CASE-BY-CASE APPROVAL

A "C" zone is defined as any area in the CRRT region falling under state or special management jurisdiction which is not classified as an "A", "B", or "R" zone.

"C" zones are all areas falling: 1) anywhere within state waters, 2) waters less than 30 feet in depth that contain living reefs, 3) waters designated as a marine reserve, National Marine Sanctuary, National or State Wildlife Refuge, unit of the National Park Service, proposed or designated Critical Habitats, and 4) mangrove areas, or coastal wetlands. Coastal wetlands include submerged algal beds, submerged seagrass beds, lagoons and salt ponds.

Where a Letter of Agreement (LOA) is in effect between the USCG, EPA, DOI, DOC, and the affected state(s), the policy for pre-authorization established under the provisions of said LOA shall preempt the policy herein established for zones otherwise designated as

falling in the "C" zone. Once area-specific LOAs are developed, they will be incorporated into Appendix II of this document. In the event that a LOA is not in effect for areas falling within the "C" zone, the following protocols shall apply:

- a) If the OSC feels that in-situ burning should be used in areas falling in a "C" zone, a request for authorization must be submitted to EPA, DOC, DOI and the affected state(s), along with the required information listed in the in-situ burning Application/Checklist form, found in Appendix VI.
- b) The OSC's decision to use in-situ burning shall be made after consulting with CRRT representatives of state and federal trustee agencies to ensure that the best available information pertaining to the presence or absence of natural resources at the burn site is obtained.
- c) The OSC is only granted authority to conduct in-situ burning in the "C" zone when consent has been given by EPA and the affected state(s), and after consultation with DOI and DOC.
- d) Given the need for rapid mobilization of specialized equipment from the mainland, and logistical concerns associated with conducting an in-situ burn, a timely decision is critical. EPA, DOC, DOI and the affected state(s) will respond to the OSC's request for authorization to burn in zone "C" as soon as possible following receipt of the information specified in the checklist in Appendix VI.

The USCG agrees with EPA, DOC, DOI, and the state(s) that the USCG will immediately notify said agencies and affected state(s) of a decision to initiate an approved burn within a "C" zone via each agency or state's respective CRRT representative.

The OSC will make every reasonable effort to continuously evaluate the decision to burn, and allow CRRT agencies and affected state(s) the opportunity to comment. Cognizant representatives from USCG, EPA, DOI, DOC, and the potentially impacted state(s), will have the responsibility and authority to determine under what conditions a burn should be discontinued if the plume contacts or threatens to contact populated or environmentally sensitive areas. Those cognizant representatives will be identified by their respective agencies prior to commencement of a burn, and will have the verbal authority to call for the burn to be discontinued. The reason and justification for their request, however, will be subsequently documented and submitted to the OSC for the record.

4) "R" ZONES — EXCLUSION ZONES

An "R" zone is defined as any area in the CRRT region falling under state or special management jurisdiction which is not classified as an "A", "B", or "C" zone.

The "R" zone is that area designated by the USCG, EPA, DOC, DOI, and the states as an exclusion zone. No in-situ burning operations will be conducted in the "R" zone unless

1) in-situ burning is necessary to prevent or mitigate a risk to human health and safety; and/or 2) an emergency modification of this agreement is made on an incident-specific basis.

The CRRT currently has not designated any areas as "R" zones, but retains the right to include areas for exclusion at a future point in time if it feels this is warranted.

SECTION III

Protocols

The following requirements apply to the use of all burning operations under the provisions of this policy:

1.) Health and Safety Concerns

a) Operators: Assuring workers' health and safety is the responsibility of employers and the USCG OSC who must comply with all Occupational Safety and Health Administration (OSHA) regulations. Prior to any in-situ burn operations, a site safety plan must be submitted and approved by the OSC.

b) Public: The burning should be stopped if it is determined that it becomes an unacceptable health hazard due to operational or smoke exposure concerns to responders or the general public. If at any time, exposure limits are expected to exceed national federal air quality standards in downwind populated areas, as a result of in-situ burning operations, then in-situ burning operations will immediately cease. The Level of Concern (LOC) for particulates for the general public in the CRRT region is 150 $\mu\text{g}/\text{m}^3$ (PM-10) averaged over 1 hour. Public advisories may be required prior to initiating a burn.

2.) Monitors representing the USCG, EPA, federal trustee agencies, the affected state(s), OSHA, and the responsible party will have the opportunity to monitor in-situ burning operations:

a) Monitoring to establish "Continue/Discontinue" data for input to the OSC will be conducted in accordance with protocols established by the USCG, EPA, DOC, DOI and the affected state(s), and as outlined in the SROMP monitoring program contained in Appendix IV. For all burns which require case by case approval, air monitoring will be required, as outlined in the SROMP, and will be in place prior to the start of burn operations. The inability to conduct this monitoring would require that the OSC consult with EPA the state(s) and natural resource trustees prior to conducting a burn. It is advisable and should be given due consideration to implement the monitoring program for any in-situ burn whenever feasible.

b) All burns must incorporate visual monitoring at the burn site to record the disposition of burn residues and to monitor the burn site for potential impact to any natural resource in the area. Samples of the residue will be collected if feasible.

c) All burns must incorporate constant visual observations to monitor smoke plume behavior. The OSC, EPA, DOC/NOAA, DOI, and the affected state(s) should determine, prior to initiation of the burn, under what conditions the burn should be stopped if the plume contacts or threatens to contact the ground or elevated structures in populated or environmentally sensitive areas. A trial burn may be conducted to better estimate plume behavior prior to operational burning.

3.) Prior to any in-situ burning operations, the OSC will apply the decision tree contained in Appendix VI.

4.) The application/checklist form in Appendix VI shall be completed for all burns and provided to EPA, DOC, DOI, and the affected state(s) in a timely manner for documentation and informational purposes. If the Responsible Party (RP) requests the use of in-situ burning, members of this organization will be responsible for completing the checklist in Appendix VI. If the RP is unknown and the request to burn is made by another party, the OSC will be responsible for completing the checklist.

5.) The USCG will make every reasonable effort to continuously evaluate the decision to burn, and allow CRRT agencies and affected state(s) the opportunity to comment. Cognizant representatives from USCG, EPA, DOI, DOC, and the potentially impacted state(s), will have the responsibility and authority to determine under what conditions a burn should be discontinued if the plume contacts or threatens to contact populated or environmentally sensitive areas. Those cognizant representatives will be identified by their respective agencies prior to commencement of a burn, and will have the verbal authority to call for the burn to be discontinued. The reason and justification for their request, however, will be subsequently documented and submitted to the OSC for the record.

6.) Burning will be conducted in a way that allows for effective control of the burn to the maximum extent feasible, including the ability to rapidly stop the burn if necessary. Contained and controlled burning is recognized as the preferred method of burning using fire-resistant boom. All practical efforts will be made to control and contain the burn and prevent accidental ignition of the source. Generally it is not recommended that the source or adjacent un-contained slicks be allowed to ignite during in-situ burning operations. Certain circumstances, however, may warrant consideration of carefully planned source ignition.

7.) Mechanical recovery equipment shall be mobilized on-scene, when feasible, for backup and complimentary response capability. Provisions must be made for collection of burn residue following the burn(s).

8.) In-situ burning will be conducted in accordance with any consultations approved by the USFWS and the NMFS, under Section 7 of the Endangered Species Act. Prior to beginning an in-situ burn, an on-site survey will be conducted to determine if any threatened or endangered species are present in the burn area or otherwise at risk from any burn operations, fire, or smoke. Appropriate natural resource specialists, knowledgeable with any special resource concern in the area and representing the resource trustee, will be consulted prior to conducting any in-situ burn. Measures will be taken to prevent risk of injury to any wildlife, especially endangered or threatened species. Examples of potential protection measures may include: moving the location of the burn to an area where listed species are not present; temporary employment of hazing techniques, if effective; and physical removal of individuals of listed species only under the authority of the trustee agency.

9.) In-situ burning is advised only when the meteorological and sea conditions are operationally favorable for a successful burn. The OSC will give due consideration to the direction of the wind, and the possibility of the wind blowing precipitate over population centers or sensitive resources onshore. A safety margin of 45 degrees of arc on either side of predicted wind vectors should be considered for shifts in wind direction.

10.) Any use of in-situ burning requires that a post-incident report be provided by the OSC, or a designated member of the OSC's staff, within 45 days of in-situ burning operations. Recommendations for changes or modification to this policy should be presented in the report, if appropriate. This report will be presented at a CRRT meeting, if requested by the CRRT.

SECTION IV

Signature Page

We hereby attest and declare that by our signature we do approve this policy for in-situ burning as presented herein for the agency or government we represent on the Caribbean Regional Response Team (CRRT).

/s/ _____ 5/3/1996
Captain Gerald Abrams DATE
United States Coast Guard
CRRT Co-chair

/s/ _____ 5/3/1996
Mr. Richard Salkie DATE
United States Environmental Protection Agency
CRRT Co-chair

/s/ _____ 5/3/1996
Mr. James H. Lee DATE
U.S. Department of the Interior
CRRT Member

/s/ _____ 5/3/1996
Ms. Denise Klimas DATE
U.S. Department of Commerce
CRRT Member

/s/ _____ 5/3/1996
Mr. Genaro Torres DATE
Puerto Rico Commonwealth
CRRT Member

/s/ _____ 5/3/1996
Ms. Beulah Dalmida-Smith DATE
United States Virgin Islands
CRRT Member

SECTION V

Appendices

I Zone Maps

II Letters of Agreement

III Section 7 Consultations for Endangered Species

IV SROMP Monitoring Plan

V Equipment Lists

VI Decision Tree, Application/Checklist