

AUTHORIZING SIGNATURES


The following document has been reviewed by the Region III Regional Response Team (RRT III) members and the Executive Committee has approved the document as a final¹ product of the RRT III and acceptable for public release.

Federal Region III Regional Response Team

Region III Regional Oil and Hazardous Substances Pollution Contingency Plan

[Living Document]

The RRT III Co-Chairs agree with the recommendation of the Executive Committee and have provided concurrence with their signatures below.



Kevin Boyd
RRT III Co-Chair
United States Environmental Protection Agency

11/28/18
Date



Dave Ormes
RRT III Co-Chair
United States Coast Guard, District 5

11/28/2018
Date

¹ Note: Some documents will be considered "Living" documents that will undergo continual review, vetting, and updates as necessary to reflect relevant information and policy.

Federal Region III Regional Response Team

Region III Regional Oil and Hazardous Substances Pollution Contingency Plan

Report Oil and Chemical Spills

1-800-424-8802

<http://www.rrt3.nrt.org>

(BLANK)

To Report Spills Call the National Response Center

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

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

National Response Center
United States Coast Guard Headquarters
Washington, DC

Regional Response Centers & Emergency Response 24-Hour Emergency Numbers

(215) 814-3255

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

(757) 398-6390

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

(504) 589-6225

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

(216) 902-6118

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

(BLANK)

LETTER OF PROMULGATION

The Region III Regional Oil and Hazardous Substances Pollution Contingency Plan (R3RCP) was developed in accordance with the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the Clean Water Act of 1977, and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 Code of Federal Regulations [CFR] 300), which require the Regional Response Teams (RRTs) in each federal region to develop a Regional Contingency Plan (RCP) to coordinate effective response to oil spills and hazardous substance releases into the environment of the United States within the Mid-Atlantic Area, including the District of Columbia, Delaware, Maryland, Pennsylvania, Virginia and West Virginia.

The R3RCP was developed in cooperation with the designated representatives from organizations that make up the Region III Regional Response Team (RRT3): thirteen federal departments and supporting agencies, one federally recognized tribe, three states, two commonwealths, and the District of Columbia.

The RCP is organized according to key functions of the RRT. To promote ease of use, the revised RCP had been published electronically and is available for viewing or download from the RRT3 website:

www.nrt.org/RRT3_RCP

The seven main sections of the RCP are as follows:

- Section 1: Introduction
- Section 2: Consistency with the NCP
- Section 3: Regional Response Policies
- Section 4: RRT Operations and Administration
- Section 5: RRT Agency Roles, Capabilities, and Support
- Section 6: Related Plans and Programs
- Section 7: Abbreviations and Acronyms

Updates to this plan will be considered at RRT semi-annual meetings and changes will be distributed in electronic form. Full review with letters of promulgation will take place every four years. Future changes to the plan will be consecutively numbered and designated as such. Any changes or comments to the R3RCP should be submitted to:

Cindy E. Santiago
USEPA RRT Coordinator
U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 9103-2029
santiago.cindy@epa.gov

David Pugh
USCG RRT Coordinator
Fifth Coast Guard District
1 Washington Avenue
Philadelphia, PA 19148
david.e.pugh1@uscg.mil

This plan is in effect upon signature, and supersedes and replaces previous RCPs:

Kevin Boyd
Emergency Planning and Response Branch Chief
Co-chair
U.S. EPA Region III
Region III Regional Response Team

David T. Ormes
Incident Management Preparedness Advisor Co-Chair
Fifth Coast Guard District
Region III Regional Response Team

(BLANK)

TABLE OF CONTENTS

SECTION 1: Introduction.....	1
A. Purpose and Objectives.....	1
B. Scope.....	2
C. Relationship with Other Plans	3
D. Planning Process	3
E. Exercise Process	4
External Exercises	4
Preparedness and Response Training.....	4
RRT Exercise Reports.....	5
F. Measurement Process.....	5
The Best Response Model as a Tool for Response and Planning	5
The Preparedness Planning Focus.....	5
Preparedness Tasks	5
G. Administrative Procedures.....	6
Responsibility Organization for Response (Subpart B of the NCP)	6
SECTION 2: Consistency with the NCP	8
SECTION 3: Regional Response Policies	9
A. Objectives	9
B. Regional Boundaries.....	9
C. Multi-Area Responses.....	10
D. Specific Boundaries	11
Intra-Regional Boundaries.....	11
Inland-Coastal Zone Boundary.....	11
Regional Boundary	14
E. RRT3 Response Policies.....	15
Traditional Response Countermeasures	16
Chemical Countermeasures Policy	16
Pre-approval/Preauthorization	16
Response Policies, Procedures, and Guidance.....	20
Other RRT3-Specific Response Policies	22
F. Monitoring and Evaluation Tools	25
<i>In situ</i> Burning and Dispersants	25
G. Consultation Requirements and References	27
Endangered Species and Critical Habitat.....	27

Essential Fish Habitat (EFH)	27
Culturally Sensitive and Historic Areas	27
Tribal Consultation	28
Native American Graves Protection and Repatriation Act (NAGPRA)	28
U.S. Army Corps of Engineers Nationwide Permit (NWP) – 20 (Response Operations for Oil or Hazardous Substances)	29
H. Natural Resource Damage Assessment (NRDA)	29
SECTION 4: Regional Response Team Operations and Administration	30
A. RRT Activation Procedures	30
B. Communication Procedures	31
C. Responding to an Incident-Specific Activation	32
Call-up Procedures	32
D. Cross-Boundary Incident-Specific RRT	33
E. RRT Committees and Workgroups	33
F. RRT Meetings	34
G. RRT Work Plans	35
H. RRT Annual Reports	35
I. RRT Requests for FOSC Reports	36
J. Distribution of Information	36
K. RRT Exercises	37
SECTION 5: Regional Response Team Agency Roles, Capabilities, and Support	38
A. Federal Departments and Supporting Agencies	38
U.S. Environmental Protection Agency (USEPA)	38
Department of Homeland Security (DHS)	39
U.S. Department of Defense (DOD)	39
U.S. Department of Energy (DOE)	39
U.S. Department of Agriculture (USDA)	40
U.S. Department of Commerce (DOC)	40
U.S. Department of Health and Human Services (DHHS)	40
U.S. Department of the Interior (DOI)	41
U.S. Department of Justice (DOJ)	41
U.S. Department of Labor (DOL)	41
U.S. Department of Transportation (DOT)	41
Nuclear Regulatory Commission	42
General Services Administration (GSA)	42
B. Federally Recognized Tribes	42
Other Federally Recognized Tribes with and Interest in Region III	43

C. States/Commonwealths.....	45
Delaware	45
District of Columbia	45
Maryland	45
Pennsylvania	45
Virginia	46
West Virginia	46
SECTION 6: Related Plans and Programs.....	47
A. National Response System.....	47
B. Coordination with Other Federal Response Planning.....	47
National Planning Frameworks.....	47
C. Title III State and Local Emergency Response Plans	48
State Emergency Response Commission (SERC)	48
Local Emergency Planning Committees (LEPC)	49
Emergency Management Assistance Compact (EMAC).....	49
The National Guard	49
D. Reimbursement for Services	50
Response Under The NCP	50
Response Under The NRF	50
Cost Reimbursement.....	51
Stafford Act Funds	52
SECTION 7: Abbreviations and Acronyms.....	53

APPENDICES LIST	58
APPENDIX 1:	Region III Regional Response Team (RRT3) PRIMARY CONTACT LIST
APPENDIX 2:	CROSS REFERENCE MATRIX FOR R3RCP - NCP
APPENDIX 3:	EXECUTIVE ORDERS, MOAs, MOUs
Appendix 3-A:	Executive Orders
Appendix 3-B:	Cross Boundary Support MOAs
Appendix 3-C:	1997 Interagency Agreement on ESA
Appendix 3-D:	MOU for Use of Volunteers (January 2011)
APPENDIX 4-A:	MOA BETWEEN USCG DISTRICT 5 / USEPA REGION III RESPONSE JURISDICTION BOUNDARY (January 2010)
APPENDIX 4-B:	MOA BETWEEN USCG DISTRICT 8 / USEPA REGION III RESPONSE JURISDICTION BOUNDARY (September 2016)
APPENDIX 5:	INSTRUMENT OF REDELEGATION BETWEEN USCG AND USEPA (Signed 29 November 1987 and 27 May 1988)
APPENDIX 6:	PREAUTHORIZATION DOCUMENTS
Appendix 6-A:	Dispersants
Appendix 6.1:	USFWS ESA Section 7 Determination Letter for Chemical Countermeasures (January 1997)
Appendix 6-A1	Update for Dispersant MOU (January 1999)
Appendix 6-A2	Dispersants Employment Evaluation Plan (DEEP) (May 1991)
Appendix 6-B:	<i>In situ</i> Burn (controlled)
Appendix 6-B1:	USFWS ESA Section 7 Determination Letter for <i>In Situ</i> Burn (September 1997)
Appendix 6-C:	Solidifier: CIAgent (February 2007)
Appendix 6-C1:	Preauthorization & Section 7 Determination Letter for CIAgent (May 2007)
APPENDIX 7:	RESPONSE POLICY GUIDANCE
Appendix 7-A1:	Bioremediation Policy (July 1999)
Appendix 7-A2:	Bioremediation Guidance & Decision Tool (February 2004)
Appendix 7-B:	Elasticity Modifiers (DRAFT) [Reserved]
Appendix 7-C:	Emulsion Treating Agents [Reserved]
Appendix 7-D:	Herding Agents (Surface Collecting Agents) [Reserved]
Appendix 7-E:	<i>In situ</i> Burn for Ocean, Coastal Areas and Inland Zones (March 2003)
Appendix 7-F:	<i>In situ</i> Burn for Oil Impacted Herbaceous Wetlands (2004)
Appendix 7-G:	Shoreline Pre-treatment Agents [Reserved]
Appendix 7-H:	Solidifiers [Reserved]
Appendix 7-I:	Surface Washing Agents [Reserved]
Appendix 7-J:	Ohio River Valley Umbrella Plan (September 2015)
Appendix 7-K:	Places of Refuge (NRT, July 2007)
Appendix 7-L:	RRT3 Specific Response Policies

Appendix 7-L1:	Limited Jones Act (May 2002)
Appendix 7-L2:	Natural Trustee Resources [Reserved]
Appendix 7-L3:	Disposal of Contact Water (May 2002)
Appendix 7-L4:	Ocean Dumping (May 2002)
Appendix 7-L5:	Non-Floating Oil [Reserved]
Appendix 7-L6:	Vessel Decontamination [Reserved]
Appendix 7-L7:	NRT Use of Volunteers (September 2012)
Appendix 7-L8:	Photo-documentation [Reserved]
Appendix 7-L9:	Coordination with Tribal Officials [Reserved]
APPENDIX 8:	MONITORING AND EVALUATION TOOLS
Appendix 8-A	Special Monitoring of Advanced Response Technologies (SMART) (August 2006)
Appendix 8-B:	NRT Monitoring for Atypical Dispersant Operations (May 2013)
Appendix 8-C	Selection Guide
Appendix 8-C1	Volume 1 of the Selection Guide for Oil Spill Response Countermeasures – Decision Making (June 2009)
Appendix 8-C2	Volume 2 of the Selection Guide for Oil Spill Applied Technologies – Operations Plans (June 2000)
Appendix 8-D	Other Product/Category-Specific [Reserved]
APPENDIX 9:	CONSULTATION REQUIREMENTS AND REFERENCES
Appendix 9-A:	ESA and Critical Habitats
Appendix 9-A1:	MOA Training Manual for ESA (2002)
Appendix 9-A2:	MER Policy Letter 01-14 (October 2013)
Appendix 9-A3:	Best Practices for Migratory Bird Care During Oil Spill Response (2003)
Appendix 9-A4:	RRT3 ESA Spill Response Screening Matrices for Coastal and Inland Areas (dynamic document)
Appendix 9-B:	Essential Fish Habitat (EFH) Consultation Guidance (April 2004)
Appendix 9-C:	Programmatic Agreement for Protection of Historic Properties during Federal Emergency Response (August 1998)
Appendix 9-D:	Tribal Consultation
Appendix 9-D1:	EO 13007 Indian Sacred Sites (May 1996)
Appendix 9-D2:	Guidance for Implementing E.O. 13175 (July 2010)
Appendix 9-D3:	Policy to Consult with Indian Tribes (May 2011)
Appendix 9-D4:	Section 106 Consultation Guidebook (December 2012)
Appendix 9-D5:	Role of the Tribal Historic Preservation Officer in the Section 106 Process (November 2013)
Appendix 9-D6:	Government-to-Government Consultation with Federally Recognized Indian Tribes and Alaska Native Corporations (November 2013)
Appendix 9-E:	RRT3 NAGPRA Plan of Action Checklist [Reserved]

Appendix 9-F:	USACE Nationwide Permit (NWP)-20 (December 2017) [Reserved]
Appendix 10:	Natural Resource Damage Assessment (NRDA) [Reserved]
Appendix 11:	(DRAFT) Incident-Specific Region III Regional Response Team III Activation Quick Response Guide [Reserved]

SECTION 1: Introduction

Region III Regional Response Team (RRT3) is a part of the [National Response System](#) (NRS) and our members include representatives from the states of Delaware (DE), Maryland (MD), West Virginia (WV), the Commonwealths of Pennsylvania (PA) and Virginia (VA), the District of Columbia (DC), and 13 federal departments and supporting agencies. The RRT3 Co-Chairs are: the United States (U.S.) Environmental Protection Agency (USEPA) from the Region III office in Philadelphia, PA and the U.S. Coast Guard (USCG) Atlantic Area/Fifth USCG District office in Portsmouth, VA.

RRTs function in two ways – as a standing team and as an incident-specific team. The standing RRT3 is a planning, policy, and preparedness coordinating body that does not respond directly to the scene of a spill or release. They provide a regional mechanism for the development and coordination of preparedness activities before a response action is taken. The incident-specific RRT is available for coordination of assistance and advice to the Federal On-Scene Coordinator (FOSC) during incident response. It provides assistance as requested by the FOSC during an incident. For a thorough description of both the NRS and the responsibilities of Regional Response Teams (RRTs), please visit the [National Response Team](#) (NRT) website.

There are 13 RRTs in the U.S., each representing a particular geographic region (including the Caribbean and the Pacific Basin) (**Figure 1.1**). RRTs are composed of representatives from field offices of the federal agencies that make up the NRT, as well as state representatives.

Like the NRT, the standing RRTs are bodies that coordinate, plan, and update policy, and do not respond directly to the scene. The RRT provides assistance as requested by the FOSC during an incident.

To access an RRT Home Page, please see <https://www.nrt.org/site/regionmap.aspx>.

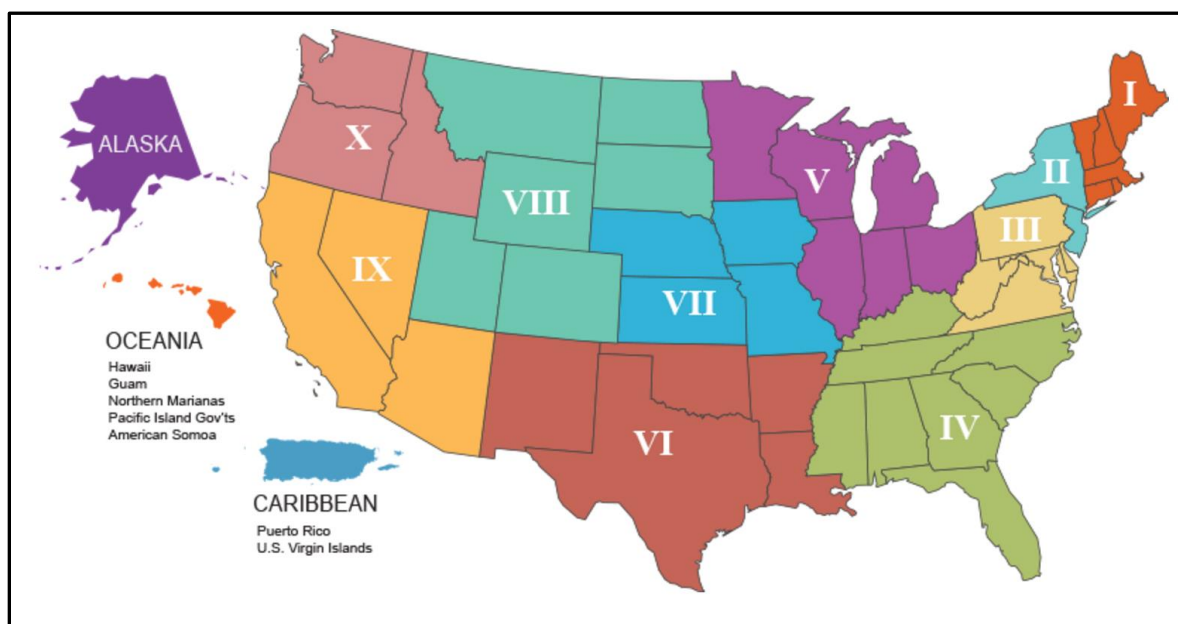


Figure 1.1. Regional Response Team Areas.

A. Purpose and Objectives

Large or dangerous spills that impact significant areas or important resources or that last a long time may require RRT support to the FOSC. Some examples of RRT support to the FOSC include:

- Broker of information to the larger political, media, and technical communities that we call stakeholders;
- Filter of information or demands from the political and industrial communities; and
- Strategic planning. The skills required for RRT members for these types of planning or emergency roles are strategic thinking, flexibility, and organizational problem solving.

The purpose of the Region III Regional Oil and Hazardous Substances Pollution Contingency Plan (R3RCP) is to provide organizational structure and procedures for preparation for and responding to discharges of oil and releases of hazardous substances, pollutants, and contaminants; natural or man-made disasters; or acts of terrorism. The R3RCP fulfills this purpose by providing a framework in which Area Contingency Plans (ACPs) in Region III fit with each other, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and with other federal emergency response plans. The R3RCP also describes the mechanisms by which the RRT3 assists FOSCs before a response by providing planning and training activities, and during a response through organizational and coordination assistance. Last, the R3RCP serves as a compilation of RRT3 policies and guidance pertaining to all-hazards responses.

Members of the RRT3 are listed in the following categories:

- Standing RRT Primary and Alternate Members
- Incident Specific RRT Membership by State
- Area Committee Members
- State Trustees for Natural Resources
- Designated On-scene Coordinators
- State Offices Designated to access the Oil Spill Liability Trust Fund (OSLTF)

A directory of RRT3 members, which provides primary points of contact (POCs) for each member agency and contact information, is provided in **Appendix 1**. The *RRT3 Primary Contact List* will be updated after each semi-annual RRT3 meeting.

The references for support that can be provided by RRT Members to the FOSC is listed in the [National Contingency Plan](#), Part 300.175 Federal agencies: and Part 300.185 State and Local.

B. Scope

The R3RCP applies to response operations taken by all federal, tribal, state, and local agencies within the Standard Federal Region III area that are covered under the provisions of the NCP. Region III includes the following geographical areas:

- State of Delaware
- District of Columbia
- State of Maryland
- Commonwealth of Pennsylvania
- Commonwealth of Virginia
- State of West Virginia
- All lands of federally recognized tribes located within the geographical boundaries of Region III.

In subject areas where RRT policy and structure mirror that which is laid out in the NCP, the RCP defines and communicates the roles of RRT3 members in support of the FOSC in planning or in response to oil and chemical spills in the region. Oil and chemical spill planning also includes spills or releases resulting from natural emergencies such as floods, hurricanes, or man-made emergencies such as terrorism events. The R3RCP contains regional plans that outline the complex interactions and funding mechanisms required during implementation of disaster plans. The ACPs or the plans of the Local Emergency Planning Committee (LEPC) will not duplicate the R3RCP. The RCP documents the guidance policy, methods, and

criteria that the RRT3 uses to evaluate the oil response planning of the ACP and the chemical response planning of the LEPC. The RCP will not duplicate the National Response Framework or details in the Emergency Support Functions. Instead, the R3RCP documents the supporting roles and activities of the RRT3 during an oil or chemical spill or during a natural disaster that would require federal funding and federal authorities under the Stafford Act.

C. Relationship with Other Plans

As many as five levels of emergency-related plans may be found within the federal, state, and local levels of government. A seventh tier of plans appears when those developed by business and industry are considered. Within the planning levels of governments, there are three levels of federal plans; national contingency and response plans, federal RCPs and federal ACPs. At the state and local level are state plans, regional plans, local plans and departmental and support-agency plans. Each of these plans reflects levels of action and responsibility. Some of these plans are multi-hazard comprehensive plans while others are single-hazard response and coordination plans. Given the fact that responses to incidents involving oil and hazardous substances will most certainly be multi-organizational and multi-jurisdictional, a basic understanding of each planning level and how the various plans fit together is needed to facilitate integration and coordination of the several plans that may be activated in a response. Section 1G – Administrative Procedures describes the three levels of contingency plans under the National Response System and cross-references emergency preparedness plans at the state and local level.

Planning and preparedness for disasters occurs at all levels of government and business and industry. The coordination of actions taken under these plans is critical, particularly in a chemical emergency. **Figure 1.2** identifies the governmental plans that may be operative during an oil or hazardous substances event so that those implementing this plan may be aware of other probable plan activations and how best to integrate and coordinate the overall response activities. Business and industry planning directs how an individual facility will respond and integrate with the regulatory requirements of the governmental planning documents shown in **Figure 1.2**.



Figure 1.2. Governmental Plans Supporting the NCP. Note: Business and Industry Planning are not included in the figure because they are not governmental plans, but also support and are inserted into emergency response activities.

D. Planning Process

Preparedness planning is not an exact science, but it does have elemental processes that can be used to shape the desired direction of a response by focusing your development of pre-planned actions that assist in establishing clear goals and achievable objectives. Preparedness processes involve deciding in advance what must be done, how to do it, when to do it, and by whom it should be done. It should be done carefully and systematically. Thus, a truly successful response organization is one that enhances its ability to accomplish predetermined Critical Success Factors discussed in Section 1F – Measurement Process.

Conducting an accurate and systematic risk assessment of the area is critically important in understanding what risks are present. Risk assessment provides for easier and more accurate scenario development, because knowing the risks allows you to know what to plan for and what level of preparedness is required.

The development and use of a Response Management System and Response Management Organization as a tool in Command and Control of the response is critical to the effective and efficient use of resources. A Response Management System must enhance the achievement of the Critical Success Factors. The use of the Incident Command System and Unified Command System (ICS/UCS) has been mandated for response to oil and hazardous material responses. The Response Management Organization must be properly organized, trained, exercised, and facilitated to ensure unity of effort, centralized control, and functional decentralization.

Resource development involves the assemblage of all necessary and appropriate resources within the bounds of logistical and financial considerations. Resources that are necessary to accomplish the objectives assigned to the Critical Success Factors include people, equipment, and finances.

Resource Mobilization capability is the capacity and capability to coordinate, assemble, and put into motion or action the organization of all necessary resources assigned to it. Efficient and effective mobilization of response resources is a critical element in reducing the cost and environmental impact of an incident.

E. Exercise Process

Government led exercises, simulations, and training preparedness for response exercise program (PREP) exercises are supported by the USEPA and USCG Area Commands. These exercises are designed specifically to test the readiness and abilities of the FOSC/RRT response organization and Area Contingency Planning process. These exercises will be given the highest priority of RRT participation. The mode of participation, (telephone activation, on-site activation, etc.) will be at the discretion of the RRT members. Realism and use of existing procedures and policies will be maintained to the maximum extent possible. Industry led PREP exercises are supported to the greatest extent possible as well, but often do not have RRT involvement other than certain RRT members who are requested to participate as exercise design team members, controllers, evaluators, or players.

External Exercises

External exercises are defined as those conducted by member agencies of the Region III RRT including the state members, local governments (i.e., LEPCs), and industries within the region. Exercises conducted by other RRTs or in other regions will also be considered external. The RRT encourages member agency participation, in external exercises, to the greatest extent possible as a means of providing training or testing readiness capabilities. To allow for broad RRT participation, any RRT member agency solicited for participation in or assistance in conducting an exercise should inform the RRT Coordinators or the Chair of the Training Workgroup of the event. The Co-Chairs and Executive Committee will determine the level of RRT participation; however, Member agencies may participate at their own discretion. The Training Workgroup is available to provide technical assistance and training to other organizations and agencies who are interested in developing an exercise program or in planning and staging an exercise. The Workgroup updates the schedule of exercises and training events during the semi-annual RRT meetings.

Preparedness and Response Training

The Training Workgroup has access to resources, both within the RRT membership as well as through outside organizations, that have expertise in a wide variety of areas applicable to oil and hazardous substance emergency preparedness and response. This expertise includes emergency and disaster planning for both government and industry, exercise design and planning, first responder training, organization and implementation of an Incident Command System and managing multi-organizational emergency response through the National Response System. This assistance is available to the RRT as well as individual member

and non-member agencies and organizations. The RRT Coordinators and Chair of the Training Workgroup can provide assistance and points of contact in these areas.

RRT Exercise Reports

A summary of RRT exercise and other training activities will be included as a part of the annual report to the NRT and posted to the RRT3 Home Page (www.nrt.org/RRT3). The procedures/expectations for the submittal of these reports are explained within the “Reports” section of this document.

F. Measurement Process

The Best Response Model as a Tool for Response and Planning

Planning for a spill emergency requires the creation of a response organization with strengths that include the ability to quickly and efficiently accomplish a large number of tasks. Although tasks can be categorized in different ways, the Best Response model categorizes tasks into five Key Business Drivers. The Best Response Model then identifies a number of Critical Success Factor that must be accomplished for each of the Key Business Drivers to accomplish the spill response goal, which is to minimize the consequences.

Key Business Drivers	Critical Success Factors
Human Health and Safety	No spill related public injuries, illness, or death No response worker injuries, illness, or death
The Natural Environment	Source Discharge Minimized Spill Effectively Contained/Controlled Sensitive Areas Protected Resource Damage Minimized
The Economy	Economic Impact Minimized
Public Communication	Accurate Timely Information Dissemination Positive Media Coverage of Response Positive Public Perception
Stakeholder Support and Services	Minimize Impact to Stakeholders Stakeholders Well Informed Positive Meetings with Stakeholders Prompt Handling of Damage Claims

The Preparedness Planning Focus

All ACPs contain predetermined objectives that are designed to achieve each of the Critical Success Factors. For each objective of each Critical Success Factor, the planning process identifies the organization, response resources, resource mobilization issues, and the objectives needed to achieve success.

Preparedness Tasks

RRT3 and associated contingency plans will conduct preparedness tasks in line with the National Preparedness Goal. FOSC's are expected to brief out recent exercises associated with oil and hazmat and discuss lessons learned. The first step in preparedness is to score the planning documents on their ability to provide support to the FOSC. This can be measured through the effective use of planning documents during

exercises. The second step in preparedness is to ensure the planning documents are consistent with the NCP. The planning crosswalk in Section 2 provides a measurement of the R3RCP's consistency with the NCP. The third step in preparedness is to meet with your response partners. This can also be done by conducting and attending exercises. Another way to interact with response partners is by attending RRT, LEPC, area committee, and other meetings.

G. Administrative Procedures

This part of the R3RCP details procedural information that is needed both internally and externally to support the RRT3.

Responsibility Organization for Response (Subpart B of the NCP)

The Administrative Procedures part of the RCP, including activation, membership, workgroups, meetings, and reports and documentation guidelines, are discussed in detail in Section 4.

The RCP Re-Write Workgroup is responsible for reviewing and revising the Administrative Procedures outlined in this RCP. A regular update cycle will be considered to provide for changes that are not time-critical, but interim amendments may also be required to reflect significant changes within the defined area. Version control will be established and an interim update process is critical. Certain portions of the plan, such as contact lists, may change frequently and should be maintained separately from the plan itself. Significant revisions to the document are subject to approval by the Executive Committee.

Reference Sec. 300.115 - Regional Response Teams.

(a) Regional planning and coordination of preparedness and response actions is accomplished through the RRT. In the case of a discharge of oil, preparedness activities will be carried out in conjunction with Area Committees, as appropriate. The RRT agency membership parallels that of the NRT, as described in Sec. 300.110, but also includes state and local representation. The RRT provides:

- The appropriate regional mechanism for development and coordination of preparedness activities before a response action is taken and for coordination of assistance and advice to the OSC/RPM during such response actions; and*
- Guidance to Area Committees, as appropriate, to ensure inter-area consistency and consistency of individual ACPs with the RCP and NCP.*

(b) The two principal components of the RRT mechanism are a standing team, which consists of designated representatives from each participating federal agency, state governments, and local governments (as agreed upon by the states); and incident-specific teams formed from the standing team when the RRT is activated for a response. On incident-specific teams, participation by the RRT member agencies will relate to the technical nature of the incident and its geographic location. (NCP, Sec 300.115)

Reference Sec. 300.210 -- Federal contingency plans.

There are three levels of contingency plans under the national response system: The National Contingency Plan, RCPs, and ACPs. These plans are available for inspection at EPA regional offices or USCG district offices. Addresses and telephone numbers for these offices may be found in the United States Government Manual, issued annually, or in local telephone directories.

(a) The National Contingency Plan. The purpose and objectives, authority, and scope of the NCP are described in Secs. 300.1 Through 300.3.

(b) Regional Contingency Plans. The RRTs, working with the states, shall develop federal RCPs for each standard federal region, Alaska, Oceania in the Pacific, and the Caribbean to coordinate timely, effective response by various federal agencies and other organizations to discharges of oil or releases of hazardous substances, pollutants, or contaminants. RCPs shall, as appropriate, include information on all useful facilities and resources in the region, from government, commercial, academic, and other sources. To the greatest extent possible, RCPs shall follow the format of the NCP and be coordinated with state emergency response plans, ACPs, which are described in Sec. 300.210(c), and Title III local emergency response plans, which are described in Sec. 300.215. Such coordination should be accomplished by working with the SERCs in the region covered by the RCP. RCPs shall contain lines of demarcation between the inland and coastal zones, as mutually agreed upon by USCG and EPA.

(c) Area Contingency Plans. (1) Under the direction of an OSC and subject to approval by the lead agency, each Area Committee, in consultation with the appropriate RRTs, USCG DRGs, the NSFCC, SSCs, LEPCs, and SERCs, shall develop an ACP for its designated area. This plan, when implemented in conjunction with other provisions of the NCP, shall be adequate to remove a worst case discharge under Sec. 300.324, and to mitigate or prevent a substantial threat of such a discharge, from a vessel, offshore facility, or onshore facility operating in or near the area. (NCP, Sec 300.210)

SECTION 2: Consistency with the NCP

The NCP requires that RCPs follow the format of the NCP to the greatest extent possible. Policies and operating procedures of the RRT are consistent with the NCP, as much as they are described therein. In an effort to create the most streamlined and user-friendly document possible, information from the NCP that applies to policies and procedures in Region III without modification was excluded from the RCP. Responders can reference the NCP for that information. The RCP includes only information where the scope and applicability are limited to Region III.

A cross reference matrix for the R3RCP relative to the NCP is provided in **Appendix 2**. The matrix table lists all sections of the NCP and states whether information pertaining to any specific section has been included in this R3RCP or in the ACPs for areas within Region III. Sections of the NCP, for which RRT policy and operating procedures are identical to that laid out in the NCP, are marked NRM, or ‘No Regional Modifications’.

The cross reference matrix in **Appendix 2** documents cases where the RRT3 has supplemented or deviated from information in the NCP pertaining to aspects of response procedure or policy.

SECTION 3: Regional Response Policies

A. Objectives

This section serves as a source for regional response policies that have been instituted by members of the response community in Region III and are specific to response operations in Region III. Some of the policies are specific to geographic areas within Region III, and the boundaries between these areas are described in this section. Some of the documents that set these policies, including Memorandum of Understanding (MOU) or Memorandum of Agreement (MOA) and policy documents, are included as appendices of the R3RCP.

B. Regional Boundaries

From the perspective of a federal-led response to a discharge of oil or a release of hazardous substances, the most significant geographic boundary in Region III is the area between the inland and the coastal zones. The USEPA provides the FOSC for all responses within the inland zone. The USCG provides the FOSC for all responses within the coastal zone. These functions were delegated to USEPA and USCG in Executive Orders 12580 and 12777 [as amended]. Links to these documents are included in **Appendix 3**. The boundary between the two zones was established by USEPA and USCG using recognizable landmarks (usually roads) that can be identified in the field. The inland/coastal boundary can be changed with the concurrence of the Fifth USCG District and Sector Commander in which the change is to take place, and the Chief of the Emergency Planning and Response Branch of USEPA Region III. This boundary is defined as described in **Appendix 4**.

As per 40 CFR 300.120 (1), the USCG provides the FOSC for oil discharges within or threatening the coastal zone. The USCG shall also provide FOSCs for the removal of releases of hazardous substances, pollutants, or contaminants into or threatening the coastal zone. USEPA generally provides the FOSC for long-term removal or remedial actions in response to releases of hazardous substances (except in response to releases from vessels). This policy is documented in the *Instrument of Re-delegation Between the USCG and the USEPA* signed on 29 November 1987 and on 27 May 1988. A copy of this document is included in **Appendix 5**.

For planning and response purposes, the inland zone is considered to be one area (Region III) and is covered under one ACP, the [Inland Area Contingency Plan](#). Furthermore, USEPA Region III has defined 14 sub-areas that are within the inland area (see **Figure 3.1**):

- II – Washington DC Extended,
- III – Southeast PA/DE,
- IV – Northeast PA,
- V – Southcentral PA,
- VI – Northcentral PA,
- VII – Southwest PA/Wheeling WV,
- VIII – Northwest PA,
- IX – Huntington/Central WV,
- X – Shenandoah Valley,
- XI – Upper Chesapeake,
- XII – Southeast VA,
- XIII – Southcentral VA,
- XIV – Northcentral WV, and
- XV – Southwest VA/WV.

The Region III coastal zone is overseen by three USCG Districts (see **Figure 3.1**) encompassing the following Sectors/Marine Safety Units (MSU):

- **Fifth USCG District** - The district office is located in Portsmouth, Virginia and is comprised of: Virginia; District of Columbia; Maryland; Delaware; and eastern Pennsylvania.
 - Sector Delaware Bay
 - Sector Maryland and National Capitol Region
 - Sector Hampton Roads
- **Eighth USCG District** - The district office is located in New Orleans, LA, and includes West Virginia and Western Pennsylvania.
 - MSU Pittsburgh
 - MSU Huntington
- **Ninth USCG District** - The district office is located in Cleveland, Ohio, and includes Northwestern Pennsylvania:
 - Sector Ohio Valley
 - Sector Buffalo

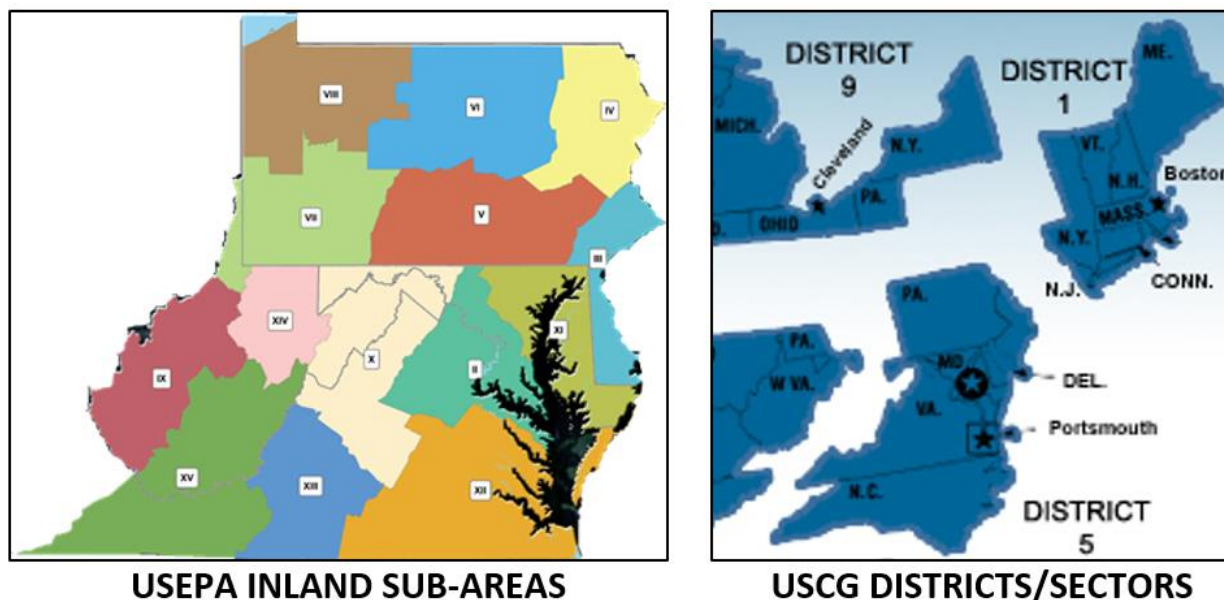


Figure 3.1 USEPA Inland Sub-Areas and USCG Districts in Region III.

For response purposes, pre-designated FOSCs are provided within each of these zones. An incident-specific USEPA FOSC is provided for a discharge or release from a group of FOSCs home-based at the USEPA Region III office in Philadelphia, PA. USCG FOSCs are the Sector Commander for each of the Sectors and MSUs in Region III (Sector Delaware Bay, Sector Maryland and National Capitol Region, Sector Hampton Roads, Sector Buffalo, MSU Pittsburgh, and MSU Huntington). The FOSC for multi-area responses is generally from within this group as described in the following Multi-Area Response section. Precise geographic boundaries are defined in 33 CFR Part 3.05 (see www.ecfr.gov).

C. Multi-Area Responses

Oil discharges and hazardous substance releases may cross regional or area boundaries, potentially adding complexity to the response. The compact nature of jurisdictions within Region III heightens the importance of detailing responses to boundary incidents. This section describes the approach to spills that cross

boundary areas within the region to ensure a consistent approach to both FOSC leadership and efficient RRT support to the FOSC, regardless of the location of an incident. It defines the system of activating the response mechanisms of multiple ACPs or RCPs in boundary incidents as called for by 40 CFR 300.140(a).

The following tenets apply to boundary situations:

- **One FOSC**: There shall be only one FOSC at any time during the course of a response operation to a single incident per 40 CFR 300.140(b), regardless of the various types of zones within the U.S. it may cross (Captain of the Port [COTP], inland/coastal, area, regional).
- **Incident Origin is the initial determinant of the FOSC**: The FOSC will generally be provided based on the location of the incident origin, although this may shift based upon the area most vulnerable to the greatest threat.
- **FOSC use of NIMS and UC**: National Incident Management System (NIMS) structures, most notably ICS/Unified Command (UC), will be used to coordinate an effective response. Other NIMS tools for complex incident management may be required in complex incidents.
- **Single Incident-Specific RRTs**: A single incident-specific RRT most effectively supports the FOSC, even if this incident-specific team draws upon multiple regional representatives of an agency.
- **Disagreements addressed by RRT then NRT**: The RRT Co-chairs will designate the FOSC if RRT agencies with jurisdiction, within affected areas, disagree on the FOSC designation in a boundary incident, or will refer the matter to the NRT if they cannot.

D. Specific Boundaries

Intra-Regional Boundaries.

Boundaries within Region 3 that determine the pre-designated FOSC consist of the Inland/Coastal Boundary between USEPA and the USCG and the USCG Sector Boundaries within the coastal zone/inland waterways (see **Figure 3.2**). All intra-regional boundaries fall within the area of responsibility of the RRT and are supported by incident-specific activation of RRT3 as needed. **Figure 3.3** shows the ten USEPA regional boundaries; there are 13 RRTs, one for each of ten federal regions, plus one for Alaska, one for the Caribbean, and one for the Pacific Basin.

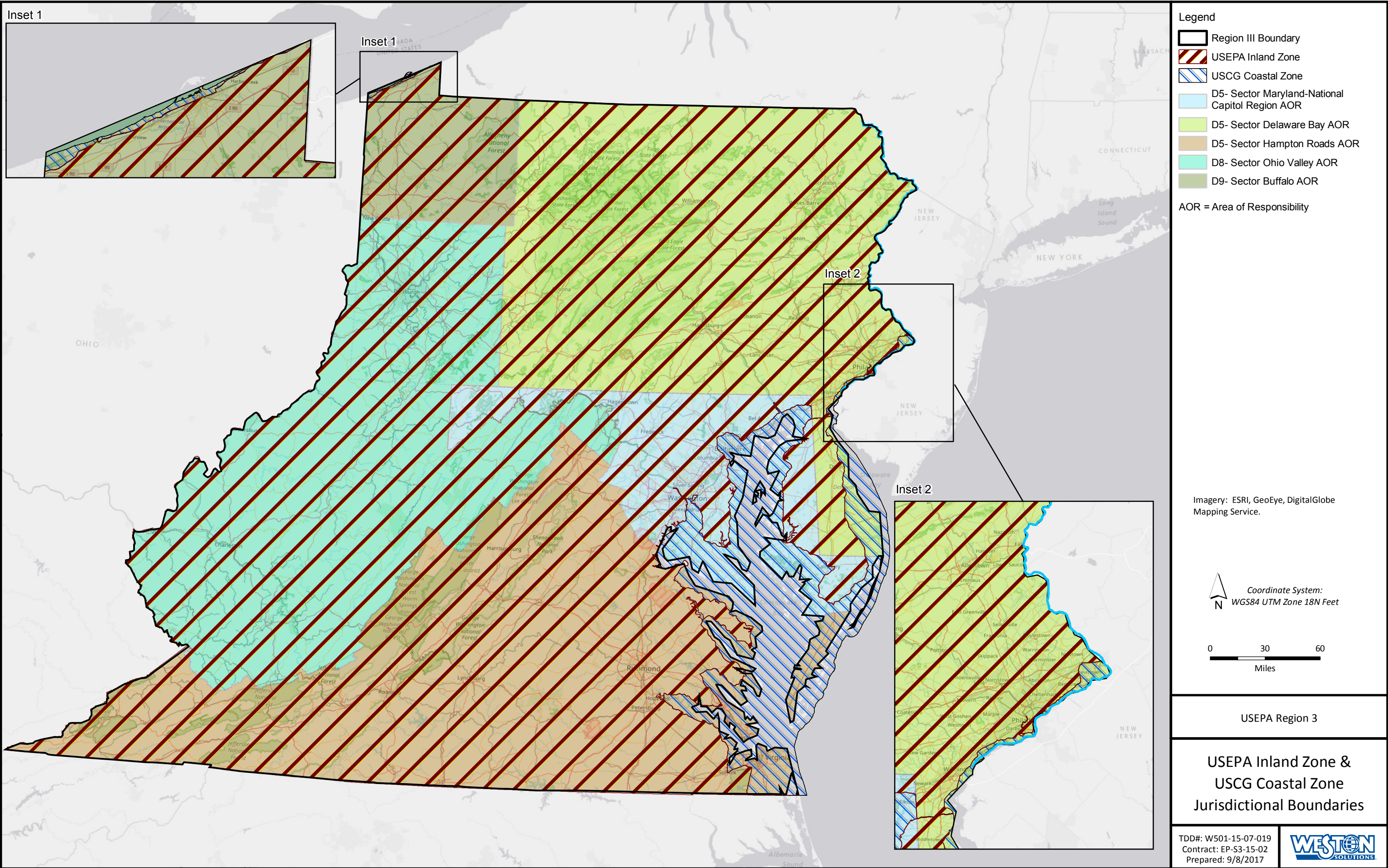
Inland-Coastal Zone Boundary.

USEPA and the USCG will carry out general agency and incident-specific responsibilities under the NCP, National Response Framework (NRF), R3RCP, and the applicable ACP. Both agencies will assist each other to the fullest extent possible to prevent or minimize the impacts of actual discharges or releases or threats of discharges of oil onto navigable waters or adjoining shorelines, and actual releases or threats of releases of hazardous substances into the environment.

Appendices 4-A and 4-B of this plan define the inland/coastal zone boundaries as required by 40 CFR 300.210(b) between Districts 5 and 8 and Region 3, specifying the inland zone where the USEPA provides FOSCs, and the coastal zone where the USCG provides FOSCs. USCG District 5, 8, and 9 boundaries are defined in 33 CFR 3.25, 3.40, and 3.45, respectively and shown on **Figure 3.2**. USEPA and USCG also chair the area planning committees within their respective jurisdictions. **Appendices 4-A and 4-B** further describe responses to incidents crossing the inland/coastal zone boundary, with the lead generally assigned depending on the zone containing the source.

For certain incidents, a complete transfer of FOSC responsibility may be more practical than providing expertise and resources to the primary agency through mutual support. Significant discharges or releases may require shifting FOSC and/or establishing a Unified Area Command (UAC) to support FOSCs,

prioritize critical resources, and provide strategic objectives. Execution of tactical operations and coordination remains the responsibility of the FOSC/UC.



If an incident crosses agency boundaries, the original FOSC will generally retain FOSC status for the duration of the spill, unless the adjacent area is vulnerable to the greatest threat. A formal agency transfer may be appropriate based on the incident impact, the agency with greater expertise for the incident specifics, or because of workloads or other situational factors. If the greatest vulnerability is in question, the multiple impacted FOSCs will consult with the RRT3 Co-chairs, who will seek consensus or make the determination on the single FOSC. A mechanism is provided in **Appendix 4** for this transfer.

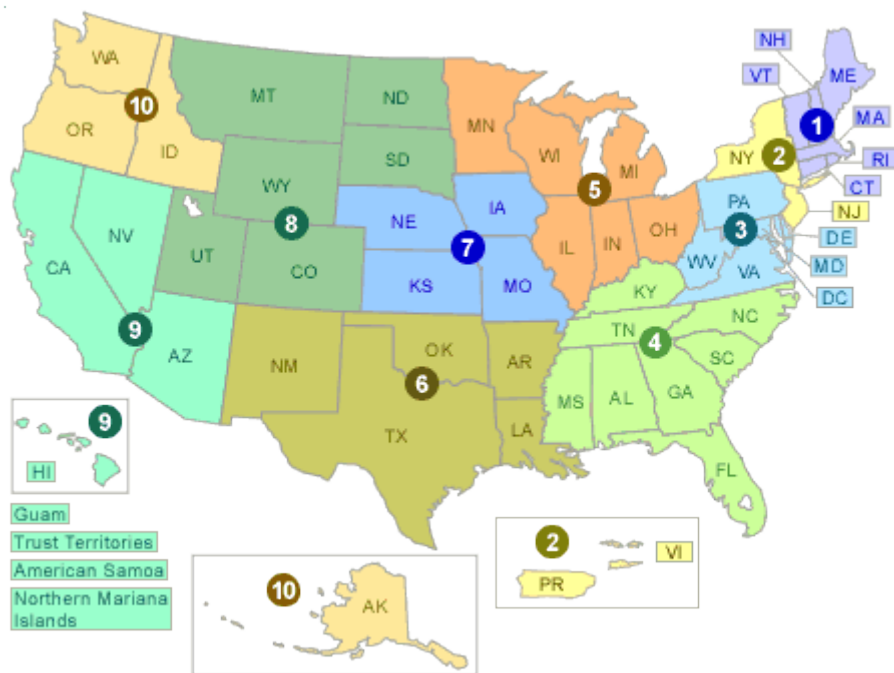


Figure 3.3 USEPA Regional Boundaries for Inland Areas

Regional Boundary

The principal characteristics of the Regional boundary that influence oil and hazardous substance response are inland/coastal and domestic/international. Both characteristics influence the pre-designated FOSC and also the mechanism of RRT support. **Appendix 3** provides the MOAs for Cross Boundary Support between Regions II, III, IV and V.

Coastal Region III and II Boundary

This coastal boundary area is with the USCG Fifth District's area of responsibility; the coastal boundary essentially divides New Jersey (Region II) from Pennsylvania and Delaware (Region III) following the state boundary line with the Delaware Bay. USCG Sector Delaware Bay's zone crosses this boundary area, ensuring a consistent FOSC and ACP for spills in the waters of the Delaware Bay. The USCG Fifth District is Co-chair of RRT3, and will chair incident-specific activations of the RRT3 for Delaware and Pennsylvania (and a small portion of southwestern New Jersey), drawing appropriate representation for spills in the RRT area of responsibility.

Coastal Region III and IV Boundary

This coastal boundary area divides Virginia and North Carolina along the state boundary line. USCG Sector Hampton Road's zone crosses this boundary area, ensuring a consistent FOSC and ACP. The USCG Fifth District is the Co-chair of RRT3 and will chair incident-specific activations of the RRT along this boundary, drawing appropriate representation from both RRTs.

Coastal Region III and V Boundary

This coastal boundary area divides northwestern Pennsylvania and northeastern Ohio along the state boundary line at Lake Erie. The USCG Sector Buffalo zone crosses this boundary area, ensuring a consistent FOSC and ACP. The USCG Fifth District is the Co-chair of RRT3 and will chair incident-specific activations of the RRT along this boundary, drawing appropriate representation from both RRTs. Sector Buffalo also responds for USCG Ninth District.

Inland Region III and II Boundary

The inland boundary area separates USEPA Regions II and III, which mirrors the New York/Pennsylvania, New Jersey/Pennsylvania, and New Jersey/Delaware state borders (see **Figure 3.3**). A discharge/release crossing this boundary would lead to an incident-specific RRT activation and assignment of the FOSC initially based on the origin of the discharge/release. Initial actions to spills impacting the Regional boundary area between USEPA Regions II and III would be conducted in accordance with the ACP based on the origin of the discharge/release. A specific sub-contingency plan is in development for the waters of Lake Champlain, which also has an international boundary.

Inland Region III and IV Boundary

The inland boundary area separates USEPA Regions III and IV, which mirrors the Virginia/North Carolina, Virginia/Tennessee, Virginia/Kentucky, and West Virginia/Kentucky state borders (see **Figure 3.3**). A discharge/release crossing this boundary would lead to an incident-specific RRT activation and assignment of the FOSC initially based on the origin of the discharge/release. Initial actions to spills impacting the Regional boundary area between USEPA Regions III and IV would be conducted in accordance with the ACP based on the origin of the discharge/release. Both MSU Huntington and MSU Pittsburgh are units within Sector Ohio Valley from USCG Eighth District. MSU Huntington and MSU Pittsburgh will also respond within this area as requested (see **Appendix 3-B** for MOAs authorizing cross boundary support).

Inland Region III and V Boundary

The inland boundary area separates USEPA Regions III and V, which mirrors the Pennsylvania/Ohio and West Virginia/Ohio state borders (see **Figure 3.3**). A discharge/release crossing this boundary would lead to an incident-specific RRT activation and assignment of the FOSC initially based on the origin of the discharge/release. Initial actions to spills impacting the Regional boundary area between USEPA Regions III and V would be conducted in accordance with the ACP based on the origin of the discharge/release. **Appendix 7-J** provides a reference to the Ohio River Valley Umbrella Plan that would be applicable to responses along the Ohio River.

E. RRT3 Response Policies

Response policies are developed as "ground rules" to ensure the coordination of a timely, effective response by federal and local agencies to an oil or hazardous substance incident. Response policies include USEPA/USCG jurisdictional boundaries, federal Strike Forces and Teams, communications and response equipment, trustees for natural resources, and pertinent federal and local geographical ACPs. In addition, response policies outline steps that are to be taken to ensure coordination among federal agencies; details assistance available from other agencies; and to provide protocols to be followed to secure assistance from other agencies and response organizations. Finally, response policies also contain guidance on the use of dispersants and burning technologies which is included in the RRT's *In situ* Burning and Dispersant Preauthorization MOUs.

The Spill Response Countermeasures Workgroup is responsible for revisions to response policies in Region III. The response policies outlined in the R3RCP will be reviewed and revised as needed. The USEPA RRT3 Coordinator will consult with the USCG RRT3 Coordinator on any changes to the response policies before distributing revisions to the Executive Committee, RRT3 members and plan holders.

Priority response actions may include but are not limited to: analyzing water samples to determine the source and spread of the oil; controlling the source of discharge; measuring and sampling; source and spread control or salvage operations; placement of physical barriers to deter the spread of the oil and to protect natural resources and sensitive ecosystems; control of the water discharged from upstream impoundment; and the use of chemicals and other materials in accordance with subpart J of this part to restrain the spread of the oil and mitigate its effects.

Traditional Response Countermeasures

In general, Region 3 prefers response countermeasures that will remove the oil or hazardous material from the environment using conventional means including source control, containment (booming and other physical barriers), recovery or removal (i.e., skimming), and shoreline cleanup methods (i.e., use of flushing, vacuum, mechanical, sorbents, or manual removal). We have determined that traditional methods are the least impactful of all countermeasures. Region 3 acknowledges traditional countermeasures are not always effective or appropriate for the incident specific conditions; therefore, additional countermeasures have been evaluated for effectiveness by the RRT. The following sections detail these additional countermeasure policies.

Chemical Countermeasures Policy

As appropriate, non-traditional response measures shall be taken to recover the oil or mitigate its effects. Of the numerous chemical or physical methods that may be used, the chosen methods shall be the most consistent with protecting public health and welfare and the environment. **Sinking agents shall not be used.** Region III has developed policies and guidance for the use of chemicals and other products listed on the NCP Product Schedule (40 CFR 300.900 – Subpart J). The use of these products and strategies are authorized through several processes: pre-approval/preauthorization and on case-by-case basis. For spill situations that are not addressed by the preauthorization plans developed pursuant to paragraph (a) of 40 CFR 300.910 (Authorization of Use), the FOSC, with the concurrence of the USEPA representative to the RRT and, as appropriate, the concurrence of the RRT representatives from the states with jurisdiction over the navigable waters threatened by the release or discharge, and in consultation with the U.S. Department of Commerce (DOC) and U.S. Department of Interior (DOI) natural resource trustees, when practicable, may authorize the use of dispersants, surface washing agents, surface collecting agents, bioremediation agents, or miscellaneous oil spill control agents on the oil discharge, provided that the products are listed on the NCP Product Schedule.

Note: Coordination and notification between the regions and districts is necessary with the use of any chemical countermeasure due to shared geopolitical boundaries. Defensive actions may include the use of chemicals and other materials to restrain the spread of the oil and mitigate its effects. Any chemical countermeasure use must be in accordance with the NCP and RRT3 Guidance. **Use of chemical agents is not pre-approved in USEPA Region 5/USCG District 9 (in the Great Lakes region).**

Pre-approval/Preauthorization

The RRT3 has addressed as part of their planning activities the desirability of using appropriate chemical countermeasures, bioremediation agents, or miscellaneous oil spill control agents through development of applicable preauthorization plans to address specific context in which such products should and should not be used. The policies themselves are located in **Appendices 6 and 7**; monitoring guidance for these policies are provided in **Appendix 8**.

Dispersants Policy

This policy provides preauthorization in specific zones and expedited approval procedures in other areas for the use of chemical countermeasures by the FOSC. For this policy, chemical countermeasures include: dispersants; surface collecting agents; and biological additives, otherwise known as bioremediation. This

policy applies only in the Federal Region III portion of the designated zones in the geographic areas of responsibility for the COTP for Sector Delaware Bay and Hampton Roads. The Region III jurisdiction is divided into 4 zones:

- Zone A = Limited preauthorization
- Zone 1 = Advanced preauthorization
- Zone 2 = Trial application
- Zone 3 = No use, except in emergency situations

The Region III policy has been derived from two principal documents: the Dispersant Employment Evaluation Plan (DEEP), approved in May 1991 (see **Appendix 6-A2**), and an MOU (see **Appendix 6**) among the state and federal agencies who have decision authority as defined in the National Contingency Plan (Part 300.910), which was signed January 1997. The MOU refined the policy in the DEEP, a copy of which can be found in earlier versions of the RCP, and established a policy allowing the preauthorized use of chemical countermeasures, in addition to dispersants, in certain parts of this region.

The MOU provides details on the following: preauthorization zones, zone-specific conditions, critical decision-making data, trial use policy, dispersant monitoring protocol, and products with completed Section 7 Consultation.

NCP Product Schedule: Regulations require the preparation of a "schedule of dispersants, other chemicals, and other spill mitigating devices and substances, if any, that may be authorized for use on oil discharges..." USEPA prepares and maintains this schedule, known as the [NCP Product Schedule](#). Vendors, response personnel, other federal agencies, state agencies, and the public request and use Product Schedule information.

Decision-Making: For incidents which are in the pre-approved zone; the FOSC will make a decision with the Responsible Party; notify the RRT of the decision; and initiate dispersant operations, using the Region III Dispersant Operations Implementation Plan, which is contained in *Volume 2 of the Selection Guide for Oil Spill Applied Technologies – Operations Plans* (**Appendix 8-C**). For situations which do not have pre-approval, the checklist in Annex II of the MOU in **Appendix 6-A** plus *Volume 1 of the Selection Guide for Oil Spill Response Countermeasures – Decision Making* (**Appendix 8-C**) will be used to make a decision whether or not chemical countermeasures are applicable for that incident.

For convenience, major aspects of the MOU and the DEEP are summarized in the following matrix.

Chemical Countermeasures Pre-Approval MOU for RRT3 (coastal Delaware, Maryland, Virginia)	
Reference: Appendix 6-A1	
Zone A	Pre-approval for trial use only on spills 50 barrels (bbls) or less or on portions 50 bbls or less of larger spills, on waters within Big Stone Beach Anchorage in the Delaware Bay area. Trustees and states must be notified of the decision to deploy.
Zone 1	Chemical Countermeasures area approved in advance for any size spill in this zone, which is 3 nautical miles (NM) seaward of the shoreline within Federal Region III to the outermost of the Exclusive Economic Zone (EEZ). Use MOU checklist in Annex II of Appendix 6-A to make the use/non-use decision.
Zone 2	Chemical countermeasures may be approved for Trial Application Zone, 0.5 to 3 NM seaward of the shoreline or greater than 40 feet deep, excluding bays and coves (except Zone A). FOSC can only authorize a trial application of countermeasures (only on spills 50 bbls or less, or on portions 50 bbls or less of larger spills, subject to provisions of Annex III of Appendix 6-A), without concurrence. For operational application, FOSC must

	communicate with MOU signatory representatives; concurrence/non-concurrence decision is limited to within 4 hours after agency communication has been established. Use MOU checklist in Annex II of Appendix 6-A to make the use/non-use decision.
Zone 3	No pre-approval is granted on waters within 0.5 mile of shoreline or less than 40 feet deep, including all bays and coves. Case-by-case approval may be obtained if agency concurrence is obtained; concurrence/non-concurrence decision is limited to within 4 hours after agency communication has been established. Trial applications only on spills 50 bbls or less, or on portions 50 bbls or less of larger spills may be authorized subject to Annex III of Appendix 6-A provisions and agency concurrence; concurrence/non-concurrence decision is limited to within 4 hours after agency communication has been established.
Monitoring Requirements: For dispersants, the Special Monitoring of Applied Response Techniques (SMART) is the minimum monitoring protocol to be used (Appendix 8-A). For other chemical countermeasures, <i>Vol. 1 of the Selection Guide for Oil Spill Response Countermeasures – Decision Making</i> provides monitoring guidance (Appendix 8-C1).	
Section 7/Endangered Species Act (ESA): Formal consultation was completed for COREXIT 9527/9500 for MOU (Appendix 6-A1). RRT3 MOU consultation initiated.	

In situ Burning Preauthorization and Policy

This policy provides preauthorization for the use of on-water *in situ* burning by the FOSC in response to coastal oil discharges within the jurisdiction of the RRT3. *In situ* burns on land areas would require prior authorization; no preauthorization policy for burning on land currently exists. The Region III jurisdiction addressed in this MOU is divided into 3 zones:

- Zone A = Preauthorized for open water *in situ* burning
- Zone B = Waters requiring case-by-case
- Zone R = Restricted zones

The *In situ* Burn MOU (**Appendix 6-B**) among the state and federal agencies who have decision authority, as defined in the National Contingency Plan (Part 300.910) and dated January 1998, establishes Region III RRT policy and outlines on-water areas which have been preauthorized for conditional *in situ* burning. It also provides protocols which apply to the use of all burning operations under the Endangered Species Act. In addition, the policy contains equipment lists, a decision tree, and an *in situ* burning application checklist.

The components of this policy; the MOU, authorized zones, decision diagram and evaluation check list are all presented in **Appendix 6-B**. For convenience, major aspects of the MOU are summarized in the following matrix.

<i>In situ</i> Burning Pre-Approval in Coastal RRT3 (Delaware, Maryland, Virginia)	
Reference: RRT3 Preauthorization for Use of <i>In situ</i> Burning MOU	
Zone A	Preauthorization for open-water <i>in situ</i> burning, seaward 3 NM from the shoreline baseline within Federal Region III to the outermost extent of the EEZ. Zone B: No preauthorization, waters within 3 NM of the shoreline baseline and other areas set forth in text of MOU. RRT approval needed on case-by-case basis. See the MOU for additional details.
Zone R	No <i>in situ</i> burning operations will be conducted in an "R" zone, except in the following situations: (1) it is necessary to prevent an immediate risk to human health and safety, or (2) an emergency modification of this agreement is made on an incident-specific basis.
Monitoring USCG/National Oceanic and Atmospheric Administration (NOAA) and USEPA SMART protocol recommended but operations will not be delayed pending arrival of monitoring capability (Appendix 8-A).	
Section 7/ESA – needs to be updated	
Appendix 6-B1 is U.S. Fish and Wildlife Service (USFWS) ESA Section 7 Determination Letter for <i>In situ</i> Burn (September 1997)	

Appendix 6-B also includes the following:

1. MOU Appendix I: Response Decision Making Matrix for *In situ* Burn (FOSC reference)
2. MOU Appendix II: *In situ* Burn Evaluation & Response Checklist
3. MOU Appendix III: *In situ* Burn Monitoring Plan (refer to **Appendix 8-A** for SMART Protocol)

There are other *in situ* burn policies that are not addressed in the preauthorization MOU which are located in **Appendixes 7-E and 7-F**.

Response Policies, Procedures, and Guidance

Response resources and tools, including fact sheets, guidance documents, responder guides, etc. are available on the RRTIII Website: <https://www.nrt.org/ResponseTools-FactSheets>.

Appendix 7 provides additional details about the RRT3 response policies and procedures and discussed in the following subsections.

Bioremediation Policy

The policy in Region III is that bioremediation is an appropriate response option to speed recovery of areas affected by oil pollution and reduce the threat of additional or prolonged impacts to human health and natural resources. This policy does not support the use of bioremediation in open, flowing waters (e.g., coastal waters, large lakes, or rivers), or the use of genetically engineered microbes. Additional details about the RRT3 Bioremediation Policy are provided in **Appendix 7-A** for additional guidance and implementation requirements.

Miscellaneous Oil Spill Control Agent (MOSCA)

According to 40 CFR 300.5, a miscellaneous oil spill agent is any product, other than dispersants, sinking agents, surface washing agents, surface collecting agents, bioremediation agents, burning agents, or sorbent that can be used to enhance oil spill cleanup, removal, treatment, or mitigation. The following are Region 3 guidance or procedures for MOSCA. We are using the method of action description provided in the Selection Guide for Oil Spill Response Countermeasures to define the MOSCA.

Elasticity Modifiers Guidance **[Reserved]**

Elasticity Modifiers are chemical compounds that increase the viscoelasticity of the treated oil to improve the efficiency of removal by skimmers or other methods. Elasticity modifiers dissolve in the oil, modifying the oil's mechanical properties. **Appendix 6** dictates the use of elasticity modifiers (as part of chemical countermeasures) in Region III. All requests for use of elasticity modifiers during a response are evaluated on a case-by-case basis; products must be listed on the NCP Product Schedule. Any decision to operationally use elasticity modifiers must receive RRT3 concurrence from the USEPA, USCG, affected state(s), affected federally recognized Tribes, in consultation with DOI and DOC/NOAA, and other affected federal trustees. Application and monitoring protocols are identified in Part C of the Selection Guide (**Appendix 8-C1**).

The guidance document utilized by RRT3 for use of elasticity modifiers has not been developed yet; **Appendix 7-B** is **[Reserved]** for future guidance.

Emulsion Treating Agents **[Reserved]**

Emulsion Treating Agents are chemical compounds applied to the oil to prevent the formation of an emulsion (emulsion inhibitors) or break the emulsion into separate oil and water phases (emulsion breakers). They are also commonly referred to as demulsifiers. **Appendix 6** dictates the use of emulsion treating agents (as part of chemical countermeasures) in Region III. All requests for use of emulsion treating agents during a response are evaluated on a case-by-case basis; products must be listed on the NCP Product Schedule. Any decision to operationally use emulsion treating agents must receive RRT3 concurrence from

the USEPA, USCG, affected state(s), affected federally recognized Tribes in consultation with DOI and DOC/NOAA, and other affected federal trustees. Application and monitoring protocols are identified in Part C of the Selection Guide (**Appendix 8-C1**).

The guidance document utilized by RRT3 for use of emulsion treating agents has not been developed yet; **Appendix 7-C** is [Reserved] for future guidance.

Herding Agents (Surface Collecting Agents) [Reserved]

Herding Agents or surface collecting agents are chemicals that “push” or “compress” the oil on the water surface into a smaller area to form thicker slicks that are more readily recovered or burned. These chemicals exert a spreading pressure on the water surface greater than the oil slick and contain surfactants to reduce the surface tension of water, thus increasing the spreading pressure. **Appendix 6** dictates the use of herding agents (surface collecting agents) (as part of chemical countermeasures) in Region III. All requests for use of herding agents during a response are evaluated on a case-by-case basis; products must be listed on the NCP Product Schedule. Any decision to operationally use herding agents must receive RRT3 concurrence from the USEPA, USCG, affected state(s), affected federally recognized Tribes in consultation with DOI and DOC/NOAA, and other affected federal trustees. Application and monitoring protocols are identified in Part C of the Selection Guide (**Appendix 8-C1**).

The guidance document utilized by RRT3 for use of herding agents has not been developed yet; **Appendix 7-D** is [Reserved] for future guidance.

Shoreline Pre-Treatment Agents [Reserved]

Shoreline Pre-Treatment Agents are a product which prevents oil from adhering to the shoreline by reducing the oil adherence (a wetting agent) and penetration (a film-forming agent). **Appendix 6** dictates the use of shoreline pre-treatment agents (as part of chemical countermeasures) in Region III. All requests for use of shoreline pre-treatment agents during a response are evaluated on a case-by-case basis; products must be listed on the NCP Product Schedule. Any decision to operationally use shoreline pre-treatment agents must receive RRT3 concurrence from the USEPA, USCG, affected state(s), affected federally recognized Tribes in consultation with DOI and DOC/NOAA, and other affected federal trustees. Application and monitoring protocols are identified in Part C of the Selection Guide (**Appendix 8-C1**).

The guidance document utilized by RRT3 for use of shoreline pre-treatment agents has not been developed yet; **Appendix 7-G** is [Reserved] for future guidance.

In Situ Burn for Ocean, Coastal Areas, and Inland Zones

In 2003, the RRT3 developed *in situ* burn (ISB) guidance for ocean and coastal areas. This guidance enhances, and is a direct extension of, the 1997 MOU among the USCG District 5, the USEPA, the DOI, the DOC/NOAA, the Delaware Department of Natural Resources and Environmental Control (DE DNREC), the Maryland Department of the Environment (MDE) and the Virginia Department of Environmental Quality (VDEQ).

It provides clearer and more concise guidance and decision-making tools to the RRT3 members and to the FOSC with regard to ISB in the case of oil releases to ocean, coastal, and inland areas. The guidance enhances the preauthorization for use of ISB by providing a framework for communication and coordination between the members of the RRT3 should ISB be required to mitigate an oil release. This guidance does not replace the 1997 MOU, but rather provides additional information to enhance it.

The guidance document is located in **Appendix 7-E**.

In Situ Burn for Oil Impacted Herbaceous Wetlands

In 2004, RRT3 developed ISB guidance for coastal wetlands that have been impacted by oil. Burning of wetland grasses has been practiced as a vegetation management technique for many years, yet burning of oiled wetlands is relatively unknown.

The decision to conduct *in situ* burning of herbaceous wetlands is the responsibility of FOSC and the UC. However, permission to use *in situ* burning to treat oil pollution must be approved by the incident-specific RRT. This guidance document is intended to provide the FOSC, the UC, and the RRT guidance and decision-making tools to support the use of in-situ burn for oil spills.

This guidance document is located in **Appendix 7-F**.

Solidifier Guidance [Reserved]

Appendix 6 dictates the use of solidifiers (as part of chemical countermeasures) in Region III. Product-specific preauthorization has been given to one solidifying agent, CIAgent (refer to **Appendix 6-C** for those details). All other requests for use of solidifiers during a response are evaluated on a case-by-case basis; products must be listed on the NCP Product Schedule or have received a sorbent letter from USEPA. Any decision to operationally use solidifiers must receive RRT3 concurrence from the USEPA, USCG, affected state(s), affected federally recognized Tribes in consultation with DOI and DOC/NOAA, and other affected federal trustees. Application and monitoring protocols are identified in Part C of the Selection Guide (**Appendix 8-C1**).

The guidance document utilized by RRT3 for use of solidifiers has not been developed yet; **Appendix 7-H** is [Reserved] for future guidance.

Surface Washing Agents Policy [Reserved]

In Region III, the FOSC is pre-authorized to test surface washing agents (SWA) subject to the constraints and practices identified in this document, including those identified through state permitting. Any post-test decision to operationally use SWAs must receive RRT concurrence from the USEPA, USCG, affected state(s), affected federally recognized Tribes in consultation with DOI and DOC/NOAA, and other affected federal trustees. This test protocol identifies specific practices to be followed for evaluating the effectiveness and biological impacts of test applications of SWAs to recover oil that has been discharged, and has adhered to surface environments within Region III. Application and monitoring protocols are identified in Part C of the Selection Guide (**Appendix 8-C1**).

Additional details about the RRT3 Surface Washing Agents Policy (under construction) are provided in **Appendix 7-I** is [Reserved] for future guidance.

Other RRT3-Specific Response Policies

The RRT3 has developed or modified and/or are in the process of approving a number of response policies for use during Region III incident-specific responses. Those documents are provided in **Appendix 7-L** and are described in the following subsections.

Ohio River Valley Umbrella Plan

The Ohio River Umbrella Plan (**Appendix 7-J**) is designed to clarify roles, responsibilities, and relationships for major oil spills and hazardous substance releases along the entire length of the Ohio River. The document is not an ACP or a RCP, and it does not replace or supersede existing plans for these locations. Instead, the document clarifies existing policy and applies it in terms of concept of operations when responding to major oil discharges or hazardous substance releases along the Ohio River.

Under the NCP, the USEPA is the lead federal agency (LFA) and provides the FOSC for an oil discharge or hazardous substance release within the Ohio River Basin, except where the discharge or release involves

a commercial vessel, a commercial vessel transfer operation, or the marine transportation-related portion of a facility. In these instances, the USCG provides the FOSC as specified in MOUs between USCG and USEPA Regions III, IV, and V.

Places of Refuge

The decision of whether to allow a distressed vessel into a place of refuge, including cases of force majeure¹, should be reached after consideration of the full range of potential impacts, rather than being based on a policy of wholesale denial of entry.

The purpose of these guidelines [NRT, July 2007 in **Appendix 7-K**] is to provide: (1) an incident-specific decision-making process to assist USCG COTPs in deciding whether a vessel needs to be moved to a place of refuge and, if so, which place of refuge to use; and (2) a framework for pre-incident identification of potential places of refuge for inclusion in appropriate ACPs. This document emphasizes the inclusion of USCG COTPs, UCs, RRTs, Area Committees, natural resource trustees, and other stakeholders and technical experts in the identification of potential places of refuge during pre-incident planning.

Limited Jones Act

The Limited Jones Act (Jones Act) when used in the sense of maritime law refers to federal statute 46 USC section 883. This is the act that controls coastwise trade within the U.S, and determines which ships may lawfully engage in that trade and the rules under which they must operate.

The Jones Act prohibits the “transportation of merchandise by water, or by land and water, between points in the United States . . . either directly or via a foreign port” unless the vessel was built in the U.S. and is U.S.-owned and registered under the U.S.-flag (commonly called “coastwise vessels”). The general standard for waiving the Jones Act is if doing so is “necessary in the interest of national defense.” There are two types of Jones Act waivers. One type that is requested by the Secretary of Defense is granted automatically. The other type of waiver may be granted at the discretion of Secretary of the Department of Homeland Security (DHS). It is discretionary and may only be granted if the Administrator of the Maritime Administration (MARAD) first determines that no U.S.-flag vessels are available.

Appendix L-1 provides RRT3 with guidance and decision-making tools to support and assist FOSC/UC actions when they are pursuing the use of foreign-flag vessels to mitigate pollution or the threat of pollution when the Jones Act is applicable.

Natural Resources Trustee [Reserved]

This guidance serves as the place-holder for information necessary to meet trustee notification requirements during emergency response events. It also serves as a guide for coordination of response activities between the trustees and the FOSC. This guidance meets the requirements for the preparation of a Fish and Wildlife and Sensitive Environments Plan in the NCP (40 CFR 300.210).

The guidance document utilized by RRT3 for natural trustee resource notification has not been developed yet; **Appendix 7-L2** is [Reserved] for future guidance.

Disposal of Contact Water

This document provides guidance, decision-making tools, and documentation to support and assist the FOSC and UC decision-making in conjunction with an incident specific RRT3 when considering the operational use of decanting contact water during oil and certain hazardous substance spills within inland, ocean, and coastal waters.

¹ Force majeure is defined as an overwhelming force or condition of such severity that it threatens the loss of the vessel, cargo, or crew unless immediate corrective action is taken.

The Guidance for the Decanting of Contact Water in inland, ocean, and coastal waters is provided in **Appendix 7-L3**. (Note: the document is in the process of being updated by the Spill Response Countermeasures Workgroup).

Ocean Dumping

This document provides RRT3 with guidance and decision-making tools to support and assist FOSC/UC actions within the region when they are pursuing emergency permission for ocean dumping to mitigate pollution or the threat of pollution when other conventional disposal methods are not viable. The information contained within this document was developed strictly to identify issues and provide consistent viewpoints and procedures to assist the FOSC/UC and alleviate potential barriers that may inhibit the decision and permit process.

The guidance document is provided in **Appendix 7-L4**.

Non-Floating Oils [Reserved]

Most oil spill response strategies, tactics, and equipment are based on the simple principle that oil floats. However, oil does not always float. Sometimes it suspends in the water column; sometimes it sinks to the bottom of the water body. Sometimes it does all three: floats, suspends, and sinks. Furthermore, oil that has sunk to the bottom can become re-suspended and spread by currents.

The *Sunken Oil Detection and Recovery Operational Guide* (API, 2016) identifies and documents current best practices and alternative technologies possessing the potential to more effectively detect, contain, and recover sunken oil, defined as the accumulation of bulk oil on the bottom of a water body. The technical report includes summaries and lessons learned for 36 case studies of oil spills where a significant amount of the oil sank. For each technology, it includes a detailed description of the method, advantages and disadvantages, and summary tables—the kinds of information needed to select the most effective approaches to sunken oil detection and recovery.

The *Sunken Oil Detection and Recovery Operational Guide* is provided in **Appendix 7-L5**.

Shoreline Cleanup and Assessment Technique (SCAT)

Region III utilizes the NOAA Shoreline Assessment Manual and SCAT Job Aid for conducting shoreline cleanup activities.

The documents are located on the NOAA website: <https://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/resources>

Vessel Decontamination Procedures [Reserved]

The guidance document utilized by RRT3 for vessel decontamination has not been developed yet; **Appendix 7-L6** is [Reserved] for future guidance.

Volunteer Management

The use of volunteers who wish to participate and assist in a response to affected communities has long been an issue for federal decision-makers and the responsible party or potential responsible party during spills of oil and hazardous substances as well as during the response and recovery to natural disasters and acts of terrorism. There are several regulations that directly affect the use of volunteers as well as the needs and requirements of a responsible party during an oil or hazardous substance incident.

In addition to the MOU provided in **Appendix 3-D**, the RRT3 will utilize the NRT guidance document *Use of Volunteers Guidelines for Oil Spills* provided in **Appendix 7-L7**.

Coordination with Tribal Officials

<https://egis.hud.gov/tdat/>

The Tribal Directory Assessment Tool (TDAT) was developed by the Office of Environment and Energy (OEE) to help users identify tribes that may have an interest in the location of a U.S. Department of Housing and Urban Development (HUD)-assisted project, and provide tribal contact information to assist users with initiating Section 106 consultation under the National Historic Preservation Act (54 U.S.C. § 300101 et seq.).

Two key aspects of TDAT are its ability to:

- Link tribes' geographic areas of current and ancestral interest down to the county level, and
- Perform a variety of queries related to tribes.

State reports link tribes to their counties of interest in the particular state. Tribes may reside in or outside of that state. Check back frequently for updates. Click on any state in the tool, choose one from the list at the bottom of the page or select a tribe from the drop down control. The TDAT link is also provided in **Appendix 1**.

The guidance document utilized by RRT3 for Tribal coordination has not been developed; **Appendix 7-L9** is [Reserved] for future guidance. [Utilize Region 10 Tribal Engagement Guidance to develop RRT3 guidance document]

F. Monitoring and Evaluation Tools

To monitor the effectiveness and results of all response countermeasures, including chemical countermeasures and *in situ* burning, the RRT3 uses the SMART program. SMART is a cooperatively designed monitoring program jointly developed by the NOAA, USCG, USEPA, Centers for Disease Control and Prevention (CDC), and the Bureau of Safety and Environmental Enforcement (BSEE) (part of the agency formerly known as the Minerals Management Service). SMART relies on small, highly mobile teams to collect real-time data using portable, rugged, and easy-to-use instruments during dispersant and *in situ* burning operations. Data are channeled to the UC to assist in decision making and to address critical questions such as the following:

- Are particulate concentration trends at sensitive locations exceeding the level of concern?
- Are dispersants effective in dispersing the oil?

***In situ* Burning and Dispersants**

General descriptions of SMART monitoring during dispersant use or *in situ* burning are included below. For a more detailed discussion of SMART, refer to the SMART Guidance Document, which can be found in **Appendix 8-A** and at <http://response.restoration.noaa.gov/smart>.

RRT3 Reference Monitoring documents are provided in **Appendix 8**.

***In situ* Burning**

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

Dispersants

To monitor the efficacy of surface dispersant application, SMART recommends three options, or tiers.

- **Tier I:** A trained observer, flying over the oil slick and using photographic job aids or advanced remote sensing instruments, assesses dispersant efficacy and reports back to the UC.
- **Tier II:** Tier II provides real-time data from the treated slick. A sampling team on a boat uses a fluorometer to continuously monitor for dispersed oil one meter under the dispersant-treated slick. The team records and conveys fluorometer data to the NOAA Scientific Support Team, which forwards it with recommendations to the UC. Water samples are also taken for later analysis at a laboratory.
- **Tier III:** By expanding the monitoring efforts in several ways, Tier III provides information on where the dispersed oil goes and what happens to it. Two fluorometers are used on the same vessel to monitor at two water depths. Monitoring is conducted in the center of the treated slick at several water depths, from 1 to 10 meters. A portable water laboratory provides data on water temperature, pH, conductivity, dissolved oxygen, and turbidity.

The NRT developed the *ENVIRONMENTAL MONITORING FOR ATYPICAL DISPERSANT OPERATIONS: INCLUDING GUIDANCE FOR SUBSEA APPLICATION AND PROLONGED SURFACE APPLICATION* (**Appendix 8-B** approved May 30, 2013) to assist FOSCs and RRTs in making incident-specific decisions regarding atypical dispersant use, including expedited decision making. Region III has accepted the environmental monitoring guidance as a reference document for the R3RCP; however, incident-specific conditions may require deviation from the specific guidance.

The *ENVIRONMENTAL MONITORING FOR ATYPICAL DISPERSANT OPERATIONS* is a living document envisioned to continue addressing monitoring challenges as it becomes necessary and, as resources allow, other atypical dispersant applications. In its current version, this document contains the following:

- Subsea Application Guidance – Generally applies to the subsurface ocean environment, focusing particularly on operations in waters below 300 meters and below the average pycnocline.
- Prolonged Surface Application Guidance – Supplements and complements the existing protocols as outlined in the SMART monitoring program where the duration of the application of dispersants on discharged oil extends beyond 96 hours from the time of the first application.

Applied Response Tool Evaluation System (ARTES)

Region III utilizes the NOAA ARTES to assess whether a proposed countermeasure could be a useful response tool. It aids in evaluating conventional and non-conventional countermeasures on their technical merit rather than on economic factors. ARTES is designed to work in concert with the NCP Product Schedule and the Selection Guide for Oil Spill Response Countermeasures.

The documents are located on the NOAA website: <https://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/resources>

Selection Guide for Oil Spill Response Countermeasures

Region III utilizes the NRT Selection Guide. The Selection Guide is a compilation of information and guidance on the use of applied technologies: oil spill response products and countermeasures that may be unfamiliar to federal or state OSCs or local incident commanders. It includes information on response technologies to counter the effects of spilled oil on land, on fresh water, and on coastal (estuarine to open ocean) waters.

The primary objective of this guide is to provide information and guidance to responders for the timely evaluation of oil spill response technologies that are regulated under the NCP Product Schedule (40 CFR

Part 300.900), i.e., chemical and biological products and response countermeasures, for a wide range of oil spill conditions and circumstances. *Volume I of the Section Guide for Oil Spill Response Countermeasures – Decision Making* is provided in **Appendix 8-C1**. The Selection Guide has not been updated since 2012, the NCP Technical Notebook web page should be consulted for current data (<https://www.epa.gov/emergency-response/national-contingency-plan-subpart-j>).

Volume II of the Section Guide for Oil Spill Applied Technologies – Operations Plans is provided in **Appendix 8-C2**.

The online version of Volume I is located on the NRT website: <https://sg.nrt.org/build/#>.

G. Consultation Requirements and References

The FOSC in charge of oil or hazardous substance spill response actions is required to consult with various agencies to identify potential impacts of the spill response activities on wildlife, natural resources and habitat, historical/tribal properties, or other sensitive environments. The goal of the consultation process is to facilitate cooperation and understanding between agencies to meet regulatory protection requirements. **Appendix 9** contains various guidance documents as discussed in the following subsections.

Endangered Species and Critical Habitat

Region III policy, with respect to environmentally sensitive areas, is set by an MOA between USEPA, USCG, the DOI Office of Environmental Policy and Compliance, USFWS, NOAA, the National Marine Fisheries Service (NMFS), and the National Ocean Service.

This MOA coordinates the consultation requirements specified in the ESA regulations, 50 CFR 402, with the pollution response duties outlined in the NCP, to establish a general framework for cooperation and participation between the parties in the exercise of their spill planning and response duties. The primary goal of the MOA is to emphasize that adequate planning and active involvement of all participants can minimize or obviate damage to listed species and critical habitats and the resulting need for a formal consultation under Section 7(a)(2) of the ESA. The text of the MOA is included in **Appendix 9-A**.

In addition, **Appendices 9-A1** through **9-A4** provide additional guidance and policy for ESA which includes a training manual for ESA, a USCG Marine Environmental Response (MER) policy letter, the USFWS *Best Practices for Migratory Bird Care During Oil Spill Response*, and the RRT3 ESA Spill Response Screening Matrices for Coastal and Inland Areas.

Essential Fish Habitat (EFH)

Under the Magnuson-Stevens Fisheries Conservation and Management Act (50 CFR 600), Essential Fish Habitat (EFH) describes all waters and substrate necessary for fish for spawning, breeding, feeding, or growth to maturity.

Nearly 1,000 species, at multiple life stages, have an EFH description; regional managers have identified more than 100 Habitat Areas of Particular Concern for enhanced EFH conservation. All federal agencies whose work may affect fish habitats must consult with NOAA Fisheries. EFH is described for federally managed species, some of which have habitats in state waters.

Appendix 9-B is an EFH guidance document developed by the National Marine Fisheries Service Office of Habitat Conservation.

Culturally Sensitive and Historic Areas

Under the National Historic Preservation Act (NHPA) Section 106, as amended and codified in Title 54 of the United States Code, Region III abides by the guidance pertaining to culturally sensitive areas and sites of historical significance as established by a national programmatic agreement between the National Park

Service (which operates the National Registry of Historic Places), the Advisory Council on Historic Preservation, the National Conference of State Historic Preservation Officers (SHPOs), USEPA, USCG, the DOI Office of Environmental Policy and Compliance, NOAA, the U.S. Department of Energy (DOE), the U.S. Department of Defense (DoD), and the U.S. Department of Agriculture (USDA). This guidance establishes national policy and procedures for the protection of cultural resources during emergency response under the NCP.

The primary contact for seeking information and expertise on local culturally sensitive areas is the SHPO for the applicable state. Federally recognized Tribes in Region III may also have culturally sensitive areas in the vicinity of an incident, and should be contacted if an incident threatens to affect tribal holdings. Contact information for the Tribes and for the SHPOs can be found in local ACPs. A copy of the programmatic agreement is available at <http://www.achp.gov/NCP-PA.html> and provided in **Appendix 9-C**.

Tribal Consultation

The obligation for federal agencies to engage with Indian Tribes on a government-to-government basis is based on the U.S. Constitution and federal treaties, statutes, executive orders, and policies. Federal agencies help to meet that obligation through meaningful consultation with federally recognized tribes. RRT3 will develop and maintain a federal regional contingency plan to coordinate timely, effective response by various federal agencies and other organizations to discharges of oil or releases of hazardous substances, pollutants, or contaminants.

Because the RRT3 is made up of representatives from federal agencies and the states and commonwealths, its actions are subject to state and federal laws, regulations, and policy directives. It is important to note that state/commonwealth government responsibilities may differ from those of federal agencies, and that these guidelines apply only to the federal RRT3 member agencies. This document serves as a guide to implement the laws, regulations, and policies related to federal RRT3 interactions with federally recognized tribal governments. It is the RRT3 Co-Chairs' responsibility to ensure that actions of the RRT3 are conducted in a manner consistent with these Guidelines.

It is the intent of the RRT to engage tribes as early as possible in their work process, and document that engagement. It is the responsibility of the co-chairs to determine what level of tribal engagement is required, when assignments are delegated. As described in 40 CFR 300.115, the RRT3 may function as a standing RRT for policy-making and interagency coordination, or as an incident-specific response team activated in the event of a discharge or release.

Appendices 9-D1 through 9-D6 provide additional guidance and policy for tribal consultation. Contact information available through TDAT (see **Appendix A**).

Native American Graves Protection and Repatriation Act (NAGPRA)

The Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3001-3013, 43 CFR Part 10, was enacted to address the rights of lineal descendants, Indian tribes, and Native Hawaiian organizations to Native American cultural items, including human remains, funerary objects, sacred objects, and objects of cultural patrimony. Under the control of federal agencies and institutions that receive federal funding ("museums"), as well as the ownership or control of cultural items and human remains discovered on federal or tribal lands after November 16, 1990. The Act also provides procedures for complying with NAGPRA including the development of a written Plan of Action for the consultation process mandated by 43 CFR 10.5 whenever there is activity affecting or likely to affect Native American cultural items on federal or tribal lands. The plan of action must document compliance with the Archaeological Resources Protection Act (ARPA), especially 43 CFR 7.7 – 7.9, regarding requirements for permits on Indian lands.

Appendix 9-E provides a blank plan of action checklist for compliance with NAGPRA. The Appendix is [Reserved] for development of future guidance.

U.S. Army Corps of Engineers Nationwide Permit (NWP) – 20 (Response Operations for Oil or Hazardous Substances)

This document discusses the factors considered by the U.S. Army Corps of Engineers (USACE) during the issuance process for this Nationwide Permit (NWP). Activities conducted in response to a discharge or release of oil or hazardous substances that are subject to the NCP (40 CFR part 300) including containment, cleanup, and mitigation efforts, provided that the activities are done under either: (1) the Spill Control and Countermeasure Plan required by 40 CFR 112.3; (2) the direction or oversight of the federal on-scene coordinator designated by 40 CFR part 300; or (3) any approved existing state, regional or local contingency plan provided that the RRT3 concurs with the proposed response efforts. This NWP also authorizes activities required for the cleanup of oil releases in waters of the U.S. from electrical equipment that are governed by USEPA's polychlorinated biphenyl spill response regulations at 40 CFR part 761. This NWP also authorizes the use of temporary structures and fills in waters of the U.S. for spill response training exercises. (Authorities: Section 10 and 404.)

Guidance regarding this consultation and permit process needs to be developed. **Appendix 9-F** currently contains the Decision Document and is [Reserved] for future development.

H. Natural Resource Damage Assessment (NRDA)

The Natural Resource Damages Assessment (NRDA) is the legal process of evaluating the impacts of an oil or hazardous material spill or release on the natural resources in the area of the spill or release. Typically, NRDA takes place following cleanup because cleanups sometimes negatively affect public, habitat, and natural resources in the cleanup area (and beyond); however, NRDA activities are often conducted simultaneously with emergency response efforts to identify the extent of impacts/injuries to natural resource and public access resulting from the incident. The NRDA process is driven by law, science, economics, and public input, and is coordinated through a Liaison Officer between federal, state, and tribal trustee agencies that work together with the responsible parties to identify both negative impacts to natural resources and lost recreational uses resulting from the incident.

Additional information about NRDA is available at: <https://www.epa.gov/superfund/natural-resource-damages-primer>. **Appendix 10** is [Reserved] for future development of RRT3 guidance for NRDA.

SECTION 4: Regional Response Team Operations and Administration

A. RRT Activation Procedures

The RRT should be activated as an intergovernmental coordination team when an actual or potential discharge or release:

1. Exceeds the response capability available to the FOSC in the place where it occurs;
2. Crosses state boundaries;
3. May pose a substantial threat to the public health, welfare, environment, or to regionally significant amounts of property;
4. Otherwise meets the definition of a major discharge as defined in the NCP; or
5. When requested by the FOSC or an RRT Representative.

Using the above criteria, any RRT representative may request either Co-chair to activate the RRT. The request should be made to the USCG Co-chair for coastal incidents and to the USEPA Co-chair for inland incidents. The request may be transmitted either verbally, in writing, by fax, or electronic mail.

When an incident occurs in the Inland Zone of Region III, the Regional Response Center (RRC) will be located in the USEPA Regional Office Philadelphia, Pennsylvania. The RRC will provide a duty officer (an FOSC) and will coordinate communication, information, limited supplies and equipment and other personnel and facilities necessary to allow proper functioning and administration.

Regional Response Center	District Response Center
USEPA, Philadelphia, PA	USCG, Portsmouth, VA
215-814-3255	757-398-6231
215-814-3254 fax	757-398-6391 fax

When an incident occurs in the Coastal Zone or in specified harbor areas in Region III, the RRC will be located at the appropriate USCG District office. The USCG has three district offices that serve Federal Region III, although only one of them is physically located within the region.

Location	District Office
Incidents involving specific harbors in Western Pennsylvania, and West Virginia: contact is Commander, Eighth USCG District, New Orleans, LA.	504-589-6225
Incidents occurring in Eastern Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia: contact is Commander, Fifth USCG District, Portsmouth, VA.	757-398-6231
Incidents involving the Great Lakes portion of Northwestern Pennsylvania: contact is the Ninth USCG District, Cleveland, Ohio.	1-800-321-4400

Once a Co-chair decides to activate the RRT or receives such a request from another RRT representative, the other Co-chair will be notified of the decision. The USCG Co-chair will assume the lead for coastal incidents and the USEPA Co-chair will be the lead for inland incidents. Notification of remaining RRT members will be the responsibility of the lead Co-chair and may be delegated to the RRT Coordinator or other staff representatives. The RRT Coordinator may use the “Incident-Specific Region III Regional Response Team III Activation Quick Response Guide” located in **Appendix 11**.

Arrangements for meeting locations and/or teleconferences will be the responsibility of the incident-specific Chair or designated representative. The recording and distribution of summaries of meetings or teleconferences conducted upon RRT activation shall also be the responsibility of the lead Co-chair or other designated representative.

The RRT will be deactivated by the incident-specific Chair typically after a discussion with the RRT Agencies. The incident-specific Chair, or his/her representative will be responsible for notifying RRT members of the deactivation. The dates and times for activation and deactivation should be included in POLREPs or other summaries generated by the FOSC or the incident-specific Chair and/or documented in summaries of meetings or teleconferences of the RRT

B. Communication Procedures

As stated above, the RRT3 is activated to provide support to the FOSC. In a support role, the RRT3 will coordinate with the Joint Information Center (JIC) initiated by the response. RRT3 communications procedures for crises include the following components:

- General Approach (support to FOSC)
- Notification Procedures
- JIC Coordination
- Internal Communications (e.g., RRT incident-specific members to FOSC)
- External Communications (e.g., agencies outside the RRT, NRT level agencies, and community relations)
- Social Media (see the *RRT3 Information Management Plan*)

Dissemination and communication of information to the public and RRT members are discussed in Section 4-J (Distribution of Information).

General Approach: RRT3 involvement is at the FOSC request. RRT3 will use the JIC established for the response for communications when dealing with incidents affecting multiple local jurisdictions, as well as catastrophic, severe or nationally significant incidents. The organization of the communication team should follow the structure outlined in the manual titled, *National Response Team (NRT) Joint Information Center Model*, dated April 2013 (available on the www.nrt.org/RRT3_RCP website). Once the JIC is established, the JIC becomes the focus of all internal and external communication, coordinating and unifying the participants responding to the crisis to generate a unified communication message.

Notification: The FOSC will notify the RRT3 Co-chairs when the incident requires communication support. The appropriate RRT3 Co-chair will initiate the incident specific RRT3 in support of the FOSC. This may include meetings and conference calls to address issues (i.e., boundaries, resource needs, authorization for specific product use, etc.) brought forth by the FOSC; and may involve coordination with the NRT and other supporting agencies.

Joint Information Center (JIC) Coordination: The FOSC will establish and lead a JIC and include the staff from other agencies (including both local and state public information officers) and industry representatives responding to the crisis. The staff of the JIC will work as a team producing a unified message for the public. The JIC will be the focus of internal and external communication and follow the organization prescribed by the *National Response Team Joint Information Center Model – Collaborative Communications During Emergency Response* (April, 2013). The RRT3 will coordinate utilizing the JIC structure to coordinate timely, accurate information transfer to the public and other stakeholders.

Internal Communications (e.g., RRT3 incident-specific members to FOSC): It is more efficient to negotiate with participants of the incident on a joint message rather than explaining multiple, and possibly conflicting, messages to the public and the media. Planning, scheduling and logistics for communications

may be funneled through the JIC to ensure a unified message or to coordinate incident-specific member decision-making.

External Communications (e.g., agencies outside the RRT, NRT level agencies, and community relations): Communication efforts will be coordinated through the JIC to provide information to the media, residents, and officials. Coordination between NRT and RRT will be conducted at the request of the FOSC or if the incident response is beyond the capabilities of the incident-specific member agencies. The NRT and RRTs can access key assets and capabilities of the 15 member agencies of the NRS to support federal agencies, states, and local responders in their efforts to mitigate the danger to public health and the environment from a hazardous release. RRT coordination with the NRT can also be beneficial for the resolution of issues associated with multi-regional and international scope.

(<https://www.nrt.org/NRT/About.aspx>).

Social Media: refer to Information Management and Outreach Plan for Best Management Practices on how to handle social media.

Once finalized, the plan will be available on the RRT3 Website: https://www.nrt.org/RRT3_PLANS

C. Responding to an Incident-Specific Activation

The overall goal of RRT3 is to maintain a high state of emergency readiness and to assist the FOSC upon request, providing immediate and effective guidance and assistance for all environmental emergency responses.

RRT3 involvement is directed by 40 CFR Part 300 in support of the FOSC. The role of the incident-specific RRT is determined by the specifics of the response. Incident-Specific activation procedures are discussed in Section 4A and **Appendix 11**.

Call-up Procedures

Overview

In the event of an actual or potential medium or major oil spill, the RRT must be notified. This document describes

- Notification responsibilities.
- Conference call procedures.

Notification Responsibilities: RRT Coordinator

The RRT Coordinator will make the calls to the appropriate individual RRT3 members if the incident meets the criteria defined above. Each incident should be assessed to determine exactly which agencies require notification. Once notified, RRT3 members should consider whether they have resources to offer and then take the initiative to call the FOSC.

Conference Calls: Overview

Conference calls are arranged by the Incident-Specific Co-chair and may be delegated to the RRT Coordinator or other staff representatives. Conference call procedures are provided in **Appendix 11**.

National Response Center (NRC) phone number

The telephone numbers for the NRC are as follows:

1-800-424-8802 or

1-202-267-2675

D. Cross-Boundary Incident-Specific RRT

For incident-specific cross-boundary support, refer to Section 3B for more information about cross-boundary support among RRTs and the Regions and **Appendices 3, 4, and 5**.

E. RRT Committees and Workgroups

The RRT3 has established several Standing Workgroups to address the various issues of concern to the RRT and FOSCs relative to significant oil and hazardous substances incidents. These workgroups are concentrating on specific areas of the RRT3 Goals. The RRT3 has assigned to various workgroups the responsibility for preparing recommendations and actions for each of the supporting goals. In addition to the Standing Workgroups outlined below, the RRT retains the authority to create ad hoc workgroups as situations or issues arise.

Executive Committee: The Executive Committee is co-chaired by USEPA and the USCG and its membership consists of the chairs of each RRT standing workgroup, the RRT Coordinators, a representative for the state/commonwealths, and a representative for the Trustees. The Executive Committee will meet at least semiannually and provides the primary focus for the direction of the RRT and its committees and identifies and resolves possible overlap of committee efforts. The Executive Committee is also responsible for the development of and adherence to the RRT's Work Plan, from which work plans and required reports will be derived.

Inland Area Committee: The Inland Area Committee provides planning and coordination of preparedness and response actions are accomplished through the Area Committees. There is only one Inland Area Committee for the entirety of USEPA Region III. This Inland Area Committee membership includes federal, state/commonwealth, and local representation. Members of the Inland Area Committee are appointed by the Region III Inland Area Committee Administrator. In addition to the standing Inland Area Committee membership, active participation by other interested parties is encouraged for all planning activities under the authority of the Inland Area Committee. The [Region 3 OSC Planning Dashboard](#) (the "Dashboard") is an online interactive data management site that also houses the USEPA Region 3 IACP Viewer (an interactive geographic information system [GIS]).

<https://www.eparm.net/R3IACP/Default.aspx>

Spill Response Countermeasures (SRC) Workgroup: The Spill Response Countermeasures Workgroup is responsible for examining the various methods of recovering, mitigating, and treating oil and hazardous substance discharges/releases. The Workgroup is also tasked to develop and update criteria (including preauthorization), policy, advice, and recommendations for the following supporting goals:

- Develop and update spill countermeasures for inland and coastal areas.
- Develop, maintain, and disseminate a database of alternative oil spill response tools/techniques and encourage the FOSC's consideration of these tools/techniques.
- Develop new strategies for mitigating spills (i.e. protective booming).
- Prepare additional advice for FOSCs in areas of emerging technologies.

Information Management and Outreach (IMO) Workgroup: The Information Management and Outreach Workgroup conducts the assessment of communications technologies, coordination of information management/communications systems between member agencies, and the development of the RRT3 webpages (https://www.nrt.org/site/region_list.aspx?region=3).

As part of the outreach component, the workgroup is tasked to (a) explain the responsibilities, activities, and accomplishments of the RRT to its partners in the response community and the public and (b) to facilitate understanding and cooperation with the NRT and other RRT local and state response planning

staff. The RRT Outreach Workgroup is also tasked to develop criteria, advice, and recommendations for the following supporting goals:

- Encourage the state and local response community to improve its preparedness for response.
- Conduct or participate in training and exercises as necessary to encourage preparedness activities of the response community within the region.
- Encourage public information and community relations during response activities.
- Develop outreach programs to improve awareness for RRT roles.

The chairs of each workgroup are responsible for establishing priorities and scheduling their workgroups and providing potential work items for the RRT and Executive Committee to consider in accordance with the RRT direction.

Consultation, Natural Resources and Damage Assessment (CNRDA) Workgroup: The CNRDA Workgroup is responsible for examining the Section 7 Consultation, improving best management practices for natural and socioeconomic resources, and Natural Resource Damage Assessment and Restoration (NRDAR) laws, requirements, and processes. The Workgroup has provided training on NRDAR processes to RRT members. The Workgroup seeks to identify approaches for assuring an early initiation of the Consultation and NRDA assessment processes without interfering with response actions being directed by the FOSC.

Regional Contingency Plan (RCP) Rewrite Workgroup: The RCP Rewrite Workgroup is responsible for drafting and updating the R3RCP. The RCP Rewrite Workgroup is also tasked to develop criteria, advice, and recommendations for the following supporting goals identified in the RRT3 Work Plan:

- Recommend revisions of the NCP to the NRT based on observations of response operations.
- As requested by the NRT or RRT, the FOSC/Remedial Project Manager (RPM) shall submit a complete report on the removal operation and the actions taken. The RRT shall review the FOSC report and send to the NRT a copy of the FOSC report with its comments or recommendations within 30 days after the RRT has received the FOSC report.
- The FOSC report shall record the situation as it developed, the actions taken, the names of the resources committee members, and the problems encountered.

Training Workgroup: The Training Workgroup is responsible for facilitating RRT3 membership discussions to identify training and presentation topics based on current issues of importance to the region, nationally, or internationally (i.e., recent responses, fuel transportation issues, and policy updates).

The RRT Workgroups should convene by teleconference between RRT meetings as needed. The RRT Coordinators, upon request of the Committee Chair, are responsible for arranging these teleconferences. Each committee may also meet in person or hold additional teleconferences as required to meet its goals and objectives.

F. RRT Meetings

The RRT generally meets twice a year, alternating between varying sites/states within the region. The RRT meets to:

- Review and comment on recent response actions or other issues related to the preparation, implementation, or exercise of regional and/or local plans;
- Recommend revisions of the RCP, the various ACPs, and the NCP;
- Review FOSC actions to ensure that the RCP and ACPs are effective;

- Conduct advance planning for the use of dispersants, surface collection agents, burning agents, biological additives, or other chemical agents in accordance with Subpart J of the NCP; and
- Conduct or participate in training and exercises as necessary to encourage preparedness activities of the response community within the region.

USEPA and USCG Co-Chairs will decide among themselves how the responsibility for arranging meeting locations, agendas, and meeting minutes will be divided.

The USCG and USEPA RRT Coordinators shall be responsible for developing and finalizing the agenda for each RRT meeting.

The Co-Chairs will decide among themselves the responsibility for moderating the RRT meetings and individual sessions with the assistance of their respective Alternate Co-Chairs, Coordinators, and USEPA Superfund Technical Assessment and Response Team (START) contractors. This includes introducing speakers, maintaining adherence to the agenda and its timeframe, determining appropriate times for breaks, and adjusting the agenda to fit the changing schedules of presenters and other similar "last minute" changes. Separate closed meetings between the Co-Chairs, Coordinators, and START contractors are held during the RRT3 meetings to discuss and resolve issues encountered since the last RRT3 meeting.

The RRT Coordinators and START contractors shall be responsible for recording a summary of each meeting, preparing the summary, and distributing it to RRT members and participants within 30 days of the meeting. The RRT Coordinators and START contractors will assist each other in the review and editing of the meeting summary. The meeting summary and presentations (as approved by the presenters) will be uploaded to the RRT3 Meetings website (for the respective year).

G. RRT Work Plans

The RRT3 Work Plan outlines the specific work action items that the RRT will address, initiate, or develop during the calendar year. This plan will set the priorities of the RRT based on the administrative and operational resources available to the RRT.

The development of the RRT3 Work Plan sets the annual project/issue priorities for the organization. The work plan is generated based on:

- Setting the priority for the issues or projects having the greatest need to be addressed by the RRT.
- The issues or projects should be within the RRT's administrative or operational span of control.
- The issues or projects addressed annually need to be doable by the RRT based on member agency work load, funding, and expertise.
- The work plan is a living document. The issues or projects addressed annually by the RRT may be adjusted or changed at any time by the RRT or Executive Committee based on the changing needs of the response community.

The RRT Executive Committee, with input from Workgroup Chairpersons, will develop the RRT3 Work Plan for submittal to the RRT by January 31st of each calendar year. The USCG and USEPA RRT Coordinators typically are responsible for ensuring that the Work Plan is finalized.

H. RRT Annual Reports

The RRT is required to submit a report that summarizes recent activities, organizational changes, operational concerns, and efforts to improve state and local coordination. The RRT has issued an outline of the preferred format of the reports and has instructed the RRTs to provide the reports once annually, by January 31, in lieu of semi-annual reports as required by the NCP.

The USEPA RRT Coordinator shall be responsible for preparing the annual report in coordination with the USEPA Region III FOSC. The USCG RRT Coordinator shall ensure sector FOSCs provide the USEPA RRT Coordinator with any pertinent USCG activities to be included in the report and will assist in collecting information from other RRT member agencies for inclusion in the report.

Once the annual report is finalized, the USCG RRT Coordinator shall ensure the signature of the USCG Co-Chair and forward the report to the USEPA RRT Coordinator. The USEPA RRT Coordinator shall ensure the signature of the USEPA Co-Chair and shall forward the report to the NRT Executive Secretary.

I. RRT Requests for FOSC Reports

The NCP requires that FOSC Reports be prepared "as requested by the NRT or RRT." FOSCs may, of course, also issue FOSC Reports on their own initiative, independent of an RRT or NRT request. The RRT should consider requesting an FOSC Report when the pollution response involved:

- an unusual challenge;
- a unique or complex issue (e.g., intergovernmental coordination, use of a new technology, etc.);
- a decision that creates precedent; or
- a lesson learned that should be made known regionally or nationally.

These FOSC Reports are required by Subpart B (Responsibility and Organization for Response) 40 CFR 300.165 and is referenced in **Appendix 2**.

J. Distribution of Information

The RRT3 website (https://www.nrt.org/site/region_list.aspx?region=3) provides for dissemination of RRT-related policies, information and materials such as mission, vision and goals of RRT3, meeting announcements, meeting minutes, and the R3RCP.

The IMO Workgroup has developed an Information Management Plan that describes the process for approving and/or securing RRT3-developed documents. The Plan also details the layout of the RRT3 website pages and information contained therein.

Information Management Support: Several other websites have been provided to support the information management needs of the Response Community by the Hazardous Materials Response Division, Office of Response and Restoration (OR&R), National Ocean Service, and NOAA.

- **Incident News:** During complicated spill events, NOAA provides communications to the UC information management support at a website located at <https://incidentnews.noaa.gov/>. Information on this website must be both provided by and approved by the UC for that specific spill incident. All information on this website is accessible by other emergency responders, headquarters organizations, the media, and the general public.
- **Response Link:** A government system for sharing information and documents with incident responders. Federal personnel can email orr.incidentnews@noaa.gov to request a Response Link account. All other Response Link account requests must be sponsored through the local NOAA Scientific Support Coordinator (SSC). During some spill events, NOAA also provides information management services to members of the RRT3 at a password-protected website at <https://responselink.orr.noaa.gov/>.
- **NOAA OR&R Public Website:** NOAA also provides to responders and the public a website at <http://response.restoration.noaa.gov>. This website contains detailed information about oil and chemical spill response and provides to responders many resources to help plan and respond to oil and chemical spill emergencies.

EPA OSC Website: This site is intended to be a resource for USEPA FOSCs to access, track, and share information with FOSCs throughout the country and includes links, resources, and information about Health & Safety, Standard Operating Procedures, OSC Task Force Toolbox & Phonebook, and the Voluntary Exercise Program. <https://response.epa.gov/Default.aspx>.

K. RRT Exercises

To facilitate preparedness, the RRT3 exercise cycle is based on the *2016 National Preparedness for Response Exercise Program (PREP) Guideline*² and consists of:

1. Notification Drill – involves to verify and update POC information;
2. Activation Drill – where standing RRT3 members call in for a drill response;
3. Tabletop Exercise – is a discussion based exercise involving standing RRT3 members to explore a scenario to determine how the RRT would be engaged in a response;
4. Functional Exercise – is designed to validate and evaluate capabilities, multiple functions and/or sub-functions, or interdependent groups of functions; and
5. Full-Scale Exercise – typically the most complex and resource-intensive type of exercise that include many participants operating under cooperative systems such as the ICS or UC. Events are projected through an exercise scenario with event updates that drive activity at the operational level. These exercises are usually conducted in a real-time, stressful environment that is intended to mirror a real incident.

The area and regional exercise cycle is not addressed in regulations, and by policy is set at four years.

² The 2016 National Preparedness for Response Exercise Program Guidelines is available at <https://homeport.uscg.mil/Lists/Content/Attachments/1308/New%202016%20PREP%20Guidelines.pdf> or <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/2016-national-preparedness-response-exercise>.

SECTION 5: Regional Response Team Agency Roles, Capabilities, and Support

A. Federal Departments and Supporting Agencies

The Standing RRT3 is made up of 14 federal departments and supporting agency members as described in the following subsections. Additional information about federal agency roles and responsibilities to Region III and the RRT are provided in fact sheets posted under “Documents” on the RRT3 Response Tools-Fact Sheets website: www.nrt.org/ResponseTools-FactSheets.

U.S. Environmental Protection Agency (USEPA)

The USEPA is the lead federal agency to respond to oil spills and reported releases of a hazardous substance(s) in the inland area. USEPA has a number of assets within the region to support emergency response actions:

- **Superfund Technical Assessment and Response Team (START)** are contracted personnel trained to provide technical expertise in health and safety, multimedia field monitoring and sampling, incident documentation, cost monitoring, cleanup restoration, and disposal techniques.
- **Emergency Response and Rapid Remediation Services (ERRS)** are contracted personnel who support cleanup operations, including equipment to control, stabilize, and clean up hazardous substances, and subcontract transportation and waste disposal.
- **Response Support Corps (RSC)** is made up of USEPA employees who provide critical support during USEPA emergency response efforts, but whose everyday/core responsibilities do not require routine emergency response duties.
- **Scientific Support Coordinator (SSC)** assists with responses to actual and potential hazardous substance releases and provides technical expertise for a variety of subject matter.
 - **Environmental Response Team (ERT)** serves as USEPA’s SSC and provides experienced technical and logistical assistance in responding to environmental emergencies, such as oil or hazardous materials spills. ERT also provides assistance in characterization and cleanup of hazardous waste sites.
- **Chemical, Biological, Radiological, and Nuclear Consequence Management Advisory Division (CBRN CMAD)** provides scientific and technical expertise for all phases of consequence management, including sampling, decontamination, and clearance, with a focus on operational preparedness. CMAD provides specialized expertise, such as biochemistry, microbiology and medicine, health physics, toxicology, HVAC engineering, and industrial hygiene. CMAD is available to assist local, national, and international agencies supporting hazardous substance response and remedial operations, including Nationally Significant Incidents.
- **Radiological Emergency Response Team (RERT)** provides response and support for incidents or sites containing radiological hazards. RERT responds to emergencies requiring the cleanup of radioactive substances. RERT provides onsite and lab-based radiation risk monitoring services.
- **Remote Sensing and Imagery Analysis Service (RSIAS)** provides web access to users and overlay mapping. The Remote Sensing and Imagery Analysis Service (RSIAS) provides geographically-based data collection and analysis using technologies such as satellite imagery, aerial photography, LIDAR (Light Detection and Ranging).
- **Critical Incident Stress Management Team (CISMT)** provides professional on-scene critical incident stress management support for traumatic incidents or situations.

- **National Criminal Enforcement Response Team (NCERT)** supports environmental crime investigations involving chemical, biological, or radiological releases to the environment. NCERT's specially trained Law Enforcement Officers that collect forensic evidence within contaminated zones; serve as law enforcement liaisons with other law enforcement agencies; and provide protective escorts to USEPA's FOSCs, contractors and other USEPA Special Teams during national emergencies.

Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

Protects the public, the environment, and U.S. economic interests – in the nation's ports and waterways, along the coast, on international waters, or in any maritime region as required to support national security. Provides the following assets during a response:

- **National Strike Force (NSF)** provides highly trained, experienced personnel and specialized equipment to USCG and other federal agencies to facilitate preparedness for response and response.
- **Public Information Assist Team (PIAT)** provides crisis media relations support to a USCG or USEPA FOSC.
- **National Pollution Funds Center (NPFC)** manages funds for the OSLTF and is an independent unit of the USCG that serves as fund manager for the OSLTF set up under the Clean Water Act.
- **Basic Ordering Agreements (BOAs)** are pre-negotiated agreements that maintain an extensive commercial capability for pollution response using a standing "time and materials" contract for equipment and personnel from commercial firms that may be activated.

Federal Emergency Management Agency (FEMA)

FEMA provides guidance, policy, and technical assistance in emergency preparedness planning, training, and exercising activities for state and local governments. Advises and aids lead agencies in coordinating federal agencies during disaster responses, typically under the Stafford Act.

U.S. Department of Defense (DOD)

DoD includes both U.S. military (Air Force, Army, National Guard, Navy, and Marines) and nonmilitary (civilian) personnel dedicated to protecting the security of our Nation. DoD acts when oil or hazardous substances are released from a facility or vessel under its jurisdiction and provides the FOSC during an incident involving hazardous substances, pollutants, or contaminants on or from DoD property (40 CFR 300.120(c)).

U.S. Army Corps of Engineers (USACE)

USACE equipment and expertise are available for removing navigational obstructions and performing ship structural repairs. Also assists with coordinating federal public works and engineering-related support.

U.S. Navy

Provides knowledge and experience in ship salvage, shipboard damage control, and diving. U.S. Navy will provide U.S. Navy oil spill containment and recovery equipment and manpower, as well as equipment for ship salvaging, shipboard damage control, and diving through the Naval Sea System Command Supervisor of Salvage (SUPSALV).

U.S. Department of Energy (DOE)

DOE has been identified as the FOSC for releases of hazardous substances, pollutants, or contaminants (but not oil) when the release is on, or the sole source from any facility or vessel, including any bareboat vessel

chartered and operated under the jurisdiction, custody or control of DOE. DOE staff aids in the control of immediate radiological hazards.

Radiological Assistance Program

Radiological Assistance program provides DOE first response capability to federal, state, local and tribal governments for incidents involving radiological incidents.

- Provide technical advice throughout the DOE complex in response to:
 - Nuclear weapons accidents and incidents
 - Possible acts of radiological/nuclear terrorism
 - Radiological accidents
 - Lost or stolen radioactive materials
- Provide access to expertise in nuclear weapons design, nuclear/radiological materials characterization, and radiological detection and characterization
- Deployable capabilities configured for a rapid, time-phased response

U.S. Department of Agriculture (USDA)

USDA is made up of various agencies that have scientific and technical capabilities to measure, evaluate, monitor, and control situations where natural resources, such as soil, water, wildlife, and vegetation, have been impacted. The agencies include the following:

- **U.S. Forest Service** is responsible for protection and management of national forests and national grasslands.
- **Agriculture Research Service** conducts research in animal and plant protection and production.
- **Natural Resources Conservation Service** provides knowledgeable resources in soil, agronomy, engineering, and biology.
- **Animal and Plant Health Inspection Service** can respond in an emergency to regulate movement of diseased or infected organisms to prevent the spread and contamination of non-affected areas.
- **Food Safety and Inspection Service** prevents meat and poultry products contaminated with harmful substances from entering human food channels.

U.S. Department of Commerce (DOC)

National Oceanic and Atmospheric Administration (NOAA)

NOAA has multiple roles in a spill response, both as a component of the response (spill response and damage assessment) and as a steward of the NOAA trust resources. NOAA provides scientific support for resources and contingency planning in coastal and marine areas.

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

Centers for Disease Control and Prevention (CDC) / Agency for Toxic Substances and Disease Registry (ATSDR)

Supports the RRT and serves the public by using the best science, taking responsive public health actions, and providing trusted health information to prevent harmful exposures and disease related to toxic substances.

In addition, the following DHHS are available to the RRT: the National Institute of Health (NIH) / National Institutes for Environmental Health Sciences (NIEHS) which also offers training on the health effects of oil spills and technical guidance regarding worker health and safety through the CDC / National Institute for Occupational Safety and Health (NIOSH).

U.S. Department of the Interior (DOI)***Office of Environmental Policy and Compliance***

DOI protects, manages, and provides access to our Nation's natural and cultural resources. Numerous agencies are available to coordinate during an incident response, including the following:

- **U.S. Fish and Wildlife Service (USFWS)** provides support and location of migratory birds, endangered species, and wildlife habitats.
- **U.S. Geological Survey (USGS)** offers expert advice in geology, geochemical data, GIS and mapping, groundwater hydrology, and ground and surface water data.
- **Bureau of Land Management (BLM)** makes available expertise in minerals, soils, vegetation, habitat, archeology, and hazardous materials.
- **Bureau of Safety and Environmental Enforcement (BSEE)** works to promote safety, protect the environment, and conserve resources offshore through vigorous regulatory oversight and enforcement.
- **Bureau of Ocean Energy Management (BOEM)** manages development of U.S. Outer Continental Shelf energy and mineral resources in an environmentally and economically responsible way.
- **Office of Surface Mining Reclamation and Enforcement** ensures land is restored to beneficial use when mining is finished.
- **National Park Service (NPS)** provides expertise on historical, archaeological, and recreational sources as well as sites on the National Historic Register.
- **Bureau of Indian Affairs (BIA)** protect Native American trust resources and facilitates an active role in planning and response for Tribal governments.

U.S. Department of Justice (DOJ).

Provides expert advice on complicated legal questions arising from discharges or releases and federal agency responses. Also DOJ represents the U.S. Government in litigations relating to discharges or releases.

U.S. Department of Labor (DOL).***Occupational Safety and Health Administration (OSHA)***

Provides technical assistance and support, 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. OSHA can be activated under FEMA to lead implementation of the NRF worker safety and health support annex to protect the safety and health of response and recovery workers.

U.S. Department of Transportation (DOT)

DOT is the federal safety authority for the transportation of hazardous materials by air, rail, highway, and water. Under the NRF, DOT is the primary federal agency for the Emergency Support Function – 1, Transportation (ESF-1).

Federal Transit Administration (FTA)

The FTA is one of DOT's 10 modes of transportation and provides financial and technical assistance to local public transit systems. FTA also oversees safety measures and helps develop next-generation technology research through policy development, hazard investigation, data collection, risk analysis,

oversight programs and information sharing. The FTA represents all of the DOT Administrations on the RRT3 membership, including:

- Pipeline and Hazardous Materials Safety Administration (PHMSA),
- Federal Aviation Administration (FAA),
- Maritime Administration (MARAD),
- National Highway Traffic Safety Administration (NHTSA),
- Federal Highway Administration (FHWA),
- Federal Motor Carrier Safety Administration (FMCSA), and
- Federal Railroad Administration (FRA).

Nuclear Regulatory Commission

In response to an event at a Nuclear Regulatory Commission-licensed facility or an event involving Nuclear Regulatory Commission-licensed material that could threaten public health and safety or the environment, Nuclear Regulatory Commission activates its incident response program at its Headquarters Operations Center and its Regional Incident Response Centers located in King of Prussia, PA. To provide expert consultation, support, and assistance to state and local public safety officials responding to the event.

General Services Administration (GSA)

Provides logistic and telecommunications support to federal agencies during emergency response operations. Includes assisting local, state, tribal, territorial, insular area, and federal governments in the direct purchase and assisted acquisition of supplies, services, and equipment utilizing the GSA Schedules. Additionally, GSA provides leasing services for facilities and real property.

B. Federally Recognized Tribes

The roles and responsibilities of the federally recognized tribes to the RRT3 is mandated by 40 CFR 300.610 as a trustee and/or a state representative 40 CFR 300.115(h); 300.180(a) and (b).

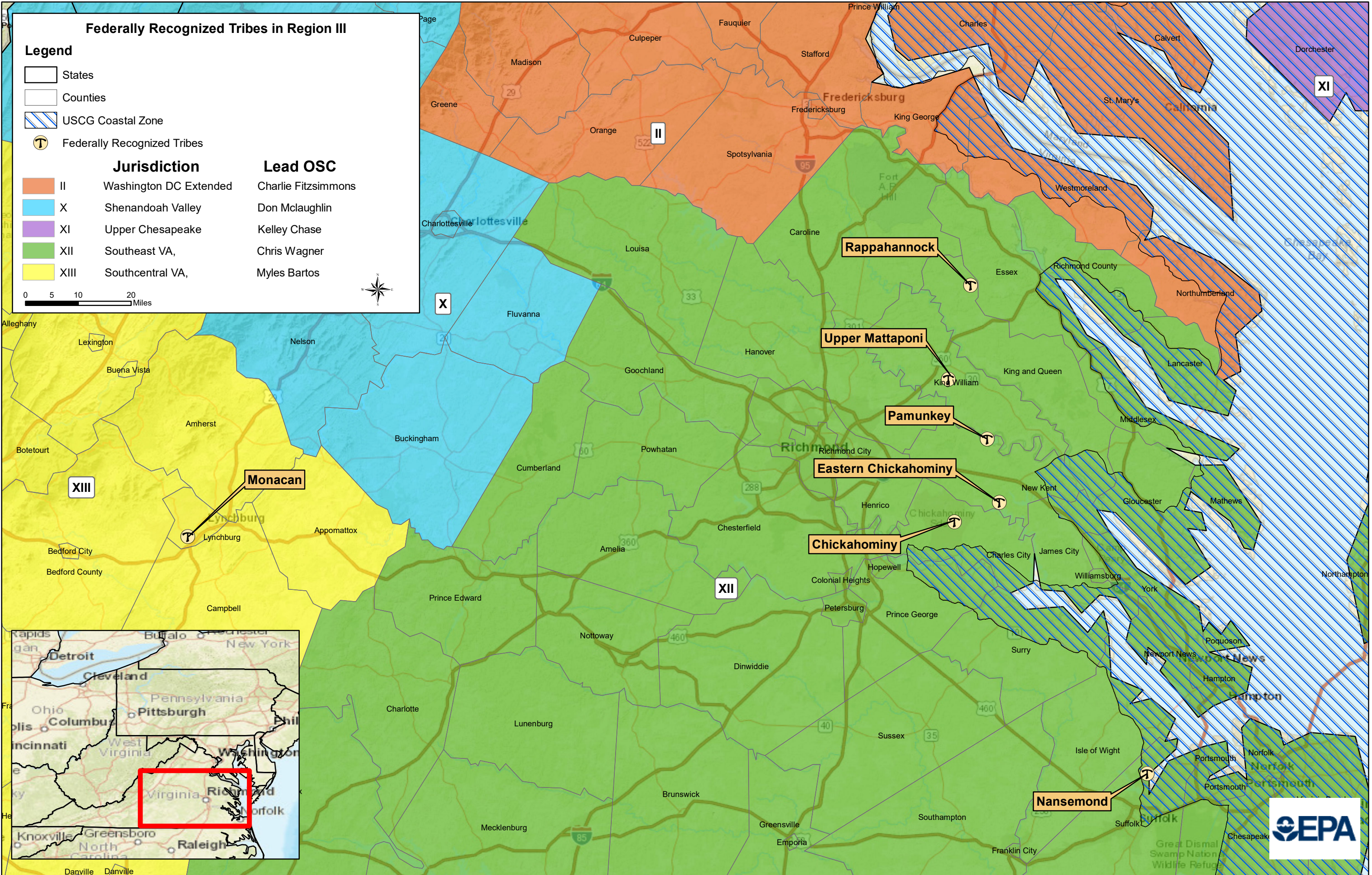
The tribal chairmen (or heads of the governing bodies) of Indian tribes, as defined in §300.5, or a person designated by the tribal officials, shall act on behalf of the Indian tribes as trustees for the natural resources, including their supporting ecosystems, belonging to, managed by, controlled by, or appertaining to such Indian tribe, or belonging to a member of such Indian tribe, if such resources are subject to a trust restriction on alienation. When the tribal chairman or head of the tribal governing body designates another person as trustee, the tribal chairman or head of the tribal governing body shall notify the President of such designation.

The following Indian Tribes, all located in Virginia, are federally recognized in Region 3 (see **Figure 5.1**):

1. Pamunkey – retains Indian reservation land (1,200 acres) on the Pamunkey River adjacent to present-day King William County, Virginia;
2. Rappahannock – maintains 132 acres of land in Indian Neck, King and Queen County, Virginia;
3. Monacan – the Monacan Nation is headquartered in Amherst County, Virginia, owning 110+ acres on Bear Mountain;
4. Nansemond – the tribe currently owns no land; however, tribal members live in the Suffolk and Chesapeake Areas and are hoping to acquire 100 acres in Mattanock, Virginia to build a tribal center, museum, and living history area on ancestral lands;
5. Upper Mattaponi – purchased 32 acres of land along the upper reaches of the Mattaponi River, King William County, Virginia;
6. Chickahominy – tribal center is located in Charles City County, Virginia along the Chickahominy River (retaining approximately 110 acres of land), and
7. Eastern Chickahominy – maintains 41 acres of land in New Kent County, Virginia.

Other Federally Recognized Tribes with and Interest in Region III

The RRT3 has identified tribes with geographic areas of current and ancestral interest within the region; appropriate tribal contact information is available at <https://eqis.hud.gov/tdat> to assist with initiating Section 106 consultation. The Tribal Directory Assessment Tool (TDAT) is a web-accessible database that contains information about federally recognized Indian tribes and lists names and contact information for tribal leaders and Tribal Historic Preservation Officers (THPOs). Points of Contact for the tribes are also maintained in **Appendix 1**.



C. States/Commonwealths

Additional information about state/commonwealth roles and responsibilities to Region III and the RRT are provided in fact sheets posted under “Documents” on the RRT3 Response Tools-Fact Sheets website: www.nrt.org/ResponseTools-FactSheets.

Delaware

Delaware Emergency Management Agency (DEMA) is the lead agency for coordination of comprehensive emergency preparedness and response. The governor has appointed the Director of DEMA as the State Incident Commander by Executive Order #13. State of Delaware designates the DE DNREC as the agency unit responsible for the response to oil and hazardous substances.

24-hour notification number is (800) 662-8802

District of Columbia

District of Columbia’s Homeland Security and Emergency Management Agency (HSEMA) coordinates the city’s response to disasters, emergencies, severe weather conditions, and other catastrophic events. It works closely with other emergency response agencies, including the Metropolitan Police Department (MPD) and the District of Columbia Department of Fire and Emergency Medical Services and other District and federal agencies, as well as with major utility companies and organizations such as the Red Cross and Salvation Army. The DC Department of Energy and Environment (DOEE) is also a primary response member of the Standing RRT3.

24-hour notification number for HSEMA is (202) 727-6161

24-hour notification number for DOEE is 311 or (202) 737-4404

Maryland

The MDE is designated as the agency unit responsible for the response to oil and hazardous substances for the state.

24-hour notification number is (866) 633-4686

Pennsylvania

The Commonwealth of Pennsylvania designates the Pennsylvania Department of Environmental Protection (PADEP), Environmental Emergency Response Program (EERP) as the agency unit responsible for the response to oil and hazardous substances in each of PADEP’s six regional offices:

Region	Emergency Phone
Southeast	(484) 250-5900
Northeast	(570) 826-2511
Southcentral	(717) 705-4741 After Hours: (877) 333-1904
Northcentral	(570) 327-3636
Southwest	(412) 442-4000
Northwest	(814) 332-6945 After Hours: (800) 373-3398

Virginia

Virginia Department of Emergency Management (VDEM) and the VDEQ are the designated agency units responsible for the response to oil and hazardous substances.

VDEM and VDEQ 24-hour notification number is 1 (800) 468-8892

VDEQ regional offices serve as primary contacts for permitting, compliance, pollution, and enforcement response activities:

Region	Phone
Blue Ridge	(540) 562-6754
Northern	(703) 583-3850
Piedmont	(804) 698-4376
Southwest	(276) 676-4829
Tidewater	(757) 518-2010
Valley	(540) 574-7808

West Virginia

The West Virginia Department of Environmental Protection (WVDEP) is the designated agency unit responsible for the response to oil and hazardous substances within the boundaries of the state.

WVDEP 24-hour contact number is (800) 642-3074

SECTION 6: Related Plans and Programs

A. National Response System

The NRS is a mechanism routinely and effectively used to respond to a wide range of oil and hazardous substance releases. It is a multi-layered system involving individuals and teams from tribal, local, state, and federal agencies, as well as industry and other organizations. These groups share expertise and resources to ensure that response and cleanup activities are timely, efficient, and minimize threats to human health and the environment. For more information about the NRS, please visit the [NRT website](#).

The NRF is another management system in the U.S. that provides structures and procedures to address incidents where federal support to local, state, tribal, territorial, and insular area governments is coordinated under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), as well as incidents where federal departments and agencies exercise other authorities and responsibilities.

Although the framework of the NRS is the same for responding to discharges of oil or releases of hazardous substances, the NCP establishes separate operational elements for responding to each type of incident, and these elements differ in some respects. The source of federal funding to carry out a response also differs (refer to Section 6 D for additional details).

B. Coordination with Other Federal Response Planning

[The Presidential Policy Directive \(PPD\) 8: National Preparedness](#) was released in March 2011 with the goal of strengthening the security and resilience of the United States through systematic preparation for the threats that pose the greatest risk to the security of the Nation. The National Planning Frameworks, which are part of the National Preparedness System (additional details provided at <https://www.fema.gov/national-preparedness-system>), set the strategy and doctrine for building, sustaining, and delivering the core capabilities identified in the National Preparedness Goal.

The frameworks describe the coordinating structures and alignment of key roles and responsibilities for the whole community and are integrated to ensure interoperability across all mission areas. The frameworks address the roles of individuals; nonprofit entities and nongovernmental organizations (NGOs); the private sector; communities; critical infrastructure; governments; and the Nation as a whole. These are all applicable to disaster response.

The NRF recognizes that federal responses to emergencies of different types may be led by various federal agencies under assorted federal authorities and regulations, including the NCP. The NCP serves as an operational supplement to the NRF and may be used in conjunction with, or independent from, the Stafford Act. In the event of a Stafford Act declaration, NRF Emergency Support Function (ESF) #10 – Oil and Hazardous Materials Response Annex may be activated to provide a coordinated federal response to actual or potential oil and hazardous materials incidents. ESF #10 responses are generally carried out in accordance with the NCP. It is important to understand that most federal responses to oil pollution incidents, including a Spill of National Significance (SONS), are carried out in accordance with the NCP. In rare cases, ESFs may also be activated for non-Stafford Act incidents and/or to support NCP responses that require an extraordinary level of federal resources.

PPD-8 defines five preparedness mission areas—Prevention, Protection, Mitigation, Response, and Recovery—and mandates the development of a series of policy and planning documents to explain and guide the Nation’s approach for ensuring and enhancing national preparedness.

National Planning Frameworks

There is one Federal Interagency Operational Plan (FIOP) for each National Planning Framework which builds upon and describes how the government aligns resources and delivers corps capabilities. The FIOPs

describe the concept of operations for integrating and synchronizing existing national-level capabilities to support local, state, tribal, territorial, insular area, and federal plans, and are supported by federal department-level operational plans, where appropriate. More information can be found at: <https://www.fema.gov/federal-interagency-operational-plans>.

1. National Prevention Framework

The [National Prevention Framework](#) describes what the whole community—from community members to senior leaders in government—should do upon the discovery of an imminent threat to the homeland (focusing on preventing terrorism). An imminent threat is intelligence or operational information that warns of a credible, specific, and impending terrorist threat or ongoing attack against the U.S. This Framework helps achieve the National Preparedness Goal of a secure and resilient Nation that is optimally prepared to prevent an imminent terrorist attack within the U.S.

2. National Protection Framework

Describes what the whole community should do to safeguard against acts of terrorism, natural disasters, and other threats or hazards. The [National Protection Framework](#) describes the core capabilities; roles and responsibilities; and coordinating structures that facilitate the protection of individuals, communities, and the Nation. This Framework is focused on actions to protect against the greatest risks in a manner that allows American interests, aspirations, and way of life.

3. National Mitigation Framework

Covers the capabilities necessary to reduce the loss of life and property by lessening the impact of disasters. This Framework focuses on understanding the risks faced as well as empowering communities to strengthen their resilience and undertake actions that put communities in the best position to bounce back quickly and effectively when disasters occur. This focus on risk and resilience is why the [National Mitigation Framework](#) permeates all other areas of national preparedness, from prevention to recovery.

4. National Response Framework

The [NRF](#) covers the capabilities necessary to stabilize the situation. This focus is designed to save lives, protect property and the environment, and meet basic human needs after an incident has occurred. Response activities typically take place immediately before, during, and in the first few days after a major or catastrophic disaster. Recovery efforts then begin to help the community get back on its feet.

5. National Disaster Recovery Framework

The [National Disaster Recovery Framework](#) (NDRF) establishes a common platform and forum for how the whole community builds, sustains, and coordinates delivery of recovery capabilities. Recovery efforts focus on how best to restore, redevelop, and revitalize the health, social, economic, natural, and environmental fabric of the community and often begin while response is still occurring. The Framework also emphasizes pre-disaster and post-disaster planning.

C. Title III State and Local Emergency Response Plans

State Emergency Response Commission (SERC)

The Governor of each state has designated a State Emergency Response Commission (SERC) that is responsible for implementing the Emergency Planning and Community Right-to-Know Act (EPCRA) provisions within its state. The SERC's duties include:

- Establishing procedures for receiving and processing public requests for information collected under EPCRA;
- Reviewing local emergency response plans;
- Designating local emergency planning districts;

- Appointing a LEPC for each district; and
- Supervising the activities of the LEPC.

Local Emergency Planning Committees (LEPC)

Under the EPCRA, LEPCs must develop an emergency response plan, review the plan at least annually, and provide information about chemicals in the community to citizens. Plans are developed by LEPCs with stakeholder participation. The LEPC membership must include (at a minimum):

- Elected state and local officials;
- Police, fire, civil defense, and public health professionals;
- Environment, transportation, and hospital officials;
- Facility representatives; and
- Representatives from community groups and the media.

The required elements of a community emergency response plan include:

- Identification of facilities and transportation routes of extremely hazardous substances;
- Description of emergency response procedures, on- and off-site;
- Designation of a community coordinator and facility emergency coordinator(s) to implement the plan;
- Outline of emergency notification procedures;
- Description of how to determine the probable affected area and population by releases;
- Description of local emergency equipment and facilities and the persons responsible for them;
- Outline of evacuation plans;
- A training program for emergency responders (including schedules); and
- Methods and schedules for exercising emergency response plans.

Emergency Management Assistance Compact (EMAC)

The Emergency Management Assistance Compact (EMAC) is an all hazards – all disciplines mutual aid compact that allows states to join forces and establish a firm legal foundation for sharing resources between states.

EMAC offers assistance during governor-declared states of emergency or disaster that allows states to send personnel, equipment, and commodities to assist with response and recovery efforts in other states. Through EMAC states can also transfer services and conduct virtual missions.

The strength of EMAC and the quality that distinguishes it from other plans and compacts lie in its governance structure; its relationship with federal agencies, national organizations, states, counties, territories, and regions; the willingness of state and response and recovery personnel to deploy; and the ability to move any resource one state wishes to utilize to assist another state.

The National Guard

The National Guard can be deployed through EMAC in both State Active Duty (SAD) and Title 32 to assist member states. Many events trigger responses across multiple jurisdictions and different levels of government. The National Guard is the only U.S. military force that operates across both state and federal responses:

- **SAD** – The Governor can activate National Guard personnel to SAD in response to natural or man-made disasters or Homeland Defense missions.

- **Full-Time National Guard Duty (Title 32)** – Title 32 allows the Governor, with the approval of the President or the Secretary of Defense, to order a member to duty for operational Homeland Defense activities in accordance with U.S. Code; and
- **Active Duty (Title 10)** – means full-time duty in the active military service of the U.S. Title 10. Federal Law provides the Governor with the ability to place a soldier in a full-time duty status under the command and control of the state but is directly funded with federal dollars. It also allows the President to “federalize” the National Guard forces by ordering them to active duty in their reserve component status or by calling them into federal service in their militia status.

The geographically dispersed forces of the National Guard maintain links to local communities and ties to state and local governments. These relationships allow for rapid and integrated responses in times of emergency.

Weapons of Mass Destruction Civil Support Team (WMD-CST or CST)

A Weapons of Mass Destruction Civil Support Team (WMD-CST or CST) supports civil authorities in the event of the use, or threatened use, of a weapon of mass destruction. CSTs are federally funded units established under Presidential Decision Directive 39. There is one National Guard CST for each commonwealth/state in the region, including Washington, D.C. These support teams regularly interact with the RRT3.

D. Reimbursement for Services

Oil and/or hazardous substances incidents may range considerably in size and magnitude of the impact upon public health and the environment. They may range from minor incidents such as clandestine dumping of intact drums of oil or hazardous substances, to more severe incidents such as transportation accidents involving large amounts of oil or hazardous substances and fires at chemical facilities, or to catastrophic incidents such as a large-scale oil spill or hazardous materials release, including those caused by terrorist attacks or criminal acts of sabotage.

Response Under The NCP

The NCP is authorized by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Section 311 of the Clean Water Act (CWA), and the Oil Pollution Act of 1990 (OPA). The NCP provides an organizational structure and procedures for preparing for and responding to discharges and substantial threats of discharges of oil and releases; and substantial threats of releases of hazardous substances, pollutants, and contaminants.

These regulations have been revised several times, including in response to CERCLA and to the Oil Pollution Act of 1990.

Response Under The NRF

Whenever a disaster (either natural or manmade) occurs and harms or threatens a community or the natural environment, federal, state, local, and private emergency resources respond. DHS developed the NRF to structure the way responders work together and to provide supporting mechanisms for disasters so serious the Secretary of Homeland Security declares them to be Incidents of National Significance. The NRF is the comprehensive response plan for all hazards within the U.S.

Mission Assignments (MAs)

Activation under the NRF is provided under the authorities of the Stafford Act. The MA is issued by FEMA to direct other federal agencies and components of DHS to complete specified tasks in response to a Stafford Act event under the NRF. MAs are provided in anticipation of, or in response to, a Presidential declaration. Agencies can be directed to perform work under MAs, with or without reimbursement in accordance with

the Stafford Act. Each MA identifies the statement of work, fund citation, points of contact, projected completion “end” date, state cost share information, MA type, and authorized funding amount.

Intra-Agency Agreements

When a federal entity with primary responsibility and authority for handling an incident requires federal assistance above and beyond its interagency mechanisms (e.g., Executive orders, MOUs, MOAs, etc.), that department or agency can request additional federal assistance through DHS. Federal agencies participating in the NRF may request and provide federal-to-federal support by executing inter/intra-agency reimbursable agreements, in accordance with applicable authorities. Federal agencies providing mutual aid support may request reimbursement from the requesting agency for eligible expenditures.

NOTE: Pollution incidents that are not declared Incidents of National Significance or Stafford Act Disasters or Emergencies continue to fall under the NCP.

Cost Reimbursement

Established Trust Funds

There are several ways for federal agencies to obtain cost reimbursement for activities provided during an incident response. Congress has established two dedicated trust funds to finance the costs of a federal response to a discharge or oil or release of a hazardous substance, pollutant, or contaminant.

1. **OSLTF** – the USCG administers the OSLTF to finance the costs of responding to a discharge of oil. Currently, revenues for the OSLTF primarily are derived from a dedicated per-barrel tax on domestic and imported oil. OPA delineated fund uses include:
 - Removal costs incurred by the USCG and USEPA;
 - State access for removal activities;
 - Payments to federal, state, and Indian tribe trustees to conduct NRDA and restorations;
 - Payment of claims for uncompensated removal costs and damages;
 - Research and development; and
 - Other specific appropriations.

Refer to the NPFC website on how to submit a claim recover costs and damages under the OSLTF: <https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Claims/>

2. **Hazardous Substance Superfund Trust Fund** – USEPA administers the Hazardous Substance Superfund Trust Fund to finance the costs of responding to a release of a hazardous substance, pollutant, or contaminant. This Fund is financed mostly with revenues transferred from the General Fund of the U.S. Treasury, since the taxes on domestic and imported oil, chemical feed stocks, and corporate income that once financed this trust fund expired at the end of 1995.

These two trust funds differ in terms of how the monies are made available to carry out a response. In general, reimbursement from either fund requires extensive documentation of costs and services for the response which are consistent with the NCP. Monies spent from these trust funds may be recouped from the RPs under the liability provisions of the OPA and CERCLA, respectively. The USCG NPFC was commissioned to administer both funds. More information about cost reimbursement for the funds can be obtained from: <https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/>.

Pollution Removal Funding Authorization (PRFA):

The PRFA is a tool available to FOSCs to quickly obtain needed services and assistance from other government agencies: federal, state, or local, as well as recognized Indian Tribes in oil spill and hazardous materials response actions. The PRFA commits the OSLTF to payment by reimbursement of costs incurred in pollution response activities undertaken by state and local agencies and other federal agencies under the

direct supervision of an FOSC. In such situations, the FOSC issues a PRFA to the requesting agency to establish a contractual relationship and obligate the fund. There are significant cost tracking and documentation requirements under a PRFA. Federal trustees have an alternate source of funding to help with the costs associated with initiation of NRDAs related to oil discharges (see OSLTF discussion above).

Stafford Act Funds

Another mechanism for funding a response includes funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act). Under a presidential declaration of an incident as a major disaster or emergency, the Stafford Act funds may also be used to finance the federal response costs, rather than the trust funds. The use of Stafford Act funds to pay for the federal response to a discharge of oil or a release of a hazardous substance has been limited to discharges or releases caused by natural disasters or other emergencies for which there is not a RP to pursue. In such instances, the President may make a Stafford Act declaration to provide federal assistance to augment state and local resources, in the absence of viable RPs to pay for the response.

Comparison of Pollution Incidents and Funding Source

The table below compares (and simplifies) the different types of pollution incidents (from <https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/About-NPFC/NRF-Disaster-Funding/>).

Type of Pollution Incident	Who Declares	Plan	Funding
Most Spills	N/A	NCP	OSLTF (oil) Superfund (HAZMAT)
Spill of National Significance (SONS)	USEPA Administrator (inland zone spills) USCG Commandant (coastal zone spills)	NCP	OSLTF (oil) Superfund (HAZMAT)
Incident of National Significance (IONS)	Secretary of DHS	Usually ESF #10 of the NRF	Stafford Act Disaster Funding
		Occasionally, Oil & HAZMAT Incident Annex of NRF (Basically NCP)	OSLTF (oil) Superfund (HAZMAT)
Stafford Act Disaster/Emergency	President	Almost Always ESF #10 of the NRF	Stafford Act Disaster Funding

SECTION 7: Abbreviations and Acronyms

ACP	Area Contingency Plan
ARPA	Archaeological Resources Protection Act
ARTES	Alternative Response Tool Evaluation System
ATSDR	Agency for Toxic Substances and Disease Registry
bbf	barrel
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
BOA	Basic Ordering Agreement
BOEM	Bureau of Ocean Energy Management
BSEE	Bureau of Safety and Environmental Enforcement
CBRN CMAD	Chemical, Biological, Radiological, and Nuclear Consequence Management Advisory Division
CDC	Centers for Disease Control and Prevention
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CISMT	Critical Incident Stress Management Team
CNRDA	Consultation, Natural Resources, and Damage Assessment
COTP	Captain of the Port
CST	Civil Support Team
CWA	Clean Water Act
DC	District of Columbia
DE	Delaware
DE DNREC	Delaware Department of Natural Resources and Environmental Control
DEEP	Dispersant Employment Evaluation Plan
DEMA	Delaware Emergency Management Agency
DHHS	U.S. Department of Health and Human Services
DHS	Department of Homeland Security
DOC	U.S. Department of Commerce
DoD	U.S. Department of Defense
DOE	U.S. Department of Energy

DOEE	Department of Energy and Environment
DOI	U.S. Department of the Interior
DOJ	U.S. Department of Justice
DOL	U.S. Department of Labor
DOT	U.S. Department of Transportation
EERP	Environmental Emergency Response Program
EEZ	Exclusive Economic Zone
EFH	Essential Fish Habitat
EMAC	Emergency Management Assistance Compact
EPCRA	Emergency Planning and Community Right-to-Know Act
ERRS	Emergency Response and Rapid Remediation Services
ERT	Environmental Response Team
ESA	Endangered Species Act
ESF	Emergency Support Function
FAA	Federal Aviation Administration
FEMA	Federal Emergency Management Agency
FIOP	Federal Interagency Operational Plan
FOSC	Federal On-Scene Coordinator
FTA	Federal Transit Administration
GIS	geographic information system
GSA	General Services Administration
HCL	Hydrochloric acid
HSEMA	Homeland Security and Emergency Management Agency
HUD	U.S. Department of Housing and Urban Development
ICS	Incident Command System
IMO	Information Management and Outreach
IONS	Incident of National Significance
ISB	<i>in situ</i> burn
JIC	Joint Information Center
LEPC	Local Emergency Planning Committee
LFA	lead federal agency

MARAD	Maritime Administration
MD	Maryland
MDE	Maryland Department of Environment
MER	Marine Environmental Response
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MPD	Metropolitan Police Department
MSU	Marine Safety Units
NAGPRA	Native American Graves Protection and Repatriation Act
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NCERT	National Criminal Enforcement Response Team
NDRF	National Disaster Recovery Framework
NGO	non-governmental organization
NHPA	National Historic Preservation Act
NIEHS	National Institutes for Environmental Health Sciences
NIH	National Institute of Health
NIOSH	National Institute for Occupational Safety and Health
NIMS	National Incident Management System
NM	nautical miles
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NPFC	National Pollution Funds Center
NPS	National Park Service
NRC	National Response Center
NRDA	Natural Resource Damage Assessment
NRDAR	Natural Resource Damage Assessment and Restoration
NRF	National Response Framework
NRM	no regional modification
NRS	National Response System
NRT	National Response Team
NSF	National Strike Force

OEE	Office of Environment and Energy
OPA	Oil Pollution Act of 1990
OR&R	Office of Response and Restoration
OSC	On-Scene Coordinator
OSHA	Occupational Safety and Health Administration
OSLTF	Oil Spill Liability Trust Fund
PA	Pennsylvania
PADEP	Pennsylvania Department of Environmental Protection
PHMSA	Pipeline and Hazardous Materials Safety Administration
PIAT	Public Information Assist Team
POC	point of contact
POLREP	Pollution Report
PPD	Presidential Policy Directive
PREP	Preparedness for Response Exercise Program
PRFA	Pollution Removal Funding Authorization
R3RCP	Region III Regional Oil and Hazardous Substances Pollution Contingency Plan
RCP	Regional Contingency Plan
RERT	Radiological Emergency Response Team
RP	responsible party
RPM	Remedial Project Manager
RRC	Regional Response Center
RRT	Regional Response Team
RRT3	Region III Regional Response Team
RSC	Response Support Corps
RSIAS	Remote Sensing Imagery Analysis Service
SAD	State Active Duty
SCAT	Shoreline Cleanup and Assessment Technique
SERC	State Emergency Response Commission
SHPO	State Historic Preservation Officer
SMART	Special Monitoring of Advanced Response Technologies
SMOA	Superfund Memorandum of Agreement

SONS	Spill of National Significance
SRC	Spill Response Countermeasures
SSC	Scientific Support Coordinator
START	Superfund Technical Assessment and Response Team
SUPSALV	Supervisor of Salvage
SWA	surface washing agents
TDAT	Tribal Directory Assessment Tool
THPO	Tribal Historic Preservation Officer
U.S.	United States
UAC	Unified Area Command
UC	Unified Command
UCS	Unified Command System
USACE	U.S. Army Corps of Engineers
USCG	U.S. Coast Guard
USDA	U.S. Department of Agriculture
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
VA	Virginia
VDEM	Virginia Department of Emergency Management
VDEQ	Virginia Department of Environmental Quality
WMD	weapons of mass destruction
WV	West Virginia
WVDEP	West Virginia Department of Environmental Protection

APPENDICES LIST

Appendix 1	Region III Regional Response Team (RRT3) Primary Contacts List
Appendix 2	Cross Reference Matrix for R3RCP - NCP
Appendix 3	Executive Orders, MOAs, MOUs <ul style="list-style-type: none"> • Appendix 3-A: Executive Orders <ul style="list-style-type: none"> – EO 12580 (January 1987) – EO 12777 (October 1991), as amended 13286 (February 2003) and 13638 (March 2013) – EO 13650 (August 2013) • Appendix 3-B: Cross boundary Support MOAs <ul style="list-style-type: none"> – MOA USEPA Regions 2 & 3 (November 2006) – MOA USEPA Regions 3, 4, & 5 (April 2000) – MOA USEPA Region 3 & USCG D8 (September 2016) • Appendix 3-C: 1997 Interagency Agreement on ESA • Appendix 3-D: MOU for Use of Volunteers (January 2011)
Appendix 4	MOAs for Jurisdictional Boundaries for USCG Coastal / USEPA Inland Zones <ul style="list-style-type: none"> • Appendix 4-A: MOA between USCG District 5 / USEPA Region III Response Jurisdiction Boundary (January 2010) • Appendix 4-B: MOA between USCG District 8 / USEPA Region III Response Jurisdiction Boundary (September 2016)
Appendix 5	Instrument of Redelelegation between USCG and USEPA (signed 29 November 1987 and 27 May 1988)
Appendix 6	Preauthorization Documents <ul style="list-style-type: none"> • Appendix 6: MOU for Preauthorization for the use of Chemical Countermeasures by the FOSC (January 1997) <ul style="list-style-type: none"> ○ Appendix 6.1: USFWS ESA Section 7 Determination Letter for Chemical Countermeasures (January 1997) • Appendix 6-A: Dispersants (<i>All Annexes are part of Appendix 6 MOU</i>) <ul style="list-style-type: none"> – MOU Annex I Preauthorization – MOU Annex II Critical Decision Making – MOU Annex III Trial Use Policy – MOU Annex IV Dispersant Monitoring Protocol – MOU Annex V Products with Completed Section 7 Consultation – MOU Annex VI Biological Monitoring/Region 5 Bioassay Protocol ○ Appendix 6-A1: Update for Dispersant MOU (January 1999) ○ Appendix 6-A2: Dispersants Employment Evaluation Plan (DEEP) (May 1991) <ul style="list-style-type: none"> – Dispersant Use Decision Guidelines & Checklist – Criteria for Monitoring Dispersant Use

Special Monitoring of Applied Response Techniques (SMART) –Located in Appendix 8 of this RCP document

- Appendix 6-B: In Situ Burn
 - MOU Appendix I Response Decision Matrix for ISB
 - MOU Appendix II ISB Evaluation & Response Checklist
 - MOU Appendix III In-Situ Burn Monitoring Plan
- Appendix 6-B1: USFWS ESA Section 7 Determination Letter for ISB (September 1997)

Special Monitoring of Applied Response Techniques (SMART) –Located in Appendix 8 of this RCP document
- Appendix 6-C: Solidifier: CIAgent (February 2007)
 - Appendix 6-C1: Preauthorization & Section 7 Determination Letter for CIAgent (May 2007)

Appendix 7

Response Policy Guidance

- Appendix 7-A: Bioremediation Policy
 - Appendix 7-A1: Bioremediation Policy (July 1999)
 - Appendix 7-A2: Bioremediation Guidance & Decision Tool (February 2004)
- Appendix 7-B: Elasticity Modifiers (DRAFT) [Reserved]
- Appendix 7-C: Emulsion Treating Agents [Reserved]
- Appendix 7-D: Herding Agents (Surface Collecting Agents) [Reserved]
- Appendix 7-E: In Situ Burn for Ocean, Coastal Areas and Inland Zones (March 2003)
- Appendix 7-F: In Situ Burn for Oil Impacted Herbaceous Wetlands (2004)
- Appendix 7-G: Shoreline Pre-Treatment Agents [Reserved]
- Appendix 7-H: Solidifiers [refer to Appendices 6 and 6-C; Reserved]
- Appendix 7-I: Surface Washing Agents [Reserved]
- Appendix 7-J: Ohio River Valley Umbrella (September 2015)
- Appendix 7-K: Places of Refuge (NRT, July 2007)
- Appendix 7-L: RRT3 Specific Response Policies
 - Appendix 7-L1: Limited Jones Act (May 2002)
 - Appendix 7-L2: Natural Trustee Resources [Reserved]
 - Appendix 7-L3: Disposal of Contact Water (May 2002)
 - Appendix 7-L4: Ocean Dumping (May 2002)
 - Appendix 7-L5: Non-Floating Oil [Reserved]
 - Appendix 7-L6: Vessel Decontamination [Reserved]
 - Appendix 7-L7: NRT Use of Volunteers (September 2012)
 - Appendix 7-L8: Photo-documentation [Reserved]
 - Appendix 7-L9: Coordination with Tribal Officials [Reserved]

Appendix 8

Monitoring & Evaluation Tools

- Appendix 8-A: Special Monitoring of Applied Response Techniques (SMART) (August 2006)
- Appendix 8-B: NRT Monitoring for Atypical Dispersant Operations (May 2013)

- Appendix 8-C: Selection Guide
 - Appendix 8-C1: Volume 1 of the Selection Guide for Oil Spill Response Countermeasures – Decision Making (June 2009)
 - Appendix 8-C2: Volume 2 of the Selection Guide for Oil Spill Applied Technologies – Operations Plans (June 2000)
- Appendix 8-D: Other Product/Category-Specific [Reserved]

Appendix 9

Consultation Requirements and References

- Appendix 9-A: ESA and Critical Habitats
 - Appendix 9-A1: MOA Training Manual for ESA (2002)
 - Appendix 9-A2: MER Policy Letter 01-14 (October 2013)
 - Appendix 9-A3: Best Practices for Migratory Bird Care During Oil Spill Response (2003)
 - Appendix 9-A4: RRT3 ESA Spill Response Screening Matrices for Coastal and Inland Areas (dynamic document)
- Appendix 9-B: Essential Fish Habitat (EFH) Consultation Guidance (April 2004)
- Appendix 9-C: Programmatic Agreement for Protection of Historic Properties during Federal Emergency Response (August 1998)
- Appendix 9-D: Tribal Consultation
 - Appendix 9-D1: EO 13007 Indian Sacred Sites (May 1996)
 - Appendix 9-D2: Guidance for Implementing E.O. 13175 (July 2010)
 - Appendix 9-D3: Policy to Consult with Indian Tribes (May 2011)
 - Appendix 9-D4: Section 106 Consultation Guidebook (December 2012)
 - Appendix 9-D5: Role of the Tribal Historic Preservation Officer in the Section 106 Process (November 2013)
 - Appendix 9-D6: Government-to-Government Consultation with Federally Recognized Indian Tribes and Alaska Native Corporations (November 2013)
- Appendix 9-E: RRT3 NAGPRA Plan of Action Checklist [Reserved]
- Appendix 9-F: USACE Nationwide Permit (NWP)-20 (December 2017) [Reserved]

Appendix 10

National Resource Damage Assessment (NRDA) [Reserved]

Appendix 11

(DRAFT) Incident-Specific Region III Regional Response Team III Activation Quick Response Guide [Reserved]

APPENDIX 1: Region III Regional Response Team (RRT3) PRIMARY CONTACT LIST

<<Include scrubbed list of agency name and 24 hour number on public access version>>

This is a separate document that is currently several pages long.

APPENDIX 2: CROSS REFERENCE MATRIX FOR R3RCP - NCP

40 CFR PART 300			
National Oil and Hazardous Substances Pollution Contingency Plan		Regional Modifications	Location
Subpart A - Introduction			
300.1	Purpose and objectives	The RCP limited to Region III	Sec. 1
300.2	Authority and applicability	No Regional modifications	See NCP
300.3	Scope	The RCP limited to Region III	Sec. 1
300.4	Abbreviations	NCP and region-specific abbreviations included to facilitate use	Sec. 7
300.5	Definitions	No Regional modifications	See NCP
300.6	Use of number and gender	No Regional modifications	See NCP
300.7	Computation of time	No Regional modifications	See NCP
Subpart B – Responsibility and Organization for Response			
300.100	Duties of the President delegated to federal agencies	No Regional modifications	See NCP
300.105	General organizational concepts	No Regional modifications	See NCP
300.110	NRT	No Regional modifications	See NCP
300.115	Regional Response Team	A description of Region III RRT operations and administration is included.	Sec. 4
300.120	On-scene coordinators and remedial project managers: general responsibilities	No Regional modifications	See NCP
300.125	Notification and communications	No Regional modifications	Sec. 4
300.130	Determinations to initiate response and special conditions	A description of the different emergency response plans that apply to oil and hazardous substances incidents is included	Sec. 4 and 6
300.135	Response operations	The RRT follows guidance set forth in the NRT ICS / UC Guidance document	Sec. 1-D
300.140	Multi-regional responses	Region-specific geographic information included	Sec. 3
300.145	Special teams and other assistance available to FOSCs / RPMs	No Regional modifications	See NCP
300.150	Worker health and safety	No Regional modifications	See NCP
300.155	Public information and community relations	The RRTs public information and community relations procedures follow the NRT JIC Model. The NRT JIC model guidance document can be found on the NRT website	Sec, 4-B
300.160	Documentation and cost recovery	No Regional modifications	See NCP

40 CFR PART 300			
National Oil and Hazardous Substances Pollution Contingency Plan		Regional Modifications	Location
Subpart B – Responsibility and Organization for Response (continued)			
300.165	FOSC reports	Information regarding when FOSC Reports are completed is included. Information regarding the format of FOSC Reports is in the ACP.	Sec. 4
300.170	Federal agency participation	No Regional modifications	See NCP
300.175	Federal agencies: additional responsibilities and assistance	Regional offices have more clearly defined their roles and capabilities	Sec. 5 and Agency / State Fact Sheets
300.180	State and local participation in response	Tribal and state information is specific to Region III	Sec. 5
300.185	Nongovernmental participation	No Regional modifications	See NCP
Subpart C – Planning and Preparedness			
300.200	General	No Regional modifications	See NCP
300.205	Planning and coordination structure	An overview and information on SERCs and LEPCs are included.	Sec. 6
300.210	Federal contingency plans	A description of the different emergency response plans that apply to oil and hazardous substances incidents is included.	Sec. 6
300.211	OPA vessel and facility response plans	No Regional modifications	See NCP
300.212	Area response drills	No Regional modifications	See NCP
300.215	Title III local emergency response plans	Information on SERCs and LEPCs within Region III are included.	Sec. 6
300.220	Related Title III issues	No Regional modifications	See NCP
Subpart D – Operational Response Phases for Oil Removal			
300.300	Phase I – Discovery and Notification	No Regional modifications	See NCP
300.305	Phase II – Preliminary assessment and initiation of action	No Regional modifications	See NCP
300.310	Phase III – Containment countermeasures, cleanup, and disposal	No Regional modifications	See NCP
300.315	Phase IV – Documentation and cost recovery	No Regional modifications	See NCP
300.317	National response priorities	No Regional modifications	See NCP
300.320	General pattern of response	No Regional modifications	See NCP
Subpart D – Operational Response Phases for Oil Removal (continued)			
300.322	Response to substantial threats to the public health or welfare of the United States	No Regional modifications	See NCP

40 CFR PART 300			
National Oil and Hazardous Substances Pollution Contingency Plan		Regional Modifications	Location
300.323	Spills of National Significance	No Regional modifications	See NCP
300.324	Response to Worst Case Discharges	No Regional modifications	See NCP
300.330	Wildlife Conservation	This is covered by a national MOA between the federal natural resource trustees and Federal response agencies	Sec. 3 and App. 3-C
300.335	Funding	No Regional modifications	See NCP
Subpart E – Hazardous Substance Response			
300.400	General	No Regional modifications	See NCP
300.405	Discovery or notification	No Regional modifications	See NCP
300.410	Removal site evaluation	No Regional modifications	See NCP
300.415	Removal action	No Regional modifications	See NCP
300.420	Remedial site evaluation	No Regional modifications	See NCP
300.425	Establishing remedial priorities	No Regional modifications	See NCP
300.430	Remedial investigation/feasibility study and selection of remedy	No Regional modifications	See NCP
300.435	Remedial design/remedial action, operation, and maintenance	No Regional modifications	See NCP
300.440	Procedures for planning and implementing off-site response actions	No Regional modifications	See NCP
Subpart F – Hazardous Substance Response			
300.500	General	No Regional modifications	See NCP
300.505	USEPA/State Superfund Memorandum of Agreement (SMOA)	No SMOAs between USEPA and states in Region III have been signed that pertain to emergency response or removal activities. Region III SMOAs apply only to remedial work sites listed on the National Priorities List and are therefore outside the scope of this plan.	Not applicable
300.510	State assurances	No Regional modifications	See NCP
300.515	Requirements for state involvement in remedial enforcement response	No Regional modifications	See NCP
300.520	State involvement in USEPA-led enforcement negotiations	No Regional modifications	See NCP
300.525	State involvement in removal actions	No Regional modifications	See NCP
Subpart G – Trustees for Natural Resources			
300.600	Designation of federal trustees	Specific geographic areas entrusted to various agencies are listed in the ACPs.	See ACPs and IACP
300.605	State trustees	State Trustees are specific to Region III.	Sec. 5

40 CFR PART 300			
National Oil and Hazardous Substances Pollution Contingency Plan		Regional Modifications	Location
300.610	Indian Tribes	Tribal Trustees are specific to Region III	Sec. 5
300.612	Foreign trustees	Not applicable	
300.615	Responsibilities of Trustees	Region III RRT policy with regard to environmentally sensitive areas is guided by a national MOA between federal natural resource trustees and federal response agencies	Sec. 3
Subpart H – Participation by Other Persons			
300.700	Activities by other persons	No Regional modifications	See NCP
Subpart I – Administrative Record for Selection of Response Action			
300.800	Establishment of an administrative record	No Regional modifications	See NCP
300.805	Location of the administrative record file	No Regional modifications	See NCP
300.810	Contents of the administrative record file	No Regional modifications	See NCP
300.815	Administrative record file for a remedial action	No Regional modifications	See NCP
300.820	Administrative record for a removal action	No Regional modifications	See NCP
300.825	Record requirement after the decision document is signed	No Regional modifications	See NCP
Subpart J – Use of Dispersants and Other Chemicals			
300.900	General	No Regional modifications	See NCP
300.905	NCP Product Schedule	No Regional modifications	See NCP
300.910	Authorization of use	The state of Region III, USEPA, and USCG have instituted preauthorization plans and MOUs that dictate RRT3 policy on the use of chemical countermeasures and <i>in situ</i> burning	App. 3 and 6
300.915	Data requirements	No Regional modifications	See NCP
300.920	Addition of products schedule	No Regional modifications	See NCP
Subpart K – Federal Facilities [Reserved]			
Subpart L – Involuntary Acquisition of Property by the Government			
300.1105	Involuntary Acquisition of Property by Government	No Regional modifications	See NCP

APPENDIX 3: EXECUTIVE ORDERS, MOAs, MOUs

Appendix 3-A Executive Orders

- EO 12580 (January 1987)
- EO 12777 (October 1991), as amended 13286 (February 2003) and 13638 (March 2013)
- EO 13650 (August 2013)

Appendix 3-B Cross Boundary Support MOAs

- MOA USEPA Regions 2 & 3 (November 2006)
- MOA USEPA Regions 3, 4, & 5 (April 2000)
- MOA USEPA Region 3 & USCG D8 (September 2016)

Appendix 3-C 1997 Interagency Agreement on ESA**Appendix 3-D MOU for Use of Volunteers (January 2011)**

Appendix 3-A: Executive Orders

EO 12580 (January 1987)

EO 12777 (October 1991), as amended 13286 (February 2003) and 13638 (March 2013)

EO 13650 (August 2013)

Appendix 3-B: Cross Boundary Support MOAs

MOA USEPA Regions 2 & 3 (November 2006)

MOA USEPA Regions 3, 4, & 5 (April 2000)

MOA USEPA Region 3 & USCG D8 (September 2016)

Appendix 3-C: 1997 Interagency Agreement on ESA

Appendix 3-D: MOU for Use of Volunteers (January 2011)

APPENDIX 4-A: MOA BETWEEN USCG DISTRICT 5 / USEPA REGION III RESPONSE JURISDICTION BOUNDARY (January 2010)

**APPENDIX 4-B: MOA BETWEEN USCG DISTRICT 8 / USEPA REGION III
RESPONSE JURISDICTION BOUNDARY (September 2016)**

APPENDIX 5: INSTRUMENT OF REDELEGATION BETWEEN USCG AND USEPA (Signed 29 November 1987 and 27 May 1988)

APPENDIX 6: **PREAUTHORIZATION DOCUMENTS**

Appendix 6	MOU for Preauthorization for the use of Chemical Countermeasures by the FOSC (January 1997)
Appendix 6.1	USFWS ESA Section 7 Determination Letter for Chemical Countermeasures (January 1997)
Appendix 6-A	Dispersants
Appendix 6-A1	Update for Dispersant MOU (January 1999)
Appendix 6-A2	Dispersants Employment Evaluation Plan (DEEP) (May 1991)
Appendix 6-B	<i>In situ</i> Burn (controlled)
Appendix 6-B1	USFWS ESA Section 7 Determination Letter for ISB (September 1997)
Appendix 6-C	Solidifier: CIAgent (February 2007)
Appendix 6-C1	Preauthorization & Section 7 Determination Letter for CIAgent (May 2007)

Appendix 6-A: Dispersants

MOU Annex I	Preauthorization
MOU Annex II	Critical Decision Making
MOU Annex III	Trial Use Policy
MOU Annex IV	Dispersant Monitoring Protocol
MOU Annex V	Products with Completed Section 7 Consultation
MOU Annex VI	Biological Monitoring/Region 5 Bioassay Protocol

Appendix 6.1: USFWS ESA Section 7 Determination Letter for Chemical Countermeasures (January 1997)

Appendix 6-A1 Update for Dispersant MOU (January 1999)

Appendix 6-A2 Dispersants Employment Evaluation Plan (DEEP) (May 1991)

Dispersant Use Decision Guidelines & Checklist

Criteria for Monitoring Dispersant Use

Special Monitoring of Applied Response Techniques (SMART) – Located in Appendix 8 of this RCP document

Appendix 6-B: *In situ* Burn (controlled)

MOU Appendix I	Response Decision Matrix for ISB
MOU Appendix II	ISB Evaluation & Response Checklist
MOU Appendix III	In-Situ Burn Monitoring Plan

Appendix 6-B1: USFWS ESA Section 7 Determination Letter for *In Situ* Burn (September 1997)

Appendix 6-C: Solidifier: CIAgent (February 2007)

Appendix 6-C1: Preauthorization & Section 7 Determination Letter for CIAgent (May 2007)

APPENDIX 7: RESPONSE POLICY GUIDANCE

Appendix 7-A: Bioremediation Policy

Appendix 7-B: Elasticity Modifiers (DRAFT) [Reserved]

Appendix 7-C: Emulsion Treating Agents [Reserved]

Appendix 7-D: Herding Agents (Surface Collecting Agents) [Reserved]

Appendix 7-E: *In Situ* Burn for Ocean, Coastal Areas and Inland Zones (March 2003)

Appendix 7-F: *In Situ* Burn for Oil Impacted Herbaceous Wetlands (2004)

Appendix 7-G: Shoreline Pre-treatment Agents [Reserved]

Appendix 7-H: Solidifiers [refer to Appendices 6 and 6-C, Reserved]

Appendix 7-I: Surface Washing Agents [Reserved]

Appendix 7-J: Ohio Valley Umbrella (September 2015)

Appendix 7-K: Places of Refuge (NRT, July 2007)

Appendix 7-L: RRT3 Specific Response Policies

Appendix 7-A1: Bioremediation Policy (July 1999)

Appendix 7-A2: Bioremediation Guidance & Decision Tool (February 2004)

Appendix 7-B: Elasticity Modifiers (DRAFT) [Reserved]

Appendix 7-C: Emulsion Treating Agents [Reserved]

Appendix 7-D: Herding Agents (Surface Collecting Agents) [Reserved]

**Appendix 7-E: *In situ* Burn for Ocean, Coastal Areas and Inland Zones
(March 2003)**

Appendix 7-F: *In situ* Burn for Oil Impacted Herbaceous Wetlands (2004)

Appendix 7-G: Shoreline Pre-treatment Agents [Reserved]

Appendix 7-H: Solidifiers [Reserved]

[refer to Appendix 6 and 6-C; Reserved for policy development]

Monitoring Policy currently dictated by Part C of the Selection Guide (**Appendix 8-C**).

Appendix 7-I: Surface Washing Agents [Reserved]

Appendix 7-J: Ohio River Valley Umbrella Plan (September 2015)

Appendix 7-K: Places of Refuge (NRT, July 2007)

Appendix 7-L: RRT3 Specific Response Policies

- Appendix 7-L1: Limited Jones Act (May 2002)
- Appendix 7-L2: Natural Trustee Resources [Reserved]
- Appendix 7-L3: Disposal of Contact Water (May 2002)
- Appendix 7-L4: Ocean Dumping (May 2002)
- Appendix 7-L5: Non-Floating Oil [Reserved]
- Appendix 7-L6: Vessel Decontamination [Reserved]
- Appendix 7-L7: NRT Use of Volunteers (September 2012)
- Appendix 7-L8: Photo-documentation [Reserved]
- Appendix 7-L9: Coordination with Tribal Officials [Reserved]

Appendix 7-L1: Limited Jones Act (May 2002)

Appendix 7-L2: Natural Trustee Resources [Reserved]

Appendix 7-L3: Disposal of Contact Water (May 2002)

Appendix 7-L4: Ocean Dumping (May 2002)

Appendix 7-L5: Non-Floating Oil [Reserved]

Appendix 7-L6: Vessel Decontamination [Reserved]

Appendix 7-L7: NRT Use of Volunteers (September 2012)

Appendix 7-L8: Photo-documentation [Reserved]

Appendix 7-L9: Coordination with Tribal Officials [Reserved]

APPENDIX 8: MONITORING AND EVALUATION TOOLS

Appendix 8-A	Special Monitoring of Advanced Response Technologies (SMART) (August 2006)
Appendix 8-B	NRT Monitoring for Atypical Dispersant Operations (May 2013)
Appendix 8-C	Selection Guide
Appendix 8-D	Other Product/Category-Specific [Reserved]

Appendix 8-A Special Monitoring of Advanced Response Technologies (SMART) (August 2006)

Appendix 8-B: NRT Monitoring for Atypical Dispersant Operations (May 2013)

Appendix 8-C Selection Guide

Appendix 8-C1	Volume 1 of the Selection Guide for Oil Spill Response Countermeasures – Decision Making (June 2009)
Appendix 8-C2	Volume 2 of the Selection Guide for Oil Spill Applied Technologies – Operations Plans (June 2000)

Appendix 8-C1 Volume 1 of the Selection Guide for Oil Spill Response Countermeasures – Decision Making (June 2009)

Appendix 8-C2 Volume 2 of the Selection Guide for Oil Spill Applied Technologies – Operations Plans (June 2000)

Appendix 8-D Other Product/Category-Specific [Reserved]

APPENDIX 9: CONSULTATION REQUIREMENTS AND REFERENCES

Appendix 9-A:	ESA and Critical Habitats
Appendix 9-B:	Essential Fish Habitat (EFH) Consultation Guidance (April 2004)
Appendix 9-C:	Programmatic Agreement for Protection of Historic Properties during Federal Emergency Response (August 1998)
Appendix 9-D:	Tribal Consultation
Appendix 9-E	RRT3 NAGPRA Plan of Action Checklist [Reserved]
Appendix 9-F	USACE Nationwide Permit (NWP)-20 (December 2017) [Reserved]

Appendix 9-A: ESA and Critical Habitats

Appendix 9-A1	MOA Training Manual for ESA (2002)
Appendix 9-A2	MER Policy Letter 01-14 (October 2013)
Appendix 9-A3	Best Practices for Migratory Bird Care During Oil Spill Response (2003)
Appendix 9-A4	RRT3 ESA Spill Response Screening Matrices for Coastal and Inland Areas (Dynamic)

Appendix 9-A1: MOA Training Manual for ESA (2002)

Appendix 9-A2: MER Policy Letter 01-14 (October 2013)

Appendix 9-A3: Best Practices for Migratory Bird Care During Oil Spill Response (2003)

Appendix 9-A4: RRT3 ESA Spill Response Screening Matrices for Coastal and Inland Areas (dynamic document)

Add link to RCP website when it is approved for uploading to the website

Appendix 9-B: Essential Fish Habitat (EFH) Consultation Guidance (April 2004)

Appendix 9-C: Programmatic Agreement for Protection of Historic Properties during Federal Emergency Response (August 1998)

Appendix 9-D: Tribal Consultation

[Reserved for addition of appropriate resource document/text]

Appendix 9-D1	EO 13007 Indian Sacred Sites (May 1996)
Appendix 9-D2	Guidance for Implementing E.O. 13175 (July 2010)
Appendix 9-D3	Policy to Consult with Indian Tribes (May 2011)
Appendix 9-D4	Section 106 Consultation Guidebook (December 2012)
Appendix 9-D5	Role of the Tribal Historic Preservation Officer in the Section 106 Process (November 2013)
Appendix 9-D6	Government-to-Government Consultation with Federally Recognized Indian Tribes and Alaska Native Corporations (November 2013)

Appendix 9-D1: EO 13007 Indian Sacred Sites (May 1996)

Appendix 9-D2: Guidance for Implementing E.O. 13175 (July 2010)

Appendix 9-D3: Policy to Consult with Indian Tribes (May 2011)

Appendix 9-D4: Section 106 Consultation Guidebook (December 2012)

Appendix 9-D5: Role of the Tribal Historic Preservation Officer in the Section 106 Process (November 2013)

Appendix 9-D6: Government-to-Government Consultation with Federally Recognized Indian Tribes and Alaska Native Corporations (November 2013)

Appendix 9-E: RRT3 NAGPRA Plan of Action Checklist [Reserved]

Appendix 9-F: USACE Nationwide Permit (NWP)-20 (December 2017)
[Reserved]

Appendix 10: Natural Resource Damage Assessment (NRDA) [Reserved]

[Reserved for addition of appropriate resource document/text]

Appendix 11: (DRAFT) Incident-Specific Region III Regional Response Team III Activation Quick Response Guide [Reserved]

This is a DRAFT document to be reviewed by RRT membership

10 pages