

**Updated 11 SEP 2017**

## **Region IX**

# **Coastal Contingency Plan**

**for oil & hazardous materials spills where the  
USCG is the Federal On-Scene Coordinator**



### **Version 2017 with Updates**

Please send comments and corrections to the  
U.S. Coast Guard, RRT IX Coordinator

*uscg@rrt9.org*

*Inside front cover.*



## ***Regional Response Team, Region IX***

*Where Arizona, California and Nevada work together to control oil & hazardous materials spills.*

### LETTER OF PUBLICATION

01 May 2017

To the Community of Oil Spill Preparedness and Response Stakeholders:

As mandated by the Federal Water Pollution Control Act, 33 U.S.C. 1321(j)(4)(c) the 2017 revision of the Region IX, Coastal Contingency Plan (CCP) has been published to the Internet and is effective 03 JAN 2017. This version of the CCP supersedes all previous versions of the previously titled *Regional* Contingency Plan and remains in effect until superseded.

This plan includes information that is common to all the Area Contingency Plans for the California coast, namely San Francisco, Los Angeles/Long Beach and San Diego.

The CCP is updated continuously with changes noted on the Record of Changes page at the front of the plan. Complete revisions are published every five years.

The CCP is available to the public on the Internet at [https://www.nrt.org/site/doc\\_list.aspx?site\\_id=85](https://www.nrt.org/site/doc_list.aspx?site_id=85).

Send comments and recommendation regarding this plan to the USCG RRT Coordinator at [uscg@rrt9.org](mailto:uscg@rrt9.org).

*Signatures from approving agencies are on the next page.*



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*Where Arizona, California and Nevada work together to control oil & hazardous materials spills.*

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## Regional Response Team, Region IX

Where Arizona, California and Nevada work together to control oil & hazardous materials spills.

### Record of Changes

This plan may be corrected or expanded at any time. The changes must be logged below and the new version must be posted to the rrt9.org web page.

Date	Change	By Whom (email address)	New File Name
05/01/2017	Added information about NPFC PRFA job aid to section 6600 with index entry.	Susan.E.Krala@uscg.mil	Coastal Contingency Plan 2017 v2017.05 01.docx
05/02/2017	Added hyperlink to outreach materials for the NRT to section 1320 with index entry.	Susan.E.Krala@uscg.mil	Coastal Contingency Plan 2017 v2017.05 02.docx
05/02/2017	Added information about Scenario-Based Salvage and Marine Firefighting Verification to new section 8312 with index entry. Renumbered existing sub-sections and their enclosures.	Susan.E.Krala@uscg.mil	Coastal Contingency Plan 2017 v2017.05.02.docx
05/02/2017	Changed name of plan to Coastal Area Contingency Plan to ensure review by USCG HQ MER.	Susan.E.Krala@uscg.mil	Coastal Area Contingency Plan 2017 v2017.05.02.docx
05/08/2017	Added response system planning calculators to section 3210 with index entries.	Susan.E.Krala@uscg.mil	Coastal Area Contingency Plan 2017 v2017.05.08.docx
05/09/2017	Added HAZWOPER training information to section 3141 with index entries.	Susan.E.Krala@uscg.mil	Coastal Area Contingency Plan 2017 v2017.05.09.docx
05/10/2017	Combined section 3300 with 3200 and made section 3300 a reserved (blank) section.	Susan.E.Krala@uscg.mil	Coastal Area Contingency Plan 2017 v2017.05.10.docx
05/15/2017	Added index entry and illustration for "Environmental Sensitivity Index Maps".	Susan.E.Krala@uscg.mil	Coastal Area Contingency Plan 2017 v2017.05.15.docx
6/22/2017	Added Enclosure 4042, Data Sharing Plan for the Texas City Y Spill 2014, and	Susan.E.Krala@uscg.mil	Coastal Area Contingency Plan 2017

## Regional Response Team, Region IX

Where Arizona, California and Nevada work together to control oil & hazardous materials spills.

	index entry		v2017.06.22.docx
8/03/2017	Updated URL to USCG-EPA jurisdictional boundary map in section 1210.	Susan.E.Krala@uscg.mil	Coastal Area Contingency Plan 2017 v2017.08.03.docx
8/03/2017	Added new signature page for Letter of Publication.	Susan.E.Krala@uscg.mil	Coastal Area Contingency Plan 2017 v2017.08.03.docx
8/03/2017	Changed document title and cover image.	Susan.E.Krala@uscg.mil	Coastal Contingency Plan 2017 v2017.08.03.docx
8/09/2017	Section 1200: Corrected cite in 33 CFR. Added hyperlink.	Robert.M.Willoughby@uscg.mil;	Coastal Contingency Plan 2017 v2017.08.09.docx
8/14/2017	Sections 1430, 1500, 1700, 1900 & 3732: Replaced text about federal laws with reference to USCG Marine Environmental Response Manual.	Susan.E.Krala@uscg.mil	Coastal Contingency Plan 2017 v2017.08.14.docx
8/17/2017	Sections 3010 & 3120: Added links to Enclosures	Susan.E.Krala@uscg.mil	Coastal Contingency Plan 2017 v2017.08.17.docx
8/17/2017	Section 3250: Added link to Enclosure	Susan.E.Krala@uscg.mil	Coastal Contingency Plan 2017 v2017.08.17.docx
8/17/2017	Change hyperlinks to all Enclosures to reflect new NRT site.	Susan.E.Krala@uscg.mil	Coastal Contingency Plan 2017 v2017.08.17.docx
8/29/2017	Deleted section 4900, Inland <i>In-Situ</i> Burn Plan. (See Inland Contingency Plan.)	Susan.E.Krala@uscg.mil	Coastal Contingency Plan 2017 v2017.08.29.docx
9/11/2017	Added section 4022, GIS, nautical charts, topographic maps.	Susan.E.Krala@uscg.mil	Coastal Contingency Plan 2017 v2017.09.11.docx

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# 1000 Introduction

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## 1100 Authorities

### 1110 U.S. Coast Guard

The United States Coast Guard derives its authority with respect to oil spills, pollution and hazardous materials spills from many laws including those listed below.

- *Federal Water Pollution Control Act of 1972*. (FWPCA) as amended by the Clean Water Act (CWA).
- *Oil Pollution Act of 1990*. (OPA 90) revised the FWPCA to strengthen and expand the nation’s oil and hazardous substances spill prevention, preparedness, and response activities and significantly enhanced the responsibility and authority of Federal On-Scene Coordinators (FOSCs). It also required the President to promulgate an amended National Oil and Hazardous Substances Pollution Contingency Plan (NCP) that would expand the Federal Government’s removal authority, increase the responsibility of FOSCs during response, and broaden coordination and preparedness planning requirements.
- *Comprehensive Environmental Response, Compensation, & Liability Act*. (CERCLA) Congress enacted CERCLA in 1980, and the Superfund Amendments and Reauthorization Act (SARA) substantially amended CERCLA in 1986. CERCLA, codified at 42 U.S.C. §§ 9601 *et seq.*, creates a structure and authority to regulate hazardous substances, and establishes a funding mechanism—Superfund—to clean up sites contaminated by hazardous waste.
- The National Oil and Hazardous Substances Pollution Contingency Plan. 40 CFR 300.
- Intervention on the High Seas Act of 1974. (IHSA)
- *Resource Conservation and Recovery Act*. (RCRA) Enacted in 1976 as an amendment to the Solid Waste Disposal Act. It established a “cradle to grave” system for governing the generation, transport, storage, treatment, and disposal of hazardous wastes.

- Occupational Safety and Health Act of 1970. (OHSA) Federal law requires public and private personnel engaged in emergency cleanup operations to have taken safety and other training.
- Endangered Species Act of 1973. (ESA)
- Migratory Bird Treaty Act. (MBTA).
- Coastal Zone Management Act of 1972, as amended (CZMA).
- Marine Mammal Protection Act of 1972, as amended (MMPA).
- National Historic Preservation Act of 1966, as amended (NHPA).
- Clean Air Act, as amended (CAA).
- Abandoned Barge Act of 1992.

For more information about these acts, see sections 1500 to 1900 below.

## 1120 U.S. Environmental Protection Agency

See EPA's public website at <http://www.epa.gov/>, or search the EPA archive at <http://www.epa.gov/home/advanced-search>.

## 1200 Geographic Boundaries

The U.S. Coast Guard has jurisdiction for oil and hazardous substance spills in the "coastal zone" while EPA has jurisdiction in both the inland and coastal zones. By agreement with the USCG, EPA provides On-Scene Coordinators for inland spills and the USCG provides FOSCs for marine and coastal spills.

The geographic area described in this section encompasses the Eleventh Coast Guard District as defined in 33 Code of Federal Regulations (CFR) Subpart 3.55, specifically, this section addresses jurisdictional boundaries between the coastal and inland zones within the Captain of the Port (COTP) San Francisco, Los Angeles/Long Beach and San Diego Areas of Responsibility (AOR).

See [https://www.ecfr.gov/cgi-bin/text-idx?SID=ee4de8449d4a30d88ec71c7f3d29f786&mc=true&node=sp33.1.3.3\\_155&rgn=div6](https://www.ecfr.gov/cgi-bin/text-idx?SID=ee4de8449d4a30d88ec71c7f3d29f786&mc=true&node=sp33.1.3.3_155&rgn=div6)

As outlined in the NCP, 40 CFR 300.5, the "coastal zone" is defined as "all United States waters subject to the tie, specified ports and harbors on inland rivers, waters of the contiguous zone, other waters of the high seas subject to the NCP, and the land surfaces or land substrate, and ground waters, and ambient air proximal to those waters."

The "inland zone" is defined as "the environment inland of the coastal zone excluding specified ports and harbors on inland rivers." In areas where precise boundaries are not defined, the boundary will generally default to the high water mark. In locations where navigable waterways feed into the ocean, the boundary will generally default to the high tide mark.

## **1210 EPA-USCG Jurisdictional Boundaries**

The interactive map linked below shows the boundary line within California that defines EPA (Inland Zone) and Coast Guard (Coastal Zone) emergency response jurisdictions.

- Double-click to zoom in, or
- Use the SEARCH function to search for a nearby address.

<https://epa.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=8098616547f54d1ea5810a3ed358b3d4>.

For a less detailed illustration of the boundaries, see the map on the next page.



## 1220 How to Identify the OSC

Section 300.120(b) of the NCP states, “*In general, USCG Captains of the Port (COTP) shall serve as the designated OSCs for areas in the coastal zone for which an ACP is required under Clean Water Act section 311(j) and EPA Regional Administrators shall designate OSCs for areas in the inland zone for which an ACP is required under CWA section 311(j).*”

The Department of Defense and the Department of Energy shall serve as OSCs in the circumstances described in the table below.

Type of Incident	Who Provides FOSC & RPM*
On, or when the sole source of the release is from, any facility or vessel under the jurisdiction, custody or control of the Department of Defense (DOD), or the Department of Energy (DOE)	Department of Defense -or- Department of Energy
Off-post and off-site, or potential off-post and off-site release	The DOD or DOE FOSC may ask the RRT co-chair to provide support by facilitating FOSC and RRT coordination and communication. Decisions regarding RRT agencies’ support would, however, be made as usual by the DOD or DOE FOSC.
Incidents involving DOD military weapons and munitions or weapons and munitions under the jurisdiction, custody, or control of DOD	DOD
All removal actions that are not emergencies	Federal agencies other than EPA, USCG, DOD, or DOE

\* *Remedial Project Managers*

## 1221 Discharges that Affect More than One Area

According to Section 300.140(b) of the NCP, if a discharge or release affects more than one zone, determination of the FOSC should generally be based on the area vulnerable to the greatest threat. If the area vulnerable to the greatest threat cannot be determined, the Unified Commanders may want to consider establishing an organization that can adequately provide

for effective response in both zones. As a general rule, spills or releases that mostly impact land are best addressed by EPA and spills that impact surface water in coastal areas are best addressed by the Coast Guard. In the case of oil and hazardous substance, pollutant or contaminant releases from shoreline facilities and for those releases that threaten or have resulted in sediment, soil, or other shoreline contamination, the RRT co-chairs and coordinators and FOSCs from both agencies should consult on how best to address contamination on or close to, the jurisdictional border.

If a discharge or release affects areas covered by two or more Coastal Contingency Plans (CCP), the response actions of all the regions concerned shall be fully coordinated as detailed in the RCPs.

Should a discharge or release affect two or more areas, EPA, USCG, DOD, DOE, or other lead agency, as appropriate, shall give prime consideration to the area vulnerable to the greatest threat in determining which agency should provide the Federal OSC or Remedial Project Manager (RPM).

The RRT(s) shall designate the Federal OSC or RPM if the RRT member agencies with response authority within the affected area are unable to agree on the designation. The NRT shall designate the Federal OSC or RPM if members of one RRT or two adjacent RRTs are unable to agree on the designation.

## **1222 First Federal Official on Scene**

According to Section 300.135(b) of the NCP, the first federal official (FFO) affiliated with a National Response Team (NRT) member agency to arrive on scene of a discharge or release should coordinate activities under the NCP. That (FFO) is authorized to initiate, in consultation with the pre-designated FOSC and prior to the FOSC arrival on scene, any necessary actions normally carried out by the FOSC. Arrival of the FFO on scene does not affect the designation of the appropriate FOSC.

If the FFO determines that the FOSC should be from the other agency, that FOSC will generally accept the transfer of authority. Once that transfer has occurred, the FOSC will need to coordinate with the National Pollution Fund Center (NPFC) to ensure that only one Federal Project Number (FPN) remains open for that case, as appropriate.

# **1300 National Response System**

Each year, our environment and communities are threatened by more than 30,000 hazardous



chemical releases, oil discharges, and other toxic spills. The National Response System (NRS) ensures that these threats are effectively managed through its network of people, plans, and resources. The NRS is comprised of federal, state, and local governments that work together to protect Americans from threats to our land, air, and water.

The NRS is described in the National Oil and Hazardous Substances Pollution Contingency Plan, or NCP, found in 40 CFR 300. It is comprised of federal, state, and local governments that work together to protect Americans from threats to our land, air, and water.

An eight-page document about the NRS is available at [http://www.nrt.org/production/nrt/nrtweb.nsf/AllAttachmentsByTitle/A-82002NRTBrochure/\\$File/NRS%20Brochure\\_2010\\_FINAL.pdf?OpenElement](http://www.nrt.org/production/nrt/nrtweb.nsf/AllAttachmentsByTitle/A-82002NRTBrochure/$File/NRS%20Brochure_2010_FINAL.pdf?OpenElement)

## **1310 National Response Framework**

The National Response Framework (NRF) is a guide to how the Nation responds to all types of disasters and emergencies. It is built on scalable, flexible, and adaptable concepts identified in the National Incident Management System to align key roles and responsibilities across the Nation. This Framework describes specific authorities and best practices for managing incidents that range from the serious but purely local to large-scale terrorist attacks or catastrophic natural disasters. The National Response Framework describes the principles, roles and responsibilities, and coordinating structures for delivering the core capabilities required to respond to an incident and further describes how response efforts integrate with those of the other mission areas. For the full text of the National Response Framework, see <http://www.fema.gov/media-library/assets/documents/32230?id=7371>

### **1311 Federal On-Scene Coordinator's Role**

The role of the Federal On-Scene Coordinator (FOSC) is defined by the National Oil Spill and Hazardous Substances Contingency Plan (NCP) found at 40 CFR 300. The NCP defines the FOSC as the federal official pre-designated by EPA or the USCG to coordinate and direct responses under subpart D, or the government official designated by the lead agency to coordinate and direct removal actions under subpart E of the NCP.

When the FOSC has determined that a discharge or release has occurred or there is a substantial threat of a discharge or release, he/she is authorized by the NCP to direct all private, State, or Federal actions to remove the discharge or release or to mitigate or prevent the threat of such a discharge or release. In addition, the FOSC may, if necessary, destroy a vessel discharging, or threatening to discharge, by whatever means available, without regard for any other provision of law governing contracting procedures or employment of personnel

by the Federal government (40 CFR 300.322). The FOSC is the link between Local and State emergency response communities and Federal response efforts.

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

### **1311.1 Coastal Zone – USCG**

During responses to marine oil spills, local agencies are not usually involved specifically as part of a unified command, but provide agency representatives who interface with the command structure through the Liaison Officer or the State representative. When a unified command is used, the Coast Guard establishes a Command Post and Joint Information Center (JIC). The Unified Command is normally located nearby and is convenient to the site of the discharge. All responders (Federal, State, local and private) are incorporated into the response organization at the appropriate level.

The Sector Commanders, or his/her designee, of U.S. Coast Guard Sector San Francisco, Sector Los Angeles/Long Beach and Sector San Diego shall serve as Federal On-Scene Coordinator and respond to discharges of oil and hazardous substances in the coastal zone of Region IX. A Coast Guard FOSC will deploy response teams varying in size based on the nature of an incident. In all cases, the FOSC assesses the discharge to determine response measures, monitors and supervises pollution countermeasures, deploys pollution control equipment as available and necessary until a certified response contractor arrives on scene, documents all phases of the response, and conducts investigations.

### **1311.2 Inland Zone – US EPA**

For all inland areas within Region IX, the EPA Response Team consists of On-Scene Coordinators (OSC) located in the regional office, Emergency Response Section, in San Francisco, California and field offices in Los Angeles. The OSCs are responsible for determining the source, cause and responsible party, as well as initiating source control and enforcement actions as appropriate. Additional responsibilities include ensuring containment, cleanup and disposal are carried out adequately, notification is made to all Natural Resources Trustees, and activities are coordinated with Federal, State, Tribal, and Local agencies. EPA also has access to technical assistance contractors who can provide technical oversight and other resources at spills and uncontrolled hazardous waste sites. In some cases, EPA's technical assistance contractor may arrive on scene prior to the OSC. The EPA contractor will cooperate with on-scene agencies but will take direction through the EPA OSC only. EPA's contractor has technical response personnel and equipment located in San Francisco,

Los Angeles and Carson City.

EPA typically uses the title “On-Scene Coordinator (OSC)” while the U.S. Coast Guard uses, “Federal On-Scene Coordinator (FOSC)”. Both terms are used interchangeably throughout this Plan.

### **1312 FO SC Responsibilities**

In accordance with the NCP, FO SC responsibilities in the event of a discharge or release include the following:

- a. Notify the appropriate State and Federal agencies pursuant to the NCP.
- b. Determine whether proper response actions have been initiated. If the party responsible for the release or spill does not act promptly in accordance with the directions of the FO SC or does not take appropriate actions, or if the party is unknown, the FO SC shall respond in accordance with provisions of the NCP and agency guidance.
- c. Collect information concerning the discharge or release; its source and cause; the identification of potentially responsible parties; the nature, amount, location, direction, and time of discharge; pathways to human and environmental exposure; potential impact on human health, welfare, and safety, and the environment; possible impact on natural resources and property; priorities for protecting human health and welfare and the environment; and estimated cost for the response.
- d. Coordinate his/her efforts with other appropriate Federal, State, and Local agencies.
- e. Consult with and inform the RRT members of reported discharges and releases through Pollution Reports in Message Format (refer to 2005.01.1(a) for POLREP guidance).
- f. Consult with the appropriate EPA Regional or USCG District office regarding situations potentially requiring temporary or permanent relocation. In the event of a declared disaster, coordinate with Emergency Support Function #10 (Oil & Hazardous materials) as appropriate.
- g. Implement appropriate community relations activities.
- h. Address worker health and safety issues prior to and during a response operation, and comply with all worker health and safety regulations.
- i. Consult with the Agency for Toxic Substances and Disease Registry (ATSDR), as the FO SC deems necessary, regarding short-term and/or long-term health threats to the local community from exposures to hazardous substances, pollutants and/or

contaminants.

- j. Coordinate with the U.S. EPA Office of Radiation and Indoor Air (ORIA) and the Department of Energy (DOE) in emergencies involving radiological hazards.
- k. As requested by the NRT or RRT, the FOSC shall submit to the RRT a complete report on the removal operation, the actions taken, and the lessons learned. The report shall record the situation as it developed (e.g., a chronology of events), the actions taken, the resources committed, the problems encountered, the lessons learned and the recommendations for specific actions that need to be taken to improve emergency preparedness and response at all levels of government and private industry. When appropriate, the NRF is designed to incorporate a Unified Command generally consisting of the FOSC, the State Incident Commander, the Local Government Incident Commander, and the Responsible Party's Incident Manager. Additionally, any other agency official that has statutory authority for managing a specific aspect of the emergency may participate in the Unified Command. Tribal officials with jurisdictional authority for the incident are considered "local officials" for the purposes of this plan. The unified command structure allows for a coordinated response and takes into consideration the Federal, State, local, and responsible party concerns and interests when implementing the response strategy consistent with the NCP.

The FOSC works with the members of the Unified Command to reach consensus in a timely manner on decisions regarding the mitigation of an incident involving an oil discharge or hazardous substance release. However, the FOSC retains his or her authority to respond and mitigate a discharge or release as deemed necessary to protect public health, welfare or the environment during hazardous substance release responses, local agencies usually assume a leading role in the Unified Command.

## 1320 National Response Team

Outreach materials that explain the purpose and actions of the NRT are at <https://www.nrt.org/NRT/About.aspx>.

The NRT is made up of headquarters-level representatives from sixteen member agencies. It provides national oversight to response to discharges of oil and releases of hazardous substances, pollutants, and contaminants.

	<b>National Response Team</b>	<b>Role</b>
1	US EPA	Chair

2	USCG CG-MER	Vice-Chair
3	US Department of the Interior	Natural Resource Trustee
4	US Department of Commerce, National Oceanic & Atmospheric Administration	Natural Resource Trustee
5	General Services Administration	Member
6	Nuclear Regulatory Commission	Member
7	US Department of Agriculture	Member
	US Department of the Army, Army Corps of Engineers	Unofficial member as directed by Commandant USCG.
8	US Department of Defense	Member
9	US Department of Energy	Member
10	US Department of Health & Human Services	Member
11	US Department of Homeland Security, Federal Emergency Management Agency	Member
12	US Department of Justice	Member
13	US Department of Labor, Occupational Safety & Health Administration	Member
14	US Department of State	Member
15	US Department of Transportation	Member
16	US Department of the Treasury	Member

The NRT and Regional Response Teams (RRTs) have duties outlined in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR 300, to provide support during a response to an oil or hazardous substance spill or release.

The NCP provides information concerning what conditions should exist for the NRT to be activated (40 CFR 300.110 (j)) or for an RRT to request NRT activation (40 CFR 300.115 (k)). These guidelines are not intended to inhibit or impede agency-to-agency requests or the decision-making authority of the NRT Chair and Vice Chair to call a NRT meeting.

### **1321 Activating the National Response Team**

At the request of the NRT Chair or, in the Chair's absence, by the NRT Vice Chair, the Executive Director will initiate the NRT Activation Protocol. An RRT can request assistance from the NRT as described in 40 CFR 300.115 (k),

- a. When there is insufficient national policy guidance on a matter before the RRT,
- b. When a technical matter requires solution, or the NCP needs to be interpreted,
- c. When a disagreement on discretionary actions among RRT members that cannot be resolved at the regional level.

<b>Contacting the National Response Team</b>
National Command Center (NCC) has 24-hour contact information for the NRT's Executive Director. (800) 323-7233 <a href="mailto:ncc@uscg.mil">ncc@uscg.mil</a>

<b>Contacting the Executive Director</b>
Mike Faulkner (202) 564-1978 Washington, DC <a href="mailto:Faulkner.Mike@epa.gov">Faulkner.Mike@epa.gov</a> ;

## 1322 Guidance in the NRT Operations Binder

The *NRT Operations Binder* includes existing NRT guidance, notification information, contact lists and job aids. It also contains an overview of the National Response System and applicable authorities.

To read the *NRT Operations Binder* you have to login to the site. To obtain login credentials, click the *Login* command in the upper right corner and chose **Register here**. Navigate to the *NRT Operations Binder* as follows:

1. Go to [www.nrt.org](http://www.nrt.org).
2. Login [enter credentials].
3. Click *More Updates*, and then *NRT Operations Binder*.

## 1323 NRT-RRT Coordination during a SONS

The NRT maintains *Guidelines for NRT-RRT Coordination during a SONS or Nationally Significant Hazmat Incident* in the NRT Operations Binder. It's expected that the NRT would be activated for such an incident and it will be important for NRT and RRT activities to be properly coordinated.

Enclosure 1323: Guidelines for NRT-RRT Coordination during a SONS or Nationally Significant Hazmat Incident at [https://nrt.org/site/doc\\_list.aspx?site\\_id=85](https://nrt.org/site/doc_list.aspx?site_id=85)

## 1330 Regional Response Team

An up-to-date list of representatives and alternates to Regional Response Team IX is maintained at <http://www.rrt9.org/go/doctype/2763/75643/> as *RRT9 Agency Reps & Alternates as of <date>*. In addition to the member agencies listed in the NRT table above, the RRT has State agencies that are members

<b>Regional Response Team, Executive Steering Committee</b>	<b>Role</b>
US EPA	Co-Chair
USCG 11 <sup>th</sup> District (dxi)	Co-Chair
US Department of the Interior, Office of Environmental Policy and Compliance	Natural Resource Trustee
US Department of Commerce, National Oceanic & Atmospheric Administration	Natural Resource Trustee
California Department of Fish & Wildlife, Office of Spill Prevention & Response	Natural Resource Trustee
California Office of Emergency Services	Member

## 1331 Activating Regional Response Team IX

Activation refers to any consultation, request for approval to use Applied Response Technologies (see Section 4000), or request for RRT members to go to the incident command post. Consultation and approval is usually done by phone.

To activate RRT IX, call the PAC/D11 Command Center or the US EPA Region 9 Emergency Operations Center.

US EPA, San Francisco, CA (800) 300-2193 <a href="mailto:r9_rcc@epa.gov">r9_rcc@epa.gov</a>	USCG, Alameda, CA 510-437-3701 <a href="mailto:rccalameda1@uscg.mil">rccalameda1@uscg.mil</a>
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## **1332 Tribal Membership**

Part 40 CFR 300.115(d) of the NCP states in part, “Indian tribal governments may arrange for representation with the RRT appropriate to their geographical location.” The initiative must come from the tribe to apply for membership on a given RRT. It's not automatic.

According to the RRT IX charter each member agency/tribe should have a representative and alternate and at least one of those people must commit to attending most meetings and be responsive to email and phone communications.

40 CFR 300.180(a) states in part, "Indian tribes wishing to participate should assign one person or office to represent the tribal government on the appropriate RRT.”

## **1340 Area Committees**

Area Committees are multiagency coordination groups. Coastal California has three Area Committees: San Francisco (North Coast, Central Coast & San Francisco Bay & Delta), Los Angeles/Long Beach (North & South), and San Diego. Each corresponds to a USCG Sector. The Sector’s commanding officer is the Federal On-Scene Coordinator. The California Office of Spill Prevention & Response is the co-chair of each Area Committee. Participation is open to all concerned parties.

## **1350 A National System of Contingency Plans**

### **1351 National Contingency Plan**

The NCP supports the National Response Framework (NRF) and describes an organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants, and contaminants.

### **1352 Coastal Contingency Plan**

40 CFR 300.210(b) of the NCP states, “The RRTs, working with the states, shall develop federal RCPs for each standard federal region.”

This is the Regional Oil and Hazardous Substances Pollution Contingency Plan for Federal Region IX which includes Arizona, California and Nevada.

The CCP outlines the assistance available to the FOSC from Regional Response Team (RRT) member agencies and the response approach that should be implemented by the FOSC during



response actions. The plan also includes resource information from governmental, commercial, and other sources that may be utilized during a response. The CCP has been organized to follow the structure of the Incident Command System (ICS), as outlined in the Integrated Contingency Plan guidance developed by the National Response Team (NRT).

This CCP provides Local, Tribal, State, and Federal emergency response personnel with information and resources to respond to an oil or hazardous materials incident. It's not intended to displace local emergency response plans, but rather to coordinate with local plans and build on the mechanisms set forth in local Area Contingency Plans (ACP).

The CCP combines the response authorities relevant for both oil and hazardous materials. Although these releases and the related contingency planning are regulated separately under the Oil Pollution Act of 1990 (OPA) and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), there is significant overlap in the type and scope of relevant information. In order to meet the Area Contingency Planning (ACP) requirements of OPA, area plans (includes sub-area plans and geographic response plans) are developed separately and are referenced in this CCP.

### **1353 Area Contingency Plans**

Area Contingency Plans are required under the NCP 40 CFR 300.210(c). They are produced and maintained by multiagency coordination groups called Area Committees. Coastal California has three Area Committees: San Francisco (North Coast, Central Coast & San Francisco Bay & Delta), Los Angeles/Long Beach (North & South), and San Diego. Each corresponds to a USCG Sector.

### **1354 Emergency Management Assistance Compact**

The Emergency Management Assistance Compact (EMAC) has been ratified by Congress and is law in all 50 states, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands. EMAC is the nation's state to state mutual aid system. For complete information, see the EMAC web site <http://www.emacweb.org/index.php/mutualaidresources/emac-library>.

EMAC offers assistance during governor-declared states of emergency through a responsive, straightforward system that allows states to send personnel, equipment, and commodities to help disaster relief efforts in other states. Through EMAC states can also transfer services, such as shipping newborn blood from a disaster-impacted lab to a lab in another state.

### **1355 National Response Framework**

The United States uses the National Response Framework (NRF) to coordinate the federal

government's response to disaster or emergency situations. The NRF is applicable to natural disasters involving earthquakes, hurricanes, typhoons, tornadoes, volcanic eruptions, floods, and fires; technological emergencies involving radiological or hazardous materials; and other incidents requiring Federal assistance under the Stafford Act. (See below.) The NRF describes the basic mechanisms and structures by which the federal government mobilizes resources and conducts activities to augment state and local response efforts. To facilitate the provision of federal assistance, the NRF uses a functional approach to group the types of assistance that a State is most likely to need among fifteen Emergency Support Functions (ESFs). For more about Emergency Support Functions, see [http://www.fema.gov/media-library-data/20130726-1825-25045-0604/emergency\\_support\\_function\\_annexes\\_introduction\\_2008\\_.pdf](http://www.fema.gov/media-library-data/20130726-1825-25045-0604/emergency_support_function_annexes_introduction_2008_.pdf).

### **1355.1 Stafford Act**

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, (42 U.S.C. §5121 *et. seq.*), signed into law November 23, 1988; amended the Disaster Relief Act of 1974. This Act constitutes the statutory authority for most Federal disaster response activities especially as they pertain to FEMA and FEMA programs. Broken into seven titles, the Stafford Act establishes a federal process for declaring disasters, determining the appropriate level of response, and dividing up the costs among federal, state, and local governments. In addition to providing federal assistance programs to deal with economic losses resulting from disasters, the Act articulates the need for state and local governments to create comprehensive disaster preparedness plans and mechanisms to prepare for intergovernmental coordination during times of crisis.

Many Region IX Regional Response Team member agencies have specific responsibilities during and following a weapons-of-mass-destruction (WMD) incident or other terrorist act. To address the requirements set forth in the Stafford Act (previously implemented via the Federal Response Plan) and Homeland Security Presidential Directives 5, 8 and 9, (HSPD-5, HSPD-8, HSPD-9), the National Response Framework (NRF) has been promulgated. The NRF, in conjunction with additional guidance provided by USCG and EPA, addresses the integration and coordination of interagency operations under both the NRF and the National Contingency Plan.

The NRF describes the following coordinating mechanisms to assist the Secretary of Homeland Security in implementing his domestic incident management role for incidents of national significance including, but not limited to, terrorist attacks and the use of weapons of mass destruction:

Homeland Security Operations Center (HSOC)  
Interagency Incident Management Group (IIMG)  
Assistant to the President for Homeland Security  
Principal Federal Official (PFO)  
Joint Field Office (JFO)

### **1355.2 ESF-10**

For information about Emergency Support Function #10 – Oil & Hazardous materials see *Section 7000 Hazardous Materials* in this plan.

## **1360 National Incident Management System**

The National Incident Management System (NIMS) is a comprehensive, national approach to incident management that is applicable at all jurisdictional levels and across functional disciplines. It was designed to be applicable across a full spectrum of potential incidents, hazards, and impacts, regardless of size, location or complexity. It improves coordination and cooperation between public and private entities in a variety of incident management activities and it provides a common standard for overall incident management.

The NIMS provides a consistent nationwide framework and approach to enable government at all levels (Federal, State, tribal, and local), the private sector, and nongovernmental organizations (NGOs) to work together to prepare for, prevent, respond to, recover from, and mitigate the effects of incidents regardless of the incident's cause, size, location, or complexity.

The NIMS was effective on March 1, 2004 and is the standard with which emergency management organizations nationwide must demonstrate compliance. See *Homeland Security Presidential Directive-5, (HSPD-5)* <https://www.dhs.gov/publication/homeland-security-presidential-directive-5>. Additionally, the NIMS is a measure by which regulatory agency plan reviewers, drill evaluators & spill responders gauge the adequacy of response actions. Since FY 2006, federal funding for state, local and tribal preparedness grants has been tied to compliance with the NIMS.

## 1361 Incident Command System

The NIMS incorporates the best incident management practices from previous systems such as the 1970's FIRESCOPE (Firefighting Resources of California Organized for Potential Emergencies) ICS and the 1982 NIIMS (National Interagency Incident Management System). To provide a system of interoperability and compatibility, the NIMS is based on a balance between operational flexibility and functional standardization. The NIMS provides a core set of doctrine, principles and terminology, a collaborative planning process that delineates key management position responsibilities, common use of forms for documentation and reporting, essential Incident Action Plan elements, an effective feedback and communication system that channels information from field operations to the ICP, a process for continuous incorporation of lessons learned as activities progress, and response personnel and equipment resource tracking methods.

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

## 1362 Incident Command System Training

Ideally, a minimum of ICS-300 'intermediate' level training is needed to work in an incident command post. There are many sources of formal training. Consult the training manager for your agency.

The Federal Emergency Management Agency (FEMA) has an extensive web site devoted to ICS, job aids, and training. See

<http://www.fema.gov/emergency/nims/NIMSTrainingCourses.shtm#item1>

The U.S. Coast Guard contracts with Emergency Management Systems International for advanced ICS training, see <http://www.emsi-ics-services.com/>, [info@emsi-ics-services.com](mailto:info@emsi-ics-services.com).

The US Coast Guard has an agreement with the US Forest Service regarding ICS On-the-Job Training for Coast Guard personnel. Specifically, the Forest Service coordinates shadowing opportunities at incidents where a Forest Service Type 1 Incident Management Team (IMT), Type 2 IMT, or National Incident Management Organization (NIMO) is working.

Enclosure 1362: USFS - USCG MOA re ICS OJT during Wildfires:  
[https://nrt.org/site/doc\\_list.aspx?site\\_id=85/](https://nrt.org/site/doc_list.aspx?site_id=85/)

ICS Job Aid	Source
Planning “P” posters; Sample Incident Action Plan, Moving Plan; DEMOB plan	Paste the URL into your Internet browser (you may get an error if you CTRL+click), and see <i>Useful Links</i> at <a href="http://www.emsics.com/#!/ics-430/cligf">http://www.emsics.com/#!/ics-430/cligf</a>
ICS forms; position-specific job aids; policy	<a href="http://homeport.uscg.mil">http://homeport.uscg.mil</a> Click Library tab at the top. Click ICS menu at the left.

### 1363 Incident Management Handbooks

Detailed information about all positions within the Unified Command can be found in the USCG Incident Management Handbook (IMH), Commandant Publication P3120.17. The USCG IMH is agency-specific guidance used by the Coast Guard to integrate its authority, assets and capabilities into an ICS structure for USCG-led responses to domestic incidents that occur in the marine zone.



Several agencies maintain an incident management handbook tailored to their needs.

EPA	<p>EPA Incident Management Handbook, September 2007          Stock number: PB2009-111540  <a href="http://www.rrt5.org/Portals/0/IMHs/EPA_IMH.pdf">http://www.rrt5.org/Portals/0/IMHs/EPA_IMH.pdf</a>          It can also be ordered from the EPA National Library.          Search the Archive below for the title: “incident management handbook”.  <a href="https://cfpub.epa.gov/ols/catalog/advanced_lookup.cfm?search_type=new">https://cfpub.epa.gov/ols/catalog/advanced_lookup.cfm?search_type=new</a></p>
FEMA	<p>Incident Management Handbook, 2009          FEMA B-761 / 09110-1 Interim Edition: 382 pages.          Expires: 01 January 2010  <a href="https://www.aphis.usda.gov/emergency_response/downloads/hazard/Incident%20Management%20Handbook6-09.pdf">https://www.aphis.usda.gov/emergency_response/downloads/hazard/Incident%20Management%20Handbook6-09.pdf</a></p>
USCG	<p>USCG Incident Management Handbook (IMH), 2014, COMDTPUBP3120.17B  <a href="https://homeport.uscg.mil/mycg/portal/ep/editorialSearch.do">https://homeport.uscg.mil/mycg/portal/ep/editorialSearch.do</a>          In printed form from the Government Printing Office:  <a href="https://bookstore.gpo.gov/products/sku/050-012-00516-8">https://bookstore.gpo.gov/products/sku/050-012-00516-8</a></p>
	<p>USCG Incident Management Handbook Mobile App (MIMH)  <a href="https://play.google.com/store/apps/details?id=com.uscg.app&amp;rdid=com.uscg.app">https://play.google.com/store/apps/details?id=com.uscg.app&amp;rdid=com.uscg.app</a></p>
	<p>Servicio de Guardacostas Manual Para el Manejo de Incidentes, 2006  <a href="http://www.rrt9.org/external/content/document/2763/1742139/1/IMH-Spanish-2006.pdf">http://www.rrt9.org/external/content/document/2763/1742139/1/IMH-Spanish-2006.pdf</a>          In printed form from the Government Printing Office:  <a href="https://bookstore.gpo.gov/products/sku/050-012-00473-1">https://bookstore.gpo.gov/products/sku/050-012-00473-1</a></p>

### 1363 USCG Incident Management Handbook Mobile App

The United States Coast Guard (USCG) Incident Management Handbook Mobile App (MIMH) is an electronic enhancement to the paper or electronic versions of the USCG Incident Management Handbook (IMH).

The USCG MIMH is an interactive job aid and quick reference resource for Coast Guard and other first responders for use during incident response operations. This application (App) has been designed for use in locations outside of cellular and internet coverage, thus it does not require connectivity to use the majority of its features. This App is not designed to replace the paper version USCG IMH.

### 1364 ICS in Vessel & Facility Response Plans

While Vessel Response Plans (VRPs) and Facility Response Plans (FRPs) are required to

have a management system compatible with the Area Contingency Plan, there is no requirement for VRPs and FRPs to follow NIMS ICS. However, it is to their advantage to adopt the NIMS ICS since this is the national standard for incident management. If an incident command is not established by vessel and facility owners, the Federal government will establish an incident command to manage the incident and the responsible parties are encouraged to participate. The responsible parties will ultimately be liable for the cost incurred by the government to establish, implement and maintain a NIMS incident command to manage the emergency.

## **1370 National Preparedness System**

*National Preparedness System* is used to identify and assess risk, estimate the capabilities needed to address those risks, build or sustain those capabilities, develop and implement plans to deliver those capabilities, validate and monitor progress, and review and update efforts to promote continuous improvement. For a complete description, see <https://www.fema.gov/media-library/assets/documents/29361>.

## **1380 National Planning System**

The *National Planning System* provides a unified approach and common terminology to support the implementation of the *National Preparedness System* through plans that support an all-threats and all-hazards approach to preparedness. These plans—whether strategic, operational, or tactical—enable the whole community to build, sustain, and deliver the core capabilities identified in the *National Preparedness Goal*. For a complete description, see <https://www.fema.gov/national-planning-system>.

## **1400 California Response System**

This section concerns the California Response Plan as it relates to oil and hazardous materials spills.

## **1410 Notifications**

In the event of an incident, the state agency that is a member of the RRT is notified via the NRC. NRC notifications are sent to the appropriate state response agency per protocols developed by the state. The state response agency will ensure completion of the following

actions, as appropriate:

- Notify downstream water users (municipal, industrial, and agricultural) of all discharges and releases that may threaten them.
- Notify and coordinate with other state and local agencies, as appropriate, including state trustees for natural resources.
- Be responsible, in conjunction with the EPA representative, for:
  - Assisting EPA in determining and providing advice on the degree of hazard of the discharge or release to public health and safety;
  - Assisting EPA in assessment of the environmental damage caused by the discharge or release; and
  - Assuming responsibility for operation and maintenance (O&M) of a site, if necessary, or when no RP has been identified.

## **1420 Oil Spill Response Agencies**

### **1421 Office of Spill Prevention & Response**

The Department of Fish and Wildlife (DFW), Office of Spill Prevention and Response (OSPR) is the principle partner for oil spill response in the inland and maritime areas.

OSPR was created in 1990 to address all aspects of marine oil spills, including prevention, preparedness, planning, response, and natural resource assessment. With the recent advent of enhanced shale oil production in interior parts of the US, the state recognized increased risk to natural resources in inland areas from spills arising from rail and other overland transport of oil. As a result, OSPR's authority and budget were expanded in July 2014 through SB 861 to address inland oil spills that threaten state waters, making OSPR a statewide spill program. Specifically, SB 861 expanded OSPR's responsibility to ensure inland producers and transporters of oil are prepared for spills, and provided increased administrative funding for the Oiled Wildlife Care Network, as well as access to the state's Oil Spill Response Trust Fund to pay for inland oil spill responses. For information about the Oil Spill Response Trust Fund, see chapter 6000, *Finance* in this plan.

### **1422 Best Achievable Protection**

The mission of the Office of Spill Prevention and Response is to provide *best achievable protection* of California's natural resources by preventing, preparing for, and responding to spills of oil and other deleterious materials, and through restoring and enhancing affected



resources. See <http://www.wildlife.ca.gov/ospr/>.

The California Code of Regulations, Title 14, Division 1, Subdivision 4, Chapter 1 defines Best Achievable protection as follows:

*1(b)(4) "Best Achievable Protection" means*

*(A) the highest level of protection which can be achieved through the use of both of the following:*

- 1. the best achievable technology, and*
- 2. those manpower levels, training procedures, and operational methods which provide the greatest degree of protection achievable.*

*(B) The (OSPR) Administrator's determination of which measures provide the best achievable protection shall be guided by the critical need to protect valuable coastal natural resources and marine state waters, while also considering all of the following:*

- 1. the use of current and historical protection provided by the measures,*
- 2. the technological achievability of the measures, and*
- 3. the cost of the measures.*

*(C) The (OSPR) Administrator shall not use a cost-benefit or cost-effectiveness analysis or any particular method of analysis in determining which measures provide the best achievable protection. The Administrator shall instead, when determining which measures provide best achievable protection, give reasonable consideration to historical and current prevention methods, historical and current improvements in technology, and response readiness. Additionally the Administrator shall consider the protection provided by the measures, the technological achievability of the measures, and the cost of the measures when establishing the requirements to provide the best achievable protection for coastal and marine resources the natural resources of the state.*

## **1423 Other Oil Spill Response Agencies**

State agencies that have specific responsibilities during an oil or hazardous materials spill are listed in the table below.

Other agencies serve a secondary role and provide technical support and resources as needed; however, they do not generally maintain an emergency support capability for response. These agencies include State Lands Commission, Department of Agriculture, Department of Justice, Department of Health Services, Office of Environmental Health and Hazard Assessment, California Coastal Commission, Bay Conservation and Development Commission and the Department of Conservation, Division of Oil and Gas, and Geothermal Resources.

<p>California Department of Fish and Wildlife (DFW)</p>	<p>Developed and implements the state’s Oil Spill Contingency Plan and serves as the state’s public trust representative for fish, wildlife and their habitat at all off-road oil and hazardous waste spills. DFW provides technical advice on cleanup methods to minimize damage to living resources; arranges for and oversees the care and rehabilitation of injured wildlife; determines when to terminate a cleanup when natural resources are threatened or affected; and conducts investigations to establish criminal and civil liability and responsibility and impacts to natural resource. DFW is responsible for the licensing and use of oil spill cleanup agents in state waters.</p>
<p>California Governor’s Office of Emergency Services (Cal. OES)</p>	<p>Coordinates the emergency activities of all state agencies during an emergency through a standardized emergency management system incorporating principles of the incident Command System, the Multi-Agency Coordination System, the Mutual Aid Agreement, and the Operational Area Concept. Cal. OES wrote the State Emergency Plan and the Hazardous Materials Contingency Plan, and operates the state’s central spill notification reporting system at the State Warning Center (800) 852-7550 or (916) 845-8911.</p> <p>State statute does not identify a specific agency to serve as an Incident Commander for off-highway inland oil and hazardous waste spills. Typically, local agencies will head the incident command if they have the appropriate training and resources. When natural resources are at risk, DFW serves as Incident Commander, and fills positions within the incident command system when requested by the local impacted agency.</p>

<p>California Highway Patrol (CHP)</p>	<p>The California Highway Patrol (CHP) serves as the state’s Incident Commander for all on-road spills occurring on all highways constructed as freeways, all state-owned vehicular crossings (toll bridges) and on most highways and roadways (state or county) within the unincorporated areas of the state. The CHP is also responsible for traffic supervision and control in these areas. The CHP provides technical support and expertise concerning commercial vehicle equipment regulations and/or hazardous material transportation provisions.</p>
<p>Department of Toxic Substance Control (DTSC)</p>	<p>The DTSC provides technical advice regarding the safe handling and suitable disposal of toxic materials. Upon request, DTSC will respond to incidents involving facilities or activities where it has enforcement responsibilities to ensure compliance with regulations. DTSC’s Oil Spill Prevention Unit assists in the assessment, evaluation, and control phases of a hazardous materials incident.</p>
<p>State Water Resource Control Board (SWRCB)</p>	<p>The State Water Resource Control Board (SWRCB) and its nine Regional Water Quality Control Boards (one located in each of the nine major watersheds of the state), serve as state trustees for surface waters, and provide DFG and DTSC with technical assistance by evaluating the potential impact of hazardous material spills on water resources. Regional Water Quality Control Boards set sediment cleanup limits at spill sites.</p>
<p>California State Fire Marshal (CSFM)</p>	<p>The State Fire Marshal has primary responsibility for the safety of all interstate and intrastate hazardous liquid pipelines. CSFM Pipeline Safety Division engineers respond to all pipeline-related incidents.</p>
<p>California Department of Parks and Recreation (DPR)</p>	<p>The Department of Parks and Recreation responds locally when a spill or release would impact State Park property. DPR headquarters coordinates local districts. Enforcement and non-enforcement staff in each district may be utilized for traffic control and for evacuating, closing, and patrolling DPR property. DPR ecologist may be used to identify natural and cultural resources at risk, and injuries to such resources. Heavy equipment and operators are also available from DPR.</p>

Department of Transportation (CALTRANS)	The CALTRANS response to oil spills/hazardous materials releases is generally limited to the area of right-of-way. However, equipment and personnel are available to contain releases occurring off the right-of-way especially in life-threatening incidents in the interest of public safety. CALTRANS has 72 emergency teams stationed throughout the state and will make its entire fleet of vehicles and their operators available to assist in spill response operations.
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## 1430 Coastal Zone Management Act of 1972

The CZMA (16 U.S.C. § 1456 et seq.) encourages coastal states to develop and implement Coastal Zone Management Plans (CZMPs), with the aim of preserving, protecting, developing, and restoring the coastal zones and coastal resources. Most coastal states have federally approved CZMPs.

*For more information, see the USCG Marine Environmental Response and Preparedness Manual, COMDTINST M16000.14A, Chapter 2.B.11 at [https://media.defense.gov/2017/Mar/29/2001723825/-1/-1/0/CIM\\_16000\\_14A.pdf](https://media.defense.gov/2017/Mar/29/2001723825/-1/-1/0/CIM_16000_14A.pdf).*

## 1431 California Coastal Management Program

The California Coastal Management Program, approved by NOAA in 1978, is administered by three state agencies: The California Coastal Commission manages development along the California coast except San Francisco Bay, where the San Francisco Bay Conservation and Development Commission oversees development. The California Coastal Conservancy purchases, protects, restores, and enhances coastal resources, and provides access to the shore.

The primary authorities for the California Coastal Management Program are the *California Coastal Act*, *McAteer-Petris Act*, and *Suisan Marsh Preservation Act*. The California coastal zone generally extends 1,000 yards inland from the mean high tide line. The coastal zone for the San Francisco Bay Conservation and Development Commission includes the open water, marshes, and mudflats of greater San Francisco Bay, and areas 100 feet inland from the line of highest tidal action.

## 1432 California Coastal National Monument

All unappropriated or unreserved lands and interest in lands owned or controlled by the United States in the form of islands, rocks, exposed reefs, and pinnacles above mean high tide within 12 nautical miles of the shoreline of the State of California were designated as the

California Coastal National Monument by Presidential Proclamation on January 11, 2000.

The US DOI Bureau of Land Management has an MOU with Cal. DFW and Cal Parks in which the parties agree to collaborate in the management of the Monument by carrying over to this MOU the provisions of the Memorandum of Understanding signed in 1983 "Management of the California Islands Wildlife Sanctuary" but subject to the conditions in the Presidential Proclamation for designation of the California Coastal National Monument, and the recognition that BLM retains the ultimate legal responsibility for the area of the California Coastal National Monument. The text of the MOU is at [http://www.blm.gov/ca/st/en/prog/nlcs/California\\_Coastal\\_NM/CCNM\\_RMP.html](http://www.blm.gov/ca/st/en/prog/nlcs/California_Coastal_NM/CCNM_RMP.html). The MOU between BLM, DPR, and DFG for Management of the CCNM is Appendix C, and its Attachment A.

## **1440 US FWS & CA DFW OSPR Share Responsibilities during Spills**

In the event of an oil or toxic spill, trust responsibilities for certain wildlife resources and their habitats are clearly given to the U.S. Fish and Wildlife Service through several legislative acts and their associated regulations (CERCLA, Clean Water Act, and the NCP). The California Department of Fish and Wildlife also has trust responsibilities for wildlife and fisheries resources within the State under various State statutes. Because of overlapping areas of responsibility for certain endangered species, migratory birds and migratory fishes which may be impacted by a spill event, both agencies are responsible for responding.

To facilitate the most efficient and effective coordination of response both agencies agreed to an MOU in March 1988 and a Cooperative Agreement in August 1991 which designate a primary contact for advice concerning fish and wildlife resources during a natural resources emergency situation. The agreements also address issues of resource commitment and legal permits to handle wildlife, as well as cooperative roles in damage assessment to natural resources.

Enclosure 1440: US FWS & CA DFW OSPR Share Responsibilities during Spills at [https://nrt.org/site/doc\\_list.aspx?site\\_id=85](https://nrt.org/site/doc_list.aspx?site_id=85)

# 1500 Pollution Control

## 1510 Federal Water Pollution Control Act

Federal Water Pollution Control Act (FWPCA) of 1961 has been amended by the Clean Water Act of 1966 and the Oil Pollution Act of 1990. Through these environmental laws, the Coast Guard requires that upon a discharge or release, proper notifications are made. The Federal Water Pollution Control Act (FWPCA) is the primary law used for response and enforcement of oil pollution and hazardous substance discharges on or upon the navigable waters of the United States, or tributaries thereof.

## 1520 Clean Air Act

The CAA is codified at 42 U.S.C. §§ 7401 et seq. Among the purposes of the CAA is “to protect and enhance the quality of the Nation’s air resources so as to promote public health and welfare and the productive capacity of its population.” Under CAA authority, EPA has established National Ambient Air Quality Standards (NAAQS) at 40 C.F.R. § 50, for six “criteria” air pollutants (i.e., carbon monoxide, lead, nitrogen dioxide, ozone, particle pollution, and sulfur dioxide)).

FOSCs should be aware of the potential for air pollution caused by an oil spill or a hazardous substance release.

*For more information, see the USCG Marine Environmental Response and Preparedness Manual, COMDTINST M16000.14A, Chapter 2.B.6 at [https://media.defense.gov/2017/Mar/29/2001723825/-1/-1/0/CIM\\_16000\\_14A.pdf](https://media.defense.gov/2017/Mar/29/2001723825/-1/-1/0/CIM_16000_14A.pdf).*

## 1530 Oil Pollution Act of 1990

The Oil Pollution Act of 1990 (OPA 90) amended the FWPCA and made the following provisions:

- Established a \$100 million pollution fund.
- Defined “reportable and harmful quantities”.
- Authorized the federal assumption of clean-up operations.
- Established the National Response Center.

Section 311 of the CWA, 33 U.S.C. §1321, gives the Federal government the authority to

respond to a discharge or substantial threat of discharge of oil or a hazardous substance into or upon the navigable waters of the United States, adjoining shorelines, or the waters of the contiguous zone. Section 311(c)(1) of CWA gives the President the authority to remove or arrange for removal of a discharge and mitigate or prevent a substantial threat of a discharge at any time; direct or monitor all private, Local, State, and Federal actions to remove a discharge; and if necessary, destroy a vessel discharging, or threatening to discharge, by whatever means are available.

*For more information, see the USCG Marine Environmental Response and Preparedness Manual, COMDTINST M16000.14A, Chapter 2.B.2 at [https://media.defense.gov/2017/Mar/29/2001723825/-1/-1/0/CIM\\_16000\\_14A.pdf](https://media.defense.gov/2017/Mar/29/2001723825/-1/-1/0/CIM_16000_14A.pdf).*

## **1531 Oil Spill Liability Trust Fund**

The Oil Pollution Act of 1990 (OPA 90) streamlined and strengthened the Coast Guard's and EPA's ability to prevent and respond to catastrophic oil spills in numerous ways. OPA 90 established the Oil Spill Liability Trust Fund (OSLTF) a trust fund financed by a tax on oil is available to clean up spills when the responsible party is incapable or unwilling to do so.

OPA 90 requires oil storage facilities and vessels to submit to the Federal government plans detailing how they will respond to large discharges. EPA has published regulations for aboveground storage facilities; the Coast Guard has done so for oil tankers. OPA 90 also requires the development of Area Contingency Plans to prepare and plan for oil spill response on a regional scale. The full text of OPA 90 is at:

<http://www.gpo.gov/fdsys/pkg/USCODE-2010-title33/html/USCODE-2010-title33-chap40.htm>

### **1531.1 Responsible Party Liability**

Under OPA 90, the responsible party (RP) has primary responsibility for cleaning up of a discharge. OPA 90 states that an owner or operator of a tank vessel or facility participating in removal efforts shall act in accordance with the National Contingency Plan (40 CFR 300) and the applicable response plan required. Under OPA 90 these response plans shall:

1. Be consistent with the requirements of the National Contingency Plan and local Area Contingency Plans;
2. Identify the qualified individual (QI) having full authority to implement removal actions, and require immediate communications between that individual and the appropriate Federal official and the persons providing personnel and equipment;
3. Identify, and ensure by contract or other means approved by the President,

the availability of private personnel and equipment necessary to remove to the maximum extent practicable a worst case discharge (including a discharge resulting from fire or explosion), and to mitigate or prevent a substantial threat of such a discharge;

4. Describe the training, equipment testing, periodic unannounced drills, and response actions of persons on the vessel or at the facility, to be carried out under the plan to ensure the safety of the vessel or facility and to mitigate or prevent the discharge, or the substantial threat of a discharge;
5. Be updated periodically; and
6. Be resubmitted for approval of each significant change.

Each owner or operator of a tank vessel or facility required by OPA 90 to submit a response plan shall do so in accordance with applicable regulations. Facility and tank vessel response plan regulations, including plan requirements, are located in 33 CFR 154 and 155, respectively.

As defined in OPA 90, each responsible party for a vessel or a facility from which oil is discharged, or which poses a substantial threat of a discharge, into or upon the navigable waters or adjoining shorelines or the Exclusive Economic Zone is liable for the removal costs and damages specified in Subsection (b) of Section 1002 of OPA 90. Any removal activity undertaken by a responsible party must be consistent with the provisions of the NCP, the Coastal Contingency Plan (CCP), the Area Contingency Plan, and the applicable response plan required by OPA 90. If directed by the OSC at any time during removal activities, the responsible party must act accordingly.

### **1531.2 Discharges Involving Multiple RPs**

Under the OPA 90 and CERCLA, if an incident involves two or more potentially responsible parties, each responsible party for a vessel or facility from which oil or hazardous substances is discharged is liable for the removal costs and damages. Each responsible party's liability extends to the entire incident not just its own material. In such a multiple party incident, the FOSC shall issue administrative orders to each responsible party. The FOSC will encourage the RPs to take a proportionate share of the responsibility and work together to mitigate the incident. This also applies to the commingling of spilled material from different sources.

### **1531.3 Limits of Liability**

Each responsible party for a vessel or facility from which a hazardous substance is released, or which poses a substantial threat of a discharge, is liable for removal costs as specified in OPA 90 which provides that "the total of the liability of a responsible party and any removal



costs incurred by, or on behalf of, the responsible party, with respect to each incident shall not exceed...” (those listed in the table below).

Tank Vessels	A. single-hull vessels, including a single-hull vessel fitted with double sides only or a double bottom only.	\$3,000 per gross ton
	B. a vessel other than a vessel referred to in above.	\$1,900 per gross ton
a vessel >3,000 gross tons that is...	a vessel described in subparagraph (A),	\$22,000,000
	a vessel described in subparagraph (B),	\$16,000,000
a vessel ≤ 3,000 gross tons that is...	a vessel described in subparagraph (A),	\$6,000,000
	a vessel described in subparagraph (B)	\$4,000,000
Any other vessel	\$950 per gross ton, or \$800,000 whichever is greater	
An offshore facility, except a deepwater port,	All removal costs plus \$75,000,000	
Any onshore facility and a deepwater port,	\$350,000,000	

## 1540 Clean Water Act of 1966

The Oil Pollution Act of 1990 (OPA) amended the Clean Water Act (CWA) and made the following provisions:

- Created a \$1 billion pollution fund commonly called the Oil Spill Liability Trust Fund (OSTLF).
- Allowed the On-Scene Coordinator (OSC) to issue administrative orders. (40 CFR 300).
- Increased civil penalties.
- Increased spiller liabilities.

## 1541 Cleanup Orders under the Clean Water Act

In the event of an oil spill in the inland or coastal zone the U.S. Environmental Protection

Agency and the U.S. Coast Guard may separately, or jointly, issue a federal Clean Water Act order to ensure the cleanup of the spilled material. The order requires the Responsible Party to continue its cleanup work and prevent further contamination.

Such orders establish federally enforceable timelines and cleanup requirements for the long-term response action that is required. They ensure that response work continues until the impacted area is restored.

## 1550 CERCLA

The Comprehensive Environmental Response, Compensation & Liability Act (CERCLA), (42 U.S.C. §§9601 *et seq*) provides the authority to respond to uncontrolled releases of hazardous substances from inactive hazardous waste sites that endanger public health and the environment. CERCLA established prohibitions and requirements concerning closed and abandoned hazardous waste sites, provided for liability of persons responsible for releases of hazardous waste at such sites, and established a trust fund to provide for cleanup when no responsible party could be identified. In addition, CERCLA provided for the revision and republishing of the National Contingency Plan (NCP, 40 CFR 300) that provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also provides for the National Priorities List, a list of national priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action.

CERCLA provides a Federal Superfund to clean up uncontrolled or abandoned hazardous-waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment. Through the Act, the Coast Guard and EPA have the power to seek out those parties responsible for any release and assure their cooperation in the cleanup.

*For more information, see the USCG Marine Environmental Response and Preparedness Manual, COMDTINST M16000.14A, Chapter 2.B.3 at [https://media.defense.gov/2017/Mar/29/2001723825/-1/-1/0/CIM\\_16000\\_14A.pdf](https://media.defense.gov/2017/Mar/29/2001723825/-1/-1/0/CIM_16000_14A.pdf).*

For complete information about *CERCLA Response Authority and Associated Coast Guard Policies*, see COMDTINST M16465.29 at [https://www.uscg.mil/directives/cim/16000-16999/CIM\\_16465\\_29.pdf](https://www.uscg.mil/directives/cim/16000-16999/CIM_16465_29.pdf).

## **1560 Marine Debris Act**

The *Marine Debris Research, Prevention, and Reduction Act*, which legally established the NOAA Marine Debris Program, was signed into law by President Bush on December 22, 2006, and reauthorized by Congress as the Marine Debris Act in December 2012. The Act initially set a \$10M authorization for NOAA for implementation of the program, including identification and impact assessments, removal and prevention activities, research, and development of alternatives to fishing gear posing threats to the marine environment, and outreach activities. The Act also re-establishes the Interagency Marine Debris Coordinating Committee, which NOAA chairs.

### **1561 Marine Debris as a Pollution Threat**

In cases where marine debris poses an oil or hazardous substance threat, the FOSC shall notify the NPFC to ensure availability of the OSLTF. The FOSC shall also notify the regional NOAA Marine Debris Coordinator. The FOSC shall lead removal actions to address the oil and hazardous substance threat in accordance with the FWPCA, CERCLA, and NCP. It is important to note that actions taken are in response to actual or substantial threat from the oil or hazardous substance, and not to marine debris itself.

For scenarios involving marine debris containing an actual or substantial threat of oil and/or hazardous substance (e.g. barrel or container potentially containing oil and/or hazardous substance), the FOSC shall lead removal actions necessary to remove the potential source in accordance with the NCP. When the potential source is mitigated, the FOSC's authority under the NCP does not apply to the remaining marine debris.

For scenarios involving marine debris contaminated with oil and/or a hazardous substance, the FOSC is authorized to take any action necessary to mitigate the contamination (e.g., oily debris) and the discharge and/or release associated with the marine debris field.

Marine debris may include materials from on shore, flotsam (the wreckage of a ship or its cargo found floating on or washed up by the sea), jetsam (unwanted material or goods thrown overboard, jettisoned, from a ship), and wrack (marine vegetation driven by ocean currents).

### **1562 Severe Marine Debris Event Plans: California**

In most cases, marine debris is removed by state and local entities, volunteers, and NGOs. Extreme circumstances, such as earthquakes, floods, storms, or massive maritime accidents may generate marine debris in such magnitude that normal response becomes overwhelmed. Such marine debris occurrences, when triggered by natural disasters, are termed "Severe

Marine Debris Events”. Severe marine debris events add to the risks normally posed by marine debris, risks which include hazards to navigation, impacts to the environment, commerce, and human health and safety.

Under the 2012 reauthorized Marine Debris Act, during a severe marine debris event response the NOAA Marine Debris Program shall develop interagency plans, including lead coordination with states, tribes, and other federal agencies; assess debris composition, volume, and trajectory; and estimate potential impacts.

In response to the Japanese marine debris that originated from the March 11, 2011 earthquake and tsunami in northeastern Japan and arrived along the U.S. West Coast, Alaska and Hawaii, Oregon, and Washington developed Governor approved marine debris emergency response plans. The plans, similar in format and composition, established task forces in each state, assigned roles and responsibilities to state agencies and support roles for federal agencies, and provided the details needed for response to marine debris on land and at sea in case of a severe marine debris event impacting the states. During any future marine debris emergency responses these plans would be put into effect for use.

## **1570 Resource Conservation & Recovery Act**

The Resource Conservation & Recovery Act (RCRA) of 1976, is at 42 U.S.C. §6901 *et seq.* RCRA gives EPA authority to control hazardous waste from "cradle-to-grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also sets forth a framework for the management of non-hazardous solid wastes. The 1986 amendments to RCRA enabled EPA to address environmental problems that could result from underground tanks storing petroleum and other hazardous substances.

*For more information, see the USCG Marine Environmental Response and Preparedness Manual, COMDTINST M16000.14A, Chapter 2.B.5 at [https://media.defense.gov/2017/Mar/29/2001723825/-1/-1/0/CIM\\_16000\\_14A.pdf](https://media.defense.gov/2017/Mar/29/2001723825/-1/-1/0/CIM_16000_14A.pdf).*

## **1580 Rivers and Harbors Act**

The Rivers and Harbors Appropriation Act of 1899 is the oldest federal environmental law in the United States. Although many activities covered by the Rivers and Harbors Act are regulated under the Clean Water Act, the 1899 Act retains independent vitality. For the text, see 33 U.S. Code § 403 - *Obstruction of navigable waters generally; wharves; piers, etc.; excavations and filling in.* Search for “uscode 33 403” at <https://www.law.cornell.edu>.

## **1581 Refuse Act**

The Act makes it a misdemeanor to discharge refuse matter of any kind into the navigable waters, or tributaries thereof, of the United States without a permit; this specific provision is known as the Refuse Act. For the text, see *33 U.S. Code § 407 - Deposit of refuse in navigable waters generally*. Search for “uscode 33 407” at <https://www.law.cornell.edu>.

## **1582 Bridges and Causeways**

The Rivers and Harbors Act is administered by the U.S. Army Corps of Engineers. However, authority to administer Section 9 of the Rivers and Harbors Act of 1899, applying to bridges and causeways, in/over/on navigable waters of the U.S. (superseded by the General Bridge Act of 1946, as amended), was removed from the Corps of Engineers and re-delegated to the U.S. Coast Guard under the provisions of the DOT Act of 1966 because the Corps owns & operates many bridges and may not regulate themselves due to conflict of interest. To see all the statutes and regulations governing bridges, see the *USCG Office of Bridge Programs (CG-BRG)* at <http://www.uscg.mil/hq/cg5/cg551/Regulation.asp>.

## **1583 Permits Required for Construction**

The Rivers and Harbors Act also makes it a misdemeanor to excavate, fill, or alter the course, condition, or capacity of any port, harbor, channel, or other areas within the reach of the Act without a permit. The Act also made it illegal to dam navigable streams without a license (or permit) from Congress; this included for the purposes of hydroelectric generation.

## **1590 Intervention on the High Seas Act of 1974**

The IHSA Implements the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969. The IHSA permits the Secretary of the department in which the Coast Guard is operating to take any action deemed necessary to prevent, mitigate, or eliminate a threat of oil pollution resulting from a maritime accident beyond the coastal States’ territorial sea. The IHSA requires an express determination by the Secretary that there exists a grave and imminent danger to the coastline or related interests of the United States from pollution or threat of pollution of the sea by oil before exercising such authority. It authorizes the Secretary to use the revolving fund established pursuant to the FWPCA as a means of funding extraordinary federal activities under the IHSA, and specifies those limits within which the Secretary must act and those criteria upon which action should be taken.

*For more information, see the USCG Marine Environmental Response and Preparedness*

## **1600 Natural Resources**

### **1610 Endangered Species Act**

See Chapter 4000, *Endangered Species Act Consultation*, in this Coastal Contingency Plan.

### **1620 Magnuson-Stevens Fishery Conservation Act**

See Chapter 4000, *Essential Fish Habitat*, in this Coastal Contingency Plan.

### **1630 Migratory Bird Treaty**

See Chapter 4000, and *Executive Order 13186: Protection for Migratory Birds*, in this Coastal Contingency Plan.

## **1700 National Historic Preservation Act**

Congress passed the National Historic Preservation Act (NHPA) (54 U.S.C. § 300101 *et seq.*) in 1966. The law established a national policy for the protection of historic and archaeological sites and outlined responsibilities for federal and state governments to preserve our nation's history.

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

Section 106 of the NHPA requires federal agencies to consider the effects of their actions on historic and archeological sites that are listed or eligible for listing on the National Register. The NHPA requires compliance with Section 106 of the Act for any activity that requires a

federal permit or license, uses federal funds, or is otherwise assisted or approved by the U.S. government. Regulations for accomplishing this responsibility have been published in the Federal Register at 36 CFR 800: Protection of Historic Properties. The list of properties included in the National Register may be found at: <http://www.cr.nps.gov/nr/>. However, the NR is not sufficient to determine all of the properties that need to be considered in an Area Contingency Plan (ACP) for oil spills, as properties that *could* be determined eligible for inclusion in the NR must also be considered. For information on how historic and cultural properties are evaluated, see: [http://www.nps.gov/nr/national\\_register\\_fundamentals.htm](http://www.nps.gov/nr/national_register_fundamentals.htm).

Different terms are frequently used for the various types of resources which may have historic, cultural and tribal significance. These terms are not necessarily interchangeable and may not refer to the same type of resource. A resource can be of some level of significance and value with a potential to be damaged by a spill and/or response activities and may not be on, or eligible for listing on, the National Register. One example would be a biological resource which has cultural significance. Therefore, it is important that all appropriate notifications and consultations are completed.

*For more information, see the USCG Marine Environmental Response and Preparedness Manual, COMDTINST M16000.14A, Chapter 2.B.13 at [https://media.defense.gov/2017/Mar/29/2001723825/-1/-1/0/CIM\\_16000\\_14A.pdf](https://media.defense.gov/2017/Mar/29/2001723825/-1/-1/0/CIM_16000_14A.pdf).*

## **1710 National Programmatic Agreement**

Full title: *The Programmatic Agreement on Protection of Historic Properties During Emergency Response Under the National Contingency Plan (Programmatic Agreement)*, 11/28/1998. See <http://www.achp.gov/NCP-PA.html>.

In 1997-98, the Programmatic Agreement (PA) was adopted to ensure that historic properties are taken into account in the planning for and conduct of emergency response. The PA facilitated the ability of Federal agencies to develop and execute a uniform nationwide approach to handling historic properties before and during emergency response. Implementation of the PA ensured that emergency response is in compliance with Section 106 of the NHPA. However, FOSC compliance with the NHPA and the PA may or may not fulfill other compliance obligations associated with culturally significant resources protected under other Federal, Tribal Response, state and/or local laws and regulations. One example would be compliance with the Native American Graves Protection Act. The PA calls for the identification of the person "...who will be responsible for providing expertise on historic properties matters to the FOSC during emergency response. Depending on the size and complexity of the incident, a FOSC Historic Properties Specialist (HPS) or a Historic

Properties Technical Advisory Group (HPTAG) convened by the specialist may be the most effective mechanism.”

The FOSC’s HPS may recommend formation of an HPTAG, depending on the characteristics of the incident, to assist with the protection of historic properties during a response. Upon approval by the FOSC, the HPS is responsible for identifying individuals who would serve on the HPTAG and for serving as the chairperson for the group. The HPTAG would be inclusive of federal, state, and local trustee agencies as well as tribal representatives such as Tribal Historic Preservation Officers (THPOs).

One of the essential pre-spill planning elements is the identification of those who will be responsible for providing reliable and timely expertise on historic properties to the FOSC during emergency response, i.e., the FOSC’s HPS. The PA provides that historic properties expertise and support may be obtained by the FOSC by implementing an agreement with State or Federal agencies that have an HPS on staff or by executing a contract with experts identified in the ACP.

### **1711 Hiring Cultural Resource Professionals**

The PA specifies the professional qualifications and standards that an HPS must meet. Only the FOSC and not the Responsible Party, may contract with experts to serve as the FOSC’s HPS. An FOSC may utilize a Pollution Removal Funding Authorization (PRFA) for funding the activation of an HPS only during emergency responses to oil pollution incidents. Oil Spill Liability Trust Fund resources are not available for hiring of a specialist to assist with pre-spill planning activities.

If an FOSC chooses to obtain historic properties expertise by executing contracts with an appropriate cultural resource professional, it is possible to go through a solicitation process that includes technical input and assistance from appropriate State Historic Preservation Officers (SHPOs) and cultural resource specialists from Federal land management agencies. Blanket Purchase Request Agreements may then be established with one or more companies or with one or more named individuals who may be activated during emergency response to serve as the FOSC’s HPS.

### **1712 FOSC Checklist for California**

To support the Programmatic Agreement by providing state-specific guidelines, the *California Implementation Guidelines for Federal On-Scene Coordinators for the Programmatic Agreement on Protection of Historic Properties during Emergency Response under the National Oil and Hazardous Substances Pollution Contingency Plan* (Implementation Guidelines) were adopted in 2005 by Federal, State, and Tribal officials in



California for incorporation into their respective oil spill and hazardous substance release planning and response procedures.

The Implementation Guidelines were retired by the Regional Region Team IX in 2010 and replaced in February 2011 with a more stream-lined and user-friendly document titled *Emergency Response Program Guidelines to Implement the National Programmatic Agreement on Protection of Historic Properties*. In 2014, this document was renamed the *Region IX FOSC Checklist to Facilitate Implementation of the National Programmatic Agreement on Protection of Historic Properties during Emergency Response under the National Oil and Hazardous Substances Pollution Contingency Plan (FOSC Checklist)*.

Enclosure 1712: EPA Region IX, Nat'l Historic Properties Implementation Guidelines: [https://nrt.org/site/doc\\_list.aspx?site\\_id=85](https://nrt.org/site/doc_list.aspx?site_id=85)

The FOSC Checklist is consistent with the PA and condenses information into checklists and forms for the FOSC to employ in the field. The FOSC Checklist assists the FOSC to determine when to activate an HPS, provides a list of steps for the activated HPS to follow, as appropriate, and contains a form to document actions that resulted in unavoidable injury to historic properties. The FOSC Checklist also provides a list of SHPOs and THPOs for the three states in the region. The requirement to consider and minimize impacts is not intended to interfere with the overall goal of the response to reduce the threat to human health and safety.

### **1713 Integrating the Section 106 Requirement into ICS**

The following steps will document the Unified Command's adherence to the requirements in Section 106.

- Include in the Incident Objective (ICS-202) a statement on consideration of historic properties or cultural resource protection during response operations.
- In a unified command, it is appropriate for the RP to acquire the HPS. However, it should be clear among the Unified Commanders that the relationship of the HPS to the FOSC is unique among the command staff. The HPS is responsible for helping the FOSC meet his or her Section 106 legal obligations which do not apply to the other ICs.
- The HPS serves in the Environmental Unit as the historical and cultural technical specialist.
- If the SOSOC has similar legal obligations under their state law, then that should be made clear in unified command and added to the list of

responsibilities for the HPS. The FOOSC and SOOSC should be clear with the HPS on their legal obligations.

- Provide the responders with any special instructions to ensure protection of historical properties and cultural resources via the Assignment List (ICS-204). May distribute the Cultural Resource Policy provided in this document.
- Document in the Unit Log (ICS-214) any actions taken that resulted in adverse impacts to historic properties or cultural resources.
- Identification of culturally sensitive sites recorded in the vicinity of a spill can be accomplished by consulting the SHPO, THPO, or trustee agency of the affected land, such as the U.S. Forest Service or the Bureau of Land Management. The SHPO is generally associated with the State Historic Preservation Office or Society, which may or may not be within a department of State government. SHPOs can act as the point of contact with other agencies. In California, the Native American Heritage Commission can also help identify sensitive historical and cultural resources at risk. The contacts listed on the web pages below are generally available during business hours only.
- State Historic Preservation Officers (SHPOs):  
<http://www.cr.nps.gov/nr/shpolist.htm>.
- Search for Tribal Historic Preservation Officers (THPOs) by tribe:  
[http://grantsdev.cr.nps.gov/THPO\\_Review/index.cfm](http://grantsdev.cr.nps.gov/THPO_Review/index.cfm).
- Federal Preservation Officers: <http://www.achp.gov/fpoagencyinfo.html>

## 1714 NHPA Training

The *Advisory Council on Historic Preservation* offers training on the *National Historic Preservation Act* and the *Section 106* process. They have both beginner and advanced courses. Their web site is very detailed and lists:

- in-person classes scheduled during the next year around the country,
- webinars,
- how to sponsor classes at your own agency

Cindy Bienvenue  
Advisory Council on Historic Preservation  
[cbienvenue@achp.gov](mailto:cbienvenue@achp.gov)  
(202) 517-0202

## 1720 Cultural Resource Policy

### 1721 Cultural Resource Policy Handout

The *Cultural Resource Policy* handout may be given to responders to raise awareness of cultural resources during a response.

Enclosure 1721: Cultural Resource Policy Handout:  
[https://nrt.org/site/doc\\_list.aspx?site\\_id=85](https://nrt.org/site/doc_list.aspx?site_id=85)

### 1722 Sample Cultural Resource Policy

The California Office of Historic Preservation's policy regarding cultural resources is as follows:

*to preserve and enhance California's irreplaceable historic heritage as a matter of public interest so that its vital legacy of cultural, educational, recreational, aesthetic, economic, social, and environmental benefits will be maintained and enriched for present and future generations.*

The Unified Command of the Tanker XYZ cleanup strongly supports this policy, and will ensure compliance with State and Federal laws protecting cultural resources. The FOOSC and/or a cultural resource specialist designee will ensure that cultural resources are appropriately considered during oil spill response activities. Response personnel play a key role in this program by being aware of their responsibilities under State and Federal law, and by dealing with sites properly when they are encountered. Whenever personnel encounter or discover an archaeological site or artifact, they are required to:

- Leave cultural materials in place at the site of discovery, and mark their location.
- Stop cleanup work in the vicinity surrounding the site.
- Immediately inform the field supervisor, who in turn, should immediately inform the FOOSC and/or an appropriately designated cultural resources specialist.

Various Federal laws and regulations prohibit collecting or tampering with protected cultural resources, including artifacts, fossils, human skeletal remains, and other items of antiquity. Violation of laws protecting cultural resources is a crime which may result in fines and

imprisonment.

All oil spill response personnel (employees and their contractors) must comply with this Cultural Resource Policy:

*Anyone found vandalizing, moving, or taking away cultural materials will be subject to disciplinary actions up to and including immediate dismissal from their work, and an incident report may be filed with law enforcement authorities, requesting prosecution under applicable law.*

## **1730 Protecting Tribal Resources**

Initial notification to tribes about spills is made through the Department of the Interior. The Unified Command provides for tribal involvement during response activities.

Spills may affect tribes either by occurring on or near a reservation or by threatening treaty reserved resources (including habitat) or cultural areas. Tribes with reservations and/or usual and accustomed hunting or fishing grounds within the state of California must be notified by the FOSC in the event that a spill may impact or threaten to impact resources. Since boundaries for usual and accustomed hunting and fishing grounds may be complicated, the Historic Properties Specialist (HPS) should consult the hazardous materials official at the Bureau of Indian Affairs (BIA) to ensure proper notifications are made. In California, the NAHC should also be consulted to assist in the identification of tribes for notification. However, it remains the FOSC's responsibility to ensure all proper notifications to tribes are completed. Please note that the term "reservation" also includes Rancherias, pueblos, missions, villages, communities, etc, as defined by the BIA. There are 107 federally-recognized tribes in California. For a list of federally- and state-recognized tribes, see <http://www.ncsl.org/research/state-tribal-institute/list-of-federal-and-state-recognized-tribes.aspx>.

Some federally-recognized tribes have rights to land in multiple states. There may also be non-federally recognized tribal lands with historical or cultural resources at risk. This land can be identified by consulting the appropriate SHPO office or the Native American Heritage Commission (NAHC) for land in California.

Tribal reservations vary in size from those which encompass only the land where the tribal headquarters are located to those which cover hundreds of acres. Each tribe has governmental responsibilities on its respective reservation. Many have active police departments and some system of emergency response, usually including trained volunteer first aid responders working in conjunction with a volunteer fire department.

In addition to land areas owned outright, many tribes have treaty rights to use of land and waters outside their reservation lands. Tribal lands abut both marine and inland waterways. Treaty rights make tribes partners in planning and, often, impacted resource owners. Further, NHPA and Section 106 consultation include resources that are of a traditional religious and cultural importance for tribes. This can apply to resources that are off reservation lands.

### 1731 Links to Tribal Information

Advisory Council on Historic Preservation handbook, <i>Consultation with Indian Tribes in the Section 106 Process</i> , dated June 2012	<a href="http://www.achp.gov/pdfs/consultation-with-indian-tribes-handbook-june-2012.pdf">http://www.achp.gov/pdfs/consultation-with-indian-tribes-handbook-june-2012.pdf</a>
<i>Bureau of Indian Affairs, Tribal Leaders Directory</i> (Updated twice a year.)	<a href="http://www.bia.gov/cs/groups/public/documents/text/idc1-023759.pdf">http://www.bia.gov/cs/groups/public/documents/text/idc1-023759.pdf</a>
Contact Information for the Tribes of the United States and Canada	<a href="http://www.hanksville.org/sand/contacts/tribal/">http://www.hanksville.org/sand/contacts/tribal/</a>
U.S. Tribes by Regions and States (GIS maps)	<a href="http://www.kstrom.net/isk/maps/US.html">http://www.kstrom.net/isk/maps/US.html</a>
National Association of Tribal Historic Preservation Officers	<a href="http://www.nathpo.org/">http://www.nathpo.org/</a>
Native American Heritage Commission (NAHC), State of California.	<a href="http://nahc.ca.gov/">http://nahc.ca.gov/</a>
Native American Indian Resources	<a href="http://www.kstrom.net/isk/mainmenu.html">http://www.kstrom.net/isk/mainmenu.html</a>

### 1740 State & Tribal Historic Preservation Officers

The National Conference of State Historic Preservation Officers (NCSHPO) is the professional association of the State government officials who carry out the national historic preservation program as delegates of the Secretary of the Interior pursuant to the *National Historic Preservation Act of 1966*, as amended (NHPA) (16 USC 470). They maintain a

directory of SHPOs at <http://www.ncshpo.org/shpodirectory.shtml>

As of November 30, 2014, there are 154 National Park Service-recognized Tribal Historic Preservation Officers (THPO). These Indian tribes have assumed the responsibilities of the State Historic Preservation Officers for their respective tribal lands. All the THPOs are listed by state at <http://nathpo.org/wp/thpos/find-a-thpo/>

## **1800 Enforcement**

### **1810 Ports & Waterways Safety Act**

The Ports & Waterways Safety Act, 46 U.S.C. §70118, specifically authorizes state law enforcement officers to enforce Coast Guard safety and security zones. Safety zones protect what's outside (i.e. the public). Security zones protect what's inside (i.e. a high-value asset). This statute has been implemented by the Coast Guard through memoranda of agreement with state and local law enforcement agencies.

### **1820 SAFE Port Act**

The *Security and Accountability for Every Port Act of 2006* (or *SAFE Port Act*, Public Law 109–347) was an Act of Congress in the United States covering port security to which an online gambling measure was added at the last moment. It was signed into law on October 13, 2006.

The port security provisions were one of 20 bills introduced to Congress in the wake of the Dubai Ports World controversy that aimed to block Dubai Ports World acquiring P&O Ports, and more generally to stop key US ports falling into the hands of foreign owners.

The act codified a number of programs to improve security of U.S. ports, such as:

- Additional requirements for maritime facilities
- Creation of the Transportation Worker Identification Credential
- Establishment of Interagency Operations Centers for port security
- Port Security Grant Program
- Container Security Initiative
- Foreign port assessments
- Customs Trade Partnership against Terrorism

- Created the Domestic Nuclear Detection Office within the DHS
- Appropriated funds toward the U.S. Coast Guard, Integrated Deepwater System Program.

## 1830 Use of foreign documented oil spill response vessels

Federal law, 46 U.S.C. 55113, provides that the Federal On-Scene Coordinator (USCG) for an oil spill decides whether a foreign-flagged vessel may engage in oil spill response. That decision is based on whether there are an adequate number and type of U.S. flagged vessels available. In order to reach such a determination, contact the U.S. Maritime Administration (MARAD) as shown below.

<b>MARAD Point of Contact</b>
<p><b>Mr. Michael Hokana</b>          Senior Trade Specialist          Maritime Administration          U.S. Department of Transportation          1200 New Jersey Avenue, SE          Washington, DC 20590          (202) 366-0760 office          (202) 731-6220 cell  <a href="mailto:michael.hokana@dot.gov">michael.hokana@dot.gov</a></p>
<p>After Hours 24x7          National MARAD Command Center          (202) 366-8211  <a href="mailto:opcentr1.marad@dot.gov">opcentr1.marad@dot.gov</a></p>

The full text of this law reads as follows:

### § 55113. Use of foreign documented oil spill response vessels

Notwithstanding any other provision of law, an oil spill response vessel documented under the laws of a foreign country may operate in waters of the United States on an emergency and temporary basis, for the purpose of recovering, transporting, and unloading in a United States port oil discharged as a result of an oil spill in or near those waters, **if**—

- (1) an adequate number and type of oil spill response vessels documented

under the laws of the United States cannot be engaged to recover oil from an oil spill in or near those waters in a timely manner, as determined by the Federal On-Scene Coordinator for a discharge or threat of a discharge of oil; **and**

- (2) the foreign country has by its laws accorded to vessels of the United States the same privileges accorded to vessels of the foreign country under this section.

## **1831 Jones Act**

The Jones Act, 46 U.S.C. §55102, does not apply to oil spill response vessels. See section 1830 above. The Jones Act prohibits the transportation of merchandise between U.S. ports on any vessel not U.S.-built, owned and documented, which has a coastwise endorsement by the U.S. Coast Guard. Vessels without these qualifications are known as a non-coastwise-qualified vessels. The Jones Act law protects U.S.-flagged coastwise-qualified vessels from foreign competition on domestic trade routes. The U.S. Coast Guard inspects and enforces the provision relating to whether a vessel is foreign-owned or flagged, or exempted according to the Jones Act.

## **1832 Foreign Vessels May Transit US Waters**

Vessels that do not transport merchandise between ports in the United States are not in violation of the Jones Act. Merely transiting U.S. waters does not constitute coastwise transportation within the purview of the Jones Act.

## **1840 Outer Continental Shelf Lands Act**

The *Outer Continental Shelf Lands Act* (OCSLA) requires that the Secretary of the Department of Interior conduct an investigation and issue a report on deaths, serious injuries, fires, and pollution events that occur as the result of offshore oil and gas operations. The Bureau of Safety and Environmental Enforcement (BSEE) carries out these investigations on behalf of the Secretary throughout America's 1.7 billion acres of the Outer Continental Shelf (OCS). The text of the *Outer Continental Shelf Lands Act* is at <http://www.epw.senate.gov/ocsla.pdf>.

The BSEE, within the U.S. Department of the Interior (DOI), is responsible for the development, oversight, and enforcement of safety and environmental standards for offshore energy and mineral operations. Under the OPA, BSEE is responsible for federal oversight of oil discharge planning and preparedness activities for regulated facilities located in both state



and federal offshore waters. These responsibilities include review and approval of Oil Spill Response Plans (OSRP), inspections of offshore oil spill response equipment, and unannounced exercises to test plan holder readiness.

The USCG serves as the pre-designated Federal On-Scene Coordinator (FOSC) for oil and hazardous substance pollution incidents that occur, or have the potential to occur, within the coastal zone.

While each agency has separate authorities and responsibilities for preparedness, the USCG and BSEE coordinate execution of these responsibilities as closely as possible. A number of Memoranda of Understanding between BSEE (or its predecessor the Minerals Management Service) and the USCG or the EPA are in tables at

<http://www.bsee.gov/International-and-Interagency-Collaboration/Interagency/index/>

## **1900 Worker Health & Safety**

### **1910 Occupational Safety and Health Act of 1970**

Federal law requires public and private personnel engaged in emergency cleanup operations to have taken safety and other training. The primary federal regulations are the *Occupational Safety and Health Act* standards for hazardous waste operations and emergency response, found in 29 CFR 1910.120, which apply to cleanup operations at an “uncontrolled hazardous waste site.” The *Occupational Safety and Health Act* classifies an area impacted by oil as such a site; however, the regulations do not automatically apply to an oil spill cleanup. There must be a reasonable possibility for employee exposure to safety or health hazards.

In a response taken under the NCP, the Safety Officer within the Unified Command should make available an occupational safety and health program for the protection of workers at the response site, consistent with, and to the extent required by, 29 CFR 1910.120.

Contracts relating to a response action under the NCP should contain assurances that the contractor at the response site will comply with this program and with any applicable provisions of the *Occupational Safety and Health Act*, including state laws with plans approved under section 18 of the OSH Act.

*For more information, see the USCG Marine Environmental Response and Preparedness Manual, COMDTINST M16000.14A, Chapter 2.B.7 at [https://media.defense.gov/2017/Mar/29/2001723825/-1/-1/0/CIM\\_16000\\_14A.pdf](https://media.defense.gov/2017/Mar/29/2001723825/-1/-1/0/CIM_16000_14A.pdf).*

Worker safety and health issues during emergency response activities are addressed in the *Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities* at <https://www.osha.gov/Publications/complinks/OSHG-HazWaste/all-in-one.pdf>

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## **2000 Command**

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Response actions should be monitored or implemented by the most immediate level of government with the authority and capability to conduct such activities. The responsible party's (RP) representative should always respond, followed by local government agencies and by state agencies when local capabilities are exceeded.

If the Federal On-Scene Commander (FOSC/OSC) from the USCG or US EPA determines there is a federal interest, or if an incident response is beyond the capability of the State, either agency may take those response actions deemed necessary to protect the public health or welfare or the environment.

### **2010 Command Staff**

The incident objectives captured on ICS form 202 are operational objectives. This does not prevent officers on the Command Staff from setting their own objectives. The Safety Plan is a standard part of the Incident Action Plan (IAP). Other officers of the Command Staff may write their own plans (Public Affairs Plan, Liaison Plan) but these are not included in the IAP. A typical Command Staff includes the following basic positions:

- Safety Officer
- Public Information Officer
- Liaison Officer

Additionally, the Unified Command may appoint other officers to the Command Staff to manage other areas of concern as needed. However, the UC cadre should be mindful to maintain span of control at five plus-or-minus two people reporting to the UC cadre. Span of control may be maintained by appointing a Chief of Staff who reports directly to the Unified Command cadre and supervises several Command Staff Officers.

## 2011 Legal Officer

In most cases, a Legal Officer is not assigned to the Unified Command. However, a Duty Legal Officer for the U.S. Coast Guard and an Attorney-Advisor for the EPA are always available.

<p>USCG PACAREA/D11 Duty Legal Officer 24x7 (510) 701-4902</p>	<p>EPA Attorney-Advisor 24x7 Ms. Thanne Berg <a href="mailto:Berg.Elizabeth@epa.gov">Berg.Elizabeth@epa.gov</a>; (415) 972-3908 office (415) 203-6104 cell</p>
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## 2012 Intelligence Officer

The Intelligence Officer is the Unified Commanders' resource for obtaining information from the intelligence community to gain better understanding of the size and scope of the emergency condition. For example, overhead imagery showing both before and after views of an incident area can yield significant insight into the nature and extent of damage or pollution.

# 2100 Unified Command

The National Response System (NRS) supports the responsibilities of the FOSC, under the direction of both OPA and CERCLA removal authorities. The FOSC plans and coordinates response strategy on scene, using the support of the National Response Team (NRT), Regional Response Team (RRT), States' Representatives, Area Committees, Special Teams, Regional incident management teams, contractor resources and responsible parties as necessary, to supply the needed trained personnel, equipment, and scientific support to complete an immediate and effective response to any oil or hazardous substance discharge.

When appropriate, the NRS is designed to incorporate a unified command and control support mechanism generally consisting of the FOSC, the State Incident Commander, the Local Incident Commander, and the Responsible Party Incident Manager. Additionally, any other agency official that has statutory authority for managing a specific aspect of the emergency may participate in the Unified Command. Tribal officials with jurisdictional authority for the incident are considered "local officials" for the purposes of this plan. The

unified command structure allows for a coordinated response and takes into consideration the Federal, State, local, and responsible party concerns and interests when implementing the response strategy consistent with the NCP.

The National Contingency Plan for Discharges of Oil or Hazardous Materials (NCP) requires FOSCs to direct response efforts and coordinate all other actions at the scene of a spill or release. The NCP further states that the basic format for the response management system is a structure that brings federal and state agencies, and the responsible party together to achieve an effective and efficient response. This structure is known as a Unified Command (UC).

The FOSC directs the response to a discharge or release by coordinating with agency officials who may have authority over other aspects of the emergency, such as fire suppression, search & rescue, medical triage, crowd control, evacuations, etc. No single agency has sole jurisdictional authority to direct all aspects of a major emergency. That is the primary reason for establishing a Unified Command. Under Unified Command, no agency with statutory authority for the emergency abdicates that authority. Unified Commanders seek to reach consensus on decisions relating to the response.

## **2110 Unified Command Cadre**

The Unified Command (UC) cadre consists of the Federal On-Scene Coordinator (FOSC), the State On-Scene Coordinator (SOSC), the Responsible Party On-Scene Coordinator (RPOSC), and the Local IC (if any). The UC is responsible for assigning individuals from within the response community (Federal, State, local or private), as necessary, to fill key ICS management positions. According to ICS doctrine, any position that is left vacant remains the responsibility of the position senior to it. One person may be assigned to more than one position.

### **2111 Why Is the RP Part of the Unified Command?**

The National Contingency Plan, 40 CFR 300.135(d), says in part:

*The OSC's/RPM's efforts shall be coordinated with other appropriate federal, state, local, and private response agencies. OSCs/RPMs may designate capable persons from federal, state, or local agencies to act as their on-scene representatives. State and local governments, however, are not authorized to take actions under subparts D and E of the NCP that involve expenditures of the Oil Spill Liability Trust Fund or CERCLA funds unless an appropriate contract or cooperative agreement has been*

*established. The basic framework for the response management structure is a system (e.g., a unified command system), that brings together the functions of the federal government, the state government, and the responsible party to achieve an effective and efficient response, where the OSC maintains authority.*

## **2112 Tie Breaking**

Notwithstanding the desire for consensus, the FOSC retains ultimate authority for decisions relating to a response. Since the inception of the NCP, only in few extraordinary situations did a FOSC have to exert his/her own authority independent of the UC when other members were not present or were unable to reach consensus within a reasonable time.

## **2113 Transition of Command during an Incident**

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

For incidents involving an oil discharge or substantial threat of an oil discharge to surface waters, where a transition among federal agencies is necessary after the Oil Spill Liability Trust Fund is opened and a Federal Project Number (FPN) assigned, the change in FOSC should be documented in a Pollution Report (POLREP). Both agencies must also submit cost documentation to account for funds expended during their tenure as FOSC.

Regardless of the circumstances that necessitate a transition from one jurisdiction to another clear and effective communication between the incoming and outgoing FOSC is essential to an efficient and safe response. At a minimum, the transition period should last at least one operational period and one complete planning cycle so that the incoming FOSC is thoroughly briefed on all aspects of the response operation. Every effort must be made to share all pertinent information during this briefing period. The transition from one FOSC to another should not be considered complete until the on-coming FOSC acknowledges they are comfortable and the transition is documented with a decision memo.

## **2120 Local Government On-Scene Coordinator**

There is no region-wide or statewide policy regarding the involvement of local governments in the Unified Command. If a local Area Contingency Plan (ACP) specifies a policy for their

involvement, it will be in Section 2100 Command.

When a spill occurs, the FOSC evaluates the nature and severity of the spill, jurisdictions that may be affected, potential for public involvement, and the need for local agency support. The FOSC may then exercise the option to invite a Local Government On-Scene Coordinator (LGOSC) to participate in the Unified Command. Or, local governments may request appointment of an LGOSC through the State On-Scene Coordinator (SOSC). The state and local governments must agree on one, ICS- and incident-qualified person to represent the local governments. If an LGOSC is not appointed, the SOSC represents the interests of local government.

Upon appointment, the LGOSC no longer represents their agency or jurisdiction but instead represents the responsibilities and interests of all cities, towns, special districts, and county governments in the affected areas.

## **2121 Managing Candidates for LGOSC**

Knowledge of ICS and the National Contingency Plan for Oil is essential for the LGOSC because local government employees are typically not familiar with the response system required by the NCP. Instead they are familiar with the response system described by the Stafford Act for Presidentially-declared emergencies. The two systems are completely different.

If an Area Committee wants the option of including an LGOSC in their unified command, they should develop guidelines to address the following issues with respect to the LGOSC. Otherwise it may be very difficult to satisfy all the local governments. Similar information should be captured in the RECP (see below).

- Selection
- Qualifications
- Demonstrated competencies (training)
- Duties / Responsibilities
- Coordination

- Authorities
- Interaction with established regional emergency management governance structures

The California Governor's Office of Emergency Services (Cal OES) manages the LGOSC program and appoints an LGOSC to the Unified Command when appropriate. When a spill occurs, Cal OES Regional Staff conduct a conference call with the Operational Areas during a response and from that call an LGOSC is chosen. Cal OES and Operational Areas should

be in full coordination. The LGOSC Program is considered a regional program.

The Operational Area is responsible for managing their candidates for LGOSC, and insuring the Operational Area has an up-to-date pool of names and that the individuals are trained and certified.

In California, local Regional Emergency Coordination Plans (RECP) specify the response of local governments and state agencies in response to a major regional emergency incident or disaster. This RECP document resides with Cal OES.

## **2130 Incidents Involving More Than One Area**

Only one FOSC serves as Unified Commander at any time during the course of a response to a single incident, regardless whether the spill covers multiple areas, ACPs or Federal Regions (40CFR300.140). In the coastal zone, the primary consideration in determining which Captain of the Port (COTP) is to be the FOSC is based on which area is the most vulnerable or is faced with the greatest threat. If a discharge or release moves from the area covered by one ACP into another area, the authority for response actions may likewise shift.

In the inland zone, the OSC should initially come from the EPA region whose response jurisdiction is the most vulnerable or is faced with the greatest threat.

When a discharge affects two or more areas with different lead agencies having response authority (for example EPA and Coast Guard), the FOSC to be assigned as Unified Commander should be assigned from the agency that maintains the most appropriate response expertise or whose area is vulnerable to the greatest threat. If the agencies cannot agree, the applicable Regional Response Team (RRT) or Teams will designate the FOSC. See 40 CFR 300.140(b).

If two or more RRTs are unable to agree on an FOSC designation within two or more adjacent RRT areas, the National Response Team (NRT) designates the FOSC.

## **2131 Area Command**

Under ICS, if two or more incidents are competing for critical resources, an Area Command should be established over them. Here, the term 'area' refers to the area encompassed by the two incidents, not to the area described in the Area Contingency Plan. The Area Command does not have an Operations Section. Its function is to broker critical resources and to obtain more of them and to relieve the unified commands of certain common functions such as



## 2140 Joint Field Office

For a description of the JFO, see the *USCG Incident Management Handbook, Chapter 14, Joint Field Office and Incidents of National Significance* at [https://etesting.uscg.mil/mstrefs/Incident\\_Management\\_Handbook.pdf](https://etesting.uscg.mil/mstrefs/Incident_Management_Handbook.pdf)

And the *Joint Field Office Activation and Operations Interagency Integrated Standard Operating Procedure, version 8.3, interim approval dated April 2006* at: [https://www.fema.gov/pdf/emergency/nrf/NRP\\_JFO\\_SOPAnnexes.pdf](https://www.fema.gov/pdf/emergency/nrf/NRP_JFO_SOPAnnexes.pdf)

For a potential or actual Incident or Spill of National Significance (INS/SONS), DHS may establish a Joint Field Office (JFO). The purpose of a JFO is to provide support to local Unified Command structures and coordinate efforts to address broader regional impacts of the incident. As part of the Multi-Agency Coordination System (MACS), the JFO does not supplant the on-scene Unified or Area Command(s), but supports and provides broader coordination of incident-related activities. Execution of tactical operations and coordination remains the responsibility of the Unified or Area Command(s).

## 2150 Support from the Regional Response Team

The RRT should be activated at the request of an FOSC as a multi-agency coordination (MAC) group when an actual or potential discharge or release:

- Exceeds the response capability available to the Federal On-Scene Commander (FOSC) in the place where it occurs;
- Crosses State/FOSC boundaries;
- Requires RRT approval of applied response technologies such as dispersants, surface cleaning agents or *in-situ* burning.
- May pose a substantial threat to the public health, welfare, environment, or to regionally significant amounts of property;
- Otherwise meets the definition of a major discharge as defined in the National Contingency Plan (NCP); or
- Is requested by the FOSC or an RRT Representative.

Once a co-chair asks 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 EPA 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.

When activated, the RRT may meet or convene by teleconference at the call of the incident-specific Chair and may:

- Monitor and evaluate reports from the FOSC. The RRT may advise the FOSC on the duration and extent of the federal response and may recommend to the FOSC specific actions in responding to the discharge or release;
- Request other Federal, State/Commonwealth, or local government, or private agencies to provide resources under their existing authorities to assist the FOSC's response efforts;
- Help the FOSC prepare information releases for the public and for communications with the National Response Team (NRT);
- If circumstances warrant, make recommendations to the regional or district head of the agency providing the FOSC that a different FOSC should be designated; and
- Submit Pollution Reports (POLREPS) to member agencies and other entities as significant developments occur.

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 incident-specific 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 with the RRT.

## **2200 Command Staff**

### **2210 Safety Officer**

In addition to the authority to direct a response to a discharge or release, the FOSC has

specific responsibilities for addressing worker health and safety concerns at a response scene, in accordance with the NCP (40 CFR Section 300.150).

The Safety Officer (SOFR) writes the Site Safety Plan which is an essential part of the Incident Action Plan (IAP). All response personnel are required to read and sign the Site Safety Plan prior to commencing activities.

The Safety Officer and the Medical Unit Leader in the Logistics Section are only concerned with the health and safety of responders assigned to the Unified Command. If medical services are needed by the public those providers will be assigned to the Operations Section.

## **2211 Oiled Wildlife Care Operations**

The wildlife portion of the Site Safety Plan is typically prepared by the Wildlife Branch Director and submitted to the Safety Officer for approval and incorporation into the Site Safety Plan. A sample, wildlife-specific Site Safety Plan is provided in *Appendix II*; of the *Wildlife Response Plan for Oil Spills in California*. See

<http://www.wildlife.ca.gov/OSPR/Preparedness/Wildlife-Response>.

## **2212 EPA & USCG Share Responsibility for Public Health**

If rescue or provision of medical care to victims became part of the response appropriate Groups would be established in the Operations Section. In addition, a Medical or Public Health Technical Specialist may be assigned to the Environmental Unit to monitor and advise the Unified Command regarding health hazards.

USCG and EPA have an *MOU Concerning the Mitigation of Damage to the Public Health or Welfare Caused By a Discharge of a Hazardous Substance Under Section 311 of the Clean Air Act, 33 USC 1321*. See

[http://ocean.floridamarine.org/acp/SAVACP/Documents/MOU\\_MOA/1979-07.pdf](http://ocean.floridamarine.org/acp/SAVACP/Documents/MOU_MOA/1979-07.pdf).

## **2220 Public Information Officer**

The Public Information Officer (PIO) develops and releases information about the incident to the news media, the general public and incident personnel. For details of the PIOs responsibilities, see the United States Coast Guard Incident Management Handbook.

The U.S. Coast Guard, 11th District, Public Affairs web site is at:

<http://d11.uscgnews.com/go/doc/4007/2156562/District-11>

## 2221 Joint Information Center (JIC)

The National Response Team maintains a Technical Assistance Document to describe the preferred model the Joint Information Center should follow. The *JIC Model* can be found at <http://www.nrt.org/Production/NRT/NRTWeb.nsf/PagesByLevelCat/Level2NRTJICModel?OpenDocument>

During a major oil spill where media activity is expected to last several days, the Public Information Officer (PIO) should establish a Joint Information Center (JIC) to coordinate the public affairs activities of participating agencies and parties. The role of the JIC is to:

- a. Provide multiple phone lines for incoming calls, staffed by knowledgeable individuals;
- b. Ensure State and Federal government Public Affairs Officers (PAOs) are available to the media;
- c. Develop and produce joint news releases under the Unified Command, which must be approved by the State, Federal, and RP's Incident Commanders, and provide copies to the Unified Command and each Section of the ICS; and
- d. Schedule, organize, and facilitate news conferences.

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

## 2222 Media Briefings

Pollution incidents that generate significant media interest require news conferences, at least in the first few days of emergency response. These media gatherings provide an opportunity for the Unified Commanders (FOOSC, SOOSC, & RP) to tell the media what has happened and what they're doing about it. It also gives reporters a chance to photograph and ask questions of senior response officials.

## 2223 Segregating the Media

If possible, a "Press Room" separate from the incident command post should be established for reporters' use, at spills that attract a great deal of media interest. This room may be used by reporters covering the story, and would ideally be equipped with several phone lines and electrical outlets, and a couple of desks or tables and chairs. There should be a way to display maps, status boards, and other visual aids that could be used on-camera, and a table near the door for the latest news releases, fact sheets, and advisories. If there is room for seating and a podium with PA system, the pressroom is a good site for all formal news conferences. This

allows TV news crews to set-up cameras in advance, and reporters to do stand-ups and call-ins from an easy, central location.

## **2230 Liaison Officer**

For a description of the role of the LOFR, see the *USCG Incident Management Handbook, Chapter 6, COMDTPUB P3120.17A, dated August 2006* at [https://etesting.uscg.mil/mstrefs/Incident\\_Management\\_Handbook.pdf](https://etesting.uscg.mil/mstrefs/Incident_Management_Handbook.pdf)

Because incidents in California are usually multijurisdictional and have several agencies involved, the Unified Commanders should immediately designate a Liaison Officer (LOFR). A good candidate is the Regional Response Team Coordinator or Area Committee Coordinator since those people are knowledgeable about the USCG, ICS, spill response, and local, state and federal agencies. OSPR also has a cadre of trained Liaison Officers.

The LOFR should be designated before, or at the same time as, the Public Information Officer because these two work closely together. The PIO communicates with the general public. The Liaison Officer communicates with spill response stakeholders in other agencies, among elected officials, among impacted businesses, and with non-governmental organizations (NGOs).

Only one LOFR is assigned for each incident, including incidents operating under a Unified Command and multi-jurisdiction incidents. The LOFR is assigned to the incident to direct stakeholder services, including coordination of assisting and/or cooperating Agency Representatives. The LOFR is assisted by Assistant Liaison Officers (there is no co-Liaison or Deputy) and Technical Specialists (THSP).

The LOFR is a conduit of information and assistance between entities and does not normally have delegated authority to make decisions on matters affecting that agency's participation in the incident; however, the UC/IC may assign additional responsibilities or authorities in order to effectively manage complex incidents. Due to the complexity or scope of the incident, the LOFR may require one or more Assistant Liaison Officers (ALOFR) within the ICP or in the field in order to maintain a manageable span of control. An ALOFR is a representative of the Unified Command and is not a representative of any specific agency.

## **2231 Selecting the Liaison Officer**

The Liaison Officer should come from one of the agencies that provide a Unified Command. For spills where the USCG is FOSC this would be the USCG or the California Office of Spill Prevention and Response (OSPR).

Employees of the Responsible Party (RP) are not eligible to fill the role of Liaison Officer. The RP may assign someone from their corporate communications staff to function as an Agency Representative for the corporation. See the *Agency Representatives* section below.

It is the policy of the Region IX Regional Response Team and the California coastal Area Committees that a single Liaison Officer will be assigned from either the USCG or the California Office of Spill Prevention and Response for all spills where the USCG is FOSC.

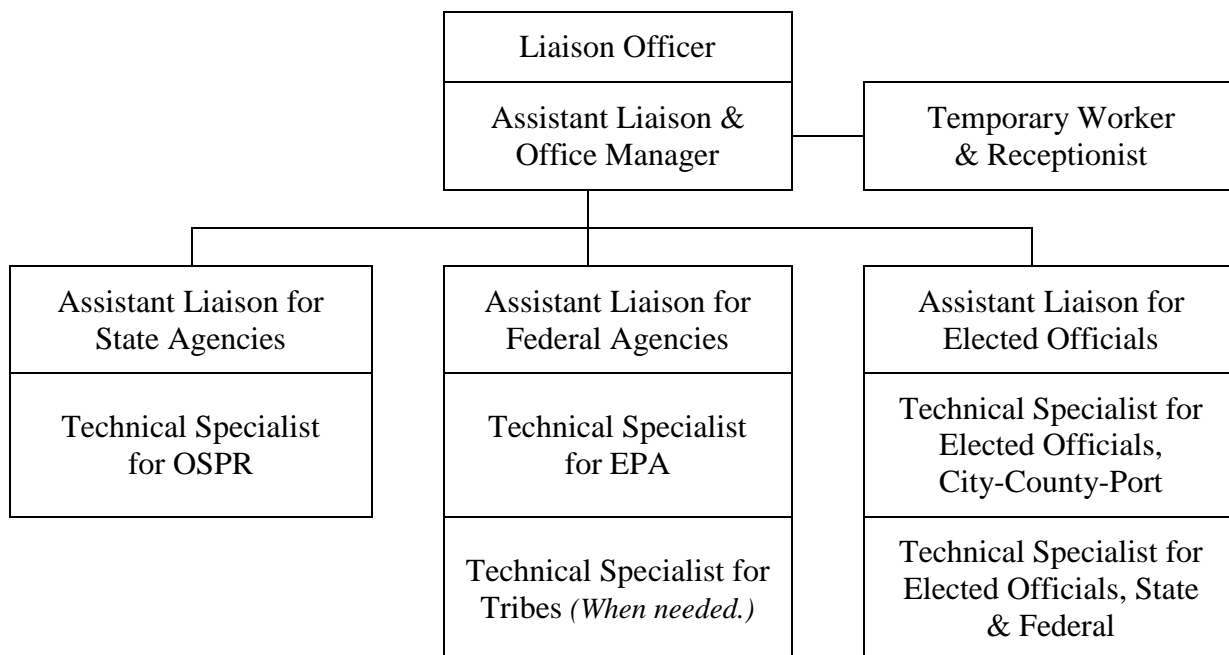
A qualified LOFR should be trained and experienced in all duties of the LOFR and Liaison staff. Ideally, s/he would hold a formal qualification from his/her agency, such as the USCG Personal Qualification System (PQS). See <https://homeport.uscg.mil>, then browse to Library | Incident Command System ICS | Job Aids | Coast Guard ICS Position Job Aids | LOFR Job Aid and/or Liaison Manual.

The LOFR should have a strong general knowledge of relevant federal, state and local government agencies and elected officials, the Incident Command System, protection strategies, spill cleanup methods, response equipment, permitting, waste management, local shorelines and associated resources requiring protection during an oil spill response. S/he should be familiar with federal and state natural resources trustee agencies.

<b>State &amp; Federal Trustee Agencies for purposes of CERCLA and OPA</b>
California's Natural Resource Trustees are the Director of the Department of Fish and Wildlife, the California Water Resources Control Board, the State Lands Commission, and the Department of Toxic Substances Control. Additional trustees are authorized to act under state law, including the Department of Parks and Recreation and the University of California.
Federal Natural Resource Trustees are the Department of Agriculture, the Department of Commerce/NOAA, the Department of Defense, the Department of Energy, and the Department of Interior.

## **2232 Organizing the Liaison Staff**

The following organization was used successfully during the COSCO BUSAN Response in San Francisco Bay during November-January 2007. Note that the only person who reports to the LOFR is the Office Manager. This is because the LOFR spends most of his or her time in meetings or away from the Liaison work space consulting with other members of the Unified Command. The Office Manager should spend most or all of his or her time in the Liaison work area ensuring that all issues are addressed correctly and efficiently.



The Receptionist can be a worker with general office skills hired from a temporary agency. This person stays by the phone and the computer to ensure that all calls are answered quickly, messages are quickly routed or delivered, and email is acknowledged immediately and assigned to the appropriate staff member.

Assistant Liaisons should have some training in ICS and the role of the Liaison Officer. Technical Specialists only need to know the subject area they are handling questions for.

### 2233 Agency Representatives

With or without a Local Government On-Scene Coordinator (LGOSC), local agencies may be represented by their own Agency Representative(s) who work with the incident Liaison Officer. (See the *Unified Command* section above for more information about LGOSCs.) An Agency Representative is assigned to an incident from an assisting or cooperating agency. He/she is delegated full authority to make decisions on all matters affecting their agency’s participation at the incident. Agency Reps work for their agency, not for the Unified Command or the Liaison Officer.

### 2234 Liaison Officer Job Aids & Personal Qualification System

The USCG Liaison Manual and Liaison Officer Job Aid are available as follows.

Go to <https://homeport.uscg.mil/>

1. In the upper right corner of the screen, search for “liaison” (without quotes).

2. From the list, select COAST GUARD ICS POSITION JOB AIDS.
3. Look in the list of Supporting Documents.

The USCG Liaison Officer Personal Qualification System (PQS) is available as follows.

Go to <https://homeport.uscg.mil/>

1. In the upper right corner of the screen, search for “pqs” (without quotes).
2. From the list, select ICS POSITION QUALIFICATION AND CERTIFICATION.
1. Look in the list of Supporting Documents.

## **2235 Research Request Form**

During an oil spill academic researchers may wish to gain access to the spill site in order to conduct research. It is up to the Unified Commanders which, if any, requests they approve. A form may be placed on the incident web page as an online form.

Enclosure 2235: Research Request Form: [https://nrt.org/site/doc\\_list.aspx?site\\_id=85/](https://nrt.org/site/doc_list.aspx?site_id=85/)

## **2236 California Spill Watch & DFW News Room Web Sites**

See <https://calspillwatch.dfg.ca.gov/>

The Cal Spill Watch page is the California Department of Fish and Wildlife's one-stop spot for information about current response efforts to pollution incidents in California. The site is populated with information when a spill incident occurs.

- For beach information, contact local authorities.
- For fisheries information, and other Department of Fish & Wildlife news, see <https://www.wildlife.ca.gov/News>

## **2237 Multi-Agency Coordination**

The National Incident Management System (NIMS) defines a MAC Group as follows: A group of administrators or executives, or their appointed representatives, who are typically authorized to commit agency resources and funds. A MAC Group can provide coordinated decision making and resource allocation among cooperating agencies, and may establish the priorities among incidents, harmonize agency policies, and provide strategic guidance and direction to support incident management activities. MAC Groups may also be known as multiagency committees, emergency management committees, or as otherwise defined by the Multiagency Coordination System.

A generic "MAC System" (MACS) is defined as follows: A system that provides the



architecture to support coordination for incident prioritization, critical resource allocation, communications systems integration, and information coordination. MACS assist agencies and organizations responding to an incident. The elements of the MACS include facilities, equipment, personnel, procedures, and communications. Two of the most commonly used elements are Emergency Operations Centers and MAC Groups.

## **2240 Federal Response**

Federal OSCs have command response authorities pursuant to OPA, CERCLA and the NCP. Federal OSCs assume the role of Federal Incident Commander for responses under their jurisdictional authorities (i.e., discharges of oil to navigable waters of the United States, releases of hazardous substances, and releases of pollutants or contaminants that pose a substantial threat to public health, welfare or the environment).

The Federal OSC directs Federal response efforts and coordinates all other Federal efforts at the scene of a discharge or release. The FOSC may monitor the actions of local, tribal, state, or private entities to remove a discharge or release, and may provide technical assistance to them.

### **2241 EPA OSCs**

EPA OSCs have individual emergency contracting procurement authority up to \$200,000 to take immediate actions to protect the public and the environment from the hazards posed by a discharge or release and to initiate cleanup operations until further funding, if needed, is authorized by the Agency. Additionally, Federal FOSC/OSCs have the authority to request response support and assets from other Federal agencies under the National Response Framework as described in the NCP.

### **2242 Federalizing a Spill**

If a response action is being conducted through local, tribal, state, or responsible party efforts, the FOSC will ensure adequate oversight of response actions. If local, tribal, or state agencies or the responsible party cannot or will not initiate action to eliminate the threat, or if the removal is not being conducted properly, the FOSC will advise the government agency or responsible party that the Federal government will take appropriate response actions under existing authorities to protect public health, welfare and the environment and bill the RP at a later time. This is known as federalizing a spill response.

## **2600 Setting Response Objectives**

The U.S. Coast Guard Incident Management Handbook (Chapter 4 in the 2006 edition) includes lists of sample incident decisions, objectives and priorities for different kinds of incidents: Search & Rescue, Fire & Salvage, Oil Spills, and so on.

### **2610 Response Priorities**

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

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

The UC may use the predetermined response strategies in the ACP for environmentally sensitive sites and economically significant sites. However, the UC and the responders should remain flexible and be receptive to additional information when instituting the booming plan or other countermeasures. Factors such as unusually high winds, strong tidal currents or freshets, equipment limitations, and the type of oil can have a significant effect on the proposed strategy. Modifications to the planned strategies should be expected.

The protection priority of an entire area may be changed, with good reason. For example, if the Scientific Support Coordinator (SSC) or a Department of Fish and Wildlife biologist determine that a certain section of marshland or coastline, previously categorized as a lower priority (or not categorized at all), is currently a breeding ground for an endangered species, then protection of that site may be afforded the utmost priority even at the expense of a previously categorized A site located adjacent to it.

## 2700 Trustee Agencies

The Regional Response Team is responsible for assisting the FOSC, as requested. The FOSC ensures that trustees for natural resources are promptly notified of discharges or releases. The FOSC also coordinates all response activities with affected natural resource trustees and consults with affected trustees on appropriate removal action to be taken. In accordance with the NCP, FOSCs are required to contact the Department of the Interior when a discharge may impact any natural resource including endangered species or their habitat.

## 2710 Federal Trustees

Pursuant to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), Federal Trustees are federal officials who act on behalf of the public as trustees for natural resources. Federal officials so designated act pursuant to Section 107(f) of the *Comprehensive Environmental Response, Compensation, and Liability Act* (CERCLA), Section 311(f)(5) of the *Clean Water Act* (CWA), and Section 1006 of the *Oil Pollution Act of 1990* (OPA).

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

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

Trustee	Resources
Secretary of Commerce	<p>Natural resources managed or controlled by DOC and for natural resources managed or controlled by other federal agencies that are found in, under, or using waters navigable by deep draft vessels, tidally influenced waters, or waters of the contiguous zone, the exclusive economic zone, and the outer continental shelf.</p> <p>Before the Secretary takes an action with respect to an affected resource under the management or control of another federal agency, he shall, whenever practicable, seek to obtain the concurrence of that other federal agency.</p> <p>Examples of the Secretary's trusteeship include the following natural resources and their supporting ecosystems: marine fishery resources; anadromous fish; endangered species and marine mammals; and the resources of National Marine Sanctuaries and National Estuarine Research Reserves.</p>
US DOC, NOAA, National Marine Fisheries Service	<p>NMFS is responsible for the stewardship of the nation's ocean resources and their habitat.</p> <p>Under the <i>Marine Mammal Protection Act</i> and the <i>Endangered Species Act</i>, the NMFS works to recover protected marine species while allowing economic and recreational opportunities.</p>
Secretary of the Interior	<p>Natural resources managed or controlled by the DOI.</p> <p>Examples of the Secretary's trusteeship include the following natural resources and their supporting ecosystems: migratory birds; anadromous fish; endangered species and marine mammals; federally-owned minerals; and certain federally managed water resources.</p> <p>The Secretary of the Interior is also the trustee for those natural resources for which an Indian tribe would otherwise act as trustee in those cases where the United States acts on behalf of the Indian tribe.</p>
Secretary for the Land Managing Agencies	<p>Natural resources located on, over, or under land administered by the United States, the trustee shall be the head of the department in which the land managing agency is found. The trustees for the principal federal land managing agencies are the Secretaries of DOI, USDA (Forest Service), DOD, and DOE.</p>
Head of Authorized Agencies	<p>Natural resources located in the United States but not otherwise described in this table, the trustee shall be the head of the federal agency or agencies authorized to manage or control those resources.</p>

## 2711 Department of the Interior

Agency	Duties
Office of Environmental Policy and Compliance	The initial contact for notification and for overall coordination of DOI's trustee activities. US DOI's primary focus is stewardship of natural, cultural, and historical resources. Any such resource is relevant to the OEPC when contacted as a "Federal Trustee."
U.S. Fish and Wildlife Service	<p>The Federal authority for managing migratory birds, threatened and endangered species, anadromous fish, and lands in the National Wildlife Refuge system.</p> <p>While the FWS will respond to oil &amp; hazmat spills most of the time, other services may be impacted, such as the Bureau of Indian Affairs, the Bureau of Land Management, the Bureau of Reclamation, and the National Park Service.</p>
Bureau of Land Management	Among the BLM lands, the primary program is the National Landscape Conservation System. This includes some National Monuments, Wild and Scenic Rivers, and wilderness study areas.
Bureau of Reclamation	The Bureau's major resources include hydroelectric projects (e.g., dams), irrigation and water supply projects (e.g., the Central Valley Project).
National Park Service	The NPS primarily manages the National Park system, including such major areas as Yosemite and Death Valley.

### 2711.2 U.S. Fish and Wildlife Service Job Titles

The Regional Director is responsible for all FWS activities in the Region (California, Nevada, and the Klamath Basin). Field Supervisors oversee all regulatory activities within each Field Office area.

U.S. FWS Position	Other-Agency Equivalent	Reports To
Field Supervisor Field Office	USCG Sector Commander	Assistant Regional Director - Ecological Services (ARD-ES), or their Deputy at the Pacific Southwest Regional Office

Regional Director Regional Office Sacramento, CA	USCG District Commander, or the EPA Regional Administrator	Director, US FWS Washington DC
Deputy Regional Director	USCG District Chief of Staff, or the EPA Deputy Regional Administrator	Regional Director
Assistant Regional Director - Ecological Services (ARD-ES )	EPA Director of the Superfund Division USCG District Response Advisory Team (DRAT) Supervisor	Regional Director (and Deputy)

Mr. Damian K. Higgins is the Alternate Representative to RRT9 from the U.S. Department of the Interior. He works in the Regional Office and reports to a Division Chief who reports to the ARD-ES. His activities cover all the field offices. Correspondence regarding him and his projects should be sent to the ARD-ES, or to the Regional Director.

Regulatory projects (such as ESA Section 7 consultations) are tasked to field offices (Field Supervisors) based on location of project and impacted trust resources (geography/species). If a project has a larger scope (such as the dispersant or ACP programmatic), these are still tasked to field offices (not regional office) but coordination and oversight between other affected field offices is ensured by the Regional Office by the Regional Coordinator for Environmental Quality Programs, Mr. Damian K. Higgins.

### **2713 U.S. Fish & Wildlife Contacts for California**

U.S. Fish and Wildlife Service  
Pacific Southwest Region (Region 8)  
2800 Cottage Way, Suite W-2606  
Sacramento, CA 95825  
(916) 414-6548 office  
(916) 943-8529 cell

<b>Regional Office</b>	
Mr. Ren Loehoefener	Regional Director, Pacific Southwest Region (Region 8)
Mr. Michael Fris	Assistant Regional Director - Ecological Services (ARD-ES)
Mr. Damian K. Higgins	Regional Coordinator - Environmental Quality Programs

	(Damage Assessment & Restoration, Spill Response)
<b>Field Offices</b>	
Mr. Bruce Bingham	Arcata Fish and Wildlife Office
Mr. Larry Rabin (Acting)	Bay-Delta Fish and Wildlife Office, Field Supervisor
Mr. Mendel Stewart	Carlsbad Fish and Wildlife Office
Ms. Jennifer Norris	Sacramento Fish and Wildlife Office
Mr. Steve Henry	Ventura Fish and Wildlife Office

*\* These names and titles were current as of November 2015.*

## **2714 Actions of Federal Trustees during a Response**

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

## **2715 Lead Administrative Trustee**

Agencies such as the Department of Defense, the Department of Energy, the Department of Agriculture/U.S. Forest Service, and DOC/NOAA may serve as co-trustees with DOI. At the time of a spill, the trustees of affected State and Tribal communities and Federal trustees will meet and select one agency to act as Lead Administrative Trustee (LAT) and will convene a trustee group to ensure the best possible coordination of natural resource trustee activities such as data gathering, damage assessment, and negotiations with responsible parties.

## **2720 State Trustees**

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

State	Trustee	Contact
California	CA DFW Office of Spill Prevention and Response  Governor's Office of Emergency Services	Yvonne Addassi <a href="mailto:Yvonne.Addassi@wildlife.ca.gov">Yvonne.Addassi@wildlife.ca.gov</a> ;  Trevor Anderson <a href="mailto:Trevor.Anderson@oes.ca.gov">Trevor.Anderson@oes.ca.gov</a> ;

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

## 2730 Tribal Trustees

Initial notification of spills that may affect tribal lands is made through the Department of the Interior and the Unified Command provides for tribal involvement during response activities.

The tribal chairs (or heads of the governing bodies) of Indian tribes, as defined in 40 CFR § 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 held in trust for the benefit of such Indian tribe, or belonging to a member of such Indian tribe, if such resources are subject to a trust restriction on alienation. Such officials are authorized to act when there is injury to, destruction of, loss of, or threat to natural resources, including their supporting ecosystems as a result of a release of a hazardous substance.

## 2731 EPA Consultation Policy with Tribes

EPA recognizes the importance of respecting tribal treaty rights and its obligation to do so. The purpose of the new *Guidance for Discussing Tribal Treaty Rights* (Guidance) is to enhance EPA's consultations under the *EPA Policy on Consultation and Coordination with Indian Tribes* (EPA Consultation Policy). The Guidance outlines affirmative steps for EPA tribal consultations in situations where tribal treaty rights or treaty-protected resources may be affected by an EPA action. The EPA Consultation Policy, the Guidance, related documents, and answers to frequently asked questions may be found at



## 2740 Foreign Trustees

Pursuant to the *Oil Pollution Act of 1990*, foreign trustees shall act on behalf of the head of a foreign government as trustees for natural resources belonging to, managed by, controlled by, or pertaining to such foreign government.

## 2800 Investigations

The agency(ies) that investigate an accident varies by the type of accident. See the table below.

Accident Location/Type	Investigator
Accidents involving vessels in the marine environment.	The local U.S. Coast Guard Sector supported by the USCG 11 <sup>th</sup> District, Prevention Department.
Oil spills that impact the marine environment regardless of source.	The local U.S. Coast Guard Sector.
	California Office of Oil Spill Prevention and Response
Oil spills that impact the inland zone.	U.S Environmental Protection Agency
	California Office of Oil Spill Prevention and Response
Chemical spills.	U.S Environmental Protection Agency
	California EPA, Department of Toxic Substances Control <a href="https://www.dtsc.ca.gov/">https://www.dtsc.ca.gov/</a>
The NTSB determines the probable cause of transportation accidents and promotes transportation safety, and assists victims of transportation accidents and their families.	National Transportation Safety Board (NTSB) <a href="http://www.nts.gov">http://www.nts.gov</a>

The CSB conducts root cause investigations of chemical accidents at fixed industrial facilities. Root causes are usually deficiencies in safety management systems, but can be any factor that would have prevented the accident if that factor had not occurred. Their jurisdiction includes petroleum refineries.

U.S. Chemical Safety Board (CSB)  
<http://www.csb.gov>

## 2810 Investigating Marine Casualties

If an oil spill occurs as a result of a marine casualty or accident, the U.S. Coast Guard Prevention Department conducts an investigation to determine the cause. Marine casualties include, but are not limited to allisions, collisions, fires, flooding, groundings, personnel casualties and sinkings. In the event of a marine casualty, the Investigations Officer (IO) on duty is notified. The IO begins the fact-finding phase of the investigation which includes the collection of evidence, conducting witness interviews and, if required, directing drug and alcohol testing. Marine casualty investigation activities are conducted outside the Unified Command structure.

The USCG Investigations Program investigates deaths, injuries, property loss, and environmental damage to determine the associated human performance, equipment, and environmental causal factors; investigates negligence by merchant mariners, misconduct, incompetence, and dangerous drug use leading to appropriate remedial suspension or revocation of merchant mariner credentials; criminal and civil offenses for assessment of civil penalties or referral for criminal prosecution; and analyzes trends and risks in the maritime industries.

Where they have jurisdiction, the State may or may not choose to conduct an investigation into the cause of the casualty. For pollution investigation, the California Department of Fish & Wildlife, Office of Spill Prevention and Response (OSPR) conducts the investigation. Typically this is done in tandem with the U.S. Coast Guard's investigation.

## 2811 Investigating Oil Spills

For oil spills in the marine environment, the local Coast Guard Sector's Pollution Investigator seeks to discover the source of the spill and the responsible party (RP). If a RP is identified, a Notice of Federal Interest (NOFI) issued, and a Letter of Warning or a Notice of Violation (NOV) may be issued. Pollution investigation activities are also conducted outside the Unified Command structure.

Spills from facilities are investigated in the same way as a spill from a vessel. The California Office of Spill Prevention and Response (OSPR) conducts the investigation. Typically this is done in tandem with the U.S. Coast Guard's investigation. The USCG and OSPR have concurrent jurisdiction when a spill occurs in state waters.

OSPR investigates oil pollution incidents from vessels and facilities into state waters as set forth in Cal. PRC Code § 5650.

## **2812 Oil Spills from Facilities**

For pollution events from facilities, Pollution Responders from the local Coast Guard Sector will work in tandem with Prevention's Facility Inspectors to determine the cause and any associated violations of law that may have contributed to the discharge. The investigation into the cause of the discharge and any pollution prevention violations of Title 33 Code of Federal Regulation, Part 154 and 156 will be investigated by Prevention staff. Response staff will ensure all clean-up activities are conducted in accordance with the Facility's Response Plan and the National Oil and Hazardous Substances Pollution Contingency Plan.

## **2813 Oil Spills Due to Exploration or Production**

A Memorandum of Agreement (MOA) was signed between the USCG and the former Mineral Management Service (now the Bureau of Safety and Environmental Enforcement) on 03/27/2009. It is numbered *Outer-Continental Shelf 05* and concerns incident investigations. The MOA is available at: <http://www.uscg.mil/hq/cg5/cg522/cg5222/mou.asp>.

The purpose of the MOA is to identify responsibilities of the Bureau of Safety and Environmental Enforcement (BSEE) and the U.S. Coast Guard when investigating incidents on the U.S. Outer Continental Shelf (OCS).

BSEE investigates incidents related to systems associated with exploration, drilling, completion, workover, production, pipeline, and decommissioning operations for hydrocarbons and other minerals on the OCS.

## **2820 Natural Resource Damage Assessment**

Natural Resource Damage Assessment (NRDA) is the process of identifying and quantifying injuries to natural resources and their services as a result of a release, and then determining the value of those injuries or losses for the purpose of restoration. Successful pursuit of NRDA actions, either by the trustees alone or in cooperation with the RP(s), is a complex process comprising numerous tasks involving the interaction of scientists, economists,

lawyers, and administrators. The DOI Rules and NOAA rules reduce some of the complexity by establishing an assessment process and providing a mechanism for determining the merits of going forth with the assessment and claim. The process provides a record of the trustee's decisions.

NRDA activities generally do not occur within the structure, processes, and control of the ICS; however, many NRDA activities overlap with the environmental assessment performed for the spill response, particularly in the early phases of a spill response. The NRDA Team coordinates and communicates their actions through the NRDA Representative via the Liaison Officer (LOFR). Therefore, NRDA Representatives should remain coordinated with the spill response organization via the LOFR, and may need to work directly with the IC/UC, Planning and Operations Sections, and SSC to resolve any issues and prevent duplicative efforts. While NRDA resource requirements and costs may fall outside the responsibility of the Logistics and Finance/Administrative Sections, coordination is important. The NRDA Representative will coordinate NRDA or environmental injury determination activities.

DOI and DOC/NOAA can also provide technical assistance to those agencies for the initiation of damage assessments. The Federal damage assessment regulations for oil discharges mandated under OPA were developed by NOAA and are now final (15 CFR Part 990). The regulations developed by DOI under CERCLA and CWA authorities apply to releases of hazardous substances, and are in effect and available for trustee guidance and use (43 CFR Part 11).

## **2830 Spills of National Significance**

If a discharge occurs in either the coastal or inland zone, that due to its severity, size, location, actual or potential impact on the public health and welfare or the environment of the United States (40 CFR 300.320 (a)(2)), or the necessary response effort is so complex that it requires extraordinary coordination of Federal, State, Local, Tribal and Responsible Party resources to contain and clean up the discharge, the Commandant of the Coast Guard (coastal zone) or Administrator of the EPA (inland zone) may classify the incident as a Spill of National Significance (SONS) under the NCP (40 CFR 300.5). The NCP describes, in part, the Federal government's responsibility for strategic coordination and support of Federal On-Scene Coordinators (FOSC) when responding to SONS.

When a discharge is classified as a SONS, the Commandant or Administrator may name a National Incident Commander (NIC) in accordance with COMDTINST 16465.1A. Pursuant to 40CFR300.323, the NIC will support the FOSC(s) by:

- Communicating with affected parties and the public, and
- Providing strategic coordination of Federal, State, Local, and International resources at the National level.
- Coordinating with, as appropriate, the NRT, the RRT, the Governor(s) of the affected state(s), and the mayor(s) or other chief executive(s) of local government(s). In addition, the NIC will coordinate with the senior corporate management of the RP(s).
- Ensuring a clear line of succession, a Deputy NIC will be designated by the Commandant or appointed NIC.

### **2831 Incident of National Significance**

The Secretary of Homeland Security, as the Principal Federal Official (PFO) for domestic incident management, declares Incidents of National Significance (INS) in consultation with other departments and agencies as appropriate.

Incidents of National Significance are defined as situations related to the following four criteria set forth in Homeland Security Presidential Directive (HSPD) -5:

- A Federal department or agency acting under its own authority has requested the assistance of the Secretary of Homeland Security.
- The resources of State and local authorities are overwhelmed and the appropriate State and local authorities have requested Federal assistance. Examples include:
  - Major disasters or emergencies as defined under the Stafford Act; and
  - Catastrophic incidents.
- More than one Federal department or agency has become substantially involved in responding to an incident. Examples include:
  - Credible threats, indications or warnings of imminent terrorist attack, or acts of terrorism directed domestically against the people, property, environment, or political or legal institutions of the United States or its territories or possessions; and
  - Threats or incidents related to high-profile, large-scale events that present high-probability targets such as National Special Security Events (NSSEs) and other special events as determined by the Secretary of Homeland Security, in coordination with other Federal departments and agencies.
  - The Secretary of Homeland Security has been directed to assume

responsibility for managing a domestic incident by the President.

## **2840 RRT-UC Coordination Guidelines for a SONS**

This section provides procedures to be used during an oil Spill of National Significance (SONS) or an incident of national significance involving release of hazardous substances, pollutants, or contaminants to coordinate activities between the Regional Response Team (RRT) and Unified/Area Commanders. The RRT would be activated for such an incident and it will be important for RRT and Unified/Area Command activities to be properly coordinated.

In this document the abbreviation RRT-UC stands for “RRT to Unified Command” or Area Command, if one is established.

This guidance applies to an actual, exercise, or as appropriate, potential, SONS or similar nationally significant release of hazardous substances, pollutants, or contaminants, whether the response is conducted solely under the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) or under the Emergency Support Function (ESF) #10 – Oil and Hazardous Materials Response Annex of the National Response Framework (NRF).

### **2841 Definitions of SONS**

The NCP defines a SONS and identifies the officials with authority to make that determination. The determination of whether a release of a hazardous substance, pollutant, or contaminant is nationally significant for the specific purpose of implementing this guidance is made by the Incident-Specific (IS) NRT Chair, considering whether the release is similar to the NCP definition of a SONS and the NCP criteria for NRT activation below:

300.5 SONS definition – a spill that due to its severity, size, location, actual or potential impact on the public health and welfare or the environment, or the necessary response effort, is so complex that it requires extraordinary coordination of federal, state, local, and responsible party resources to contain and clean up the discharge.

300.110(j)(1) criteria for NRT activation, particularly, but not exclusively, if all three criteria are met --

- (i) Exceeds the response capability of the region in which it occurs;
- (ii) Transects regional boundaries; and/or
- (iii) Involves a substantial threat to the public health or welfare of the United States

or the environment, substantial amounts of property, or substantial threats to natural resources.

Appropriate parts of this guidance may also be followed for other oil or hazmat incidents that have the potential to generate significant media or political attention at the discretion of the NCP/ESF #10 lead agency for the response.

This guidance focuses primarily on matters related to NRT-RRT coordination and is not intended to address coordination between all entities, or coordination internal to EPA or USCG, during a SONS or nationally significant hazmat incident. For example, it is expected that the IS RRT Chair would establish procedures for coordinating and sharing information regarding NRT activities with RRT members and the On-Scene Coordinator (OSC), which may include the Unified Command (UC) for the response as appropriate.

### **2842 Incident-Specific RRT, Defined**

This guidance uses the term “incident-specific” (IS) NRT. An IS NRT is defined as an NRT that:

- Is convened for the purpose of addressing matters specific to an incident, rather than for standing NRT business;
- Is chaired by the lead agency for the incident response; and
- After the initial IS NRT activation (which includes all NRT member agencies), is comprised of those NRT member agencies that choose to remain involved in IS NRT matters. An NRT member may decide that his/her agency does not have a stake in a particular incident and ask the IS NRT Chair to be taken off the IS NRT distribution list after the initial activation.

### **2843 Role of RRT in a SONS or Nationally Significant Hazmat Incident**

Requests for an NRT activation for a SONS or nationally significant hazmat incident (INS) may come from various entities, including:

- On-Scene Coordinator (OSC) or Remedial Project Manager (RPM)
- RRT
- Other NRT members; or
- Senior official from the Environmental Protection Agency (EPA) or U.S. Coast Guard (USCG), such as an EPA Senior Agency Official (SAO) or USCG National Incident Commander (NIC) for a SONS, if designated.

These entities may identify a specific purpose for an NRT activation, such as a request for technical or resource support, though the NRT may also be activated to share general incident information for situational awareness and/or in anticipation of a specific request for support. In addition, the NRT may be activated as a result of the incident triggering the criteria under NCP section 300.110(j)(1) listed in Section 2 above.

The following is a list of potential roles for the NRT in a SONS or nationally significant hazmat incident. This list is derived primarily from the NCP (sections 300.110(k), 300.115(k), and 300.323); Section 2-6 of the NRT Operations Binder; experience from the Deepwater Horizon response; and interagency support that may be available from Emergency Support Functions (ESFs) under the NRF and Recovery Support Functions (RSFs) under the National Disaster Recovery Framework (NDRF). This is a list of potential roles; the specific role of the NRT for any given response should be determined on an incident-specific basis.

- Monitor response
- Maintain situational awareness of significant interagency issues
- Address instances of insufficient national policy guidance on a matter before the RRT
- Address technical matters that cannot be resolved at the regional level
- Address questions concerning interpretation of the NCP
- Address disagreements on discretionary actions among RRT or NRT member agencies
- Evaluate reports from the OSC/RPM and recommend to the OSC/RPM, through the RRT, actions to combat the discharge or release
- Respond to requests for supplemental federal, state, local, or private response support that cannot be easily obtained at the RRT level, including specialized equipment or expertise
- Request other federal, state, and local government or private agencies to provide resources under their existing authorities to combat a discharge or release, or to monitor response operations
- Coordinate the supply of equipment, personnel, or technical advice to the affected region from other regions or districts
- Make recommendations to the lead agency regarding the deployment of resources at the national level when there is competition for resources
- Coordinate the response to questions that require interagency input at the national level (e.g., from the White House, National Security Council/Domestic Resilience Group (DRG), Congress, Cabinet-level officials, or national-level private groups)



- Facilitate and ensure adequate interagency coordination during NRF ESF #10 activations that involve significant interagency coordination
- Support the EPA SAO or USCG NIC during a SONS in carrying out SAO/NIC responsibilities
- Evaluate and recommend countermeasures and alternative or innovative technologies
- Support state and community engagement efforts
- Assist in or conduct spill quantification and oil/hazmat fate analyses
- Assist in or conduct economic impact analysis and coordinate short-term federal economic recovery actions
- Assist in addressing issues related to the evaluation and mitigation of environmental and natural/cultural/historic resource impacts
- Provide claims support
- Address worker health and safety issues
- Address public health and safety issues (e.g., food safety, water safety, federal protective action recommendations)
- Assist in coordinating and integrating support from NRF ESFs and NDRF RSFs requested by a senior EPA/USCG official through the Department of Homeland Security. The NRT would work in conjunction with the Federal Resource Coordinator (FRO), who may be appointed by the Federal Emergency Management Agency (FEMA), if ESFs are activated and the Federal Disaster Recovery Coordinator (FDRC), who may be appointed by FEMA or another federal agency, if RSFs are activated. Some types of support listed in the bullets above may be addressed by requesting activation of an ESF or RSF, such as addressing short-term economic analysis/recovery through activation of the Economic RSF. For longer-term recovery actions, however, it is expected the federal government would establish a separate interagency mechanism or body to coordinate federal recovery support. The primary NRT focus is on the response phase.
- Provide national-level support for coordination of international offers of assistance (IOA), particularly if use of IOA is expected to be limited. For use of more significant IOA support, the lead agency would most likely establish components within its internal national and regional/district coordination and command structures to manage that assistance (which would include the Department of State and other federal agencies as needed), such as a national-level IOA unit in the NIC/SAO command/coordination structure and field-level IOA unit in the incident-

specific Area Command or Incident Command.

The RRT may establish incident-specific NRT workgroups to accomplish its activities if appropriate. Section 5.B of these guidelines discusses the process for establishment of IS NRT workgroups.

#### **2844 RRT-UC Coordination Procedures**

**Initial NRT Activation:** The full NRT should be activated as soon as feasible after the lead agency determines that the incident has the potential to be designated as a SONS or nationally significant hazmat release.

NRT Operations Binder Sections 2-6, “Regional Guidelines for Activation of the NRT” and 2-7, “Activation Protocol,” should be followed to convene the initial NRT call/meeting, in addition to the following procedures.

#### **2845 NRT Activation without Request from RRT/OSC**

- If the NRT is activated without a request from the RRT/OSC (e.g., at the request of the IS NRT Chair, other NRT member, or other EPA/USCG senior official), the NRT Executive Director should promptly notify the affected RRT Co-Chairs of the NRT activation.
- The RRT Co-Chairs or their representatives should participate if available, inform the OSC of the NRT activation, and invite the OSC to participate.
- NRT Activation at Request of RRT/OSC
- If the NRT is activated at the request of the IS RRT Chair or OSC, the NRT Executive Director should coordinate with the IS RRT Chair and EPA/USCG RRT counterpart (hereafter referred to as “counterpart”) to schedule the initial NRT activation call/meeting.
- The IS RRT Chair and counterpart should participate and invite the OSC to participate.

#### **2846 Additional Procedures for a SONS**

- If the activation is not at the request of a SAO/NIC, but a SAO/NIC has been designated, the NRT Executive Director should ensure that the EPA/USCG IS NRT Chair informs the SAO/NIC of the activation and the SAO/NIC should participate if available.
- The NRT Executive Director should ensure that NRT members and all RRT Co-Chairs receive a copy of any SONS designation and any appointment of an EPA SAO or USCG NIC.

## 2847 Establishing Ongoing IS RRT-UC Coordination Procedures

As soon as possible after the initial IS RRT activation, the RRT Co-Chair of the agency which is OSC should set up a call between both IS RRT Co-Chair and their deputies (if possible) to discuss ongoing RRT-UC coordination needs and to determine the appropriate coordination procedures for the particular incident. They may agree to adjust the procedures over time as needed. Enclosure 2847 is a sample agenda for this first call.

Once coordination procedures are determined, and when they are adjusted, the IS RRT Co-Chair should ensure RRT members, are informed of the procedures.

Coordination procedures between the IS NRT and IS RRT should minimally include the following:

- (i) Periodic coordination calls between IS NRT Chair/Vice Chair and IS RRT Chair/counterpart.
  - IS NRT Chair/Vice Chair and IS RRT Chair/counterpart should determine whether to establish standing calls as the response continues, or to schedule calls on an as-needed basis.
- (ii) Cross-participation in NRT/RRT meetings and sharing meeting summaries
  - NRT Executive Director should ensure the IS RRT Chair/counterpart are invited to call into NRT meetings, and they or their representatives should participate if available.
  - NRT Executive Director should email NRT meeting summaries to the IS RRT Chair/counterpart for distribution to IS RRT members. (If the IS RRT is given access to the IS NRT website, the IS RRT may decide that is sufficient. See Section 5.E of these guidelines.)
  - IS RRT Chair should ensure a representative(s) of the IS NRT Chair is invited to call into RRT meetings and the representative should participate if available. The IS NRT Chair should ensure the name of the representative(s) is provided to the IS RRT Chair.
  - IS RRT Chair should ensure RRT meeting summaries are emailed to the NRT Executive Director for distribution to the IS NRT. (If an IS RRT website is established and the IS NRT is given access, the IS NRT may decide that is sufficient.)
- (iii) Sharing respective schedules for any standing IS meetings at the national/regional level
  - IS NRT Chair and IS RRT Chair should share the schedules for any key

standing IS meetings at the national and regional levels, respectively. This will help avoid conflicts in scheduling other meetings under these procedures where there is a desire for participation from both the national and regional levels. For example, IS NRT meetings should not be scheduled at the same time as any standing IS RRT meetings if there is a desire for the IS RRT Chair/counterpart to participate in IS NRT meetings.

- (iv) Sharing information on websites for the incident
- (v) The lead agency for the response will identify the appropriate public website to use for the incident. The NRT Executive Director should ensure that the public website address is distributed to all NRT members and RRT Co-Chairs. The IS NRT Chair and IS RRT Chair should also share plans for establishment of a private IS NRT website and, if applicable, a private IS RRT website, and discuss respective access to those websites.
- (vi) Sharing information on interagency coordination of public communications
  - The lead agency for the response will establish appropriate public communications procedures for the incident. The IS NRT Chair and IS RRT Chair should ensure they discuss and share with NRT/RRT members any plans for interagency coordination of public communications, such as establishment of local and/or national Joint Information Centers (JICs), or activation of the ESF #15 – External Affairs Annex of the NRF.
  - For a SONS, further guidance on the coordination of messaging is expected to be provided in an upcoming NRT SONS communications strategy.
- (vii) Sharing information on coordination of interactions with Governors
  - The SAO/NIC for a SONS, or senior EPA/USCG official for a nationally significant hazmat incident, may coordinate conference calls/meetings with affected Governors that are intended to include other appropriate personnel from the affected states and responding federal agencies. In such cases, the lead agency should ensure the IS NRT Chair, and Vice-Chair as appropriate, and the IS RRT Chair, and counterpart as appropriate, or their representatives, are invited to participate, as well as other appropriate agency representatives. The IS NRT Chair/Vice Chair and IS RRT Chair/counterpart should discuss participation of NRT/RRT members on such calls. The IS RRT Chair should notify the relevant state RRT representative(s) of such calls to facilitate internal state coordination.
  - If the ESF #15 – External Affairs Annex is activated, interactions with Governors may be coordinated through the support of the

intergovernmental affairs component of ESF #15. The lead agency should still ensure appropriate participation by the IS NRT and IS RRT, and the IS RRT Chair should ensure the relevant state RRT representative(s) is notified of calls with Governors, as above.

(vii) Ensuring OSC is informed of NRT/RRT activities

- IS RRT Chair should ensure that the OSC or his/her representative is appropriately informed of NRT and RRT activities, and that there is appropriate coordination of NRT/RRT activities with the OSC/UC.

(viii) Identifying method to share information with non-affected RRTs

- NRT Chair/Vice Chair and IS RRT Chair/counterpart should discuss how to communicate and share information about the response with RRT Co-Chairs that are not directly affected by the incident. Minimally, as noted in paragraph (iv) above, the NRT Executive Director should ensure that the non-affected RRT Co-Chairs are notified of any IS public website established by the NCP lead agency.

(viii) Role of NRT

- On the initial call as appropriate, and on later coordination calls as needs arise, the IS NRT Chair/Vice-Chair and IS RRT Chair/counterpart should discuss the role of the NRT in the specific response. The OSC may be invited to participate. For a SONS, the IS NRT Chair should also be coordinating with the SAO/NIC on support the SAO/NIC may need from the NRT. It is likely that the full role of the NRT may not be identified on the initial call and will continue to evolve over time.
- As issues for NRT involvement are identified, the IS NRT Chair may establish IS NRT workgroups to address them. The IS NRT Chair should discuss the potential establishment of such workgroups with the IS NRT Vice-Chair and IS RRT Chair/counterpart, NRT members, and as appropriate, the SAO/NIC, before implementation.
- The IS NRT Chair/Vice-Chair and IS RRT Chair/counterpart should discuss the potential need for regional representation on NRT workgroups and/or establishment of joint NRT-RRT workgroups. They should also discuss, when applicable, whether there is a request and/or need for state or tribal involvement in an NRT workgroup or other NRT matter, and if so, the appropriate process for that involvement.
- • Once established, the IS NRT Chair should ensure an appropriate

method is used to keep the IS RRT Chair/counterpart informed of the progress of these workgroups.

Additional NRT-RRT coordination procedures may include, but are not limited to:

- Joint NRT/RRT conference calls if needed on specific topics
- IS NRT Chair, and Vice Chair as appropriate, may also request the IS RRT Chair, and counterpart as appropriate, to participate as needed in briefings to other senior federal officials (agency/department principals or deputies, White House, etc.). (Requests for OSC participation in such briefings, when needed, should be made through: (1) for EPA-led responses, the EPA Regional Incident Coordinator (RIC); and (2) for USCG-led responses, the District Commander.)
- Additional coordination procedures specified under inland or coastal Joint Contingency Plans with Canada or Mexico, when those plans are activated.

Full or partial NRT activation: The coordination procedures developed for the incident should also indicate which NRT member agencies will continue to be included in NRT activities for the particular incident after the initial activation (i.e., whether it will continue to be a full activation, or whether it will transition to a partial NRT activation if any NRT members asked to be taken off the IS NRT distribution list).

#### Interagency Meetings of Higher-Level Federal Officials

During a SONS or nationally significant hazmat release, interagency meetings of higher-level officials may also be convened (e.g., Principals Committee, Deputies Committee, DRG), in addition to NRT meetings.

If such meetings occur, the lead agency for the response should ensure:

- The IS NRT and IS RRT are informed of these meetings;
- An appropriate flow of information is established up the chain to these higher-level officials; and
- An appropriate flow of information is established down the chain to the IS NRT, IS RRT, OSC, and other appropriate personnel in their agency, of any decisions or key actions taken as a result of these higher level meetings.

Such information-sharing is critical to ensure a coordinated federal response and to avoid duplication of efforts.

## Coordination among Multiple Affected RRTs

If more than one RRT is activated for the response, the IS RRT Chairs/counterparts should communicate with each other to identify appropriate cross-RRT coordination needs, which may include:

- Holding joint RRT calls
- Sharing meeting summaries of individual RRT calls/meetings
- Inviting representative(s) from one RRT to call in to other RRT's calls; and
- Establishing one unified cross-boundary IS RRT, chaired by the agency/RRT that provides the OSC for the incident. The details of how such cross-boundary IS RRTs would operate, including member voting, would be documented in agreed-upon procedures among the affected RRTs (which may be reflected in relevant Regional and Area Contingency Plans).

## Documentation of IS NRT Activities

The NRT Executive Director should establish and maintain an IS page on the “private side” of the NRT website for posting NRT meeting announcements, meeting summaries, action items, decisions reached, and work products and other relevant documents.

The Executive Director should manage individual privileges to the website. The following should have preapproved access to the IS NRT page:

- NRT members and alternates
- NRT committee and sub-committee chairpersons
- IS RRT Chair/counterpart and coordinators from affected region
- SAO/NIC, for a SONS; and
- OSC.

Access to the website by others will be determined on a case-by-case basis and may include (but is not limited to): other RRT members from affected regions; RRT members from unaffected regions; additional agency representatives from NRT agencies (particularly up the NRT member chain-of-command); and other federal representatives from the JIC.

Minimum NRT document identifiers: All documents will:

- Be labeled “For Official Use Only”
- Contain a full list of participants (if documenting a meeting, decision reached, or work product)
- Reference the date and time of occurrence or decision reached; and
- Include a “draft” identifier, with name of author, or an “approved/final” identifier, with name of approving authority, as appropriate for the document.

## **2851 Sample RRT-UC Conference Call Agenda**

Roll Call (RRT Coordinator)

RRT-UC Meetings, Schedules, and Incident Websites

- Current expectations for holding ongoing IS NRT and RRT meetings
- Ensure no conflict with other key standing IS national/regional/site meetings
- Plans for cross-IS RRT coordination (for incidents affecting multiple RRTs)
- Plans for cross-participation in IS NRT and RRT meetings
- Need for joint IS NRT/RRT calls
- Current expectations for IS NRT and RRT websites and respective access to those websites, and NCP lead agency plans for IS public website
- Plans for sharing IS NRT/RRT meeting summaries (website access and/or emails)
- Plans for keeping non-affected RRTs informed of response activities
- Interagency Coordination of Public Communications
- Lead agency’s plans for interagency coordination of public communications (e.g., national/local JIC, activation of ESF #15)

Coordinating Interaction with Governor(s)

- Lead agency’s plans for coordinating interactions with affected Governor(s)
- Participation by IS NRT/RRT members

Interagency Meetings of Higher-Level Officials

- Known IS meetings of higher-level officials (e.g., Principals Committee, Deputies Committee, DRG)



- Information-sharing procedures related to preparing for such meetings and disseminating meeting outcomes, particularly as related to the IS NRT and RRT.
- NRT Role in Response
- Minimum IS NRT role: Share information/maintain interagency situational awareness
- Other IS NRT roles?
  - Needs from RRT/OSC
  - Needs from NRT agencies
  - Needs from NCP lead agency senior officials
- SONS: IS NRT Chair shares known information about SAO/NIC role in specific response, and SAO/NIC coordination with, and requested support from, NRT
- Establishment of IS NRT workgroups
- Potential need for regional and/or state/tribal involvement in any IS NRT workgroups or issues
- Keeping OSC Informed of NRT/RRT Activities
- • IS RRT Chair plan for ensuring that OSC/UC is kept informed as appropriate of IS NRT/RRT activities and that NRT/RRT activities are coordinated with OSC/UC as appropriate

#### Future Coordination Calls

- Plans for future coordination calls between IS NRT Chair/Vice-Chair and IS RRT Chair/counterpart – standing or as needed

#### Documentation and Distribution of Agreed-Upon Coordination Procedures

- Summarize agreements reached on IS RRT-UC coordination
- Plans for documenting and distributing coordination procedures

## **2900 International Oil Spills**

### **2910 Oil Spills on the Mexican Border**

The MEXUS Plan is a bi-national contingency plan for oil and hazmat spills near our maritime borders with Mexico. The plan has two annexes: Gulf and Pacific. The plan

establishes a Joint U.S.-Mexico Response Team (JRT). To justify activating the plan, oil must at least threaten the waters of the other country. In the Pacific the currents generally carry the oil south toward Mexico. The MEXUS Plan and its Annexes are at: <http://www.rrt9.org/go/doctype/2763/53643>.

For real-time information about surface currents, see <http://cordc.ucsd.edu/projects/mapping/maps/>. Numerous reporting stations provide data along the California coast. South of the border there are stations near Tijuana, Rosarito (where oil is loaded) and Ensenada but there is a gap from *El Descanso* south to the *Bajamar Ocean Front Golf Resort*.

## **2911 Pacific Maritime Border**

According to the MEXUSPAC Annex, the co-chair of the JRT in Mexico is the Commander of the 2nd Naval Region in Ensenada, Baja California. The co-chair of the JRT in California is the Commander of the 11<sup>th</sup> Coast Guard District in Alameda, California. Each country responds to the spill in their national waters in the usual way.

MEXUSPAC describes a process of bi-national coordination which involves sharing relevant information about the spill by phone, email and web page. The MEXUSPAC Coordinator is responsible for this coordination. The MEXUSPAC Coordinator is the same person as the USCG Regional Response Team Coordinator and can be reached at (510) 437-2794, or [uscg@rrt9.org](mailto:uscg@rrt9.org).

The text of the Pacific Annex to the MEXUS Plan is available at:

<http://www.rrt9.org/go/doctype/2763/53643>

## **2912 Inland Border**

The text of the ‘2008 US-Mexico Joint Contingency Plan for Chemical Incidents in the Inland Border Region’ is available at: <http://www.rrt9.org/go/doctype/2763/53643>

The national coordinators for the 1983 La Paz Agreement, who coordinate and monitor implementation of the La Paz Agreement, are: The Environmental Protection Agency (EPA) for the United States; and the Secretariat of Environment, Natural Resources, and Fisheries (SEMARNAT) for Mexico.

The national coordinators are kept informed by their respective coordinating authorities regarding all key activities and emergency activations conducted under the Inland Plan.

The inland Joint Response Team (JRT) is the policy and decision making body with overall responsibility for the maintenance and effective implementation of the Inland Plan. The co-

chairs of the JRT are EPA and SEMARNAT, who also serve as the coordinating authorities for implementation of this Inland Plan.

For the United States, the co-chair will be a representative from US EPA Headquarters Chemical Emergency Preparedness and Planning Office (CEPPO). For Mexico, the co-chair will be a representative from PROFEPA. Membership on the JRT is comprised of relevant supporting agencies from each country. The JRT co-chairs will assure coordination with the JRT support agencies.

The Issue/Incident-Specific Joint Response Team (ISJRT) is responsible for effective implementation of the Inland Plan on a regional level in the U.S. and on a state and local level in Mexico in accordance with the policies of the JRT. The Issue/Incident-Specific Joint Response Team may be composed of Regional, State, and local agencies of each country.

Issue-Specific Team: The general function of the Issue-Specific Joint Response Team includes planning and preparedness prior to a polluting incident. This Issue-Specific Joint Response Team may be convened to resolve a preparedness issue that requires localized geographic action. The Issue-Specific Joint Response Team will be led by a representative from the U.S. and/or Mexico as designated by the JRT co-chairs.

Incident-Specific Team: The general function of the Incident-Specific Joint Response Team includes monitoring and support of response operations during a polluting incident. This Incident-Specific Joint Response Team may be convened when a polluting incident has occurred and coordination of response and follow-up is required or when there is a threat to a specific geographic area that requires coordination of appropriate personnel. The Incident-Specific Joint Response Team will be led by:

For the United States, the United States Regional Response Team (RRT) co-chair of the appropriate EPA Region; and for Mexico, the State Civil Protection representative and the respective PROFEPA delegate.

Initial responsibility for responding to incidents rests with local authorities unless otherwise identified as being under federal jurisdiction. Sister Cities have up-to-date contingency plans and information about potential hazards as well as adequate equipment and trained personnel for responding to potential incidents within the Sister City's jurisdiction. Whenever an incident exceeds local capabilities, local officials should seek the assistance of state agencies and should coordinate with nongovernmental organizations when appropriate. To ensure that authorities do not overlap during a polluting incident, the Inland Plan and its Annexes should be coordinated with the comprehensive emergency plans prepared for U.S. local emergency planning districts on the international border in compliance with the *1986 Superfund*

*Amendments and Reauthorization Act (SARA) Title III (the Emergency Planning and Community Right-to-Know Act of 1986) as well as the Area Contingency Plans developed under the Oil Pollution Act of 1990, and equally with existing Mexican plans and arrangements. Nothing in this Inland Plan imposes formal obligations on state or local authorities.*

For more information about the *Emergency Planning and Community Right-to-Know Act (EPCRA)*, see <https://www.epa.gov/epcra>.

## **2920 International Requests for, or Offers of Assistance**

In the event of large oil or hazardous materials spills, foreign governments may use diplomatic channels to notify the United States and/or to request response assistance. In appropriate cases, the USG provides response assistance when it is determined to be in our national interest and resources are available. In the case of a major oil or hazardous materials spill in U.S. coastal waters, foreign governments might offer assistance to the United States. In the US Department of State, the Office of Ocean and Polar Affairs in the Bureau of Oceans and International Environmental and Scientific Affairs (OES/OPA) coordinates such requests for, and offers of, assistance.

Enclosure 2920: US DOS, Int'l Requests for, or Offers of Assistance: [https://nrt.org/site/doc\\_list.aspx?site\\_id=85](https://nrt.org/site/doc_list.aspx?site_id=85)

Within the Coast Guard, such requests or offers are handled by the Office of Incident Management & Preparedness (CG-533), a.k.a. CG-MER. See <http://www.uscg.mil/hq/cg5/cg533.asp>.

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# 3000 Operations

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If a topic is not covered in this chapter see the local Area Contingency Plan.

## 3010 Interagency Agreements

RRT member agencies maintain interagency agreements with many of their spill response partners.

### 3011 California Office of Spill Prevention & Response

The US Coast Guard's primary partner in oil spill preparedness and response is the State of California through the Department of Fish and Wildlife, Office of Spill Prevention & Response (OSPR).

Enclosure 3011: MOA on Oil Pollution Prevention & Response (1997) at [https://nrt.org/site/doc\\_list.aspx?site\\_id=85](https://nrt.org/site/doc_list.aspx?site_id=85)

The Pacific States Oil Spill Task Force is an organization comprised of representatives from state and provincial environmental agencies in the Pacific coastal area. We collect and share data on oil spills, coordinate oil spill prevention projects, and promote regulatory safeguards. Our mission is to improve prevention, preparation, and response to oil spills on a state and provincial level. See The Pacific States Oil Spill Task Force web site is at <http://oilspilltaskforce.org/>.

Enclosure 3012: Memo of Cooperation, Pacific States Oil Spill Task Force , at [https://nrt.org/site/doc\\_list.aspx?site\\_id=85](https://nrt.org/site/doc_list.aspx?site_id=85)

### 3013 U.S. Navy, Region Southwest

Navy Region Southwest provides coordination of base operating support functions for operating forces throughout the region (California, Arizona, Nevada, Utah, Colorado, and New Mexico). The command also serves as the regional coordinator for the Commander, U.S. Pacific Fleet, headquartered in Hawaii, coordinating support for bases in Southern California and Nevada. Their web site is <http://www.cnrc.navy.mil/regions/cnrsw.html>.

Enclosure 3013: USN-USCG MOA re Oil Spill Response in the Coastal Zone at [https://nrt.org/site/doc\\_list.aspx?site\\_id=85.3014](https://nrt.org/site/doc_list.aspx?site_id=85.3014)

Enclosure 3014: USDOT+USDOJ+USEPA Jurisdiction over Offshore Facilities 1994 at [https://nrt.org/site/doc\\_list.aspx?site\\_id=85](https://nrt.org/site/doc_list.aspx?site_id=85)

The USCG and the Bureau of Safety and Environmental Enforcement have a series of MOUs related to offshore facilities on the outer continental shelf (OCS). These are listed and linked to [https://www.bsee.gov/sites/bsee.gov/files/bsee\\_and\\_uscg\\_index\\_for\\_mou-moa.pdf](https://www.bsee.gov/sites/bsee.gov/files/bsee_and_uscg_index_for_mou-moa.pdf) from the following document,

## **3020 Marine Environmental Response & Preparedness Manual**

The primary source of marine environmental response and preparedness policy and guidance for the U.S. Coast Guard is the *Marine Environmental Response & Preparedness Manual*, Commandant Instruction M16000.14A, [http://www.uscg.mil/directives/cim/16000-16999/CIM\\_16000\\_14A.PDF](http://www.uscg.mil/directives/cim/16000-16999/CIM_16000_14A.PDF).

The USCG's Marine Environmental Protection (MEP) mission seeks to prevent discharges of oil or hazardous substances into the navigable waters of the United States, and to ensure effective and immediate removal of a discharge, and mitigation or prevention of a substantial threat of discharges, of oil or hazardous substances. The Marine Environmental Response (MER) program manages the oil and hazardous substance pollution response and preparedness functions of the MEP mission.

At USCG headquarters, the Office of Marine Environmental Response Policy manages the MER program. Commandant (CG-MER) develops policy and guidance for Coast Guard Federal On-Scene Coordinators (FOSCs) and other Special Teams responsible for marine environmental response and preparedness activities.

## **3100 The Operations Section**

A detailed description of each position in the Operations Sections is found in Chapter 7 of the U.S. Coast Guard, Incident Management Handbook, May 2014, COMDTPUB P3120.17B. The handbook is online at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=21958>, or at <https://homeport.uscg.mil/mycg/portal/ep/browse.do?channelId=-17668&channelPage=%2Fep%2Fchannel%2Fdefault.jsp&pageTypeId=11328>, look for the "Job Aids" heading. The Incident Management Handbook is the second item down.

## 3110 Operations Section Chief

### 3111 Responsibilities of the Operations Section Chief

The OSC manages tactical operations directly in support of the Unified Commanders' objectives. The OSC directs preparation of operational plans, requests or releases resources, monitors progress, makes expedient changes to the Incident Action Plan, and reports those changes to the Incident Commander or Unified Commanders. These duties are explained in detail in the Incident Management Handbook referenced above.

### 3112 Selecting the Deputy Operations Section Chief

For anything larger than a small incident the OSC should have a Deputy. The Deputy must be fully qualified to be an OSC. Typically the OSC remains in the incident command post to participate in the initial Incident Brief, the Command & General Staff meeting, the Tactics Meeting, and the Planning Meeting. The Deputy may either be in the field or in the work area used by the Operations staff in the incident command post. There may be more than one Deputy.

For incidents where the USCG is FOSC either the OSC or one of the Deputies should be a USCG officer. It is common for the Responsible Party to provide the OSC since most of the operational resources are provided by or contracted to the RP.

### 3113 Staffing the Wildlife Branch

It is the policy of the Region IX Regional Response Team and the California coastal Area Committees that for spills where the U.S. Coast Guard is FOSC, the Deputy Wildlife Branch Director in the Operations Section should be a Marine Mammal Technical Specialist. The National Marine Mammal Stranding Network, the Marine Mammal Network, and the NOAA Scientific Support Coordinator can identify someone with these qualifications. See the table below.

Justin Viezbicke Stranding Coordinator, California <a href="mailto:Justin.Viezbicke@noaa.gov">Justin.Viezbicke@noaa.gov</a> (562) 980-3230	National Marine Fisheries Service 501 West Ocean Boulevard, Suite 4200 Long Beach, CA 90802
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Justin Greenman Assistant Stranding Coordinator, California <a href="mailto:Justin.Greenman@noaa.gov">Justin.Greenman@noaa.gov</a> (562) 980-3264	
Jordan Stout Scientific Support Coordinator, California <a href="mailto:Jordan.Stout@noaa.gov">Jordan.Stout@noaa.gov</a> (510) 437-5344 office (206) 321-3320 cell, text (206) 526-4911 NOAA Spill Line 24x7	c/o USCG D11(drm) Coast Guard Island, Bldg 50-8 Alameda, CA 94501-5100

## 3120 Notifications

Anyone witnessing an oil spill, chemical release or maritime security incident should call the National Response Center (NRC). (The online reporting tool was discontinued in 2014.)

When an incident occurs in the coastal zone in California, notify the USCG. When an incident occurs in Arizona, Nevada or the inland zone of California, notify EPA.

<i>Immediately</i> report oil spills, chemical releases and maritime security incidents to: National Response Center (800) 424-8802	
<i>Then</i> report the incident to the appropriate regional response center:	
EPA, San Francisco (800) 300-2193 (415) 942-8111 fax <a href="mailto:r9_rcc@epa.gov">r9_rcc@epa.gov</a>	USCG, Alameda, CA (510) 437-3701 (510) 437-3017 fax <a href="mailto:rccalameda1@uscg.mil">rccalameda1@uscg.mil</a>

Most partner agencies subscribe to receive oil spill reports from the National Response Center. To receive an application, email [NRC@uscg.mil](mailto:NRC@uscg.mil) and state which agency you are from.

Local Area Contingency Plans contain detailed information about how and when partner



agencies should be notified of a spill.

Federal reporting standards for oil and hazardous substances spills can be found at <http://www2.epa.gov/emergency-response/reporting-requirements-oil-spills-and-hazardous-substance-releases>.

### 3121 California Notifications

All emergency notifications for the State of California go to the *California State Warning Center*. The Warning Center can also connect you with the appropriate agency based on your description of the problem.

All Emergency Notifications California State Warning Center 24x7		(800) 852-7550
Inland Response and Coordination	Governor's Office of Emergency Services (OES)	Trevor M. Anderson (916) 845-8788 Direct (800) 852-7550 CALIFORNIA STATE WARNING CENTER, 24x7 <a href="mailto:Trevor.Anderson@caloes.ca.gov">Trevor.Anderson@caloes.ca.gov</a> ;
Marine & Inland Oil Spill Response and Coordination	Department of Fish & Wildlife, Office of Spill Prevention & Response (OSPR)	Ellen Faurot-Daniels (831) 649-2888 Direct (800) 852-7550 CALIFORNIA STATE WARNING CENTER, 24x7 <a href="mailto:Ellen.Faurot-Daniels@wildlife.ca.gov">Ellen.Faurot-Daniels@wildlife.ca.gov</a> ;
HAZMAT Response	Cal. EPA, Department of Toxic Substances Control	Dave Rasmussen (818) 551-2190 Direct (916) 255-6504 Duty Officer, business hrs (800) 852-7550 CALIFORNIA STATE WARNING CENTER, 24x7 <a href="mailto:DRasmuss@dtsc.ca.gov">DRasmuss@dtsc.ca.gov</a> ;

### 3122 Downstream Notifications of River Spills

Notification of potentially impacted communities downstream of a release is important to helping provide time to prepare all potentially impacted communities to respond to the release. Many notification systems already exist at the state, tribal, local, and other levels, and US EPA is working to build on the existing infrastructure.

Enclosure 3122: EPA memo re Downstream Notifications 2015-09-04 at

[https://nrt.org/site/doc\\_list.aspx?site\\_id=85](https://nrt.org/site/doc_list.aspx?site_id=85)

Lists of tribes in each local planning area may be found in the Area Contingency Plans for San Francisco, Los Angeles & San Diego.

Native American Environmental Protection Coalition	EDGE-SCI Building 27368 Via Industria, #105 Temecula CA 92590	(951) 296-5595 (877) 739-9243 <a href="mailto:info@naepc.com">info@naepc.com</a>
	Jill Sherman	<a href="mailto:jill@naepc.com">jill@naepc.com</a>
California Native American Heritage Commission	Alternate to California State Historic Properties Officer	(916) 653-4082 <a href="http://nahc.ca.gov/">http://nahc.ca.gov/</a>
California Tribal Nations Emergency Management Council	Chris Walters	<a href="mailto:cwalters@sanmanuel-nsn.gov">cwalters@sanmanuel-nsn.gov</a> ; <a href="http://www.law.ucla.edu/home/index.asp?page=2135">http://www.law.ucla.edu/home/index.asp?page=2135</a>

### 3124 Tribal Nation Contacts in Region IX

There are tribal experts in Region IX in various agencies who represent more than one state.

US DOI, Bureau of Indian Affairs	John Krause	<a href="mailto:John.Krause@bia.gov">John.Krause@bia.gov</a> ; <a href="http://www.bia.gov/index.htm">http://www.bia.gov/index.htm</a>
US EPA, Region IX, Tribal Section	Laura Ebbert, Manager	(415) 947-3561 <a href="mailto:Ebbert.Laura@epa.gov">Ebbert.Laura@epa.gov</a> ; <a href="http://www.epa.gov/region9/tribal">http://www.epa.gov/region9/tribal</a>
US EPA, Office of Emergency Management, Tribal and Environmental Justice Coordinator	William "Nick" Nichols	(202) 564-1970 <a href="mailto:Nichols.Nick@epa.gov">Nichols.Nick@epa.gov</a> ;
US DHS FEMA, Region IX, Tribal Liaison	Tessa Badua-Larsen	(510) 627-7185 <a href="mailto:teresita.badualarsen@dhs.gov">teresita.badualarsen@dhs.gov</a> ;

### 3130 Technical Assistance

If the incident occurs in EPA jurisdiction, a request for technical assistance from a state, tribal or local agency to EPA should be made in writing and sent via fax to the Chief,

Emergency Response Section.

To Request Technical Assistance from EPA:  
Send a fax to: Chief, Emergency Response Section  
(415) 947-3518

A written request is also required when a local, state or tribal government agency asks EPA to take control of the incident or conduct a Federally-funded removal action to mitigate the discharge or release, or threat of a discharge or release.

In addition, EPA OSCs may be asked to provide technical assistance to the lead agency FOSC who is responding to a release or threatened release. EPA FOSCs may be requested by another Federal agency to conduct a removal action on their property. In this situation, EPA may decide to enter into a reimbursable Interagency Agreement (IAG) with the other agency where EPA does the removal work and the other agency later reimburses EPA for their removal costs.

## **3140 Worker Health and Safety**

The Site Safety Plan, ICS-208, is part of the Incident Action Plan (IAP) that describes all operational activity. The Safety Plan is the primary source of safety information for everyone who works at the incident.

The Safety Officer determines what PPE is needed for worker health and safety in accordance with OSHA standards. Additionally, the Safety Officer may send Assistant Safety Officers into the field to observe operations in progress. Assistant Safety Officers can stop operations any time they judge the activity to be potentially unsafe. Assistant Safety Officers are always assigned to observe high-risk activities such as diving, *in-situ* burning and the use of large cranes.

### **3141 Hazardous Waste Operations & Emergency Response Standard**

The U.S. Occupational Health and Safety Administration (OSHA) enforces the Hazardous Waste Operations and Emergency Response Standard, 29 CFR 1910.120 (e)(3)(i), known as HAZWOPER. HAZWOPER training is designed to protect those who work at or visit uncontrolled hazardous waste operations such as oil spills. There are three classes as shown in the table.

<b>Course</b>	<b>Description</b>
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8-hour HAZWOPER annual refresher course	The course must meet OSHA’s requirements for 8 hours of annual refresher training for workers at hazardous waste sites who have already completed their initial 40-hour or 24-hour HAZWOPER training. This course is designed for general site workers who <u>remove</u> hazardous waste or who are <u>exposed</u> or <u>potentially exposed</u> to hazardous substances or health hazards. See <a href="https://trainex.org">https://trainex.org</a> and search for “HAZWOPER”.
24-hr HAZWOPER	This course covers broad issues pertaining to hazard recognition at work sites. HAZWOPER 24 Hour is required for employees <u>visiting</u> an <i>Uncontrolled Hazardous Waste Operation</i> (such as an oil spill) mandated by the Government.
40-hr HAZWOPER	This course is designed for workers who are <u>involved in clean-up operations</u> , voluntary clean-up operations, emergency response operations, and storage, disposal, or treatment of hazardous substances or uncontrolled hazardous waste sites. HAZWOPER 40 Hour is required for employees working on a project consisting of an <i>Uncontrolled Hazardous Waste Operation</i> mandated by the Government. See <a href="https://trainex.org">https://trainex.org</a> and search for “HAZWOPER”.

The US EPA’s TRAINEX web site advertises HAZWOPER training that is free to federal employees. You can search the site by course title, location or date. See <https://trainex.org> . There are also many commercial providers.

## 3200 Oil Spill Response Tactics

### 3210 Response System Planning Tools

No matter which response tactic you choose, there is a tool to calculate Four response system planning tools provided by the Bureau of Safety and Environmental Enforcement (BSEE) are available from the BSEE website: <https://www.bsee.gov/what-we-do/oil-spill-preparedness/response-system-planning-calculators>.

Type of Response	Tool
Mechanical recovery	The Estimated Recovery System Potential calculator (ERSP), plus the Recovery System Evaluation Tool (ReSET), an aid for the ERSP calculator.
In-situ burning	The Estimated Burning System Potential calculator (EBSP).
Surface-applied dispersants	The Estimated Dispersant System Potential calculator (EDSP).
All the tools combined	The Response Options Calculator (ROC) assesses how spilled oil weathers over time and the volume of oil that can be recovered, treated, or burned for the response systems selected.

For a more complete explanation and links to the tools, see <http://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/response-tools/response-system-planning-tools.html>, or <https://www.bsee.gov/what-we-do/oil-spill-preparedness/response-system-planning-calculators>.

## 3220 Floating Oils

Floating oils may be light, such as gasoline or diesel, or they may be thick and tar-like, qualities that make it more difficult to pick up. Different tactics and materials may be better suited to one type of floating oil, or to all types. The section below describes equipment and tactics to use to contain/exclude or recover floating oils.

### 3221 Canadian Oil Sands & Diluted Bitumen

A new study In June 2016 found Canada's oil sands crude floats, contrary to popular belief and previous studies. The study by Natural Resources Canada funded by the Canadian government showed diluted bitumen sinks less than conventional oil in fresh water, though it can sink faster in hot temperatures.

A 2015 report by the National Academy of Sciences showed dilbit would sink quickly in a freshwater spill, requiring special water-bed-cleaning equipment and practices. The new study, however, could mean a less expensive cleanup in cooler areas, a boon to pipelines.

## 3222 Floating Boom

Boom is a flexible floating barrier placed on the surface of the water to control the spread of spilled oil and to protect ecologically sensitive areas.

### 3222.1 Containment, Exclusion or Deflection with Boom

Oil spill containment boom generally has five operating components—flotation chamber, freeboard, skirt, tension member and ballast. The overall height of the boom is divided between the freeboard, the portion above the surface of the water, and the skirt, the portion below the water surface. Boom heights range from approximately 6 inches to over 90 inches, to address different types of water bodies and environmental conditions. Flotation attached to the freeboard and ballast (e.g., chain, weights) attached to the skirt enable the boom to float upright in the water. In other words, the plane created by the boom is perpendicular to that of the surface of the water. Boom is typically made up of 50-foot sections; the sections, and the connectors between sections, provide flexibility both in boom length and shape. Depending on the specific booming strategy employed, boom is towed through the water, anchored in place (typically in water less than 100 ft deep), or attached to the shoreline or to a vessel.

There are four basic booming strategies:

- Containment, where boom is used to contain and concentrate the oil until it can be removed;
- Deflection, where boom is used re-direct floating oil away from sensitive areas;
- Diversion, where boom is used to re-direct floating oil toward recovery sites that have slower flow, better access for equipment and personnel, and a way to remove the oil; and
- Exclusion, where boom is used to keep oil out of a sensitive area.

In addition, booming strategies can be used in combination with each other. Boom may also be used to enhance recovery of oil by skimmers (described in greater detail below) or to collect and concentrate a sufficient thickness of oil on the water surface to allow *in-situ* burning (described in greater detail below). During a response, boom is typically in place for days to a week, depending on the spill. During that time, boom may be moved and repositioned to maximize its effectiveness at containing, excluding, diverting or deflecting oil.

Boom can potentially be used in all open water habitats, depending on environmental conditions, but boom placement may be constrained by water depth and boat accessibility (except in the cases of very small bodies of water, where boom may be deployed by hand).

Boom may come in contact with the substrate in shallow water or along shore-lines. However, this is undesirable in most cases, as typical floating boom that comes into contact with the substrate is likely to lie flat and lose its ability to contain oil. Boom designed for this specific purpose (i.e., to maintain containment after coming in contact with the substrate), known as intertidal or tidal seal boom, may be used for oil containment along shorelines. Like other boom, intertidal boom floats up and down over tidal cycles. However, the skirt is replaced by one or two continuous tubes filled with water, which forms a seal with the substrate. As a result, a vertical plane is maintained by the boom and it continues containing oil as the tide recedes.

Traditional boom attached to the shoreline typically comes in contact with substrate along shorelines for only a short distance, usually less than 10 ft, depending on the slope of the shoreline. In addition to shallow water depths, the effectiveness of booming strategies can be significantly reduced by wind, currents, waves and the presence of large quantities of floating debris. For maximum boom effectiveness, the depth of the water should be at least 5 times the draft of the boom. Once deployed, boom is routinely checked and repositioned by response personnel using small boats to maximize its effectiveness in changing environmental conditions.

### **3222.2 Barriers/Berms and Underflow Dams**

Barriers/berms and underflow dams can prevent entry of oil into a sensitive area or to divert oil to a collection area. A physical barrier is placed across an area to prevent moving oil from passing. Oil may be removed using sorbent material (placed in the water where oil is trapped by the barrier), skimmers or vacuums. Barriers can consist of earthen berms, filter fences, boards or other solid barriers.

Because of the time and labor required to construct berms, they are likely to be in place for one to five weeks, depending on the specific event, if the decision is made to implement this response. This response is more likely to be implemented in shallow and small water bodies than deep ones. Earthen berms are fortified with sandbags or geotextile fabric (fabric or synthetic material that enhances water movement and retards soil movement), to minimize the amount of siltation that may be caused as a result of the structure. Silt fences and settling ponds (or a series of them) are used to contain any suspended sediments that may be mobilized in the water while the berm is being constructed in place or being removed. In-stream barriers may be removed using manual or mechanical means, or both, depending on the accessibility of the site, the size of the structure and stream and the sensitivity of the area to the use of heavy machinery.

If it is necessary for water to pass the barrier because of water flow volume or down- stream

water needs, underflow dams (for low flow rates) can be used. Underflow dams contain oil with a solid barrier (e.g., boards, earthen berms) at the water level, while a submerged pipe (e.g., PVC or opening along the bottom of the barrier) allows some water to flow beneath and past the barrier (Figure A-9). This response is used in small rivers, streams and drainage ditches or at the entrances to shallow sloughs when the flow of oil threatens sensitive habitats. The importance of maintaining water quality and sufficient flow downstream of barriers is recognized (this response is often used to protect sensitive habitats that are located downstream of the barrier), so these features of affected habitats are monitored. This type of response activity may require permitting and will require coordination with the appropriate trustee agency. Contact the Environmental Unit to determine if any permits are required.

## **3223 On-Water Recovery**

### **3223.1 Sorbents**

Sorbents remove floating oil by allowing it to adhere to pads, pompoms or rolls made of oleophilic material. The dimensions of sorbent pads are typically 2 feet by 2 feet. Sorbent rolls are approximately the same width as pads and may be 100 ft long.

Sorbents are most likely to be used to remove floating oil in nearshore environments that contain shallow water. Sorbent material is placed on the surface of the shoreline substrate, allowing it to adsorb oil as it is released by tidal or wave action. The sorbents most typically used for medium to heavy oils are snares (like cheerleader pompoms) made of oleophilic material; snares are attached at 18-inch intervals along a rope that can be tied, anchored or staked along the intertidal shoreline. As the snares are moved about by tidal or wave action, they also help remobilize oil by rubbing across rock surfaces. Snare lines are monitored on a regular basis for their effectiveness at picking up oil, and to collect and replace oiled sorbents with new material. This method is often used as a secondary treatment method after gross oil removal, and along sensitive shorelines where access is restricted. Passive collection with sorbents can also be used in conjunction with other techniques (e.g., flushing, booming) to collect floating oil for recovery.

Sorbents may be used for all types of oil; lighter oils absorb into the material and heavier oils adsorb onto the surface of sorbent material, requiring sorbents with greater surface area. Retrieval of sorbent material is mandatory, as well as at least daily monitoring to check that sorbents are not adversely affecting wildlife or breaking apart after lengthy deployments. However, sorbent materials generally do not remain in the environment for longer than one day.



## Best Practices for Passive Collection of Oil

- Passive collection of oil using sorbent material may be used on all shoreline types, but is most useful with light to moderate oiling.
- Continually monitor and collect passive sorbent material deployed in the intertidal zone to prevent it from entering the environment as non-degradable, oily debris.
- Monitor passive absorbents placed in the mid- or lower intertidal zone for potential entrapment of small crustaceans; coordinate with Environmental Unit for corrective actions if entrapment is observed.

### **3223.2 Solidifiers**

In California, solidifiers may only be used when encased in a mesh package that prevents the individual grains of solidifier from entering the environment.

Most solidifiers are dry, high molecular weight polymers that have a porous matrix and large oleophilic surface area. Solidifiers form a physical bond with the oil. The oil's viscosity increases to the point that the oil becomes solidified into a rubberlike solid. The end product can range from a firm cohesive mass to a non-cohesive granular material. Solidifiers are available in various forms, including dry powder, granules, semisolid materials (e.g., pucks, cakes, balls, sponge designs), and contained in booms, pillows, pads, and socks.

The reaction time is primarily controlled by the grain size (and thus surface area) of the product. Fine grained powders solidify faster than granules because of the higher surface area of the product and the higher diffusion rate of the oil. Light, low viscosity oils are solidified more readily compared to heavy, high viscosity oils. Heavy, viscous oils result in a lower effectiveness and longer solidification time.

Some solidifier products advertise that after binding with petroleum products the solid solidifier may be discarded as clean waste (not as hazardous waste).

Solidifier products listed on the Product Schedule as of May 2006 have a specific gravity less than 1.00 and should float in both fresh and salt water. The treated oil should float as well.

Under certain conditions, the product could be released to the environment (e.g., windblown powder, failure of containment booms and pillows). Polymers degrade very slowly, thus residues may be highly persistent. There are concerns that the product could be ingested by wildlife feeding on the water surface or in fauna living in sediments.

### 3223.3 Skimming

Skimming recovers floating oil from the water surface using mechanized equipment known as skimmers. There are numerous types or categories of skimming devices, including weir, centrifugal, submersion plane, and oleophilic.

- Weir skimmers use gravity to drain oil from the water surface into a submerged holding tank. Once in the holding tank, oil may be pumped away to larger storage facilities.
- Centrifugal (also vortex) skimmers create a water/oil whirlpool in which the heavier water forces oil to the center of the vortex. Once in the center, oil may be pumped away from the chamber within the skimmer.
- Submersion plane skimmers use a belt or inclined plane to push the oil beneath the water surface and toward a collection well in the hull of the vessel. Oil is scraped from the surface or removed by gravity and then flows upward into a collection well where it is subsequently removed with a pump.
- Oleophilic (i.e., having an affinity for oil) skimmers may take on several forms (e.g., disc, drum, belt, rope, brush), but the general principle of oil collection remains the same; oil on the surface of the water adheres to a rotating oleophilic surface. Once oil has adhered to the surface it may be scraped off into containers or pumped directly into large storage tanks.

Skimmers are placed at the oil/water interface to recover, or skim, oil from the water surface. Skimmers may be operated independently from shore, be mounted on vessels, or be completely self-propelled. To minimize the amount of water collected incidental to skimming oil, booming may be used in conjunction with skimming to concentrate the floating oil in a wedge at the back of the boom, which provides a thick layer of oil to the skimmer head.

In shallow water, hoses attached to vacuum pumps may be used instead of other skimming devices described earlier in this section. Oil may be removed from the water surface using circular hose heads (4 to 6 inches in diameter); however, this is likely to result in the intake of a large water-to-oil ratio and inefficient oil removal. Inefficient oil removal of this kind may also result in adverse effects to organisms in the surrounding water. Instead, flat head nozzles, sometimes known as “duckbills” are often attached to the suction end of the hose in order to maximize the contact between the oil and vacuum, minimizing the amount of water that is removed from the environment.

Duckbills (very much like an attachment to a vacuum cleaner) are typically 18 inches or less in width and less than 2 inches in height. In other words, duckbills are relatively small and

designed for maximizing the amount of oil removed from the water surface relative to the volume of water re-moved. Vacuum hoses may also be attached to small, portable skimmer heads to recover oil they have collected. Adequate storage for recovered oil/water mixtures, as well as suitable transfer capability, must be available.

Recovery systems that use skimmers are often placed where oil naturally accumulates: in pockets, pools or eddies.

Skimming can be used in all water environments (weather and visibility permitting) for most oils. The presence of large waves, strong currents, debris, seaweed, kelp, as well as viscous oils, will reduce skimmer efficiency.

#### **3223.4 Decanting After Skimming**

Efforts are made to minimize the amount of water collected during skimming (as discussed above). However, the collection of water, in addition to oil, may be a reality under some circumstances. Limited storage capacity for oil and water collected through skimming may constrain a response and the removal of floating oil. Decanting is the process of draining off recovered water from portable tanks, internal tanks, collection wells or other storage containers to increase the available storage capacity for recovered oil. The liquid in the tanks is allowed to sit for a sufficient period of time to permit oil to float to the top of the tanks. Water is then drained from the bottom of the tank (stopping in time to retain most of the oil). The water removed from the bottom of the tank is discharged back into the environment, usually in front of the skimmer or back into a boomed area. When decanting is conducted properly, minimal oil is discharged back into the environment. The decanting process is monitored visually to ensure prompt detection of oil discharges in decanted water and that water quality standards set forth in the *Clean Water Act* are not violated.

For details about the Region IX decanting policy and approval, see chapter 5000, *Logistics*, in this Coastal Contingency Plan.

Decanting may be allowed because of storage limitations; however, it may not be permitted in all cases. Incidental discharges include, but are not limited to, the decanting of oily water, oil and oily water returns associated with runoff from vessels and equipment operating in an oiled environment and the wash down of vessels, facilities and equipment used in the response. Incidental discharges, do not require additional permits and do not constitute a prohibited discharge. See 33 CFR 153.301, 40 CFR 300. However, the FOOSC should consider and authorize the use of decanting on a case-by-case basis, after an evaluation of the environmental tradeoffs of allowing oil to remain in the environment (because of storage limitations) or discharging decanted water. The response contractor or responsible party will seek approval from the FOOSC and/or State On-scene Coordinator (SOSC) prior to decanting

by presenting the Unified Command with a brief description of the area in which decanting approval is sought, the decanting process proposed, the prevailing conditions (wind, weather, etc.) and protective measures proposed to be implemented. The FOSC and/or SOSC will review such requests promptly and render a decision as quickly as possible. FOSC authorization is required in all cases and, in addition, SOSC authorization is required for decanting activities in state waters.

### **3224 Vessel of Opportunity Skimming Systems**

Vessels of Opportunity (VOOs) may be local commercial or recreational vessels identified to assist in responding to large oil spills. Vessel owners who volunteer during a spill to be VOO supplement the system of organized, professional spill responders that are already in place. All vessel types are welcome to volunteer; fishing, charter, deck barges or other types of smaller passenger and pleasure boats. The Operations Section Chief of the Unified Command established to manage the response to the spill decides whether VOOs are needed.

Although there is no protocol to establish a VOO program, during response to the DEEPWATER HORIZON spill in 2010, nearly 6,000 (other accounts suggest 9,000) vessels of opportunity (VOO) were placed under BP contract.

To qualify for a contract, those VOOs were required to:

- Pass a USCG dockside vessel safety examination,
- Have minimum staffing with adequate/qualified crew (defined by vessel type),
- Pass a 4-hour training class to conduct support activities,
- Pass an additional 4-hour course to conduct oil recovery,
- Have necessary communications equipment, and
- Sufficient Personal Protective Equipment.

The VOO operator was also required to certify that all persons on board were:

- Physically able to conduct emergency procedures (firefighting, abandon ship),
- Alcohol/drug free.

Other requirements put a 40-hr HAZWOPER qualified HAZMAT Technician onboard each vessel, and an English speaker and bilingual speakers onboard the lead VOO.

### **3225 Surface Oil**

When removing stranded oil on the shoreline the goal is to remove a minimum amount of

sediment. Collected oil is placed in bags or containers and removed from the shoreline. No mechanized machinery is used, with the possible exception of All Terrain Vehicles (ATVs) that may be used to transport containers of collected oil to a staging area for retrieval. ATVs are generally used on sand beaches, and restricted to transiting outside of the oiled areas along the upper part of the beach. The techniques used in the removal of surface oil can be used on most shoreline types, but they are most effective on sand or gravel beaches. Generally, removal of surface oil is not recommended on soft mud substrates where mixing oil deeper into the sediment might occur, unless this activity can take place from a boat when the substrate is under- water. It is most appropriate for light to moderate oiling by medium to heavy oils. Light oils such as gasoline and diesel rapidly evaporate and spread out to very thin layers and are not easily picked up. Removal of surface oil is not recommended for mud flats, be- cause of the potential for mixing the oil down into the soft sediments. For similar reasons, removal of surface oil is typically only used along the edges of sheltered vegetated low riverbanks and marshes, and must be closely monitored.

#### Best Practices:

- Removal of surface oil may be used on all shoreline types with the exception of tidal flats; not recommended for these shorelines because of the likelihood of mixing oil deeper into the sediments.
- Cleanup should commence after the majority of oil has come ashore, unless significant burial (on sand beaches) or remobilization is expected; minimize burial and/or remobilization by conducting cleanup between tidal cycles.
- Minimize the amount of sediment removed with the oil.
- Minimize foot traffic through oiled areas on non-solid substrates (sand, gravel, dirt, etc) to reduce the likelihood that oil will be worked into the sediment.
- Restrict foot traffic over sensitive areas (shellfish beds, salmon redds, algal mats, bird nesting areas, dunes, etc.) to reduce the potential for mechanical damage.
- Shoreline access to specific areas may be restricted for periods of time to minimize the impact of human presence/excessive noise on nearby sensitive biological populations (bird nesting, marine mammal pupping, breeding, fish spawning, etc.).
- Separate and segregate any contaminated wastes generated to optimize waste disposal stream and minimize what has to be sent to hazardous waste site.
- Establish temporary upland collection sites for oiled waste materials for

large spill events; collection sites should be lined with asphalt pad and surrounded by berms to prevent secondary contamination from run-off.

- Ensure safety of responders by maintaining proper span of control under experienced crew bosses.

Three variations of this response exist:

- Manual removal of oil,
- Passive collection of oil (sorbents) and
- Vacuum removal of oil.

### **3225.1 Manual Removal**

Manual removal removes oil using tools such as hands, rakes, shovels, and other manual means. Collected oil is placed in bags or containers and removed from the shoreline. This variation of the response can be used on most shoreline types except for tidal flats where the threat of mixing oil deeper into sediments as a result of foot traffic is typically greater than the benefits gained through use of this variation.

Manual removal of oil is recommended for use on:

- Sheltered rocky shorelines and man-made structures, and
- Sheltered rubble slopes.

It is *conditionally* recommended on:

- Exposed rocky shorelines,
- Sand beaches,
- Gravel beaches,
- Sheltered, vegetated low banks, and
- Marshes.

### **3225.2 Vacuum Removal of Oil**

The objective of this variation of the removal of surface oil is to remove free oil that has pooled on the substrate. It entails the use of a vacuum unit with a suction head to recover free oil. Equipment can range in size from small portable units that fill individual 55-gallon drums to large “Supersuckers” that are truck-mounted and have the capacity to lift large rocks. Supersuckers are primarily used when circumstances (e.g., the length or number of hoses used) necessitate that the suction capacity is great. In other words, suction is reduced with increasing hose length and with a number of the hoses used. In these situations, additional suction capacity may be necessary to make up for these losses. This system can

also be used with water spray systems to flush the oil towards the suction head. This response variation is used when free, liquid oil is stranded on the shoreline (usually along the high-tide line) or is trapped in vegetation that is readily accessible. Vacuum removal of oil is not recommended on any shoreline habitat.

It is *conditionally* recommended on:

- exposed rocky shorelines,
- sand beaches,
- gravel beaches,
- sheltered rocky shores and man-made structures,
- sheltered rubble slopes,
- sheltered vegetated low banks, and
- marshes.

#### Best Practices for Vacuum Removal of Oil

- Vacuum removal of oil may be used on any shoreline type where liquid oil has pooled with the exception of tidal flats; not recommended for these shorelines because of poor access and potential for mixing oil deeper into the sediments.
- Closely monitor vacuum operations in wetlands; site specific restrictions may be required to minimize impact to marsh plant root system which could lead to erosion.

### **3225.3 Vegetation Cutting: Nearshore**

Vegetation cutting nearshore removes oil trapped in the canopy of kelp beds, to prevent the oiling of wildlife or remobilization of trapped oil. Thick layers of oil may adhere to kelp fronds or collect under the kelp canopy. This response is used in nearshore marine areas along the coasts and in northern Puget Sound. The upper 1 to 2 feet of the kelp canopy is cut away by hand (bull kelp) or with a mechanical kelp harvester (*Macrocystis*). The oiled kelp cuttings are removed for disposal. Trapped tar balls in the kelp are freed and can be manually collected or flushed to a collection site. Vegetation cutting is used when a large quantity of oil is trapped in the kelp canopy and the oil poses a risk to sensitive wildlife using the kelp habitat or when the remobilization of oil to other adjacent sensitive environments is likely to occur.

*Macrocystis* kelp plants grow very rapidly and continue to provide protective habitat to marine fishes and invertebrates. Other types of kelp (such as *Nereocystis* or bull kelp) may be more sensitive to cutting and removal. Bull kelp fronds comprise one layer, so cutting may

result in loss of protective habitat for associated fishes and invertebrates. If the reproductive cycle is not taken into account, the kelp forest may not return the following spring. Resource experts are routinely consulted relative to these concerns prior to vegetation cutting activities.

## 3230 Nonfloating Oils

With the growing use of heavier crude oils and refined products, the percentage of subsurface oil spills has increased over the last decade. Submerged oils provide response challenges significantly different from those of floating oils. The Coastal Response Research Center and its affiliate, Center for Spills in the Environment, NOAA and the U.S. Coast Guard recognize these challenges and are committed to coordinating programs and leveraging resources to better address submerged oil issues.

The specific goals of the Submerged Oil Working Group are to identify research projects being conducted on submerged oil pertaining to detection and monitoring, containment and recovery, fate and transport, and effects and restoration.

The Coastal Response Research Center at the University of New Hampshire facilitates the working group on submerged oil which meets annually at the Clean Gulf Conference and tri-annually at the International Oil Spill Conference (IOSC). See more information on the Submerged Oil Working Group at <http://crrc.unh.edu/submerged-oil-working-group>.

On that web site, you will find information such as the following:

- Minutes from annual meetings detailing activities that occurred related to submerged oil
- Reports from workshops held on submerged oil issues
- Links to potential sources of funding for submerged oil R&D
- Links to requests for proposals (RFP) and final reports for R&D projects funded on submerged oil since 2006.

## 3231 Containment & Recovery Methods

The text in this section is taken from *Spills of Nonfloating Oils: Risk and Response*, © National Academy of Sciences. The full text contains much more detail about techniques and is available at <http://www.nap.edu/catalog/9640.html>

Oil that is spilled and transported subsurface either remains suspended in the water column or is deposited on the seabed, usually after interaction with suspended sediments or sand. Different strategies for containing these oils can be used depending on the location of the oil.



Typical response strategies are described below. Few of these techniques have been used and their performance has not been documented during spill events.

The containment and recovery of oil dispersed in the water column or deposited on the seabed are very difficult. The problem begins with locating the oil and determining its status. The success of current methods varies greatly but is usually limited because the oil, which is mixed with sediments and water, is usually widely dispensed. In general, the success is greatest when the current speeds and wave conditions at the spill site are low, the oil is pumpable, the water depths are relatively shallow, and the sunken oil has concentrated in depressions or collection areas. The selection of containment and recovery methods is highly dependent on the specific location and environmental conditions during the spill, the characteristics of the oil and its state of weathering and interaction with sediments, the availability of equipment, and logistical support for the cleanup operation. In addition, the potential environmental impacts of implementing these methods, particularly in sensitive benthic habitats, must be considered.

### **3231.1 Oil in the Water Column**

Silt Curtains. The containment of oil suspended in the water column is generally possible only in areas with weak currents (less than 10 cm/sec) and small waves (less than 0.25 m). Silt curtains, which are normally used to control the transport of suspended sediment during dredging operations, are typically restricted to water depths of 3 to 6 meters and are deployed so that the bottom of the curtain does not extend to the seabed. They have not been used in actual spill events.

Nets and Trawls. Midwater trawls and nets may be used for containing selected oil types in certain conditions. The performance of these systems depends on the viscosity of the oil and being able to locate and concentrate the oil.

Delvigne (1987) has suggested that nets can successfully contain oil if the currents are low (less than 10 cm/sec) and the viscosity of the oil is high. Nets can be towed, moored, or mounted on moving floats. This method is sometimes used to protect fixed structures (water intake systems) or resources at risk. The effectiveness of trawls and nets declines rapidly as current speeds increase or as nets become clogged. During the *Presidente Rivera* spill in the Delaware River, fish nets were able to recover eight tons of oil before they became fouled (NOAA, 1992).

Pneumatic Barriers and Booms. Pneumatic barriers involve injecting air at the seabed and forming a bubble plume that rises to the surface. Pneumatic barriers have been considered for protecting seawater intakes against oil dispersed in the water column, but little data are available for assessing their performance. Standard oil booms (deep draft) have been

considered for containing subsurface oil. In fact, booms have been suggested as the preferred option for responding to spills of bitumen-surfactant-water mixtures and have undergone limited testing at sea (Deis et al., 1997; Sommerville et al., 1997). Booms can be used only when the oil remains in the upper water column, the currents are low (less than 0.20 m/sec), and the waves are small (less than 0.25 m).

### **3231.2 Oil on the Seabed**

Seabed Depressions. Oil deposited on the seabed can be moved by ambient currents and waves. Sedimented oil tends to collect in natural or man-made depressions on the bottom, including natural and dredged channels, wave generated troughs offshore of sandy beaches, and natural depressions. Dredging to create depressions for oil collection is not practical as part of a spill response except for very large spills or spills that have very substantial benthic impacts. Descriptions summarize the current state of practice for containing and recovering heavy oils. Identification of natural depressions and collection points, however, may be very useful for locating sedimented oil and planning for its recovery.

Bottom Booms. Bottom-mounted boom systems could be used to contain oil on the seabed. The booms could be moored to the seabed and flotation used to maintain the vertical structure of the boom. These systems are only suitable for locations with low currents and little wave activity. No practical applications of these systems have been reported.

## **3232 Recovering Non-Floating Oils**

The recovery of sunken oil has proven to be very difficult and expensive because the oil is usually widely dispersed. Several of the most widely used recovery methods are reviewed below.

### **3232.1 Manual Removal**

The manual removal of oil, one of the most widely used recovery methods, involves divers or boat-based personnel using dip nets or seines to collect oil, which is temporarily stored in bags or containers. The purpose of manual recovery is to remove the oil and minimize the collection, handling, treatment, storage, and disposal of other material (oiled sediment, sediment, and water). This approach can be useful for widely dispersed oil, and its effectiveness can be assessed by cleanup standards or criteria. The biggest disadvantages of manual removal are the large manpower and logistical requirements, slow rates of recovery, strong dependency on weather conditions, and the potential for the oil to be transported while it is being recovered.

### **3232.2 Pump and Vacuum Systems**

These systems have historically been most successful for removing large volumes of sunken oil. They typically consist of a submersible pump/vacuum system, an oil-water separator, and a storage container. The systems can be mounted on trucks, on land, or on barges or ships. The suction head of the system is normally directed and controlled by divers and may have an air or water injection system to assist in fluidizing and transporting the slurry. The pumped material is usually a mixture of water, oil, and oiled sediment. Highly viscous or solid oils are usually not pumpable and, hence, are not recoverable with this method. High-energy pumping systems cannot be used because of their potential for breaking up oil droplets or globules and emulsifying the oil. The pumped mixture is typically routed to an oil-water separator from which the oil and oiled sediment are removed and stored. The water may be stored for treatment or released into the sea. Oil-water separation may be difficult if the recovered oil is denser than the recovered water. Pumps and vacuum systems are effective if the oil is localized but are not practical for large areas. They also require extensive equipment and the capacity to handle and treat large volumes of water and sediments.

### **3232.3 Nets and Trawls**

In addition to containing dispersed oil, nets and trawls can also be used as collection devices. This approach is most successful when the relative velocity of the water and the oil collected in the net or trawl is low and the viscosity of the oil is high. The effectiveness decreases as the permeability of the net is reduced and flows are diverted around the net.

### **3232.4 Dredging**

Dredging is an efficient, well developed method for removing large volumes of sediment (and oil) from the seabed at high recovery rates. Large volumes of water, oil, and sediment are typically generated in the dredging process and must be handled, stored, and disposed of as the recovery operation proceeds. Accurate vertical control of the dredge depths is critical to minimizing the amount of dredged material and the amount of clean sediment contaminated with oil as the result of the dredging operation. Operational costs and logistics requirements are lower for land-based than for barge-based methods of handling and storing dredged materials. Given the potential for storms that increase freshwater flows and shipping traffic, both of which can re-suspend or remobilize sunken oil, the timeliness of dredging is crucial.

### **3232.5 Onshore Recovery**

In some cases, oil that has been submerged and mixed with sediment enters the surf zone and

is eventually moved onshore and deposited on the shoreline. In these cases, conventional shoreline cleanup methods can be used to remove the oil.

### **3233 Choosing Among Methods**

Protocols for determining which methods to use for a given spill situation have been proposed by Castle et al. (1995). The approach is based on a decision tree structure, with the principal branching being determined by the buoyancy of the oil, the depth of the water column, and whether the oil is pumpable or not.

For the complete explanation see, Castle, R.W., F. Wehrenburg, J. Bartlett, and J. Nuckols. 1995. *Heavy oil spills: out of sight, out of mind*. Pp. 565–571 in Proceedings of the 1995 International Oil Spill Conference. Washington, D.C.: American Petroleum Institute. <http://ioscproceedings.org/doi/pdf/10.7901/2169-3358-1995-1-565>

### **3234 Reprint “Spills of Nonfloating Oils”**

A scholarly work titled *Spills of Nonfloating Oils: Risk and Response* was published by the National Academy Press. See <http://www.nap.edu/catalog/9640.html>. An excerpt from this work; the *Executive Summary* and *Part 3, Technologies and Techniques* is at <http://www.rrt9.org/go/doctype/2763/272922>.

### **3235 Submerged Oil Working Group**

There is a working group involving various agencies, organizations, states, and counties attempting to advance response to nonfloating oils. This Submerged Oil Working Group is coordinated through the University of New Hampshire, Coastal Response Research Center (CRRC): [http://www.crrc.unh.edu/submerged\\_oil/index.htm](http://www.crrc.unh.edu/submerged_oil/index.htm)

## **3240 Mechanical Recovery on Beaches, Sea Walls etc.**

Mechanical means are usually the primary tactic to remove oil from beaches, cliffs, sea walls and pilings. RRT approval is not required. Mechanical methods include:

- Cutting Vegetation
- Manual removal of debris and sediment.
- Sand-cleaning machines.
- Power washing (hot or cold) without chemicals.
- Blasting with dry ice (CO<sub>2</sub>) pellets.

### **3241 Shoreline Cleanup Assessment Teams**

Shoreline Cleanup Assessment Teams (SCAT) inspect impacted and potentially impacted shoreline to assess the level of damage and to judge what the best cleanup methods might be. They take into account not only the type and degree of impact but also the accessibility of the work site. SCAT can also tell Operations which mechanical tactics to use in order to reduce the impact on birds and animals. For complete information, see the *NOAA, Shoreline Assessment Manual*, August 2013 at

[http://response.restoration.noaa.gov/sites/default/files/manual\\_shore\\_assess\\_aug2013.pdf](http://response.restoration.noaa.gov/sites/default/files/manual_shore_assess_aug2013.pdf).

### **3242 Surface Washing Agents (SWA)**

Power washing and CO<sub>2</sub> blasting are usually done on surfaces without any living plant or invertebrates on them. The Historic and Cultural Properties Officers may also prohibit power washing of rocks that had encrusting organisms on them.

RRT approval is only required when a chemical or biological surface washing agent is used. See chapter 4000, Plans, for information about all Applied Response Technologies. EPA defines surface-washing agents as chemical. CA DFW OSPR defines them as either chemical or biological.

If surface-washing agents are used "offsite" in a contained area where no oil or chemicals run off into the environment, no RRT approval is required.

### **3243 Vegetation Cutting**

Vegetation cutting on the shoreline removes oiled vegetation attached to plants on the shoreline to prevent the oiling of wildlife or remobilization of trapped oil. Thick layers of oil may adhere to plant leaves or pool on the substrate under a layer of overlapping plant leaves. The upper parts of the oiled plant are cut away using hand tools or "weed eater" type power tools. The oiled plant cuttings are raked up and removed for disposal. Any remaining oil pooled around the roots/stems can then be flushed out for recovery. These attached plants provide protective habitat to fish and invertebrate species, so cutting of this type will result in a temporary loss of habitat. Cut vegetation may or may not recover depending on the reproductive cycle of the plant and whether the plant roots are oiled or damaged in the cutting operation. Resource experts are routinely consulted prior to initiating vegetation cutting. This response method is generally used when large quantities of potentially mobile oil is trapped in the vegetation or when the risk of oiled vegetation contaminating wildlife is greater than the value of the vegetation that is to be cut, and there is no less destructive method to remove the oil.

When conducted in marshes, boards are generally laid down for workers to walk; this distributes the worker's weight to prevent damage to plant root system and to avoid working oil deeper into the soft sediments. This response is conditionally recommended for (1) exposed rocky shore-lines, (2) gravel beaches, (3) sheltered rocky shorelines and man-made structures, (4) sheltered rubble slopes, (5) sheltered vegetated low banks and (6) marshes.

#### Best Practices for Vegetation Cutting:

- Start cleanup after most of the oil has come ashore.
- Minimize mechanical impacts on vegetation being cut by taking appropriate actions to ensure continued health and survival of vegetative ecosystem.
- Minimize foot traffic through oiled areas on non-solid substrates (sand, gravel, dirt, etc.) to reduce the likelihood that oil will be worked into the sediment.
- Restrict foot traffic over sensitive areas (shellfish beds, salmon redds<sup>1</sup>, algal mats, bird nesting areas, dunes, etc.) to reduce the potential for mechanical damage.
- Shoreline access to specific areas may be restricted for periods of time to minimize impact of human presence/excessive noise on nearby sensitive biological populations (bird nesting, marine mammal pupping, breeding, fish spawning, etc.).
- Separate and segregate any contaminated wastes generated to optimize waste disposal stream and minimize what has to be sent to hazardous waste site.
- Establish temporary upland collection sites for oiled waste materials for large spill events; collection sites should be lined with asphalt pad and surrounded by berms to prevent secondary contamination from run-off.

### **3244 Removing Oiled Debris**

The objective of this response is the removal of oiled debris (organic and man-made) from the shoreline. Debris (e.g., seaweed, trash and logs) is removed when it becomes heavily contaminated and when it is either a potential source of chronic oil release, an aesthetic problem or a source of contamination for organisms on the shoreline. If time and resources permit, un-oiled, man-made debris (e.g., trash, mooring lines, etc.) may be removed or placed above the high tide line prior to oil reaching a shoreline (based on oil spill trajectory) in order

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<sup>1</sup> A redd is a spawning nest that is built by salmon and steelhead in the gravel of streams or the shoreline of lakes. It is formed by the female using her tail to dig in a small area of gravel in the bottom of the stream or shore.

to minimize the amount of oiled debris generated by the spill.

Oiled debris removal is recommended for (1) sand beaches, (2) gravel beaches, (3) sheltered rocky shores and man-made structures and (4) sheltered rubble slopes. It is conditionally recommended on (1) exposed rocky shores, (2) tidal flats, (3) sheltered vegetated low banks and (4) marshes.

Best Practices:

- Removal of oily debris from shorelines with soft mud substrates (mudflats, marshes) is usually restricted to debris stranded at the high tide line where debris can be recovered without grinding oil into the substrate.
- Minimize foot traffic through oiled areas on non-solid substrates (sand, gravel, dirt, etc.) to reduce the likelihood that oil will be worked into the sediment.
- Minimize quantity of oiled vegetative debris removed by concentrating on debris that is moderately to heavily oiled; leave lightly oiled and clean stranded seaweed and wood debris in place to provide habitat for small invertebrates and to help stabilize shoreline.
- Restrict foot traffic over sensitive areas (shellfish beds, salmon redds, algal mats, bird nesting areas, dunes, etc.) to reduce the potential for mechanical damage.
- Shoreline access to specific areas may be restricted for periods of time to minimize impact of human presence/excessive noise on nearby sensitive biological populations (bird nesting, marine mammal pupping, breeding, fish spawning, etc.).
- Separate and segregate any contaminated wastes generated to optimize waste disposal stream and minimize what has to be sent to hazardous waste site.
- Establish temporary upland collection sites for oiled waste materials for large spill events; collection sites should be lined with asphalt pad and surrounded by berms to prevent secondary contamination from run-off.
- Ensure safety of responders by maintaining proper span of control under experienced crew bosses.

### **3245 Oiled Sediment**

Oiled sediment can be removed or reworked.

### 3245.1 Removing Oiled Sediment

Oiled sediment is removed by either use of hand tools or by use of various kinds of motorized equipment. Oiled sediment removal is restricted to the supratidal and upper intertidal areas to minimize disturbance of biological communities in the lower intertidal and subtidal. After removal, oiled sediments are transported and disposed of offsite. New sediments are not typically transported to replace those that were removed; however, a variation of this response that includes sediment replacement (described below) is used for beaches with low natural replenishment rates or high rates of erosion. This method of cleanup is most effective when there is a limited amount of oiled sediment that must be removed.

Close monitoring is required so that the quantity of sediment removed, siltation, and the likelihood of erosion may be minimized in all cases. Such operations are generally restricted in fish spawning areas. Sensitive areas that are adjacent, and may be potentially affected by released oil sheens, must also be protected.

Oiled sediment removal (and removal of adjacent sediment) may be used along riverbanks or other upland areas to prevent oil from leaching into the adjacent aquatic environment. For example, this may be necessary when a tanker truck or rail car overturns and spills oil in an upland area adjacent to a stream. As a primary response, the source of the oil in the environment, including the sediment and/or adjacent soil into which it was spilled, is removed before it has a chance to remobilize into nearby water. The tools used to remove source sediment and/or adjacent soil varies with the scale of the spill and the accessibility of the site; however, both manual and mechanized removal tools are used regularly. In areas that are prone to erosion, contaminated sediment and/or soil that is removed is typically replaced with clean sediment.

Best Practices:

#### Removal:

- Oiled sediment removal (without replacement) is used primarily on sand beaches not subject to high rates of erosion; small quantities of oiled sediment removal may be permitted on gravel beaches (pebble- to cobble-size gravel or riprap) and sheltered vegetated stream banks.
- Start cleanup after most of the oil has come ashore, unless significant burial (sand beaches) or remobilization is expected; minimize burial and/or remobilization by conducting cleanup between tidal cycles.
- Minimize vehicle traffic through oiled areas to reduce the likelihood that oil will be worked into the sediment and contamination carried off site by



cleanup equipment.

- Ensure safety of responders by maintaining proper span of control under experienced crew bosses.

Sensitive Sites:

- Restrict sediment removal to supra and upper intertidal zones (or above waterline on stream banks) to minimize disturbance of biological communities in lower intertidal and subtidal zones.
- Take appropriate actions to protect nearby sensitive environments (salmon spawning streams, shellfish bed, nursery areas) from the effects of increased oil runoff/sheening or siltation by the proper deployment of booms, siltation curtains, sorbents, etc.; monitor for effectiveness of protection measures.
- Restrict foot or vehicular traffic over sensitive areas (shellfish beds, salmon redds, algal mats, bird nesting areas, dunes, etc.) to reduce the potential for mechanical damage.
- Shoreline access to specific areas may be restricted for periods of time to minimize impact of human presence/excessive noise on nearby sensitive biological populations (bird nesting, marine mammal pupping, breeding, fish spawning, etc.).

Oily Waste:

- Minimize the amount of oiled sediment removed by closely monitoring mechanical equipment operations.
- Coordinate the locations of any temporary oiled sediment staging or storage sites near the shoreline with the Environmental Unit.
- Separate and segregate any contaminated wastes generated to optimize waste disposal stream and minimize what has to be sent to hazardous waste site.
- Establish temporary upland collection sites for oiled waste materials for large spill events; collection sites should be lined with asphalt pad and surrounded by berms to prevent secondary contamination from run-off.

### **3245.2 Reworking Oiled Sediment**

The objective of this variation of oiled sediment removal is to re-work oiled sediments to break up oil deposits, increase surface area and mix oxygen into deep subsurface oil layers; this activity exposes the oil to natural removal processes and enhances the rate of oil degradation. Oiled sediment is not removed from the beach. Instead, beach sediments are tilled or otherwise mechanically mixed with the use of heavy equipment. The oiled sediments in the upper beach area may also be relocated to the mid-tidal portion of the beach.

Relocation enhances natural cleanup during reworking by wave activity. This procedure is also known as surf washing, or berm relocation.

Generally, sediment reworking is used on sand or gravel beaches where high erosion rates or low natural sediment replenishment rates are issues. Sediment reworking may also be used where remoteness or other logistical limitations make sediment removal unfeasible. Sediment reworking is not used on beaches near shellfish harvest or fish spawning areas because of the potential for release of oil or oiled sediments into these sensitive habitats. Sediment reworking is conditionally recommended for (1) sand beach and (2) gravel beach habitats.

Best Practices:

- Oiled sediment reworking (tilling) breaks up oil crusts or aerates light surface oiling is used primarily on sand or mixed sand and gravel beaches, especially those prone to erosion.
- Berm relocation or surf washing may be used on sand, mixed sand and gravel, or gravel (pebble- to cobble-size) beaches exposed to at least moderate wave energy.
- Restrict tilling to mid- and upper-intertidal zones to minimize disturbance of biological communities in lower intertidal and subtidal zones.
- Restrict berm relocation/surf washing in vicinity of sensitive environments (salmon spawning streams, shellfish bed, nursery areas, etc.) to prevent adverse effects from increased oil runoff/sheening or siltation.

### **3245.3 Removing and Replacing Sediment**

The objective of this tactic is to remove oiled sediment and replace it with cleaned or new material. Oiled sediments are excavated using heavy equipment on the beach at low tide. After removal of the oiled sediment, new clean sediment of similar composition is brought in for replacement. The oiled sediment may also be cleaned and then replaced on the beach. The sediments are loaded into a container for washing.

Cleansing methods include a hot water wash or physical agitation with a cleaning solution. After the cleansing process, the rinsed materials are returned to the original area. Cleaning equipment must be placed close to beaches in order to reduce transportation problems. This variation is conditionally recommended on (1) sand beaches, (2) gravel beaches and (3) sheltered rubble slopes, although the beaches must be exposed to wave activity so the replaced sediments can be re-worked into a natural distribution.

Best Practices:

- Oiled sediment removal (with replacement) is used primarily on sand, mixed sand and gravel, gravel, and vegetated stream bank shorelines subjected to high rates of erosion.
- Restrict sediment removal and replacement to supra and upper intertidal zones (or above waterline on stream banks) to minimize disturbance of biological communities in lower intertidal and subtidal zones
- Take appropriate actions to protect nearby sensitive environments (salmon spawning streams, shellfish bed, nursery areas) from the effects of increased oil runoff/sheening or siltation by the proper deployment of booms, siltation curtains, sorbents, etc.; monitor for effectiveness of protection measures.
- Coordinate the locations of any temporary oiled sediment staging or storage sites near the shoreline with the Environmental Unit.

### **3246 Subsurface Oils**

Oil may sink below the surface or be buried by sediment washed up by wave action.

Trenching or recovery wells remove subsurface oil from permeable substrates. Trenches or wells are dug down to the depth of the oil (or water table) to intercept oil migrating through the substrate. The oil collected in the trench or well is then recovered by vacuum pump or skimmer, and disposed of offsite. The oil must be liquid enough to flow at ambient temperatures. Water flooding or flushing the substrate can be used to speed up oil migration into the trench or well. If the trench or well is not deep enough to reach the water table, the bottom must be lined with plastic to prevent oil penetration deeper into the sediment. Trenches are not dug in the lower portions of the beach where attached plants and organisms may be abundant.

Trenching and recovery wells are conditionally recommended for sand beaches, gravel beaches (pebble- to cobble-size substrate), and sheltered, vegetated low banks.

Best Practices:

- Trenching and recovery wells may be used on sand and gravel shorelines with grain sizes ranging from fine sand to pebble-size gravel.
- Line the bottom of trenches that do not reach the water table (dry) with plastic to prevent the collected oil from penetrating deeper into the substrate.

- Restrict trenches from the lower intertidal zone where attached algae and organisms are abundant.
- Collapse or fill in trenches/well when response action is completed; ensure sides and bottom of trenches are clean before collapsing.
- Minimize foot traffic through oiled areas on non-solid substrates (sand, gravel, dirt, etc.) to reduce the likelihood that oil will be worked into the sediment.
- Restrict foot traffic over sensitive areas (shellfish beds, salmon redds, algal mats, bird nesting areas, dunes, etc.) to reduce the potential for mechanical damage.
- Shoreline access to specific areas may be restricted for periods of time to minimize impact of human presence/excessive noise on nearby sensitive biological populations (bird nesting, marine mammal pupping, breeding, fish spawning, etc.).
- Separate and segregate any contaminated wastes generated to optimize waste disposal stream and minimize what has to be sent to hazardous waste site.
- Establish temporary upland collection sites for oiled waste materials for large spill events; collection sites should be lined with asphalt pad and surrounded by berms to prevent secondary contamination from run-off.
- Ensure safety of responders by maintaining proper span of control under experienced crew bosses.

## **3247 Flushing Tactics**

Flushing tactics use large quantities of water, sometimes under pressure, to mobilize oils and move them to containment areas where they may be recovered.

### **3247.1 Flushing with Ambient (temperature, salinity) Water**

Water is pumped from hoses onto an oiled beach, beginning above the highest level where the oil is stranded and slowly working down to the water level. The flow of water remobilizes oil stranded on the surface sediments and flushes it down to water's edge. The remobilized oil is contained by boom and recovered for disposal. Increased water pressure may be needed to assist in the remobilization as the oil weathers and begins to harden on the substrate. Because of the potential for higher pressures to cause siltation and physical disruption of the softer substrates, flushing with higher pressures is restricted to rock or hard man-made substrates.

Intake and outflow hoses may range from 2 – 4 inches in diameter and, depending on the

pump used, pump between 200 and 400 gallons of water per minute. Intake hoses are fitted with screens to minimize the extraction of debris, flora and fauna. Screen holes generally range from 0.25 inch to 1 inch in diameter, depending on the environment from which the water is being pumped. Intake hoses are propped off bottom using rebar in about 3 feet of water to further minimize the amount of sediment and debris, and the number of organisms, taken into the hose and pump.

#### Best Practices:

- Start cleanup after most of the oil has come ashore, unless significant burial (sand beaches) or remobilization is expected; minimize burial and/or remobilization by conducting cleanup between tidal cycles.
- Protect sensitive nearby environments (salmon spawning streams, shellfish bed, submerged aquatic vegetation, nursery areas, etc.) from the effects of increased oil runoff by the proper deployment of booms, sorbents, etc.; monitor for effectiveness of protection measures.
- Restrict foot or vehicular traffic over sensitive areas (shellfish beds, salmon redds, algal mats, bird nesting areas, dunes, etc.) to reduce the potential for mechanical damage.
- Shoreline access to specific areas may be restricted for periods of time to minimize impact of human presence/excessive noise on nearby sensitive biological populations (bird nesting, marine mammal pupping, breeding, fish spawning, etc.).
- Ensure safety of responders by maintaining proper span of control under experienced crew bosses.

### **3247.2 Flooding (Simulated Tidal Washing)**

This is a variation of ambient water flushing. It's used to mobilize stranded oil from rock crevices and interstices. Ambient water is pumped through a header pipe at low pressure above and inshore from the fouled area of shoreline. The pipe is meant to create a sheet of water that simulates tidal washing over the affected area. Removing stranded oil may be particularly important when a more sensitive habitat is nearby and in danger of becoming fouled with oil after the intertidal zone is washed over the next tidal cycle, remobilizing oil. The effects of flooding may also be desired when a spring tide has de-positated oil above the normal high water mark or when the wave energy of the adjacent water is not great enough to sufficiently wash the affected area over the following tidal cycle. After oil has been loosened from the substrate it is collected and removed using a variety of mechanical, manual and passive methods. Ambient water flooding is recommended for use on gravel beaches. Ambient water flooding is conditionally recommended for the following habitats: (1) sand

beaches, (2) sheltered rocky shorelines and man-made structures, (3) sheltered rubble slopes, (4) sheltered vegetated low banks, and marshes.

Best Practices:

- Ambient water flooding (deluge) could be used on all shoreline types with the exception of fine- to coarse-grained sand beaches. Use in this habitat could mobilize contaminated sediment into the environmentally sensitive subtidal zone or cause excessive siltation.
- Closely monitor flooding of shorelines with fine sediments (mixed sand and gravel, sheltered rubble, sheltered vegetative banks, marshes) to minimize excessive siltation or mobilization of contaminated sediments into the subtidal zone.
- Ambient water flooding is not generally useful on exposed rocky shorelines or submerged tidal flats because these areas are naturally well flooded.

### **3247.3 Ambient Water, Low-Pressure Flushing**

Ambient water flushing mobilizes liquid oil that has adhered to the substrate or man-made structures, pooled on the surface, or become trapped in vegetation to the water's edge for collection. Low-pressure washing (<50 psi) with ambient seawater sprayed through hoses is used to flush oil to the water's edge for pickup. Oil is trapped by booms and picked up with skimmers or sorbents. This variation may also be used in concert with ambient water flooding, which helps move the oil without the potential effects associated with higher water pressures. Low- pressure flushing is conditionally recommended for (1) exposed rocky shores, (2) sand beaches with coarser sediments (mixed sand and gravel), (3) gravel beaches, (4) sheltered rocky shore-lines and man-made structures, (5) sheltered rubble slopes, (6) sheltered vegetated low banks and (7) marshes.

Best Practices:

- Ambient water, low-pressure flushing could be used on all shoreline types with the exception of sand beaches (fine- to coarse-grained) and mud flats (exposed or sheltered).
- Flushing on exposed rocky shorelines may be hazardous to response personnel; ensure presence of adequate safeguards and monitoring to ensure personnel safety.
- Prevent pushing or mixing oil deeper into the sediment by not directing the stream of water directly into the oil; direct hoses to place stream of

water above or behind the surface oil to create a sheet of water to re-mobilize and carry oil down the beach to a containment area for recovery.

- Closely monitor flushing of shorelines with fine sediments (mixed sand and gravel, sheltered rubble, sheltered vegetative banks, marshes) to minimize excessive siltation or contaminated sediments mobilization into the subtidal zone.
- Restrict flushing in marshes from boats or on shore above the high tide line during high tide to minimize mixing oil into the sediments or mechanically damaging the marsh plants.

#### **3247.4 High-Pressure Flushing**

High-pressure flushing with ambient water mobilizes oil that has adhered to hard substrates or man-made structures.

It is similar to low-pressure washing except the water pressure may reach 100+ psi, and it can be used to flush floating oil or loose oil out of tide pools and between crevices on riprap. Compared to the lower pressure spray, high-pressure spray will more effectively remove oil that has adhered to rocks. Because water volumes are typically low, this response method may require the placement of sorbents directly below the treatment area or the use of a deluge to carry oil to the water's edge for collection.

High-pressure flushing is conditionally recommended for (1) exposed rocky shores, (2) gravel beaches, particularly those consisting of cobble- and boulder-size rocks, and riprap, (3) sheltered rocky shorelines and man-made structures and (4) sheltered rubble slopes.

Best Practices:

- Ambient water, high-pressure flushing may be used on rocky (exposed and sheltered) and riprap shorelines.
- Flushing on exposed rocky shorelines may be hazardous to response personnel; ensure presence of adequate safeguards and monitoring to ensure personnel safety.
- Prevent pushing or mixing oil deeper into the riprap by not directing the stream of water directly into the oil; direct hoses to place stream of water above or behind the surface oil to create a sheet of water to re-mobilize and carry oil down to a containment area for recovery.
- If small volumes of high-pressure water are used to remobilize weathered oil from rocky surface, include larger volume of low-pressure water to help carry remobilized oil into containment area for recovery.

### **3247.5 Warm Water, Moderate-Pressure Washing**

The objective of warm water, moderate-pressure washing is to mobilize thick and weathered oil that has adhered to rock surfaces, prior to flushing it to the water's edge for collection. Seawater is heated (typically between the ambient temperature and 90°F) and applied at moderate pressure to mobilize weathered oil that has adhered to rocks. If the warm water is not sufficient to flush the oil down the beach, flooding or additional low- or high-pressure washing may be used to float the oil to the water's edge for pickup. Oil is then trapped by boom and may be picked up with skimmers or sorbents.

Warm water, moderate-pressure washing is conditionally recommended for (1) exposed rocky shores, (2) gravel beaches (including riprap) and (3) sheltered rocky shorelines and man-made structures. One variation of the response exists: hot water, moderate-pressure washing (described below).

#### **Best Practices:**

- Warm water, moderate-pressure flushing may be used on heavily oiled gravel beaches, riprap and hard, vertical, manmade structures such as seawalls, bulk-heads and docks.
- Restrict use to certain tidal elevations so that the oil/water effluent does not drain across sensitive low-tide habitats (damage can result from exposure to oil, oiled sediments and hot water).
- Flushing on exposed rocky shorelines may be hazardous to response personnel; ensure presence of adequate safeguards and monitoring to ensure personnel safety.
- If small volumes of warm water are used to remobilize weathered oil from rocky surface, include larger volume of ambient water at low-pressure to help carry re-mobilized oil into containment area for recovery.
- Cleanup should commence after the majority of oil has come ashore.
- Protect nearby sensitive environments (salmon spawning streams, shellfish bed, submerged aquatic vegetation, nursery areas, etc.) from the effects of increased oil runoff by the proper deployment of booms, sorbents, etc.; monitor for effectiveness of protection measures.
- Restrict foot traffic over sensitive areas (shellfish beds, salmon redds, algal mats, bird nesting areas, dunes, etc.) to reduce the potential for mechanical damage.
- Shoreline access to specific areas may be restricted for periods of time to minimize impact of human presence/excessive noise on nearby sensitive biological populations (bird nesting, marine mammal pupping, breeding,



fish spawning, etc.).

### **3247.6 Hot Water, Moderate-Pressure Washing**

The objective of this variation of warm water, moderate-pressure washing is to dislodge and mobilize trapped and weathered oil from inaccessible locations and surfaces not amenable to mechanical removal, prior to flushing oil to water's edge for collection.

Water heaters are mounted on offshore barges or on small land-based units. The water is heated to temperatures from 90°F to 170°F, which is usually sprayed in small volumes by hand using moderate-pressure wands. Used without water flooding, this procedure requires immediate use of vacuums (vacuum trucks or super suckers) to remove the oil/water runoff. With a deluge system, the oil is flushed to the water's edge for collection with skimmers or sorbents. This response is generally used when the oil has weathered to the point that even warm water at high pressure is ineffective for the removal of adhered oil, which must be removed due to the threat of continued release of oil or for aesthetic reasons. Hot water washing is conditionally recommended for (1) exposed rocky shores, (2) gravel beaches (specifically riprap) and (3) sheltered rocky shorelines and man-made structures

#### **Best Practices for Hot Water, Moderate-pressure Washing**

- Hot water, moderate-pressure flushing is used only on heavily oiled hard, man-made structures such as seawalls, bulkheads, docks and riprap, primarily for aesthetic purposes.
- Restrict use to certain tidal elevations so that the oil/water effluent does not drain across sensitive low-tide habitats (damage can result from exposure to oil, oiled sediments and hot water).
- If small volumes of hot water are used to remobilize weathered oil from rocky surface, remobilized oil must be recovered using sorbent material at the base of the structure; or a second stream with ambient water can be used to flush the remobilized oil to the water's edge for recovery.

### **3248 Nutrient Enhancement**

Nutrient enhancement increases the rate of natural degradation of oil by adding nutrients (specifically nitrogen and phosphorus). Microbial biodegradation is the conversion by microorganisms of hydrocarbons into oxidized products via various enzymatic reactions. Some hydrocarbons are converted into carbon dioxide and cell material, while others are partially oxidized or left unaltered as a residue. Nutrients are applied to the shoreline using one of several methods: (1) soluble inorganic formulations are dissolved in water and applied as a spray at low tide, requiring frequent applications; (2) slow-release formulations are

applied as a solid to the intertidal zone and designed to slowly dissolve; and (3) oleophilic formulations that adhere to the oil itself and are sprayed directly on the oiled areas. This response method is limited to shorelines and adjacent water bodies, which are well flushed, minimizing the potential for nutrient runoff that may cause significant and undesirable enrichment of an ecosystem with chemical nutrients, typically compounds containing nitrogen, phosphorus, or both (known as eutrophication). Nutrient enhancement is conditionally recommended on (1) sand beaches, (2) gravel beaches, (3) sheltered rubble slopes and (4) marshes.

Nutrient enhancement requires RRT approval on a case-by-case basis, as well as the development of a detailed operations and monitoring plan. See the *Bioremediation* section in chapter 4000 of this plan for details.

## **3250 Response Options in Marshes**

For an overview and links to reports and case studies, go to the NOAA web site at <http://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/resources/oil-spills-marshes.html>.

See also, *Oil Spills in Marshes, Planning & Response Considerations, September 2013* at [http://response.restoration.noaa.gov/sites/default/files/Oil\\_Spills\\_in\\_Marshes.pdf](http://response.restoration.noaa.gov/sites/default/files/Oil_Spills_in_Marshes.pdf).

And, *Responding to Oil Spills in Coastal Marshes: The Fine Line between Help and Hindrance, December 1995*, at [http://response.restoration.noaa.gov/sites/default/files/Coastal\\_Marshes\\_508.pdf](http://response.restoration.noaa.gov/sites/default/files/Coastal_Marshes_508.pdf).

Enclosure 3250, Biofuels, Response and Planning Considerations, at [https://nrt.org/site/doc\\_list.aspx?site\\_id=85](https://nrt.org/site/doc_list.aspx?site_id=85).

## **3260 Dispersants and *In-Situ* Burning**

See chapter 4000, *Planning*, of this plan.

## 3300 Reserved

## 3400 Air Operations

Air operations may include manned (piloted) or unmanned aircraft.

### 3410 Aircraft with Pilots Onboard

#### 3411 Temporary Flight Restrictions

If the Air Operations Branch Director or Air Operations Group determines that flight restrictions are needed to ensure the safety of aircraft operating in support of the response, contact the Federal Aviation Administration via the USCG Command Center or directly, as follows.

USCG 11 <sup>th</sup> District/Pacific Area Command Center	(510) 437-3701 24x7
FAA Western Pacific Region <i>Explain what you need and FAA will contact the appropriate Air Traffic Facility and make notifications within FAA as needed.</i>	(310) 725-3300 24x7 <i>Depending on the day and time of day, this line may be answered by LA or Seattle.</i>

TFRs can also be written to apply to Unmanned Aircraft Systems (drones).

### 3420 Unmanned Aircraft Systems

Unmanned aircraft are referred to by several names, including: Unmanned Aerial Vehicles (UAV), Unmanned Aircraft Vehicle System (UAVS), Unmanned Aircraft Systems (UAS), drones, remote controlled aircraft and model aircraft. EPA uses the term Aerial Video Platforms (AVP).

For general information about UAVs see <http://www.theuav.com/>. The FAA has adopted the acronym UAS for Unmanned Aircraft System to reflect the fact that these complex systems include ground stations and other elements besides the actual air vehicles. The term UAS, however, is not widely used as the term UAV has become part of the modern lexicon.

## **3421 FAA Regulations for Unmanned Aircraft Systems**

With the proliferation of Civil Unmanned Aerial Systems (UAS) we must expect impacts to public safety. The proliferation of commercially-available camera equipped aircraft, such as the *DJI Phantom Quadcopter*, mean we must expect surveillance of USCG activities by the news media, hobbyists, environmental groups and unfriendly forces.

Such systems are inexpensive (\$1,500). They have sophisticated navigation (GPS and autonomous) and not much experience is required. They are small and lightweight, (2.7 pounds) and they can achieve significant flight time (25 minutes). Some have WiFi downlink capability.

FAA is the primary regulator; state/local laws may also apply. FAA regulates three classes of UAS Operations: Public Operations (Governmental), Civil Operations (Non-Governmental), and Model Aircraft (Hobby or Recreation only).

## **3422 Public Aircraft**

Whether a UAS operation qualifies as a public aircraft operation is determined on a flight-by-flight basis, under the terms of the statute. The considerations when making this determination are aircraft ownership, the operator, and the purpose of the flight.

For public aircraft operations, the FAA issues a Certificate of Waiver or Authorization (COA) that permits public agencies and organizations to operate a particular aircraft, for a particular purpose, in a particular area. The COA allows an operator to use a defined block of airspace and includes special safety provisions unique to the proposed operation. COAs usually are issued for a specific period – up to two years in many cases.

FAA manages public aircraft COAs through its COA Online system <https://ioeaaa.faa.gov/oeaaa/>. The typical COA approval process is completed within 60 business days of receipt, provided there are no submittal errors, missing information, or safety or airspace issues. Email the FAA/UAS Integration Office at [9-AJR-36-UAS@faa.gov](mailto:9-AJR-36-UAS@faa.gov) to get started. See also <https://www.faa.gov/uas/>.

## **3423 Civil Aircraft**

Any UAS operation that does not meet the statutory criteria for a public aircraft operation is considered a civil aircraft (commercial) operation and must be conducted in accordance with all FAA regulations applicable to the operation.

There are two methods of gaining FAA authorization to fly civil (non-governmental) UAS:

1. Section 333 Exemption – a grant of exemption in accordance with Section 333 AND a civil Certificate of Waiver or Authorization (COA); this process may be used to perform commercial operations in low-risk, controlled environments. Instructions for filing a petition for exemption are available at [https://www.faa.gov/uas/legislative\\_programs/section\\_333/how\\_to\\_file\\_a\\_petition/](https://www.faa.gov/uas/legislative_programs/section_333/how_to_file_a_petition/)
2. Special Airworthiness Certificate (SAC) – applicants must be able to describe how their system is designed, constructed, and manufactured, including engineering processes, software development and control, configuration management, and quality assurance procedures used, along with how and where they intend to fly.

### **3424 Model Aircraft**

Model aircraft operations are for hobby or recreational purposes only.

The FAA has partnered with several industry associations to promote *Know before You Fly*, a campaign to educate the public about using unmanned aircraft safely and responsibly. Individuals flying for hobby or recreation are strongly encouraged to follow safety guidelines, which include:

- Fly below 400 feet and remain clear of surrounding obstacles
- Keep the aircraft within visual line of sight at all times
- Remain well clear of and do not interfere with manned aircraft operations
- Don't fly within 5 miles of an airport unless you contact the airport and control tower before flying
- Don't fly near people or stadiums
- Don't fly an aircraft that weighs more than 55 lbs
- Don't be careless or reckless with your unmanned aircraft – you could be fined for endangering people or other aircraft

### **3425 UAS Weighing 0.55-55 lbs Must Be Registered with the FAA**

All aircraft weighing more than 0.55 pounds (250 grams) and less than 55 pounds (approx. 25 kilograms), including payloads such as on-board cameras, must be registered. Owners must register new UAS before the first flight outdoors.

The Federal Aviation Administration's (FAA) Small Unmanned Aircraft System (UAS) registry is at [www.faa.gov/uas/registration](http://www.faa.gov/uas/registration). Registration costs \$5. When registration is complete, the web application will generate a Certificate of Aircraft Registration/Proof of

Ownership including a unique identification number for the UAS owner, which must be marked on the aircraft. The registration is valid for three years.

Owners using the model aircraft for hobby or recreation will only have to register once and may use the same identification number for all of their model UAS.

For help with registration, see <http://www.faa.gov/news/updates/?newsId=84386> or email [UAShelp@faa.gov](mailto:UAShelp@faa.gov).

### **3426 State and Local Regulations**

Currently FAA allows overlapping enforcement at the state and local level, it's uncertain if/how that will continue or if it will be broken down between commercial and recreational use. For example, it's doubtful a city would be able to restrict the use of UASs by Amazon.com to deliver packages. See <https://www.faa.gov/uas/>

Some local municipalities have enacted regulations prohibiting operations, e.g., City of Los Angeles Harbor Department, Santa Monica, Beverly Hills, and Berkeley.

## **3430 UAS Activity Directed Against a USCG Activity**

Guidance on how to respond to UAS activity directed at a USCG activity is expected in the form of an ALCOAST in 2016.

Current actions for any USCG or USCG-Related Activity:

- Advise local law enforcement to immediately investigate
- Advise FAA via DEN (Domestic Events Network – Air Traffic Security Coordinator)
- Awareness campaign on safety through Public Affairs.
- Contribute to FAA on drafting of regulations – security focus
- Work with local municipalities on enforcement
- Work with local government to create ordinances (may not be authorized)
- Use or expand Safety & Security Zones to cover UASs and provide CG enforcement action

### **3431 Reporting Near Mid-Air Collisions**

As with any near midair collision an immediate report to the local FAA Air Traffic Control (ATC) facility is *required*. If the USCG aircraft is unable to do that while airborne, the report should be made as soon as possible after landing. If the incident occurs with a cutter or land

based unit, the local FAA ATC phone call should be made immediately followed by notification to local law enforcement. Even after FAA puts out its regulations, local law enforcement will have to be involved if only due to their ability to respond.

USCG is engaged with DOD, FAA, USSS, FBI and others on this problem.

### **3432 Reasonable Suspicion Required to Examine Images**

If a UAS with a camera is recovered, government personnel *may not examine or seize any imagery* under U.S. Supreme Court *Riley vs. California* 134 S. Ct. 2473 (2014). If you believe you have a reasonable suspicion that justifies examination of the images, contact the Duty USCG Legal Officer at (510) 701-4902, or through the USCG D11 Command Center at (510) 437-2794. It may be appropriate to contact the FBI or the Joint Regional Intelligence Center, <https://www.jric.org/>.

## **3440 US FWS Policy for UAS in Wildlife Refuges**

The US FWS Refuge Inventory and Monitoring Program created a flowchart to help refuges understand the requirements that need to be met before operating a UAS on a refuge.

Enclosure 3440: US FWS Rules for Unmanned Aircraft Systems :  
[https://nrt.org/site/doc\\_list.aspx?site\\_id=85](https://nrt.org/site/doc_list.aspx?site_id=85)

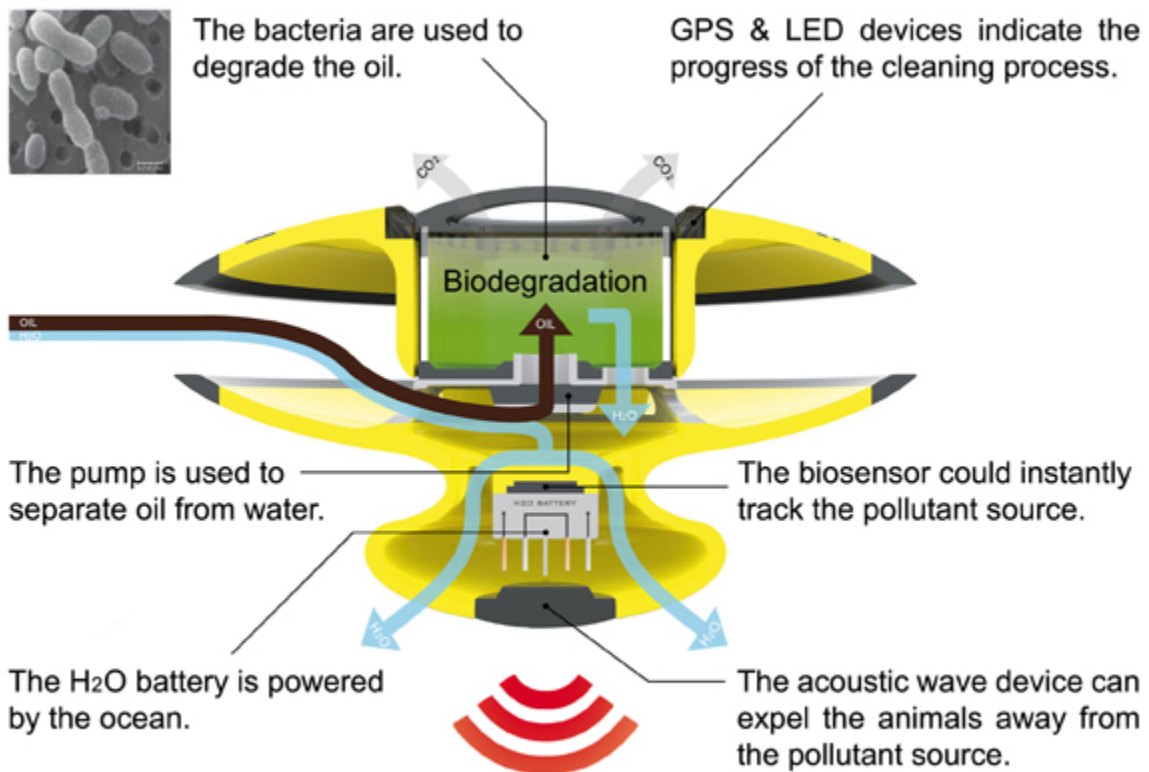
## **3450 Examples of Operational UASs**

In the context of oil spill response, UASs may be used to apply chemicals or bacteria for oil dispersal or remediation; to provide aerial observation to spot oil, wildlife or intrusion into restricted areas; or to scare away wildlife including birds.

### **3451 Sea Cleaning Drones: Bio-Cleaner**

The *Bio-Cleaner* system is an autonomous solution designed to be dropped from a helicopter that incorporates a variety of pollution fighting tools like biodegrading bacteria and acoustic alarms to keep marine animals out of harm's way while cleaning up the spill.

See the video at <https://www.youtube.com/watch?v=Azp90uBdlpY> or see <http://www.yankodesign.com/2012/05/21/sea-cleaning-drone/>.



The system uses biosensor technology to track the flow of oil and follows the spill while simultaneously releasing bacteria to degrade the pollutant, thereby streamlining the cleanup process and preventing the pollution from spreading further. During the entire process, the device transmits high frequency acoustic waves that discourage fish and other animals from entering the polluted area.



### 3452 Portable Aerial Observation: *Sprite*

*Sprite* by Ascent Aerosystems is about the size of a water bottle. It can fly for about 10 minutes before battery change is needed. It can be easily carried in a backpack. See <http://www.ascentaerosystems.com/>.



### 3453 Wildlife Hazing: *RoBird*

The *RoBird* line of UASs are painted to resemble birds of prey. They are not for sale, but the developer contracts his services to haze wildlife, birds in particular, to keep them away from airports or oiled areas. See Clear Flight Solutions at <http://clearflightsolutions.com/>, or <https://vimeo.com/robirds>.



## 3500 Liquefied Natural Gas & Liquefied Petroleum Gas

LNG has begun to find its place in heavy-duty applications in places like the US, Japan, the UK and some countries in Europe. For many developing nations, it is not a practical option.

The U.S. Coast Guard Headquarters, Office of Operating and Environmental Standards, (CG-OES) develops maritime industry operating and environmental standards, regulations, and industry guidance. See <http://www.uscg.mil/hq/cg5/cg522/>.

## 3510 Differences between LNG & LPG

Name	Description	Advantages	Disadvantages
Liquefied Natural Gas (LNG)	Natural gas stored as a super-cooled (cryogenic) liquid. The temperature required to condense natural gas is typically between -120 and -170°C (-184 and -274°F).	LNG has an energy density comparable to gasoline and diesel fuels, which extends driving range.	The high cost of cryogenic storage on vehicles & the major infrastructure requirement of LNG dispensing stations, production plants and transportation facilities.
Liquefied Petroleum Gas (LPG) a.k.a. Autogas	Consists mainly of propane, propylene, butane, and butylene in various mixtures. It's produced as a by-product of natural gas processing and petroleum refining. The components of LPG are gases at normal temperatures and pressures.	LPG evaporates at normal temperatures and pressures.	<ul style="list-style-type: none"> <li>• LPG varies widely in composition, leading to unpredictable engine and cold starting performance.</li> <li>• LPG is stored in pressurized steel bottles.</li> <li>• LPG is heavier than air, and will flow along floors and settle in low spots, such as basements. Such accumulations can cause explosion hazards, and are the reason that LPG-fuelled vehicles are prohibited from indoor garages in many jurisdictions.</li> </ul>

## 3520 Liquefied Gas Carrier Nat'l Center of Expertise

The *Liquefied Gas Carrier National Center of Expertise* (LGCNCOE) was established in 2009 and the scope of its expertise includes: foreign and domestic flagged vessels and barges that carry liquefied gases in bulk, commercial ships that utilize LNG as a fuel, and the safety and engineering systems associated with LNG/LPG storage facilities. For information about this program, see <http://www.uscg.mil/hq/cg5/lgcncoe/purpose.asp>.

The LGCNCOE helps to keep the Coast Guard up-to-date regarding liquefied gas industry changes. It aligns closely with technical & program offices, equipment manufacturers, ship owners/operators, and classification society representatives. In addition, LGCNCOE staffs interact with Sector Prevention staff from the port area where the ships operate to ensure their inspectors are trained, experienced, and well-versed on appropriate examination protocols before it is needed.

Frequent involvement on liquefied gas carrier certificate of compliance (COC) exams, inspections of domestic vessels utilizing LNG as fuel, and training other USCG inspectors, particularly in the Gulf region, ensures the LGCNCOE staff maintains a high level of expertise on gas examination standards. Likewise, LGCNCOE staffs are exposed as frequently as possible to all facets of the liquefied gas industry through third party training, technical industry organization meetings, seminars, and apprentice-like industry training.

## **3600 Wildlife**

### **3610 California Wildlife Response Plan**

The *Wildlife Response Plan for Oil Spills in California* (the Plan) is at <http://www.wildlife.ca.gov/OSPR/Preparedness/Wildlife-Response>.

As part of the implementation of to the Federal *Oil Pollution Act of 1990 (OPA 90)*, the *National Oil and Hazardous Substances Pollution Contingency Plan (NCP)* stipulates that Area Contingency Plans (ACPs) contain a Fish and Wildlife and Sensitive Environments Plan "in order to provide for coordinated, immediate and effective protection, rescue, and rehabilitation of, and minimization of risk of injury to, fish and wildlife resources and habitat."

Similarly, the State of California's *Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (OSPRA)* requires:

- Contingency plans for the protection of fish and wildlife;
- Funding for a network of rescue and rehabilitation facilities for seabirds, sea otters, and other marine wildlife;
- Assessment of injuries to natural resources from a spill; and
- Restoration plans to compensate for adversely affected wildlife resources and habitats.

To address these statutory mandates, the Plan was developed by a group of Federal and State agencies and other interested parties. The Plan is a joint document of the U.S. Coast Guard and the California Department of Fish and Wildlife, Office of Spill Prevention and Response, and is part of the Coastal Contingency Plan for Federal Region IX. It is also designed to function as a stand-alone document.

The Wildlife Branch is in the Operations Section of the Unified Command. The Plan details the Wildlife Branch's purposes, goals, objectives, responsibilities, and structure. The Wildlife Branch structure required in California and detailed in this plan is expanded beyond that described in the NCP and USCG Incident Management Handbook. As is always true, the structure may be expanded or contracted to fit the need, but the mission remains unchanged.

### **3611 California State Wildlife Permits**

State wildlife permits may be obtained online using the Department of Fish & Wildlife's online license service at <https://www.wildlife.ca.gov/Licensing/Online-Sales>. However, no permit is required under emergency circumstances.

You can purchase the following licenses online: Sport Fishing, Hunting, Commercial Fishing, and others.

### **3612 California Coastal National Monument**

The US Bureau of Land Management (BLM), the CA DFW and the CA Department of Parks & Recreation (CDPR) have agreed to collaborate in the management of the California Coastal National Monument as follows:

- To authorize appropriate uses within the Monument only following consultation between the parties,
- To work as partners in preserving the objects of historic and scientific interest, and
- To work as partners in mapping and understanding resources within the Monument as well as working with the public to explain the values of the Monument.

The full text of the *Memorandum of Understanding between BLM, DPR and DFG for Management of the California Coastal National Monument* dated May 2000 is Appendix C at [http://www.blm.gov/ca/st/en/prog/nlcs/California\\_Coastal\\_NM/CCNM\\_RMP.html](http://www.blm.gov/ca/st/en/prog/nlcs/California_Coastal_NM/CCNM_RMP.html).

#### **3612.1 California Islands Wildlife Sanctuary**

The MOU referenced above includes as an attachment an MOU dated May 1983 between the

BLM and CA DFW regarding *Management of the California Islands Wildlife Sanctuary*. For the full text, see *Attachment A to Appendix C* at

[http://www.blm.gov/ca/st/en/prog/nlcs/California\\_Coastal\\_NM/CCNM\\_RMP.html](http://www.blm.gov/ca/st/en/prog/nlcs/California_Coastal_NM/CCNM_RMP.html).

### 3613 Determining Ownership of Property: California

The following Internet links take you to the County Assessor who can provide information on property ownership.

Alameda	<a href="http://www.acgov.org/MS/prop/index.aspx">http://www.acgov.org/MS/prop/index.aspx</a>
Alpine	<a href="http://www.alpinecountyca.gov/assessor">http://www.alpinecountyca.gov/assessor</a>
Amador	<a href="http://www.co.amador.ca.us/index.aspx?page=286">http://www.co.amador.ca.us/index.aspx?page=286</a>
Butte	<a href="http://www.buttecounty.net/Department%20Contacts.aspx#Assessor">http://www.buttecounty.net/Department%20Contacts.aspx#Assessor</a>
Calaveras	<a href="http://www.co.calaveras.ca.us/parcelsearch.asp">http://www.co.calaveras.ca.us/parcelsearch.asp</a>
Colusa	<a href="http://www.countyofcolusa.org/index.aspx?nid=15">http://www.countyofcolusa.org/index.aspx?nid=15</a>
Contra Costa	<a href="http://www.co.contra-costa.ca.us/index.aspx?NID=191">http://www.co.contra-costa.ca.us/index.aspx?NID=191</a>
Del Norte	<a href="http://www.co.del-norte.ca.us/index.php?option=com_content&amp;view=category&amp;layout=blog&amp;id=105&amp;Itemid=125">http://www.co.del-norte.ca.us/index.php?option=com_content&amp;view=category&amp;layout=blog&amp;id=105&amp;Itemid=125</a>
El Dorado	<a href="http://main.co.el-dorado.ca.us/CGI/WWB012/WWM400/A">http://main.co.el-dorado.ca.us/CGI/WWB012/WWM400/A</a>
Fresno	<a href="http://www.co.fresno.ca.us/DepartmentPage.aspx?id=39199">http://www.co.fresno.ca.us/DepartmentPage.aspx?id=39199</a>
Glenn	<a href="http://www.countyofglenn.net/govt/departments/assessor/">http://www.countyofglenn.net/govt/departments/assessor/</a>
Humboldt	<a href="http://co.humboldt.ca.us/assessor/assessment-inquiry.html">http://co.humboldt.ca.us/assessor/assessment-inquiry.html</a>
Imperial	<a href="http://imperialcounty.net/Assessor/">http://imperialcounty.net/Assessor/</a>
Inyo	<a href="http://www.inyocounty.us/Assessor/">http://www.inyocounty.us/Assessor/</a>
Kern	<a href="http://assessor.co.kern.ca.us/propertysearch/index.php">http://assessor.co.kern.ca.us/propertysearch/index.php</a>
Kings	<a href="http://www.countyofkings.com/acr/Assessor/index.html">http://www.countyofkings.com/acr/Assessor/index.html</a>
Lake	<a href="http://www.co.lake.ca.us/Government/Directory/Assessor-Recorder.htm">http://www.co.lake.ca.us/Government/Directory/Assessor-Recorder.htm</a>
Lassen	<a href="http://www.co.lassen.ca.us/govt/dept/assessor/default.asp">http://www.co.lassen.ca.us/govt/dept/assessor/default.asp</a>
Los Angeles	<a href="http://assessor.lacounty.gov/extranet/Datamaps/Pais.aspx">http://assessor.lacounty.gov/extranet/Datamaps/Pais.aspx</a>
Madera	<a href="http://www.co.madera.ca.gov/assessor/">http://www.co.madera.ca.gov/assessor/</a>
Marin	<a href="http://www.co.marin.ca.us/depts/AR/compass/index.asp">http://www.co.marin.ca.us/depts/AR/compass/index.asp</a>
Mariposa	<a href="http://www.mariposacounty.org/index.aspx?nid=109">http://www.mariposacounty.org/index.aspx?nid=109</a>
Mendocino	<a href="http://www.co.mendocino.ca.us/acr/assessor.htm">http://www.co.mendocino.ca.us/acr/assessor.htm</a>
Merced	<a href="http://www.co.merced.ca.us/index.aspx?nid=59">http://www.co.merced.ca.us/index.aspx?nid=59</a>
Modoc	<a href="http://www.modocounty.us/index_files/Page501.htm">http://www.modocounty.us/index_files/Page501.htm</a>
Mono	<a href="http://www.monocounty.ca.gov/departments/assessor/public_inquiry.html">http://www.monocounty.ca.gov/departments/assessor/public_inquiry.html</a>

Monterey	<a href="http://www.co.monterey.ca.us/assessor/">http://www.co.monterey.ca.us/assessor/</a>
Napa	<a href="http://services.countyofnapa.org/MyProperty/">http://services.countyofnapa.org/MyProperty/</a>
Nevada	<a href="https://public.nevcounty.net/GIS%20Public%20Library/Forms/AllItems.aspx">https://public.nevcounty.net/GIS%20Public%20Library/Forms/AllItems.aspx</a>
Orange	<a href="http://egov.ocgov.com/ocgov/Assessor%20-%20Webster%20Guillory">http://egov.ocgov.com/ocgov/Assessor%20-%20Webster%20Guillory</a>
Placer	<a href="http://www.placer.ca.gov/Departments/Assessor/Assessment%20Inquiry/Assessment%20Inquiry%20Iframe.aspx">http://www.placer.ca.gov/Departments/Assessor/Assessment%20Inquiry/Assessment%20Inquiry%20Iframe.aspx</a>
Plumas	<a href="http://www.countyofplumas.com/index.aspx?NID=102">http://www.countyofplumas.com/index.aspx?NID=102</a>
Riverside	<a href="http://pic.asrclkrec.com/Default.aspx">http://pic.asrclkrec.com/Default.aspx</a>
Sacramento	<a href="http://www.assessor.saccounty.net/AssessorsParcelViewerApplication/default.htm">http://www.assessor.saccounty.net/AssessorsParcelViewerApplication/default.htm</a>
San Benito	<a href="http://www.cosb.us/government/county-departments/">http://www.cosb.us/government/county-departments/</a>
San Bernardino	<a href="http://nppublic.co.san-bernardino.ca.us/newpims/%28S%28dy03lu4513ayah55ttc1pz45%29%29/PIMSINTERFACE.ASPX">http://nppublic.co.san-bernardino.ca.us/newpims/%28S%28dy03lu4513ayah55ttc1pz45%29%29/PIMSINTERFACE.ASPX</a>
San Diego	<a href="http://arcc.co.san-diego.ca.us/arcc/services/parcelmap/search.aspx">http://arcc.co.san-diego.ca.us/arcc/services/parcelmap/search.aspx</a> <a href="http://arcc.co.san-diego.ca.us/arcc/services/propchar/search.aspx">http://arcc.co.san-diego.ca.us/arcc/services/propchar/search.aspx</a>
San Francisco	<a href="http://gispubweb.sfgov.org/website/sfparcel/index.htm">http://gispubweb.sfgov.org/website/sfparcel/index.htm</a>
San Joaquin	<a href="http://www.sjgov.org/assessor/roll.aspx">http://www.sjgov.org/assessor/roll.aspx</a>
San Luis Obispo	<a href="http://www.slocounty.ca.gov/Assessor/Property_Assessment_Information/Property_Information_Search.htm">http://www.slocounty.ca.gov/Assessor/Property_Assessment_Information/Property_Information_Search.htm</a>
San Mateo	<a href="http://www.smcare.org/apps/parcelmaps/default.aspx">http://www.smcare.org/apps/parcelmaps/default.aspx</a>
Santa Barbara	<a href="http://sbcassessor.com/Assessor/Assessor.aspx">http://sbcassessor.com/Assessor/Assessor.aspx</a>
Santa Clara	<a href="http://eservices.sccgov.org/ari/search.do">http://eservices.sccgov.org/ari/search.do</a>
Santa Cruz	<a href="http://www.co.santa-cruz.ca.us/Departments/GeographicInformationSystemsGIS.aspx">http://www.co.santa-cruz.ca.us/Departments/GeographicInformationSystemsGIS.aspx</a>
Shasta	<a href="http://www.co.shasta.ca.us/index/assessor_index/assessment_inquiry.aspx">http://www.co.shasta.ca.us/index/assessor_index/assessment_inquiry.aspx</a>
Sierra	<a href="http://www.sierracounty.ws/index.php?module=pagemaster&amp;PAGE_user_op=view_page&amp;PAGE_id=33&amp;MMN_position=6:6">http://www.sierracounty.ws/index.php?module=pagemaster&amp;PAGE_user_op=view_page&amp;PAGE_id=33&amp;MMN_position=6:6</a>
Siskiyou	<a href="http://www.co.siskiyou.ca.us/ASSESSOR/assessor.aspx">http://www.co.siskiyou.ca.us/ASSESSOR/assessor.aspx</a>
Solano	<a href="https://www.solanocounty.com/depts/ar/viewpropertyinfo.asp">https://www.solanocounty.com/depts/ar/viewpropertyinfo.asp</a>
Sonoma	<a href="http://www.sonoma-county.org/assessor/index.htm">http://www.sonoma-county.org/assessor/index.htm</a>
Stanislaus	<a href="http://qa.co.stanislaus.ca.us/AssessorWeb/public/">http://qa.co.stanislaus.ca.us/AssessorWeb/public/</a>
Sutter	<a href="http://www.co.sutter.ca.us/apps/recordsquery/assessor/asmtsearch.aspx">www.co.sutter.ca.us/apps/recordsquery/assessor/asmtsearch.aspx</a>
Tehama	<a href="http://www.co.tehama.ca.us/index.php?option=com_content&amp;view=article&amp;id=22&amp;Itemid=20">http://www.co.tehama.ca.us/index.php?option=com_content&amp;view=article&amp;id=22&amp;Itemid=20</a>

Trinity	<a href="http://www.trinitycounty.org/Departments/assessor-clerk-elect/assessor.htm">http://www.trinitycounty.org/Departments/assessor-clerk-elect/assessor.htm</a>
Tulare	<a href="http://www.co.tulare.ca.us/government/assessor/default.asp">http://www.co.tulare.ca.us/government/assessor/default.asp</a>
Tuolumne	<a href="http://portal.co.tuolumne.ca.us/ps/ps/TUP_ASSESSOR/ENTP/h/?tab=TUP_ASSR_ASSESSOR_TAB">http://portal.co.tuolumne.ca.us/ps/ps/TUP_ASSESSOR/ENTP/h/?tab=TUP_ASSR_ASSESSOR_TAB</a>
Ventura	<a href="http://assessor.countyofventura.org/research/propertyinfo.asp">http://assessor.countyofventura.org/research/propertyinfo.asp</a>
Yolo	<a href="https://common1.mptsweb.com/megabytecommonsite/%28n1cm5r45zpzjwlq13sc5w3ff%29/PublicInquiry/Inquiry.aspx?CN=yolo&amp;SITE=Public&amp;DEPT=Asr&amp;PG=Search">https://common1.mptsweb.com/megabytecommonsite/%28n1cm5r45zpzjwlq13sc5w3ff%29/PublicInquiry/Inquiry.aspx?CN=yolo&amp;SITE=Public&amp;DEPT=Asr&amp;PG=Search</a>
Yuba	<a href="http://www.co.yuba.ca.us/services/Parcel%20Search/">http://www.co.yuba.ca.us/services/Parcel%20Search/</a>

## 3640 Federal Protection of Endangered Species

The introduction to the *Endangered Species Act of 1973* states that endangered and threatened species of wildlife and plants "are of esthetic, ecological, educational, historical, recreational, and scientific value to the Nation and its people."

The Act states further that the purposes of the Act are "...to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved [and] to provide a program for the conservation of such ... species...."

### 3641 California DFW Is Primary Contact for Fish & Wildlife Issues

On 1988, US FWS signed a memorandum of Understanding designating CA Department of Fish and Wildlife as the Primary Contact for Fish and Wildlife in the event of oil or toxic substances spills in the State of California. See

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=33719>

### 3642 Federal Fish and Wildlife Permits

Most species of birds found in the United States are protected by the *Migratory Bird Treaty Act (MBTA)*. The MBTA implements within the U.S. the protocols established by four international treaties between the U.S. and four other nations. Each treaty protects species of birds that occur in each of the signatory countries. In all, the MBTA protects over 800 species of birds native to the U.S. and makes it illegal (except for limited permit exceptions granted by regulation) to take, capture, kill, possess, sell, purchase, import, or export any species listed under the MBTA without a permit. Implementing regulations provide that permits may be issued for certain activities (e.g. scientific collecting, taxidermy, falconry). The regulation that provides for permits for activities associated with oil and hazardous waste spills is found at 50 CFR 21.31.



## **3643 Bald and Golden Eagles**

Eagles, both bald and golden, are listed under the MBTA, but they are also protected by an additional law, the *Bald and Golden Eagle Protection Act (BGEPA)*. Like the MBTA, the BGEPA has implementing regulations that provide for permits to carry out specific types of activities. These regulations are codified at 50 CFR 22. In most cases, activities prohibited by the BGEPA may only be authorized by issuance of a permit under 50 CFR 22. However, one of the exceptions is for rehabilitation; special provisions apply that enable the Service to authorize the rehabilitation of eagles under the regulations that govern rehabilitation of other migratory birds at 50 CFR 21.31.

### **3642.2 Rehabilitation Permits**

Permits issued under this regulation, 50 CFR 21.31, authorize capture, possession, transport, and disposition of sick, injured, or orphaned migratory birds. The regulation contains additional provisions that apply to oil and hazardous waste spills at 21.31(f). All entry to spill sites must be authorized by the Service Field Response Coordinator and the On-Scene Coordinator. The initial cleaning, emergency care, and triage of birds is usually performed by contracted permitted responders, although additional volunteers may be recruited quickly to provide assistance under the supervision of the permittee. The Service has oversight for all phases of the migratory bird rehabilitation effort. Oversight will be based on protocols found in *Best Practices for Migratory Bird Care during Oil Spill Response* (U.S. Fish and Wildlife Service, 2003). All activities conducted on site are subject to the authority of the On-Scene Coordinator. Subsequent off-site migratory bird rehabilitation must be with a permitted rehabilitator or sub-permittee thereof.

## **3644 Endangered Migratory Bird Species**

Regulations provide that rehabilitation of species listed under both the MBTA and the *Endangered Species Act* may be authorized via a migratory bird rehabilitation permit issued under 50 CFR 21.31. The Service is party to a Memorandum of Agreement with the Environmental Protection Agency and the National Oceanic and Atmospheric Administration that addresses how threatened and endangered species should be addressed during an oil spill.

It is important to note that the Federal Regulations for the *Endangered Species Act* include provisions that allow for handling of sick, injured and orphaned wildlife specimens by authorized individuals. 50 CFR 17.21(c) (3) & (4) describe this authority for endangered wildlife and 50 CFR 17.31(b) describes the authority available for threatened wildlife. In this section of the regulations, certain employees of the USFWS, other Federal land management agencies, NMFS and state conservation agencies are given the authority to aid wildlife

species and are given specific steps that must subsequently be followed regarding disposition of these specimens. If an emergency permit is issued when the life and health of a specimen is threatened and there is no alternative, a comment period must be announced within 30 days of issuance of the emergency permit.

### **3645 Where to Get Federal Permits**

Inquiries regarding Federal Migratory Bird Permits and criteria for qualified wildlife rehabilitators are to be directed to the following:

Region 1 (CA & NV)	U.S. Fish & Wildlife Service Migratory Bird Permit Office 911 N.E. 11th Ave., Portland, OR 97232-4181 (503) 872-2715
Region 2 (AZ)	U.S. Fish & Wildlife Service Migratory Bird Permit Office P.O. Box 709, Albuquerque, NM 87103 (505) 248-7882

Inquiries regarding Federal Endangered Species permits may be directed to:

Region 1 (CA & NV)	Ms. Ann Carlson U.S. Fish and Wildlife Service Recovery Department. 911 N.E. 11th Ave., 4th Floor, Portland, OR 97232-4181 (503) 231-2374
Region 2 (AZ)	Stephanie Weagley U.S. Fish and Wildlife Service 500 Gold Ave. SW, Room 4012, Albuquerque, NM 87102 (505) 248-6649

### **3646 Wildlife Deterrence, Capture, and Treatment**

If exposure of birds and other wildlife to oil occurs, an immediate decision must be made concerning the capture and rehabilitation of oiled birds and other wildlife. That decision must be made in consultation with the appropriate State and Federal natural resource trustees,

because State and Federal permits are usually required for such activities. The Department of the Interior (DOI) has statutory responsibilities (delegated to the USFWS) for the protection of migratory birds and Federally-listed threatened and endangered species. If wildlife other than migratory birds or Federally-listed species are found injured, the responsible agency would typically be the State wildlife agency.

## **3650 Ecological Risk Assessments**

Ecological Risk Assessments (ERA) are valuable tools for assessing the relative value of different spill response tactics.

Since 1998, the U.S. Coast Guard (USCG) has been sponsoring efforts to develop a comparative risk methodology to evaluate oil spill response options in a training or planning environment. Interest in selecting response options based on a risk/benefit analysis goes back even further, but the current effort is different in that it emphasizes a consensus-building approach to evaluate risks and benefits.

### **3651 Ecological Risk Assessments Guidebook**

USCG Headquarters (CG-MER) has sponsored the development of a guidebook on this process. The document, entitled “*Developing Consensus Ecological Risk Assessments: Environmental Protection in Oil Spill Response Planning. A Guidebook.*”

The contractor developed a comparative environmental risk methodology to evaluate oil spill response options for the U.S. Coast Guard. The process is designed to help planners compare the ecological consequences of response options, especially in nearshore or estuarine situations. The goal is to achieve consensus interpretations of the potential risks and benefits associated with selected response options based on a scenario developed by the local participants. The process is heavily focused on achieving a consensus interpretation of the available technical information. This is an ongoing program to conduct workshops for the U.S. Coast Guard around the country.

The guidebook is can be downloaded from the contractor’s web site at:

<http://www.hdrinc.com/about-hdr/knowledge-center/white-papers/2014-developing-consensus-ecological-risk-assessments-enviro>

### **3652 Ecological Risk Assessments Workshop**

Ecological Risk Assessment (ERA) is particularly important for consideration of dispersants and *in-situ* burning. Through a structured analytical approach the participants find “common

ground” for evaluation of impacts and develop a defensible logic to support their conclusions. This process is consistent with the U.S. Environmental Protection Agency’s (EPA) Ecological Risk Assessment (ERA) guidelines (US EPA, 1998), but emphasizes development of group consensus among stakeholders. The process uses a series of analytical tools specifically developed for use in a group environment. It’s designed to be a tool for training and planning, and should not be used during an actual event. However, the knowledge gained by participants will facilitate real-time decision-making.

The training usually involves two 2 or 3-day workshops lead by a facilitator. The ideal size is 25 to 30 participants, including spill response managers, natural resource managers and trustees, subject matter experts, and non-governmental organizations. The goal is to achieve consensus interpretations of the potential risks and benefits associated with selected response options based on a scenario developed by the local participants. The time between the two workshops is used for the participants to research issues of concern before they develop their final conclusions. The process is heavily focused on achieving a consensus interpretation of the available technical information. It is very important to have a broad representation of the potential stakeholders in the decision process; otherwise the results may not be accepted by all of the groups who will be concerned if a spill occurs. The workshop process includes three primary phases: problem formulation, analysis, and risk characterization. Details of the process are described in the Guidebook.

In the first phase, problem formulation, participants in the Santa Barbara Region workshop developed a scenario for analysis, identified resources of concern along with associated assessment thresholds, and prepared a conceptual model to guide subsequent analysis. In the analytical phase, participants characterized exposure and ecological effects. The conceptual model, developed in the problem formulation phase directed the analysis using standard templates and simple analytical tools that define and summarize the analysis for each resource of concern and each response option.

Finally, the participants complete a risk characterization. During this phase, participants interpreted their results in terms of the costs and benefits of each response option to overall environmental protection as compared to natural recovery (i.e., baseline).

### **3653 Past Ecological Risk Assessments**

As of January 2015, three full ERAs have been completed in Region IX:

Santa Barbara Channel 2002. See <http://www.rrt9.org/go/doctype/2763/131655>

San Diego 2006. See <http://www.rrt9.org/go/doctype/2763/131659>

San Francisco Bay 2000. See <http://www.rrt9.org/go/doctype/2763/131663>

## 3660 Net Environmental Benefit Analysis

The Net Environmental Benefit Analysis (NEBA) was developed for effective oil spill preparedness and response. NEBA is a valuable process used by the spill response community for making the best choices to minimize impacts of oil spills on people and the environment.

A 32-page description of the NEBA process is available at:

<http://www.api.org/environment-health-and-safety/clean-water/oil-spill-prevention-and-response/net-environmental-benefit-analysis>

## 3700 Abandoned Vessels

Challenges associated with response to abandoned vessels include:

- Identifying vessels throughout the region,
- Prioritizing threats posed to public health and the environment,
- Determining jurisdictional authority,
- Identifying an owner/operator or lessee,
- Evaluating the potential for mitigating pollution threats, and
- Removing and/or destroying the vessel.

In most cases, abandoned vessel response requires partnering with federal, state, and local agencies.

## 3710 USCG Guidance

The USCG has primary responsibility for responding to pollution threats in the coastal zone, including making the determination of a substantial threat of a discharge or release. If an abandoned vessel is determined to be a substantial pollution threat, then federal resources may be available under the NCP or other federal authorities. However, the authorities supporting an NCP response, CERCLA and CWA, do not use the term “abandoned.” Response actions to address a “vessel” (abandoned or not) under these Acts is generally based on the threat to public health or the environment from the release or substantial threat of a release of a hazardous substance, or discharge or substantial threat of a discharge of oil.

The U.S. Coast Guard’s Commandant Instruction, *USCG COMDTINST 16465.43, Abandoned Vessels, dated April 5, 1996* contains guidance. See

[http://www.uscg.mil/directives/cim/16000-16999/CIM\\_16465\\_43.pdf](http://www.uscg.mil/directives/cim/16000-16999/CIM_16465_43.pdf)

### **3711 Abandoned vs. Derelict**

The terms “abandoned” and “derelict” are often used interchangeably to describe the condition of a vessel, the terms have very different meanings. Speaking generally, “abandoned” refers to the vessel owner(s) surrendering all rights to the vessel and its cargo. In contrast, “derelict” refers to a vessel in significant disrepair left unattended by its owner. Whereas an abandoned vessel has no owner, a derelict vessel may have a known owner.

### **3712 U.S. Coast Guard**

Commandant Instruction, COMDTINST M16465.43 defines an abandoned vessel as, “any craft designed for navigation that has been moored, stranded, wrecked, sunk, or left unattended for longer than 45-days”. A vessel on private property with permission of the owner is not considered abandoned.

## **3720 Other Agencies**

### **3721 U.S. Army Corps of Engineers**

The U.S. Code of Federal Regulations, 33 CFR Part 245 “Removal of Wrecks and Other Obstructions” describes an abandoned vessel as, “an owner’s giving up the exclusive right to salvage and an indication of no intent to claim the vessel. See

<https://www.law.cornell.edu/cfr/text/33/part-245>

### **3722 State of California**

The State of California in Harbors and Navigation Code section 522(a) defines an abandoned vessel as, “Any hulk, derelict, wreck, or parts of any ship, vessel, or other watercraft sunk, beached, or allowed to remain in an unseaworthy or dilapidated condition upon publicly owned submerged lands, salt marsh, or tidelands within the corporate limits of any municipal corporation or other public corporation or entity having jurisdiction or control over those lands, without its consent expressed by resolution of its legislative body, for a period longer than 30 days without a watchman or other person being maintained upon or near and in charge of the property, is abandoned property.

## **3730 Abandoned Vessel Response**

Abandoned vessel response is predicated on results of initial assessments, determination of

relevant response authorities, and applicable funding. The following checklist outlines the initial response to an abandoned vessel.

### **3731 Initial Assessment**

Information gathered during the initial assessment will help FOSCs determine appropriate authorities, funding, and response actions designed to mitigate the pollution threat and/or remove and/or destroy the vessel.

1. Vessel Location: Obtain a valid latitude/longitude, accurate depth, and a general geographic description of the area where the vessel is located (proximity to environmentally sensitive areas, navigational channels, mooring fields, marinas, high traffic areas, infrastructure including piers and haul-out facilities, and other port facilities). Determine whether the vessel is within state waters and whether a local jurisdiction has authority over the area involved. If the vessel is beached and appears in danger of becoming adrift, the owner, operator, or lessee should be notified that the vessel should be secured using safest means.
2. Articulate the pollution threat: Identify the capacity of the fuel tanks and other cargo that may be considered oil or hazardous substances. A lack of oil or hazardous substances may limit response options. Ensure consultations with partner agencies to include, for example, OSPR, harbormasters, local marine units, EPA, NOAA, USCG, and USACE who may have detailed information about the vessel.
3. Hazard/Obstruction to Navigation: Determine whether the abandoned vessel poses an actual obstruction to navigation or a potential hazard to navigation. If the vessel lies in or is immediately adjacent to a federal navigation channel and poses a potential hazard to navigation, removal oversight is provided by the USCG or USACE within their respective navigation authorities.
4. Vessel owner/operator information: Locate owner, operator, or lessee information to include name, address, e-mail (if available), and phone/cell numbers. Owner or operator information may be found in law enforcement databases and programs such as MISLE or from local marina operators and municipal law enforcement.
5. Physical condition: Determine hull material, condition of the vessel, and its stability and structural integrity to inform whether responders should gain access to the vessel. This applies to floating as well as grounded and submerged vessels.
6. Determine illegal activity linkages: Abandoned vessels can be platforms for

illegal activity and have been used as illegal dumping sites for pollution or other waste materials, as well as meth labs. Contact local law enforcement for information about the vessel.

7. Sensitive habitat and/or protected resources: In addition to the pollution threats, abandoned vessels may also physically damage coral, sea grass, other sensitive marine habitats, and historical and/or cultural marine resources. Resource trustees should be incorporated with abandoned vessel response when those resources appear threatened. Should an abandoned vessel response occur within an ACP sensitive site containing sensitive and/or endangered species, ensure an *Endangered Species Act* consultation is completed with the National Marine Fisheries Service and/or the US Fish and Wildlife Service to determine whether response actions may affect listed species or designated critical habitat.
8. Historic preservation status: Determine through California’s State Historic Preservation Officer (SHPO) whether written approval is a requirement prior to conducting operations. Traditionally, vessels over 50 years old require SHPO consultation and approval prior to implementing response actions.

### 3732 Authorities

The statutes and regulations listed below are the primary authorities that facilitate federal action in addressing abandoned vessels. Depending on the circumstances, other authorities may be used to mitigate damage from or otherwise address abandoned vessels.

Title	Statute	Lead Agencies					
		DOD	DOI	EPA	NOAA	USACE	USCG
Abandoned Barge Act	46 USC 4701					X	X
ASA	43 USC 2101		X				
CERCLA	42 USC 9601			X			X
CWA	33 USC 1251			X			X
Intervention on the High Seas Act (IHSA)	33 USC 1471						X
Marine Debris Act	33 USC 1951			X	X		X



Marine Protection, Research and Sanctuaries Act (MPRSA)	33 USC 1401			X	X		
NMSA	16 USC 1431				X		
Oil Pollution Act of 1990 (OPA 90)	33 USC 2710-2761			X	X		X
Wreck Act	33 USC 414,415					X	X
Salvage Facilities Act	10 USC 7361	X					
Saving Life and Property	14 USC 88						X

*For more information about the Abandoned Barge Act, see the USCG Marine Environmental Response and Preparedness Manual, COMDTINST M16000.14A, Chapter 2.B.14 at [https://media.defense.gov/2017/Mar/29/2001723825/-1/-1/0/CIM\\_16000\\_14A.pdf](https://media.defense.gov/2017/Mar/29/2001723825/-1/-1/0/CIM_16000_14A.pdf).*

In general, the same response authorities that apply during any other pollution threat situation also apply to abandoned vessels. If an abandoned vessel contains oil or a hazardous substance, actions consistent with the NCP, CCP, and relevant ACPs shall be taken to investigate and respond to the threat.

Should response actions occur, the FOISC must determine appropriate response authorities. The decision regarding what authorities can and should be used when responding to an abandoned vessel should be based on several criteria, including:

- Location of the vessel,
- The threat it poses (e.g., hazard to navigation or substantial environmental/public health threat due to pollution), and
- State and/or federal statutes or regulations that could apply. Both state and federal agencies may have statutory authorities to address abandoned vessels, and in those situations, the preferred response is a collaborative effort.

When there is a discharge/release or substantial threat of a discharge/release of oil or a hazardous substance, response efforts to include removal and/or destruction may be authorized under CWA or CERCLA as part of operations to eliminate the pollution threat. The vessel removal/destruction process is not available for vessels that are simply a community nuisance. The normal USCG posture is to remove the threat of pollution from the

vessel *in-situ*. FOSCs that pursue vessel removal/destruction shall follow the requirements for vessel removal/destruction requests found in *COMDTINST 16465.5, Vessel Removal/ Destruction, dated October 14, 2011*. See [http://www.uscg.mil/directives/ci/16000-16999/CI\\_16465\\_5.pdf](http://www.uscg.mil/directives/ci/16000-16999/CI_16465_5.pdf).

FOSCs are also encouraged to work closely with the District Eleven Response Advisory Team, (510) 437-3697/3438/3284, to facilitate communications through USCG Pacific Area and Headquarters CG-MER.

### **3733 Funding**

Funding response to an abandoned vessel is related to the authorities applicable to mitigating its pollution threat(s). The primary USCG funding authorities for abandoned vessel response are CERCLA and CWA/OPA. See chapter 6000, *Finance*, in this Coastal Contingency Plan.

## **3740 NRT Abandoned Vessel Guidance**

The *NRT Abandoned Vessel Authorities and Best Practices* guidance is complete and available for download from the NRT website. The document provides guidance for federal On-Scene Coordinators (OSCs) and Area Committees developing solutions for the abatement of pollution from abandoned vessels. This document also examines options applicable to the removal and disposition of abandoned vessels, including existing state programs. Developed in response to growing concerns over abandoned vessels throughout United States (U.S.) waterways, the Abandoned Vessel Authorities and Best Practices Guidance is designed to provide OSCs with information about the regulatory and policy authority of each agency having a major nexus to abandoned vessels; roles and responsibilities of each agency pursuant to those authorities; best practices used for responding to abandoned vessels; and options for removal and ultimate disposition of abandoned vessels. See *Abandoned Vessel Authorities and Best Practices Guidance, dated April 22, 2014*, [http://www.uscg.mil/directives/ci/16000-16999/CI\\_16465\\_5.pdf](http://www.uscg.mil/directives/ci/16000-16999/CI_16465_5.pdf).

The NRT guidance also provides information about the regulatory and policy authorities of agencies connected to abandoned vessel response, the roles and responsibilities of those agencies, options for removing abandoned vessels, and promising practices employed for response to abandoned vessels.

## **3750 Special Cases**

There are some special cases where wrecked or abandoned vessels are processed in a specific

way.

## **3751 Pangas**

A panga is a type of open, outboard-powered, fishing boat common throughout much of the developing world, including Central America, the Caribbean, parts of Africa, the Middle East, and much of Asia. The original panga design was developed by Yamaha as part of a World Bank project circa 1970. Pangas are commonly operated directly off of beaches. The name comes from the panga fish which is commonly netted, or the upswept bow which resembles the machete or knife called a panga. Pangas are usually between 19 and 28 feet long, with capacities ranging from 1 to 5 short tons, and powered by outboard motors of between 45 and 200 hp. Their planing hulls are capable of speeds in excess of 35 knots (40 mph).

In coastal California, pangas are often used to smuggle people or cargo. They may be found abandoned on sandy beaches. The USCG can use oil spill funds to remove fuel and oil, but funding to dispose of the vessel and its outboard engines is more of a challenge.

Any panga in the Sector San Francisco area of responsibility is disposed by Homeland Security Investigations (HIS) or another law enforcement agency. Usually Sector responds as a support unit and if there is pollution, not contained within the panga, they may federalize the response to dispose of the product; otherwise, the product is disposed with the panga by the respective agency.

The Sector San Diego, Incident Management Division transfers all pangas to the local Maritime Task Force after petroleum products are removed.

The Maritime Task Force is a multi-agency task force which includes Customs & Border Patrol and the USCG. Its mission to identify and dismantle smuggling and drug trafficking organizations that use the Pacific Ocean as a transportation corridor for contraband from Central, South America and Mexico to the United States.

## **3760 Wrecks**

### **3761 Marking & Removal of Wrecks**

The USCG and Army Corps of Engineers have a Memorandum of Agreement titled *Marking and Removal of Sunken Vessels and other Obstructions to Navigation, dated October 10<sup>th</sup> 1985*. It provides procedures to determine whether an obstruction is a hazard to navigation and procedures to determine the appropriate corrective actions to be taken by both agencies.

To read the MOA, see Enclosure (9) to COMDTINST M16465.43,  
[https://www.uscg.mil/directives/cim/16000-16999/CIM\\_16465\\_43.pdf](https://www.uscg.mil/directives/cim/16000-16999/CIM_16465_43.pdf)

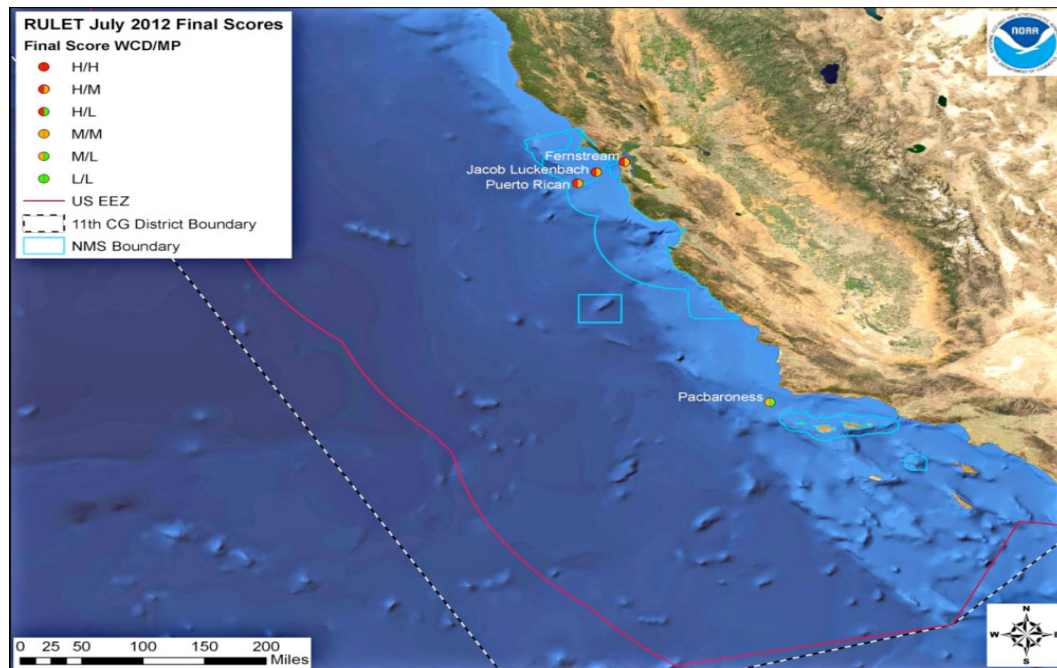
See also, 33 CFR Part 64, *Marking of Structures, Sunken Vessels and other Obstructions*, at  
<http://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=33:1.0.1.3.27>

### 3762 Mitigating Pollution from Legacy Wrecks

In 2010, the National Oceanic and Atmospheric Administration (NOAA) received funding to identify and prioritize the most ecologically and economically significant potentially polluting wrecks in U.S. waters, including the Great Lakes. The resultant Remediation of Undersea Legacy Environmental Threats (RULET) report series (NOAA, 2013) narrowed 20,000 sunken vessels known in U.S. waters to 107 that may pose a substantial pollution threat based on a variety of factors. The report series provides historical and archival data, as well as 87 separate risk assessment packages for FOSC visibility, consideration, and possible action. Four of the risk assessments are specific to wrecks evaluated in California waters as illustrated below.

The prioritized RULET listing provides an opportunity for the USCG and interagency partners to address potential pollution threats from legacy wrecks in a more proactive, methodical, and cost-effective manner, but how FOSCs choose to use and act on the information may vary from site to site and from region to region. For a RULET vessel problem analysis template, reference Mr. Jordan Stout and Lieutenant Commander Jeff Rubini (2014) *National Contingency Plan Phase II Activities: A Problem Analysis & Decision Framework for Understanding & Evaluating Oil Pollution Threats from Sunken Ships Off California*. *International Oil Spill Conference Proceedings*: May 2014, Vol. 2014, No. 1, pp. 2134-2145.

Vessel Name	Location	Worst Case Discharge	Status
M/V PACBARONESS	Western Santa Barbara channel	8,000 bbl Light oil	<a href="http://sanctuaries.noaa.gov/protect/ppw/pdfs/pacbaroness.pdf">http://sanctuaries.noaa.gov/protect/ppw/pdfs/pacbaroness.pdf</a>
M/V PUERTO RICAN	Gulf of the Farallones, 23-NM from Golden Gate Bridge	21,000 bbl Heavy oil	<a href="http://sanctuaries.noaa.gov/protect/ppw/pdfs/puerto_rican.pdf">http://sanctuaries.noaa.gov/protect/ppw/pdfs/puerto_rican.pdf</a>
SS JACOB LUCKENBACH	Gulf of the Farallones	700 bbl Heavy oil	<a href="http://sanctuaries.noaa.gov/protect/ppw/pdfs/jacob_luckenbach.pdf">http://sanctuaries.noaa.gov/protect/ppw/pdfs/jacob_luckenbach.pdf</a>
M/V FERNSTREAM	San Francisco Bay, .5-NM north of Crissy Field	13,000 bbl Light oil	Active monitoring recommended following 2013 FOSC assessment: <a href="http://sanctuaries.noaa.gov/protect/">http://sanctuaries.noaa.gov/protect/</a>



## 3800 Special Sources and Materials

### 3810 Petroleum Pipelines

The U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration PHMSA, pronounced "*fim sa*", establishes national policy, sets and enforces standards, educates, and conducts research to prevent incidents. We also prepare the public and first responders to reduce consequences if an incident does occur. For more information, see <http://www.phmsa.dot.gov/>.

PHMSA contributes directly to improving public health and safety by reducing transportation-related deaths and injuries. It also contributes to advancing environmentally sustainable policies and investments that reduce carbon and other harmful emissions from transportation sources. PHMSA protects the natural environment, focusing especially on unusually sensitive areas.

## 3820 Crude-by-Rail

Search the Federal Railroad Administration (FRA) website at

<https://www.fra.dot.gov/Page/P0001>.

## 3830 Biofuels

Ethanol and Biodiesel fuels are very different:

- They are distinct and unique products
- Behave very differently when spilled into the marine, freshwater or terrestrial environments.

Production, Transportation, Storage, and Use:

- Two very distinct and dynamic economic, industrial, and regulatory regimes
- Result of laws enacted by Congress in an effort to achieve certain political and environmental objectives.
- Ethanol

Enclosure 3830: Biofuels: Response and Planning Considerations , dated 4/13/2010, by Heather Parker, USCG and Greg Buie, USCG: [https://nrt.org/site/doc\\_list.aspx?site\\_id=85](https://nrt.org/site/doc_list.aspx?site_id=85)

## 3831 Ethanol

Ethanol or Ethyl Alcohol includes:

- E10, E85, E98 (fuel blends denatured with gasoline)
- Non-persistent product, very rapid rates of evaporation and dissolution once spilled especially with high degree of mixing energy
- Totally miscible in water, similar to mixing milk into coffee.
- Once spilled will typically mix immediately into water column, with some evaporation

Response Challenges:

- Containment and recovery are usually not possible on water.
- Fires and spills involving ethanol and ethanol/gasoline blends pose complex challenges for emergency responders

- Ethanol is a polar/water-miscible flammable liquid
- Degrades effectiveness of fire fighting foams that are not alcohol resistant

<b>Resources Potentially Affected</b>	<b>Habitat, Location</b>	<b>Potential Impact (depends on exposure duration, life stage)</b>	<b>Recovery Time (depends on severity of effect, duration of exposure, etc.)</b>
Microbes, Plankton	Water surface, Upper water column	Acute – lethal in high doses, depends on duration of exposure	Very short, on the order of hours to days - because rapidly replaced
Shellfish	Intertidal, subtidal, benthic	A few hours exposure, can have substantial acute effects, such a depressed activity, narcosis and other effects on various systems; can metabolize	Depends on severity of effect, duration of exposure, etc. ~ weeks to months
Fish	Water column	Larval, juveniles more susceptible than adults; 11200 ppm = 24hr LC50 Rainbow Trout	Depends on severity of effect, duration of exposure, etc. ~ weeks, months, years. Ethanol trapped in sediments could affect eggs, larvae
Birds	Water surface, Shoreline	Low likelihood of exposure on water surface, subsurface plume. Long term exposure can cause substantial effects, including cardiomyopathy	Depends on severity of effect, duration of exposure, etc. ~ likely years or one breeding cycle
Mammals	Water surface, Shoreline	Acute LD <sub>50</sub> mouse = 3,450 ppm oral; acute LD <sub>50</sub> rabbit dermal = 20,000 ppm	Depends on severity of effect, duration of exposure, etc. ~ likely years or one breeding cycle

### **3832 Biodiesel**

Biodiesel is created as follows: Fatty Acid Methyl Esters (FAME) (aka fatty acid esters or alkyl esters) are mixed with methanol and a catalyst, usually Sodium Hydroxide (NaOH), and react to form Methoxide. Methoxide is then mixed with source oils to initiate the Transesterification process which produces Glycerin and Biodiesel (Methyl Esters).

<b>Property</b>	<b>Corresponding Behavior</b>
High Boiling Point, Low Vapor Pressure	Remains in liquid phase under most environmental conditions
Typical Flash Point ~ 150°C (302°F)	Rather non-flammable
Viscosity similar to diesel, 1.9 – 6.0 cSt at 40°C (vs. 1.3-2.4)	Speed of flow/flow potential are similar
Specific Gravity: 0.86	Lighter than water, floats
Evaporation rates tend to be slower than diesels	Could affect persistence, although biodiesel biodegradation is ~ 5x faster than diesel
“Light ends” or the highly toxic, water-soluble BTEXs , and PAHs – much less than diesel	Affects evaporation, persistence, toxicity

### **3833 Biodiesel - Toxicity**

- 5 –10x less acutely toxic to aquatic organisms than petro diesel.
- Biodiesel/petro diesel blends up to 20% are similarly toxic to petro diesel.
- Toxicity for blends is not linear with blend concentration.
- No strong correlations between solubility and toxicity.
- Numerous lab tests show biodiesel has very low toxicity to marine and aquatic organisms, but could present a smothering problem.

### **3834 Biodiesel Response Challenges**

- Response may be Hazardous Substances or Oil discharge, or both.
- Methanol and NaOH are inhalation and dermal hazard, Sodium Methoxide even more so.
- Sorbents can be effective, as well as particular skimmers and vacuum devices.
- Biodiesel can be corrosive to rubber, which affects skimmer choice.
- Biodiesel Forensics can be done with “fingerprinting” as for diesel.
- Biodiesels will naturally disperse to a greater extent than diesel
- Biodiesels are mild surfactants (i.e. Compounds that lower the surface tension between two liquids. Surfactants may act as dispersants.);
- Biodiesel blended with diesel, as low as B10 to B20, can cause dispersion of diesel into the water column.



## 3835 Planning Considerations

Biofuels and production chemicals are transported by barge and vessel in some parts of the country in large volumes, spill from these vessels would most likely have a USCG FOSC.

Area Committees and RRTs need to know the volumes and modes of transport in their areas of responsibility, and associated risks of spills to explore contingencies and means to mitigate the risks.

Some guidance documents available to planners:

- NRT Quick Reference Guide: Fuel Grade Ethanol Spills (including E85)
- Ethanol Manufacturing Facility Response Overview (EPA Reg5)
- Biodiesel Manufacturing Facility Response Overview (EPA Reg5)

## 3900 Decision Support

Federal agencies provide technical specialists (THSP) and expertise that FOSCs may call on. To contact them, see the table in chapter 5000, *Logistics*, of this plan. Special Response Teams are also listed with links to their web sites on the LINKS menu of [www.rrt9.org](http://www.rrt9.org).

Agencies described in this section can be contacted directly using the information below, or via the NOAA Scientific Support Coordinator (SSC) Jordan Stout who is normally assigned to the Environmental Unit during an incident. His information is also below.

Jordan Stout  
Scientific Support Coordinator  
NOAA HAZMAT  
Coast Guard Island, Bldg 50-8  
Alameda, CA 94501-5000  
(510) 437-5344 office  
(206) 526-4911 Spill Line 24x7  
(206) 321-3320 cell  
[2063213320@vtext.com](mailto:2063213320@vtext.com) email to cell

Federal agencies which can provide decision support are also listed in chapter 5000, *Logistics, Sources of Spill Response Personnel* in this plan.

## 3910 Geographic Response Plans

The term “Geographic Response Plan” has multiple meanings in the oil spill response community.

There is no national standard for oil spill response planning terminology. For example, the six California Area Contingency Plans use the term “Environmental Sensitive Site” to define any site at risk of significant damage, such as bird nesting areas, mammal pupping, breeding, fish spawning, presence of listed species, etc. Strategies to protect these sites from oil and collateral impacts are included. The State of Alaska uses the term “GRS” (Geographic Response Strategy) for these sensitive sites, and both Oregon and Washington State use the term “GRP” or Geographic Response Plan. So, on the west coast, Sensitive Site, GRP and GRA have the same meaning for oil spill response in the marine environment.

To complicate matters more, the term “GRP” is used in California strictly for inland spill response plans by the US EPA and other response agencies.

<b>Definitions in Region IX (AZ, CA &amp;, NV)</b>	
<i><b>In this context:</b></i>	<i><b>Sensitive Site means...</b></i>
California’s coastal ACPs, Sensitive Sites	Response strategies for any site at risk of significant damage, such as bird nesting areas, mammal pupping, breeding, fish spawning, presence of listed species, etc. Strategies to protect these sites from oil and collateral impacts are included.
State of Alaska, Geographic Response Strategies	GRS are oil spill response plans tailored to protect a specific sensitive area from impacts following a spill.
States of Oregon and Washington, Geographic Response Plans	Geographic Response Plans (GRPs) are plans that guide oil spill response in Washington, Oregon, and Idaho. Each GRP is written for a specific area (for example a river, a lake, or section of Puget Sound), and includes tactical response strategies tailored to a particular shore or waterway at risk of injury from oil.
California and US EPA’s inland plans	GRP means response strategies for an inland stretch of river, river basin, or watershed.

CA DFW OSPR reports that the difference can cause confusion because there’s no national

standard. It becomes a problem when an RP from out of state brings in a GIS contractor who uses feature terminology that coastal responders in California are not accustomed to.

Because this terminology is firmly entrenched in the six coastal California ACPs, a data sharing agreement is a useful way to clarify how data and terminology will be used during the incident. For example, the Unified Command might let the RP's contractor use their own common operating picture (COP) software to display operational data on the situation status board, but they will be asked to define map features in a legend that conforms to California ACP terminology. Concurrently CA DFW OSPR and other natural resource Trustees will use NOAA's Environmental Response Management Application (ERMA) mapping tool to manage all environmental data collected for the emergency response, but will share terminology.

In fall 2016, USCG headquarters proposed that Geographic Response Plans should be called Geographic Response Strategies because under the Endangered Species Act agencies may consult on strategies but not on plans. This change has not been implemented in coastal ACPs.

### **3911 Abbreviations Used to Describe Site Strategies**

When site strategies and sub-strategies are described, these abbreviations may be used.

Bboat	<u>Boom Boat</u> : a boat suitable for transporting, towing and deploying large amounts of boom, usually crewed with a helmsman and two crew to deploy. Often referenced in terms of BBE. Boom boats must be capable of grounding without sustaining damage.
BBE	<u>Boom Boat Equivalent</u> : a vessel capable of transporting and deploying 600 feet of Hboom or 1800 ft of swamp boom.
Hboom	<u>Harbor Boom</u> : an inland/sheltered water boom (greater than 18" and less than 42" overall (flotation and skirt)) of a curtain boom design (skirted boom with solid flotation). Some strategies clarify boom size by indicating flotation and skirt as follows: 9X9+ which indicated a boom with at least 9" of flotation and 9" of skirt.
Sorbm -	<u>Sorbent Boom</u> : with or without a skirt Shallow water boom boats - a boom boat capable of working in three feet of water or less, and should be able to withstand stranding without sustaining damage. Skiff - a small two person craft able to operate in 3 foot waves or larger and capable of delivering personnel and equipment to shores.

SFS	<u>Stationary Floating Skimmer</u> : a floating platform supporting a skimmer and storage – which could be a VOSS.
SPS	<u>Self-Propelled Skimmer</u> : a small to medium sized skimmer with its own propulsion and storage – which could be a VOSS.
SSS	<u>Shore Side Skimmer</u> : includes a skimming unit, such as a rope-mop or weir skimmer and its support pack and a storage container such as a vacuum truck, baker tank, or other tank.
SWPBM	<u>Swamp boom</u> : a river boom type (less than 18" overall) of a curtain boom design.
TSA	<u>Towed Skimming Array</u> : a skimming system with two boats towing collection booms which funnel oil to a skimming system TSA - towed skimming array - an array with two boats towing collection booms which funnel oil to a skimming system
VOSS	<u>Vessel of Opportunity Skimming System</u> : a skimming system (skimming device, pump, power supply, and storage) place on a vessel which was not designed for skimming per se.
VSA	<u>“V”-Skimming Array</u> : Same as TSA “V”-Skimming Array -Same as TSA
VSBB	<u>Very shallow water boom boats</u> : a boom boat capable of working in two feet of water or less, and should be able to withstand stranding without sustaining damage.
Xboom	Any boom other than harbor boom, swamp, or sorbent boom. This term is used to simplify equipment tables. A type designator should be used as well as a length. Type designators include: TB or TBB – tidal barrier boom OB – ocean boom FB – fence boom OS – oil snare BB – bushy boom

## 3920 Trajectories & Plume Mapping

Since 2015, NOAA’s Office of Response and Restoration (OR&R) and the Bureau of Ocean Energy Management (BOEM) have been collaborating to develop Trajectory Analysis Planner (TAP) software.

BOEM is constructing a TAP tool for Santa Barbara Basin to help plan for potential oil spills from oil drilling operations. This continues a larger project that started two years earlier.

The leads for this project are Susan Zelenski; BOEM, and Glen Watabayashi, NOAA. For further information, contact [Glen.Watabayashi@noaa.gov](mailto:Glen.Watabayashi@noaa.gov).

## 3930 Oil Sampling

The USCG Marine Safety Lab (MSL) provides forensic oil analysis and expert testimony to support oil pollution law enforcement efforts for Marine Investigators, Districts, Hearing Officers, NPFC, Department of Justice (DOJ), and other federal agencies. MSL is the Coast Guard's sole facility for performing forensic oil analysis.

USCG Marine Safety Lab (860) 271-2704 <a href="mailto:mssl@uscg.mil">mssl@uscg.mil</a>
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Because the FOSC in charge at the scene may be from one of several agencies, it's necessary to establish uniform procedures for notification of counsel and for collection of samples and information consistent with the several phases in Federal response situations. Necessary information and sample collection must be performed at the proper times during Federal involvement in a spill for the purpose of later use in identifying the party responsible for cost recovery. Time is of great importance, as wind, tide, and current may disperse or remove the evidence and witnesses may no longer be available. Thus, during the response phases, the FOSC must take the necessary action to ensure that information, records, and samples adequate for legal and research purposes are obtained and safeguarded for future use. Detailed guidance on preferred procedures can be found in "Enforcement Considerations for Evaluations of Uncontrolled Hazardous Waste Disposal Sites by Contractors," U.S. EPA, National Enforcement Investigation Center, April 1980.

## 3940 Weather Forecasts

As an outgrowth of coordination between NOAA, DHS, and other governmental departments in response to natural disasters, the NWS has developed an ever-evolving suite of support tools that can, and should be exploited in real-time for disaster response and planning. These include operationally available forecasts that incorporate the finest scale resolution of data and model predictions interpreted by professional meteorologists at the NWS Forecast Offices. These can be accessed in a number of ways via the web ([www.weather.gov](http://www.weather.gov)), spot

forecasts for HAZMAT and related applications, and a variety of formats including simple narratives, tables and graphs and gridded digital data.

Federal and State agencies, in support of emergencies, can initiate requests for special forecasts for their particular geographic response needs and the NWS will respond to those requests with predictions of up to 12 sensible weather elements in timelines out to 7 days and tailored formats that are easy to use for emergency manager decision-making.

NOAA's National Weather Service (NWS) provides weather forecasts and warnings for the United States, its territories, adjacent waters, and ocean areas to protect life and property and to help facilitate commerce. NWS data and products can be used by the public and private sectors, as well as the global community. NWS's Western Region Regional Operations Center in Salt Lake City, Utah, serves as a reporting function to NWS's National Operations Center as well as to regional partners to coordinate on-scene weather support on a routine basis or for incident response and recovery. When incident decision support services are needed and can be satisfied remotely by phone or webinar, the NWS can provide such support from any one of their 24 local NWS offices.

When personnel are available, the NWS can also send Incident Meteorologists and Warning Coordination Meteorologists to on-scene meetings, emergency operation centers, and scenes of disaster as appropriate.

### **3941 Requesting Special (Spot) Forecasts**

The NWS utilizes the NWS Spot Forecast Request and Dissemination System to handle such forecast requests. This system provides users a way to request spot weather forecasts and provides NWS forecasters a way to post those forecasts to a national web server, accessible by the requestor, in real time. To submit a spot forecast request, point your browser to:

<http://www.wrh.noaa.gov/firewx/main.php>

Enter the Latitude and Longitude in decimal degrees for the location of your incident and select "Go". You will be directed to the local NWS office that serves that location where you can submit additional information to be used by the forecaster in preparing that spot forecast. Be prepared to provide:

- A project name/type
- Contact information for the requesting agency
- Reason for the request
- Additional location information
- Fuel type if known/applicable

- Observations (if any)
- Primary sensible forecast weather elements desired
- Desired forecast periods

When complete, select “Submit Request”. You will be taken to a page that displays a map with the location of your request as well as the status of your requested spot forecast. When the forecast is complete the status will change to “Completed” at which time you can select “Completed” and your browser will display your completed spot forecast.

### **3942 Requesting Remote NWS Decision Support Services**

The NWS can provide remote decision support services from a local NWS office that serves the location of an incident. These services may include participation on planning conference calls, providing remote weather/situation briefings, reviewing incident action plans, and organizing and coordinating Subject Matter Experts (SMEs) to name a few. If the contact information for the local NWS office is not already available, contact the NWS Western Region, Regional Operations Center Duty Officer, see next section.

### **3943 Requesting NWS Personnel**

The NWS can provide specially trained weather forecasters to physically travel to the site of an incident to provide weather support to the emergency responders or staff an emergency operations center. The NWS also makes available Warning Coordination Meteorologists for conducting storm surveys and attending other on-scene meetings. To request NWS weather personnel in the western states, contact the NWS Western Region Regional Operations Center. Be prepared to provide: Requesting agency/POC, Location/type of incident, Reason for the request, and the associated Pollution Removal Funding Authorization (PRFA) number to fund the request.

National Weather Service  
Western Region, Regional Operations Center  
Duty Officer 24/7  
(801) 524-7907  
[wr.roc@noaa.gov](mailto:wr.roc@noaa.gov)  
[www.weather.gov](http://www.weather.gov)

### **3944 Atmospheric Hazards Predictions during INS**

The Department of Homeland Security’s Interagency Modeling and Atmospheric

Assessment Center provides atmospheric hazards predictions during an Incident of National Significance. The enclosure gives the full text of the memorandum of agreement.

Enclosure 3944: Atmospheric Hazards Predictions:  
[https://nrt.org/site/doc\\_list.aspx?site\\_id=85/](https://nrt.org/site/doc_list.aspx?site_id=85/)

### 3945 Managing Marine Weather Information

Enclosure 3945: Management of Marine Weather Information, NWS-USCG (2010):  
[https://nrt.org/site/doc\\_list.aspx?site\\_id=85/](https://nrt.org/site/doc_list.aspx?site_id=85/)

## 3950 Observation Balloons

In many cases it's desirable to visualize the density of an oil slick in order to direct a skimmer to the thickest patches of oil. Sometimes this is done with a helicopter. Another option is to use an observation balloon tethered to the skimmer itself. A camera under the balloon transmits images to a terminal in the skimmer's pilothouse.



One brand of aerial surveillance balloon is *OceanEye* by Elastec, see <http://www.elastec.com/oilspill/oceaneye/>

## 3960 Waves & Surface Currents Off California

Information about local surface currents and waves is useful during oil spill response. In coastal California this information is available in real time from the *Central & Northern California Ocean Observing System* (CeNCOOS) in Moss landing and the *Southern California Coastal Ocean Observing System* (SCCOOS) in La Jolla. Both collaborate with federal, state and local agencies to integrate high-frequency, radar-derived, surface-current data and products into statewide prevention and response applications.

For real-time information about surface currents, see <http://cordc.ucsd.edu/projects/mapping/maps/>. Numerous reporting stations provide data along the California coast. South of the border there are stations near Tijuana, Rosarito (where oil is loaded) and Ensenada but there is a gap from *El Descanso* south to the *Bajamar Ocean Front Golf Resort*.



<b>Central &amp; Northern California Ocean Observing System</b>	
Urgent contact during normal business hours:	(831) 775-2010 or (831) 775-2126
Emergency contact after hours and on holidays:	David Anderson, Director (831) 775-4524 office (831) 324-4524 home (303) 641-6223 cell The best emergency contact is by phone; Mr. Anderson does not routinely check email outside work hours.
Routine communication:	<a href="mailto:dmanderson@mbari.org">dmanderson@mbari.org</a> <a href="mailto:cencoos_communications@mbari.org">cencoos_communications@mbari.org</a> <a href="http://www.cencoos.org/">http://www.cencoos.org/</a>

<b>Southern California Coastal Ocean Observing System</b>	
Urgent contact during normal business hours: *	(858) 534-9808 or (858) 822-2873
Emergency contact after hours and on holidays: *	Lisa Hazard: (surface currents) (858) 822-2873 office (619) 787-0945 cell CDIP: (858) 534-3032 24x7 Julie Thomas: (waves) (858) 534-3034 office (858) 349-8245 cell <a href="mailto:staff@sccoos.org">staff@sccoos.org</a> <a href="mailto:info@sccoos.org">info@sccoos.org</a>
Routine communication:	<a href="mailto:staff@sccoos.org">staff@sccoos.org</a> <a href="http://www.sccoos.org">http://www.sccoos.org</a>

\* SCCOOS is an academic institution not a first responder. Response may be delayed.

Additionally, the *Coastal Data Information Program* (CDIP) provides wave measurements to support planning and response for oil spill exercises, drills and incidents.

## 3970 Air Monitoring

Air monitoring is necessary during *in-situ* burning operations and under some other circumstances. See the section on *In-situ Burning* in chapter 4000 in this Coastal Contingency Plan. EPA, Environmental Response Team West can provide air monitoring during oil spills, or advice on contracting a private company.

US EPA  
Environmental Response Team West  
Las Vegas, NV  
(732) 321-6660 24x7  
[www.epa.gov/ert](http://www.epa.gov/ert)

The National Response Plan designates the Interagency Modeling and Atmospheric Assessment Center (IMAAC) as the single Federal source of airborne hazards predictions during an Incident of National Significance (INS). IMAAC is responsible for producing and disseminating predictions of the effects from hazardous chemical, biological, and radiological releases.

The IMAAC's goal is to draw upon and coordinate the best available capabilities of participating agencies. The current IMAAC agency Federal partners are the Department of Homeland Security, the Department of Defense, the Department of Energy, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration (Department of Commerce), the Nuclear Regulatory Commission, and the National Aeronautics and Space Administration.

The National Response Framework designates the Interagency Modeling and Atmospheric Assessment Center (IMAAC) as the single Federal source of airborne hazards predictions during incidents that involve multiple federal agencies. IMAAC is responsible for producing and disseminating predictions of the effects from hazardous chemical, biological, and radiological releases. IMAAC is not intended to replace or supplant dispersion modeling capabilities that Federal agencies currently have in place to meet agency-specific mission requirements. Rather, it provides interagency coordination to use the most appropriate model for a particular incident and for delivery of a single Federal prediction to all responders.

Information on the IMAAC can be found at <http://www.dhs.gov/imaac>. To request IMAAC

support; state, local, and federal officials should contact the IMAAC Technical Operations Hub, run by the Defense Threat Reduction Agency at (703) 767-2003. The IMAAC products are available on the Homeland Security Information Network (HSIN) IMAAC page. To open a HSIN account, please contact the HSIN Helpdesk at (866) 430-0162 (available 24/7) or send an email to [HSIN.HelpDesk@hq.dhs.gov](mailto:HSIN.HelpDesk@hq.dhs.gov) requesting a HSIN account and access to the IMAAC community of interest.

NOAA Air Plume Modeling  
(206) 526-4911

### **3971 Direct Air Plume Modeling with CAMEO**

The CAMEO® Suite of applications (CAMEO – Computer-Aided Management of Emergency Operations, ALOHA – Aerial Locations of Hazardous Atmospheres, and MARPLOT – Mapping Application for Response, Planning and Local Operational Tasks) is designed to allow the user to plan for and respond to a hazardous substances incident.

CAMEO Chemicals has identification information and response recommendations for thousands of chemicals commonly transported in the United States. CAMEO is a set of blank database templates that state and local organizations can enter information for facilities that store hazardous substances. The CAMEO software suite can be downloaded for free at <http://www2.epa.gov/cameo>.

ALOHA® can predict the movement of hazardous substances in the atmosphere and display the toxic threat zones on a digital map via MARPLOT®. ALOHA can also estimate thermal and explosive threat zones of flammable chemicals. ALOHA has almost a thousand chemicals in its database. MARPLOT uses electronic maps created by the Bureau of the Census that cover the entire country and can be downloaded for free as part of the CAMEO software suite mentioned above.

### **3980 Remote Sensing**

Remote sensing from UAVs (drones) or satellites can determine the location and thickness of oil on the ocean. Agencies and vendors who provide remote sensing services include the following.

Marine Spill Response Corporation (MSRC)	Steve Benz (703) 326-5601 <a href="mailto:benz@msrc.org">benz@msrc.org</a>
MDA Corporation, Geospatial Group	Gordon Staples <a href="mailto:gstaples@mdacorporation.com">gstaples@mdacorporation.com</a> <a href="http://www.mdacorporation.com">www.mdacorporation.com</a>
NOAA Unmanned Aircraft Program	Todd Jacobs (805) 893-6417 <a href="mailto:Todd.Jacobs@noaa.gov">Todd.Jacobs@noaa.gov</a> Matt Dorsey (562) 980-3250 <a href="mailto:Mathew.Dorsey@noaa.gov">Mathew.Dorsey@noaa.gov</a>
Ocean Imaging Corporation	Dr. Jan Svejksky Solona Beach, CA 92075 <a href="mailto:jan@oceani.com">jan@oceani.com</a> <a href="http://www.oceani.com/">http://www.oceani.com/</a>
Reflected Light Science	Bill Bernard (443) 786-4471 <a href="mailto:wbernard@reflectedlightscience.com">wbernard@reflectedlightscience.com</a>
US Army, Night Vision and Electronic Sensors Directorate (Spill detection in low-light environments.)	Thomas Soyka Quick Response Branch NVESD Fort Belvoir, VA 22060 (703) 704-1265 <a href="mailto:thomas.soyka@us.army.mil">thomas.soyka@us.army.mil</a> <a href="http://www.cerdec.army.mil/contact/">http://www.cerdec.army.mil/contact/</a> <a href="http://www.cerdec.army.mil/inside_cerdec/nvesd/">www.cerdec.army.mil/inside_cerdec/nvesd/</a>
Water Mapping	Oscar Garcia <a href="mailto:Oscar.Garcia@watermapping.com">Oscar.Garcia@watermapping.com</a>

## 3990 Common Operating Picture Software

A variety of software programs are available to agencies and corporations to assist in organizing information and preparing an incident action plan (IAP). Many of these programs

include or are compatible with an online mapping tool. Some COP software and mapping tools are listed below.

<b>Incident Management &amp; Common Operating Picture Software</b>		
ArcGIS	Mapping	ESRI Disaster Response Program (800) 447-9778 Consulting (8 am – 5 p.m. PT M – F) <a href="mailto:Disaster_Help@esri.com">Disaster_Help@esri.com</a> <a href="http://www.esri.com/services/disaster-response">http://www.esri.com/services/disaster-response</a>
CommandPro	COP Messaging	Margaret Larson Witt O’Brien’s Brea, CA 92821 (202) 255-3081 (985) 781-0804 24x7 <a href="mailto:mlarson@wittobriens.com">mlarson@wittobriens.com</a> ; <a href="http://www.wittobriens.com/go/doc/2000/1656395/">http://www.wittobriens.com/go/doc/2000/1656395/</a>
ERMA	Mapping	George Graettinger NOAA Western Regional Center Seattle, WA 98115 <a href="mailto:George.Graettinger@noaa.gov">George.Graettinger@noaa.gov</a> ; <a href="https://www.erma.unh.edu/southwest/">https://www.erma.unh.edu/southwest/</a>
EPA data collection & response support tools	COP Mapping	Bill Robberson US EPA San Francisco, CA 94105 (415) 972-3072 <a href="mailto:Robberson.Bill@epa.gov">Robberson.Bill@epa.gov</a> ;
IAP software	COP	Kenny Rhame The Response Group Cypress, TX 77429 (832) 493-3272 cell <a href="mailto:krhame@responsegroupinc.com">krhame@responsegroupinc.com</a> ; <a href="http://www.responsegroupinc.com">http://www.responsegroupinc.com</a>

Incident Management Software System	USCG Incident Management Software	Danielle Wood The Response Group <a href="mailto:DWood@responsegroupinc.com">DWood@responsegroupinc.com</a>
WebEOC	COP	Kevin Overby (530) 207-3566 Pacific Time <a href="mailto:Kevin.Overby@intermedix.com">Kevin.Overby@intermedix.com</a> CalEOC is WebEOC customized for the State of California. FEMA also uses WebEOC.

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# 4000 Planning

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## 4010 Planning Section Organization

For information about the organization of the Planning Section, the positions within it and its role in developing the Incident Action Plan, see the USCG Incident Management Handbook, May 2014, COMDTPUB P3120.17B. See <https://homeport.uscg.mil/ics> under JOB AIDS.

Anyone working in the incident command post as a member of the Command and General Staff or one of their direct reports should complete Incident Command System training to the Intermediate level, i.e. ICS-300.

## 4011 Area Contingency Plans

Selection of appropriate spill protection, recovery, and cleanup techniques prior to and following a spill are a critical element affecting the ultimate environmental impact. To choose those techniques which most effectively prevent or minimize adverse ecological impact, it is important to identify techniques which have minimal intrinsic ecological impacts and are also effective in minimizing the impact. Furthermore, it is important that these response techniques be planned and documented in the Geographic Response Plan of the ACP so that in the event of a spill, minimal time be spent preparing for the response.

The text of the ACPs (a.k.a. oil spill plans) for coastal California are at:

<http://www.wildlife.ca.gov/ospr/>

## 4012 California State Oil Spill Contingency Plan

The *California State Oil Spill Contingency Plan* (CSOSCP) is available at <http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=16612>. The Plan sets forth the roles and responsibilities of those State agencies with primary authority for oil spills in California. It addresses several types of oil spills:

Type of Oil Spill	Primary California State Agency
In or Threatening State Waters <ul style="list-style-type: none"><li>• Surface Waters</li><li>• Groundwater</li></ul>	<ul style="list-style-type: none"><li>• Office of Spill Prevention &amp; Response</li><li>• Regional Water Quality Control Board</li></ul>

<p>On Land (with no release to state waters)</p> <ul style="list-style-type: none"> <li>• Off-highway spills that do not affect the waters of the state</li> </ul>	<ul style="list-style-type: none"> <li>• Governor’s Office of Emergency Services (CalOES)</li> </ul>
<ul style="list-style-type: none"> <li>• Drilling rigs or producing facilities</li> </ul>	<ul style="list-style-type: none"> <li>• Division of Oil, Gas &amp; Geothermal Resources (DOGGR)</li> </ul>
<ul style="list-style-type: none"> <li>• Hazardous materials spills</li> </ul>	<ul style="list-style-type: none"> <li>• Department of Toxic Substances Control (DTSC)</li> </ul>
<ul style="list-style-type: none"> <li>• Impacting wildlife or habitat</li> </ul>	<ul style="list-style-type: none"> <li>• Office of Spill Prevention &amp; Response determines whether cleanup actions have mitigated impacts or potential impacts on wildlife and habitat.</li> </ul>
<p>On Highways &amp; Roads</p> <ul style="list-style-type: none"> <li>• Local Roads</li> <li>• State Highways</li> </ul>	<ul style="list-style-type: none"> <li>• The law enforcement agency with primary traffic investigation authority on the road where the incident occurred.</li> <li>• California Highway Patrol (CHP)</li> </ul>
<p>Involving Railroads</p>	<p>The Railroad Accident Prevention &amp; Immediate Deployment Force (RAPID) is a multi-agency group within California EPA that provides immediate response capability for large-scale releases of toxic materials. Such spills are managed according to the <i>State Hazardous Materials Incident Prevention &amp; Immediate Deployment Plan</i>.</p>

## 4020 Situation Unit

The Situation Unit Leader (SITL) collects, processes and organizes incident information relating to the growth, mitigation or intelligence activities taking place on the incident. For complete details, see *COMDTPUB P3120.17B U.S. Coast Guard Incident Management Handbook*. See <https://homeport.uscg.mil/ics> under JOB AIDS.



## 4021 Common Operating Picture

In the 1970s, and even today especially in outdoor settings, the common operating picture (COP) was displayed by posting maps and documents on a physical Situation Status Board. The SITL, working with Display Processors and Field Observers, keeps the SIT STAT board up to date. The commonality is achieved by having only one SIT STAT board. Anyone who wanted to consult it had to walk to that wall in the Incident Command Post to look at it.

As technology advanced, some SITLs began to project parts of the SIT STAT board from software on their computer: spreadsheets, mapping software and so on.

Currently there are many software systems designed to efficiently manage incident management data and to make it available to everyone via an intranet or the Internet. Computer-based COP software improves situation awareness within the command structure supports faster and better planning and execution of decisions. The State of California uses a customized version of *WebEOC* by Intermedix Corp. called *CalEOC*.

### 4021.1 Environmental Response Management Application (ERMA)

ERMA is an Internet-based Geographic Information System (GIS) tool that helps emergency responders and environmental resource managers deal with incidents that may adversely impact the environment. ERMA integrates and synthesizes various real-time and static datasets into a single interactive map, thus providing fast visualization of the situation and improving communication and coordination among responders and environmental stakeholders.

Southwest ERMA® is an online mapping tool for the coastal California region. Highlighted data sets include habitats and natural resources at risk, Area Contingency Plans, and real-time weather and operational data. See <https://erma.noaa.gov/southwest/erma.html#/x=-122.05013&y=37.16269&z=6&layers=12+482+12218+12601+8891+410+7255>.

To request your own ERMA account, go to <https://erma.noaa.gov/ERMA/RequestAccount?sitename=southwest>.

### 4021.2 Incident Management Software System (IMSS)

The USCG adopted Incident Management Software System (IMSS) as the USCG standard in 2015. It was developed by The Response Group (TRG).

Questions about implementation	LCDR Robert Gore, Office of Contingency Preparedness and Exercise Policy, at (202) 372-2242 or <a href="mailto:Robert.T.Gore@uscg.mil">Robert.T.Gore@uscg.mil</a> .
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IMSS Help Desk	(800) 651-3942 or <a href="mailto:iapsupport@responsegroupinc.com">iapsupport@responsegroupinc.com</a> .
IMSS Training Site	<a href="http://e-learningportal.responsegroupinc.com/course/index.php?categoryid=9">http://e-learningportal.responsegroupinc.com/course/index.php?categoryid=9</a>

### 4021.3 All Partners Access Network (APAN)

The All Partners Access Network (APAN) is the premier unclassified information-sharing and collaboration enterprise for the United States Department of Defense (DOD). APAN provides the DOD and its mission partners community spaces and collaborative tools to leverage information to effectively plan, train and respond to meet business requirements and mission objectives. APAN makes these tools available over the Internet. To request an account, go to <https://www.apan.org/>.

## 4022 Geographic Information Systems

### 4022.1 Nautical Charts

Nautical charts for U.S. waters are maintained by NOAA. You can view any chart online at <http://www.charts.noaa.gov/OnLineViewer/PacificCoastViewerTable.shtml>.

### 4022.2 Topographic Maps

US Topo maps can be downloaded for free from USGS, The National Map Viewer Download Client: <https://viewer.nationalmap.gov/basic/>

US Topo can be used as a planning or response tool before or after a disaster event. Hard copy maps can be delivered to an event site upon request from any Federal emergency management agency. See USGS Store: <https://store.usgs.gov/>

US Topo includes content such as orthoimagery (digital version only), transportation, geographic names, topographic contours, boundaries, and hydrography. GIS data used to produce US Topo maps is also available as Topo Map Vector Product data at <https://viewer.nationalmap.gov/basic/?basemap=b1&category=vectorcmb&q=&zoom=4&bbox=-137.63671875,17.39257927,-56.25000000,57.32652123&preview=&avail=&refpoly=> and can be combined with the Topo TNM Style Template at <https://viewer.nationalmap.gov/tools/topotemplate/> to create custom US Topo maps.

The US Topo is produced as a Portable Document Format or PDF. Product improvements with newer US Topos include a “geospatial PDF” format which is compliant with ISO

32000. The US Topo products can be viewed and printed with Adobe Reader or any comparable PDF viewing software. Detailed information can be found in the new US Topo User Guide <https://nationalmap.gov/ustopo/quickstart.pdf>.

## **4030 Resources Unit**

### **4031 Volunteers**

Each Area Contingency Plan (ACP) contains guidance for how volunteers are managed locally. Properly trained volunteers may be used for such duties during an incident as beach surveillance, logistical support, and bird and wildlife rehabilitation. Such use of volunteers must, however, be approved by the appropriate State, Federal, and Native American fish and wildlife officials, as well as by the RP. Unless specifically requested by the FOSC, these volunteers generally should not be used for physical removal or mitigation activities. If, in the judgment of the FOSC, dangerous conditions exist, these volunteers shall be restricted from on-scene operations.

## **4032 NRT Guidance Regarding Use of Volunteers for Oil Spills**

The NRT maintains a Technical Assistance Document (TAD) about the *Use of Volunteers Guidelines for Oil Spills*, September 2012 at

[http://www.nrt.org/production/NRT/NRTWeb.nsf/3cb9a6ef643b6e3685256ede006ef73a/3922c36897b0657a85257a9c00335c2d/\\$FILE/NRT\\_Use\\_of\\_Volunteers\\_Guidelines\\_for\\_Oil\\_Spills\\_FINAL\\_signatures\\_inserted\\_Version\\_28-Sept-2012.pdf](http://www.nrt.org/production/NRT/NRTWeb.nsf/3cb9a6ef643b6e3685256ede006ef73a/3922c36897b0657a85257a9c00335c2d/$FILE/NRT_Use_of_Volunteers_Guidelines_for_Oil_Spills_FINAL_signatures_inserted_Version_28-Sept-2012.pdf)

## **4033 National MOU for Volunteers**

Enclosure 4033: MOU re Unaffiliated Volunteer Management Program, an MOU among the Corporation for National and Community Service (CNCS), EPA and USCG: [https://nrt.org/site/doc\\_list.aspx?site\\_id=85](https://nrt.org/site/doc_list.aspx?site_id=85)

## **4040 Documentation Unit**

The Documentation Unit maintains accurate, up-to-date incident documentation that is critical to post-incident analysis.

All Oil Spill Liability Trust Fund (OSLTF) users need to collect and maintain documentation that supports all actions taken under the National Contingency Plan (NCP). See 40 C.F.R. § 300.315. Also, FOSCs are required to document and create an administrative record of their response actions. 40 C.F.R. § 300. 40 C.F.R. § 300.315 establishes the documentation requirement for OSTLF oil spill responses and 40 CFR § 300.160 establishes the documentation requirement for CERCLA responses. In addition, 33 C.F.R. Part 136 sets out the National Pollution Funds Center documentation procedures. Taken together, these regulations require that response documentation take into consideration the needs of all future users of the documentation generated by the response organization. The Coast Guard provides assistance with this process through the Technical Specialists listed below in section 4041.

## **4041 Information-Management Plans**

An Information-Management Plan defines critical information that must be preserved and kept readily-accessible during the response. This may include: GIS data, photography, SCAT, remote sensing data, response sampling, and other information and data generated as a result of the response, or relevant to the mitigation of the incident. A less-detailed document may be called a data-sharing or information-sharing agreement.

An Information-Management Plan ensures continuity of information as personnel rotate in

and out and facilitates sharing among response personnel during the incident. The plan also sets the foundation for archiving and access to information. The scope of the plan should include all operational and environmental Geographic Information Systems (GIS) data, all photography, SCAT, remote sensing, and response sampling efforts.

Enclosure 4041: Information-Management Plan from Refugio Oil Spill 2015:  
[https://nrt.org/site/doc\\_list.aspx?site\\_id=85](https://nrt.org/site/doc_list.aspx?site_id=85)

Technical specialists who may be consulted regarding the development of this plan include:

<p>Ms. Michele Jacobi          NOAA  <a href="mailto:Michele.Jacobi@noaa.gov">Michele.Jacobi@noaa.gov</a>          (206) 526-6830</p>	<p>Ms. Shellee Christensen          U.S. Coast Guard, West Coast  <a href="mailto:Shellee.M.Christensen2@uscg.mil">Shellee.M.Christensen2@uscg.mil</a>          (985) 951-7196</p>
<p>Mr. Brian Judge          U.S. Coast Guard Headquarters          CG-0945 Claims &amp; Litigation  <a href="mailto:Brian.Judge@uscg.mil">Brian.Judge@uscg.mil</a>          (202) 372-3733</p>	<p>Mr. George Amon          U.S. Coast Guard, Milwaukee, WI  <a href="mailto:George.E.Amon2@uscg.mil">George.E.Amon2@uscg.mil</a>          (414) 747-7107</p>
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#### 4042 Response Information Sharing

Response Information Sharing (RIS) is a concept closely related to Information Management Plans (discussed above). For more information, search the Internet for the key words “response information sharing” and see enclosure 4042.

Enclosure 4042: Data Sharing Plan for the Texas City Y Spill 2014:  
[https://nrt.org/site/doc\\_list.aspx?site\\_id=85](https://nrt.org/site/doc_list.aspx?site_id=85)

#### 4043 Reports from the Unified Command

The actions, decisions and expenditures made by the Unified Command must be fully documented to facilitate future financial audits and legal actions. The Documentation Unit Leader and his/her staff are the UC’s primary resource for this task. For more information about the DOCL, see chapter 4000 *Planning* in this Coastal Contingency Plan.

### 4043.1 Situation/Pollution Reports

SITREPs and POLREPs are a report format used exclusively by the USCG. The procedure and format are explained in COMDTINST M16000.10, Coast Guard Marine Safety Manual, Volume VI, Chapter 7.B.6.b.(1). The POLREP format can be found in Volume VII of the Marine Safety Manual, Figure 7-7.

### 4043.2 After-Action Reports from FOSCs

After-action reports, also known as FOSC Reports, will be submitted when requested by the RRT or at the discretion of the FOSC for a particular incident as stated in 40 CFR 300.165(a). FOSC Reports should be routinely prepared for all major response actions to document lessons learned from the perspective of the FOSC and others that the FOSC has surveyed to enhance the report with a broader perspective. This should be considered an important mechanism for documenting and sharing information on lessons learned within the FOSC's organization as well as with others in the response community.

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.

The RRT reviews the F/OSC report and forwards a copy to the NRT along with comments or recommendations.

## 4044 USCG Correspondence

During an incident where the USCG is FOSC it may be necessary to compose certain standard communications. See the references below for instructions.

All USCG Commandant Instructions (COMDTINST) can be found at:

[http://www.uscg.mil/directives/listing\\_cim.asp?id=16000-16999](http://www.uscg.mil/directives/listing_cim.asp?id=16000-16999).

Letter	Reference
Administrative Orders	COMMANDANT INSTRUCTION M16465.29, "CERCLA Response Authority and Associated Coast Guard Policies," Chapter 5.

Letter of Designation	COMDTINST M16000.11, Coast Guard Marine Safety Manual, Volume VI, Chapter 7.4860
Notice of Federal Assumption	COMDTINST M16000.11, Coast Guard Marine Safety Manual, Volume VI, Chapter 7.B.3.d.
Notice of Federal Interest	COMDTINST M16000.11, Coast Guard Marine Safety Manual, Volume VI, Chapter 7.B.3.a

## 4050 Demobilization Unit

Demobilization is an orderly and cost effective process for the release and return of all response resources and personnel to their respective home destinations. Personnel and equipment are demobilized from the incident in accordance with a written Demobilization Plan approved by the Unified Commanders.

The demobilization of the resources and personnel from an incident is a team effort involving all personnel working on the incident. It is the responsibility of the Planning Section Chief to ensure that a systematic plan is established and implemented by the Demobilization Unit Leader early in the event timeline.

Enclosure 4050: Sample Demobilization Plan : [https://nrt.org/site/doc\\_list.aspx?site\\_id=85/](https://nrt.org/site/doc_list.aspx?site_id=85/)

## 4060 Environmental Unit

The responsibilities of the Environmental Unit Leader and the positions that may be filled in that unit are described in the U.S. Coast Guard Incident Management Handbook (COMDTPUB P3120.17B). See <https://homeport.uscg.mil/ics>.

### 4061 Staffing the Environmental Unit

Trustee agencies must ensure that their statutory and regulatory natural resource protection authorities are not only recognized, but used in the most effective and efficient way during an oil spill response. This can be achieved by the Unified Command placing a trained and qualified representative from a state or federal natural resource trustee agency in positions within the EUL.

Therefore, for incidents where the U.S. Coast Guard is the Federal On-Scene Coordinator, Regional Response Team IX's policy for staffing positions in the Environmental Unit is as follows. The policy is explained in brief in the table below and at length in the numbered

sections below.

<p>Environmental Unit Leader (EUL)</p>	<p>Whenever possible, the EUL position should be filled with an experienced response employee of a natural resource trustee agency. The designated EUL may be assisted by a Deputy EUL provided by another trustee agency or by the RP representative.</p>
<p>Shoreline Cleanup Assessment Team (SCAT) Leader</p>	<p>OSPR field staff members possess the necessary qualifications and may assume the role of SCAT Leader.</p>
<p>Resources-at-Risk (RAR) Technical Specialist (THSP)</p>	<p>The RAR Technical Specialist must be the person most qualified and knowledgeable of local resources requiring protection during an oil spill response. OSPR field staff and members of other state or federal natural resource trustee agencies possess the necessary qualifications.</p>
<p>Applied Response Technology (ART) Lead Technical Specialist (THSP)</p>	<p>Both the OSPR ART Lead THSP and the NOAA SSC possess the necessary qualifications, have existing/established roles with the RRT and FOSC, and understand the environmental trade-off discussions that need to occur with trustee agencies. This also assures that an FOSC decision to use any ART leverages the ART Lead THSP's ability to incorporate, whenever possible, trustee agency input and Best Management Practices that will help support any conclusions related to the net environmental benefit that can be achieved by using ART.</p>

Whenever possible the UC should rely on the Federal and state oil spill response agency personnel who possess *local* and *regional* oil spill response expertise, and can bring their respective natural resource trustee agency protection, management, and permitting/approval authority(ies) into play.

If no federal or state agency representative is initially available to staff a position, it may be practicable for a Responsible Party (RP) representative to fill the position until a trustee agency representative is available.

As a spill response matures, it may be practicable to transition from state or federal resource trustee to an RP representative with the concurrence of the Unified Command. Private sector/industry employees or contractors may be asked to staff positions in the EUL during drills and exercises for training purposes in order to gain familiarity with the respective



duties, facilitate the staffing of those activities, and earn relevant drill credit.

#### **4061.1 Environmental Unit Leader**

A qualified EUL should be trained and experienced in all Environmental Unit duties, the Incident Command System, protection strategies, spill cleanup methods, response equipment, permitting, waste management, and local shorelines and associated resources requiring protection during an oil spill response). State natural resources trustee agencies, designated in the California Fish and Game Code Section 1802, and the *Lempert-Keene-Seastrand Oil Spill Prevention and Response Act* (Government Code Sections 8670.1 et seq.); and Federal natural resources trustee agencies, as designated in 40 CFR Section 300.600(b)(1) and (2) and Section 300.605, are qualified to provide the response knowledge and expertise necessary to fill positions in the Environmental Unit including the EUL position.

The following state and federal natural resource trustee agencies have personnel most familiar with local natural resources requiring protection during an oil spill response.

- U.S. Fish and Wildlife Service (USFWS),
- National Oceanic and Atmospheric Administration (NOAA), Scientific Support Coordinator (SSC), Office of National Marine Sanctuaries (NMS), and National Marine Fisheries Service (NMFS),
- National Park Service (NPS),
- California Department of Fish and Wildlife, Office of Spill Prevention and Response (OSPR),
- California Department of Parks and Recreation (CDPR).

#### **4061.2 Shoreline Cleanup Assessment Team Leader**

The SCAT Leader participates in environmental mitigation and remediation of oil impacts as described in the U.S. Coast Guard Incident Management Handbook (COMDTPUB P3120.17B). See <https://homeport.uscg.mil/ics>.

The SCAT Leader must be knowledgeable of local shorelines and associated resources requiring protection during an oil spill response. OSPR field staff members possess these qualifications and may assume the role of SCAT Leader to ensure the following:

- Adequate access to SCAT data, which is critical to making cleanup recommendations consistent with the best achievable protection of resources;
- Use of the best SCAT data collection/data management process.

OSPR staff may use an electronic SCAT device to collect SCAT field data and use associated data base software to compile and display data when more efficiently and consistently than traditional methods.

Personnel from trustee agencies are most familiar with local natural resources requiring protection during an oil spill response. In addition, trustee agencies have, and must ensure, their statutory and regulatory natural resource protection authorities are recognized and used in the most effective and efficient way during an oil spill response.

It's the policy of the Region IX Regional Response Team and the California coastal Area Committees that, whenever possible, the SCAT Leader position be filled by qualified OSPR staff member or other trustee agency staff. The SCAT Leader may be assisted by a Deputy SCAT Leader provided by the RP. If no qualified OSPR staff members or other trustee agency staff are initially available to fill the SCAT Coordinator position, the RP representative may fill that position until an OSPR staff member or other trustee agency representative reports to the Unified Command. To maintain flexibility in ICS staffing, the Unified Command retains the discretion to fill the SCAT Coordinator position and replace any person filling that position as the FOSC deems appropriate. As a spill response matures, a transition from an OSPR staff member or other trustee agency representative to an RP representative filling the SCAT Leader position may occur with the concurrence of the Unified Command.

### **4061.3 Resources at Risk Technical Specialist**

The RAR THSP participates in environmental mitigation and remediation of oil impacts as described in the U.S. Coast Guard Incident Management Handbook (COMDTPUB P3120.17B). See <https://homeport.uscg.mil/ics>.

The individual filling the RAR Technical Specialist must be qualified (trained and experienced) in spill response and knowledgeable of local resources. OSPR field staff members and other natural resource trustee agency members possess these qualifications and should assume the role of RAR Technical Specialist. This is to ensure the resources at risk of oiling are properly identified and prioritized, which is critical to developing protection strategies consistent with the best achievable protection of resources. In addition, trustee agencies have, and must ensure, their statutory and regulatory natural resource protection authorities are recognized and used in the most effective and efficient way during an oil spill response.

The RAR Technical Specialist must be the person most qualified and knowledgeable of local

resources requiring protection during an oil spill response.

Therefore, it is the policy of the Region IX Regional Response Team and the California coastal Area Committees that, whenever possible, the RAR Technical Specialist position be filled by a qualified and knowledgeable employee of a state or federal natural resource trustee agency as designated by law.

#### **4061.4 Applied Response Technology Lead Technical Specialist**

The ART THSP participates in environmental mitigation and remediation of oil impacts as described in the U.S. Coast Guard Incident Management Handbook (COMDTPUB P3120.17B). See <https://homeport.uscg.mil/ics>.

Unlike other leadership positions described elsewhere in this policy, ART use decisions rest specifically with the FOSC, and not more generally with the Unified Command. The FOSC needs to assure that ART policies are being evaluated, implemented and documented as directed by the RRT. The ART Lead Technical Specialist working on behalf of the FOSC must know how to expertly and efficiently accomplish these critical evaluation tasks.

As the decision to use ARTs is inherently a government decision, it follows that the OSPR ART Lead Technical Specialist and/or NOAA Scientific Support Coordinator (SSC) should staff this position. Both the OSPR ART Lead Technical Specialist and the NOAA SSC possess the necessary qualifications, have existing/established roles with the RRT and FOSC, understand the environmental trade-off discussions that need to occur with trustee agencies, and can ensure that any ART decisions made and technologies implemented occur with proper evaluation, approvals, documentation, and coordination with the Operations Section. This also assures that an FOSC decision to use any ART, as approved/directed by the RRT, also leverages the ART Lead Technical Specialist's ability to incorporate, whenever possible, trustee agency input and Best Management Practices that will help support any conclusions related to the net environmental benefit that can be achieved through ART use.

The individual filling the Applied Response Technology Lead Technical Specialist position must be the individual most qualified and knowledgeable of ARTs, policies, processes, and local resources requiring protection during a spill response.

Therefore, it is the policy of the Region IX Regional Response Team and California coastal Area Committees that, whenever possible, the Applied Response Technology Lead Technical Specialist position be filled by qualified (trained and experienced) OSPR ART Lead

Technical Specialist, the NOAA Scientific Support Coordinator, and/or other trained and qualified personnel from a response or resource trustee agency. If no qualified staff from a response agency is initially available to fill the Applied Response Technology Lead Technical Specialist position, an RP representative may fill the role until a response or trustee agency staff member reports to the Unified Command. To maintain ICS staffing flexibility, the FOSC has the discretion to fill the Applied Response Technology Lead Technical Specialist position, and replace any person filling that position as they deem appropriate. As a spill response matures, a transition from the response agency staff member to an RP representative filling the Applied Response Technology Lead Technical Specialist position may occur with the approval of the FOSC.

## 4062 Public Health Technical Specialist

The Centers for Disease Control & Prevention (CDC), the Agency for Toxic Substances and Disease Registry (ATSDR) and the Public Health Service (US PHS) can actively support the public health response to environmental disasters by providing technical specialists (THSP).

Public health messaging may originate in the Environmental Unit from THSPs who coordinate closely with the Public Affairs Officer to release information. These THSPs may be physically located in the Environmental Unit, but also consult with EPA, USCG & US DHHS CDC on technical issues related to public health.

Name / Agency	Email / Phone	Area of Expertise
Ms. Libby Vianu US DHHS ATSDR San Francisco	<a href="mailto:vianu.libby@epa.gov">vianu.libby@epa.gov</a> ; (415) 947-4319 office (415) 203-2238 cell	Public Health
CDC/ATSDR Emergency Response Center	(770) 488-7100 24x7	Ask for the ATSDR duty officer for industrial chemical emergencies, -or- for the CDC duty officer for biological and chemical warfare agents, natural disasters, and oil spills.
CA Department of Public Health	For public health emergencies, dial 911, or your local health department <a href="http://www.cdph.ca.gov/services/Pages/LocalServices.aspx">http://www.cdph.ca.gov/services/Pages/LocalServices.aspx</a>	

HHS (ASPR/NIEHS/SAMSHA/FDA/CDC and NIOSH) are other federal resources who may

be involved in discussions about Public Health, Mental Health, Industrial Hygiene & Environmental Health monitoring, Occupational Health and Safety, and sea-food quality control operations.

The Regional Response Team's Representative from the Department of Health & Human Services can mobilize technical specialists to assist the Safety Officer and the Environmental Unit Leader. See contact information above. If you can't reach the Representative directly, call the CDC/ATSDR Emergency Response Center.

#### **4062.1 Translating Health Messages**

CDC/ATSDR can assist in translating public health messages into Spanish fairly easily. They can also assist with other languages; however, the time to translate may take longer if it is not a common language. For example, CDC/ATSDR has experience translating messages into Chinese, but something less common like Hmong might take a while.

#### **4062.2 Emergency Responder Health Monitoring and Surveillance System**

NIOSH and the NRT maintain a Technical Assistance Document (TAD) about the *Emergency Responder Health Monitoring and Surveillance System* at <http://ERHMS.nrt.org/>.

#### **4062.3 Public Health Issues for the Unified Command**

Some public health issues the Unified Command may consider include:

- Create monitoring and sampling plans (air, aquatic life forms, coastal areas, health of response workers, both physical and mental and health monitoring of residents in the affect area).
- Identify lab capacity at both the state and federal levels to handle the large number of samples that may need to be analyzed in a reasonable time.
- Potential for foreign worker into US Territory using various US ports for bases or operations or as staging areas could raise issues in regards to importation of diseases and conditions requiring CDC Quarantine Stations to actively monitor health issues. There is no specific information on the plan on how monitoring activities will be carried out.
- US DHHS technical specialists may be able to describe the Responsible Party liabilities and responsibilities regarding health and safety during on-land, near shore, VOO, and control site operations, as well as H&S responsibility for contractors and their operations (ex. worker shelters).
- It may be necessary to establish other public health technical specialists to work as part of the command staff and with the state or county department

of health. Such line of communication is essential to be in a better position to recognize and address public health needs particularly those beyond the scope of a safety officer.

#### **4062.4 Public Health Issues for the Safety Officer**

Some public health issues the Safety Officer may consider include:

- Extending the Operational Risk Management (ORM) process to non-USCG responders such as Vessel-of-Opportunity (VOO) operators, and volunteers.
- Identifying lab capacity at both the state and federal levels to handle the large number of samples that may need to be analyzed in a reasonable time.
- Providing environmental sanitation to prevent health issues in commercial lodging. Oil or cleanup workers will use alternate facilities for lodging better known as “hotels”. Many of these facilities lack basic monitoring for hygiene, sanitary, and safety.

## **4070 Maritime Transportation System Recovery Unit**

The MTS Recovery Unit is responsible for planning infrastructure recovery, including, prioritizing recovery operations (including ATON, dredging, salvage, cleanup, repairs, etc.) and development of vessel traffic management plans (Safety Zones, Security Zones, vessel decontamination corridors/areas). Additional MTS Recovery information can be found in the CG Incident Management Handbook (COMDTPUB P3120.17B) under Chapters 8 and 15. See <https://homeport.uscg.mil/ics>.

### **4071 Common Assessment & Reporting Tool**

During significant Marine Transportation System (MTS) incidents, much attention will be focused on the recovery efforts being managed by the Coast Guard (CG). It is recognized that calls for information regarding the status of MTS recovery efforts/progress will occur at all levels of government. The Common Access Reporting Tool (CART) is intended to position CG units to be prepared to respond to the need for near real-time status information and to do so with minimal impact.

The CART system was designed to “mirror” the reporting requirements contained in the most recent LANTAREA and PACAREA Instructions on MTS Recovery. When looking for definitions of what to enter for specific Essential Elements of Information (EEI’s) refer to the

AREA Instructions to ensure the correct type and amount of EEI information is being captured and entered into the database.

The best preparation to ensure rapid recovery of the MTS following a significant disruption is detailed knowledge of the MTS prior to the incident. To that end, the initial focus in CART should be to enter as much accurate and detailed information in the EEI Baseline Data portion of the database. This baseline info can then be imported when an incident or event is created to ensure an accurate first look at the impacts of the incident or event and to enable effective MTS Recovery decision making by the members of the response organization.

The CART system provides a repository of MTS Recovery information that is not currently available to the CG. It is a temporary solution to immediately serve the need to follow CG policy until the CG Enterprise Systems can be updated to better facilitate MTS Recovery. The information contained in CART assists the Maritime Transportation System Recovery Unit (MTSRU) in making MTS Recovery recommendations to the Unified Command and facilitates MTS Recovery Operations by:

- Providing timely and accurate information on pre incident conditions in a Sector Area of Responsibility (AOR);
- Comparing baseline data and post incident data to characterize the extent of the impact on the MTS;
- Auto-generating the MTS Executive Summary Report in various formats to ease the sharing of data with all MTS stakeholders; and
- Use of web-based format facilitates transmission and sharing of MTS Recovery Status and Impact reports.

#### **4071.1 First-time Users**

To access or use selected features of CART, you need to create a username and password.

1. Open Internet Explorer and type this URL in the address field:  
<https://cgcart.uscg.mil/logon.aspx?ReturnUrl=%2fdefault.aspx>.
2. Please navigate to the login screen noted below. Click the 'Register' button as indicated.
3. Click the link on the left that says, 'Click Here to Register'.
4. Enter the information requested. The security question will be used to retrieve your password if you are unable to remember your password in the future. All fields with \* are required. If there are incomplete fields when you click 'Submit', you'll see red errors indicating missing information.

Passwords must be at least 8 characters in length and contain at least one numeric, one uppercase, one lowercase, and one special character.

5. Click 'Submit'.

If your registration is successful, you'll be transferred to a screen indicating that your account has been successfully created.

**MTSR** **CART**  
Marine Transportation System Recovery Common Assessment and Reporting Tool

Welcome to the Marine Transportation System Recovery  
Common Assessment and Reporting Tool

First Time Participating?  
Click Here To Register

User Name:

Password:

Forgot Password

Log On

NTAS  
NO ACTIVE ALERTS  
www.DHS.gov/alerts

MARSEC LEVEL  
1 2 3  
SIGNIFICANT RISK

**DISCLAIMER**  
Unauthorized attempts to upload or change information on this web site is strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and the National Information Infrastructure Protection Act.  
The inclusion of proprietary and personally identifiable information is NOT authorized. Inappropriate material is subject to removal by the CART Program Sponsor.

MTSR COMMON ASSESSMENT AND REPORTING TOOL - VERSION 2.1.2

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## 4100 Seafood Safety in California Waters

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CA DFW OSPR Lead Scientist for Seafood Safety is

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California law (Fish & Game Code §5654) dictates certain responses to a spill or discharge of a petroleum product into state waters in areas where any fishing, including all commercial, recreational, and non-licensed subsistence fishing, may take place, or where aquaculture operations are taking place.

California law (Fish & Game Code §5654) also requires that the Office of Environmental Health Hazard Assessment (OEHHA) evaluate the potential human health risks associated



with seafood consumption following aquatic oil spills. If OEHHA determines that these activities pose a likely public health threat, or cannot make a determination, then the California Department of Fish and Wildlife (CDFW) will close fisheries in the affected area.

If a closure is in effect for more than 48 hours after notification of the spill, expedited testing of seafood is required before fisheries can be re-opened. CDFW and its Office of Spill Prevention and Response (OSPR) estimate the volume of spilled oil and identify the species found in the area and open to take at the time of the spill; OEHHA is responsible for preparing a sampling plan, establishing human health toxicity values, and evaluating the analytical results before making a recommendation to CDFW regarding fisheries re-opening.

The science underlying fishery closure and re-opening decisions is very complex. If a fishery is closed, establishing re-opening criteria is complicated by the large and diverse number of chemical components in petroleum products and the need to calculate or assume factors about the population at risk, such as how much fish people eat relative to how much they weigh, and how long the seafood may remain contaminated.

OSPR and OEHHA have developed the *California Fisheries Closure Joint Protocol for Marine and Freshwater Oil Spills*. It explains the functions of each agency during a spill response and provides contact information for supporting local, state and federal agencies. Additionally, OEHHA has developed the *Protocol for Seafood Risk Assessment to Support Fisheries Re-Opening Decisions for Aquatic Oil Spills in California*, updated in March 2015. See <http://www.oehha.ca.gov/fish/pdf/2015UpdateSeafoodOilspills.pdf>. This protocol describes the specific seafood risk assessment methods that OEHHA will follow to determine whether fish and shellfish can be safely consumed following oil spills in California waters.

## **4110 Public Affairs Guidance**

The Office of Environmental Health Hazard Assessment (OEHHA) is responsible for evaluating whether a public health threat is likely to result from eating fish or shellfish after an oil spill into California inland or marine waters. Their web site explains the process in layman's terms. See <http://www.oehha.ca.gov/fish/oilspillsandseafood.html>.

Information on fisheries closure and re-openings will be jointly prepared by CA DFW and CA OEHHA PIOs. The Joint Information Center at the Unified Command established for spill response is not involved.

### **4111 Public Communication Protocol**

CA DFW and CA OEHHA:

- Release announcements through established agency channels, including press releases, list serve announcements and website postings.
- Post pre-printed signs indicating closure of all fisheries at the direction of the Unified Command at piers and other appropriate locations. Signs will be removed as soon as practicable upon re-opening.
- Initiate a NOAA Weather Forecast Office (WFO) broadcast of a Coastal Waters Forecast Alert to notify sport and commercial anglers immediately following fisheries closures that affect fishing from boats. This is done by the CA DFW OSPR Seafood Safety Technical Specialist (SSTS).

## **4120 Reopening the Fishery & Seeking Reimbursement**

In brief, The DFW Director shall reopen the closed areas, within 24 hours of receiving notification from OEHHA that no threat to human health exists from the spill or discharge or that no contaminant from the spill or discharge is present that could contaminate fish or shellfish. The DFW Director may maintain a closure in any remaining portion of the closed area where OEHHA finds contamination from the spill or discharge persists that may adversely affect human health, including areas of commercial fishing or aquaculture. The DFW Director shall seek full reimbursement from the responsible party or parties for the spill or discharge for all reasonable costs incurred by the department in carrying out this section, including, but not limited to, all testing.

The U.S. Food and Drug Administration (FDA) has jurisdiction over the safety of all food entering interstate commerce. California Department of Public Health (CDPH) has jurisdiction over certain commercial seafood operations in California. In the event of a spill in California state waters where FDA and/or CDPH also have jurisdiction over commercial product, all responsible agencies will coordinate to facilitate a unified seafood safety plan and re-opening protocol.

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## **4200 Seafood Safety in Federal Waters**

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The National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS) has jurisdiction over fisheries in federal waters and operates the Seafood Inspection Program and National Seafood Inspection Laboratory (NSIL). The U.S. Food and Drug Administration (FDA) has jurisdiction over all fish and fishery products entering

interstate commerce and operates a mandatory seafood safety program.

## **4210 Notification and Determination of the Threat to Public Health**

In the event of a spill in federal waters, the Unified Command Environmental Unit Leader (EUL) will typically be responsible for notifying NOAA/NMFS and FDA if conditions suggest that consuming seafood from the spill area may pose a threat to human health. The EUL will also provide NOAA/NMFS and FDA information on the spill and NOAA/NMFS, in consultation with FDA, will decide whether fisheries in federal waters should be closed to protect public health.

### **4220 Fisheries Closure Process**

If the size of the spill and other considerations indicate that a fisheries closure should be implemented, NOAA/NMFS and FDA will follow the general procedures exemplified in the *Protocol for Interpretation and Use of Sensory Testing and Analytical Chemistry Results for Re-Opening Oil-Impacted Areas Closed to Seafood Harvesting Due to the Deepwater Horizon Oil Spill* (FDA, 2010b). See <http://www.fda.gov/Food/ucm217598.htm>.

Specifically, if oil (exceeding a light sheen) is observed on the surface, fisheries will likely be closed until oil is no longer visible. Trajectories may be used to predict surface oil movement and thus inform closure decisions. Closure areas may include a precautionary buffer zone around oiled waters.

### **4221 Seafood Monitoring Following a Federal Fisheries Closure**

Once a fisheries closure has been implemented in federal waters, NOAA/NFMS and FDA will develop a seafood sampling and analysis plan to detect the presence of oil (and potentially dispersant, if dispersants have been applied to the spill) constituents and taint in edible tissues. Sensory analysis will be likely be conducted by a U.S. Department of Commerce Seafood Inspection Program Laboratory. NOAA/NFMS and the Food & Drug Administration (FDA) will evaluate the findings of the analytical and sensory tests.

### **4222 Re-Opening or Maintaining Federal Fisheries Closures**

If oil did not enter an area that was closed as a precaution, that area may be re-opened without subjecting seafood samples to testing for taint or chemical contamination.

NOAA/NMFS, in consultation with FDA, will review the data generated, including the

accuracy and quality of the data and may re-open a closed fishery with FDA concurrence.

If samples from an area fail sensory or chemical testing, a determination will be made as to when to retest, based on the condition of the fishery and the failure results.

### **4223 Post-Closure Risk Assessment**

Following receipt of validated analytical results for selected oil (and potentially dispersant) constituents, FDA will conduct a human health risk assessment by comparing tissue concentrations to risk-based criteria developed to establish the safety of fish and shellfish consumption.

## **4300 Fish, Wildlife and Sensitive Environments Annex**

The *Fish, Wildlife & Sensitive Environments Annex* should be used in conjunction with State Wildlife Response Plans, where they exist. See section 3600 of this plan.

The National Contingency Plan (NCP), at 40 CFR §300.210(c)(4)(i), states in part:

*“...Area Committees shall incorporate into each ACP a detailed annex containing a Fish and Wildlife and Sensitive Environments Annex (FWSEA)... The annex shall be prepared in consultation with the USFWS and NOAA and other interested natural resource management agencies and parties...”*

### **4310 Required Contents of the FWSEA**

The NCP, 40 CFR §300.210(c) (4)(ii), lists nine objectives (A to I) for such an Annex.

### **4311 Establish Priorities for Resources at Risk**

To ensure that appropriate steps are taken to minimize overall impacts of an oil discharge on ecological and economic resources, stakeholders must be aware of sensitive environments and important resource areas in their chosen transportation route. The purpose of this Section is to identify sensitive areas *before* a spill event occurs. Environmentally sensitive areas are identified in Area Contingency Plans (ACPs) Sensitive Site Strategies, Geographic Response Plans (Area Committee plans for inland sites chaired by EPA), and NOAA Coastal ESI maps.

Considering diversity and extent of sensitive natural resources in Region IX, it is important to reach a consensus, to extent possible, on highest resource priorities in order to provide time-sensitive, coordinated, and effective protection, rescue, and restoration. Although prioritization is difficult, several criteria have been identified:

- relative abundance or scarcity of a particular resource;
- species protected by Federal and State laws;
- relative diversity and abundance of resources at a particular site;
- productivity of biological resources;
- vulnerability to spills;
- toxicity of the product discharged;
- amenability to product recovery and restoration;
- economic importance.

Locations of environmentally sensitive areas are identified by Area and Sub-area Committees as part of their spill planning process. Contingency plans for each area and sub-area provide excellent reference of sensitive areas and should be accessed early in spill response. NOAA ESI Atlases provide information for California coastal shoreline sensitivity, biological resources, and human-use resources in order to identify sensitive resources before a spill occurs so that protection priorities may be established. Information about these areas may need to be refined or augmented during an actual spill due to seasonal and annual variations.

Additional sources of information about environmentally sensitive areas may include commercially available local maps and State atlases, National Wetland Inventory maps, U.S. Geological Survey quadrangle maps, maps developed by the Area and Sub-Area Committees. Also, maps and information developed as part of facilities plans, and maps and information developed by various government agencies. Many State and Federal agencies have extensive Geographic Information System (GIS) information for both habitats and species of interest.

OSCs may also refer to <http://www.rrt9.org/go/doctype/2763/73915> to find GIS data. This website contains an array of data, for example, NOAA Coastal Environmental Sensitivity Index Atlases and USFWS designated critical habitat websites for Region IX.

### **4312 Establish Priorities for Protection**

Provide a process to be used during spill response for the timely identification of protection priorities for fish and wildlife resources and their habitats.

### **4313 Identify the Potential Environmental Impacts of Response**

Identify potential environmental effects on fish, wildlife or their habitats resulting from removal actions and countermeasures, including the action of no removal.

The job aid *Characteristics of Response Strategies: a Guide for Spill Response Planning in Marine Environments* is designed to help spill responders select appropriate response options to minimize environmental impacts when oil spills in coastal habitats. The response methods discussed include natural recovery; mechanical, chemical, and biological treatments; and in situ burning. You can view or print the guide at: <http://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/resources/characteristics-response-strategies.html>.

Response personnel should understand that an immediate - but poorly conducted - response might result in greater overall environmental impact than one delayed to consider and implement measures protective of fish and wildlife and sensitive environments.

Decisions regarding appropriate response actions should take into account relative impact of various response methods on fish and wildlife and sensitive environments. Informed decisions can be made on deployment of appropriate countermeasures by consulting appropriate natural resource agency(ies). During response, OSC and/or responsible party must consult with appropriate Federal and State natural resource trustees and land management agencies in regards to response activities related to following concerns:

- a. Physical disturbance of wildlife, their habitat, and other sensitive areas;
- b. Illegal or inadvertent "taking" of live fish and wildlife or disturbance of carcasses by response personnel;
- c. Use of cleaning or bioremediation agents in fish and wildlife habitat and environmentally sensitive areas; and,
- d. Movement of oiled debris and other material in fish and wildlife habitat and other sensitive environments.

“Take” in (b) above is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct” in the *Endangered Species Act* and the *Migratory Bird Treaty Act*.

Selecting oil spill response strategy, including natural recovery, involves considering tradeoffs among potential environmental impact, appropriateness for habitat, and application timing.

OSCs must consult with appropriate trustee agencies in Planning Section to determine an oil

spill response strategy's impact to fish, wildlife, and sensitive environments and consider implications of impacts to fish, wildlife, and sensitive environments in determining response strategies.

Considerations of impacts to fish, wildlife and sensitive environments should be consistent with guidelines discussed in the following sections.

### **4314 Provide Pre-Approval of Countermeasures**

Provide pre-approval of specific countermeasures or removal actions that, if expeditiously applied, will minimize adverse spill impacts. See the index for *dispersants* and *in-situ burning*.

### **4315 Monitor the Effectiveness of Countermeasures**

Provide monitoring plans to evaluate the effectiveness of different countermeasures or removal actions. See the index for *Smart Monitoring*.

#### **4315.1 Monitoring Response Effectiveness - Monitoring Plans**

A continuous monitoring program is essential throughout cleanup to ensure maximum removal of spilled product and protection of the environment. A spill is dynamic and cleanup efforts must adjust to changes in conditions. Over time, spilled product will typically spread, move downstream or downwind, and become weathered. Climatic and geographic conditions might also change. Efforts to control, contain and clean up the release can involve any of a number of containment and recovery methods, including booms, barriers, skimmers, sorbents, chemical agents, burning, and manual recovery. A monitoring program better insures that appropriate response adjustments are continually made.

OSCs, in consultation with natural resource trustee contacts, managers, and responsible party, will monitor effectiveness of response activities in protecting sensitive habitats and removing discharges of oil. OSC should consult natural resource trustees and managers regarding need for, and methods to be employed in, an incident-specific long-term monitoring plan. Since each of these methods have limitations, continued monitoring is necessary to ensure successful cleanup. Monitoring will be necessary to ensure that selected response actions do not cause more harm than good. Monitoring activities may include visual observation, sampling, data collection and evaluation, and replacement of saturated or defective materials.

Assessment of aquatic biota health and abundance will, in some instances, be done by State environmental agency or fish and wildlife agency. Evaluation of spill effects on fish and

wildlife, during and after cleanup, is responsibility of both trustees and State fish and wildlife agency.

Effects of specific removal actions or countermeasures, with regard to wildlife, will be judged based on status of fish and wildlife populations remaining in affected area after cleanup. When no new animals are becoming fouled with oil, exposed to or otherwise injured by spill or countermeasures, and after consultation with natural trustee representative, the cleanup can be judged to have been successfully completed. A plan to identify a sufficient cleanup endpoint is recommended; otherwise collateral impacts from cleanup may exceed cleanup mitigation benefits.

### **4316 Care for Wildlife**

Protect, rescue, and rehabilitate fish and wildlife in accordance with existing wildlife plans.

See the *California Wildlife Response Plan* at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=16207&inline=true>.

See *Best Practices for Migratory Bird Care during Oil Spill Response* at [http://www.fws.gov/contaminants/OtherDocuments/best\\_practices.pdf](http://www.fws.gov/contaminants/OtherDocuments/best_practices.pdf)

### **4317 Identify Agency Contacts and Alternates**

Identify appropriate federal and state agency contacts and alternates responsible for coordination of fish and wildlife rescue and rehabilitation and for protection of sensitive environments.

#### **4317.1 Notifying Natural Resource Trustees/Managers**

As required by National Contingency Plan (NCP), following notification of a spill, the OSC shall notify relevant Federal, State, or Tribal natural resource trustees and managers. Immediate notification of and consultation with natural resource trustee contacts and other natural resource management agencies is imperative so that their expertise can be utilized in identifying and protecting sensitive environments and they can be efficiently integrated into the ICS. Persons initially contacted are responsible for notifying other critical personnel within their respective agencies.

Natural resource trustees and managers will provide OSC with information concerning presence of trust or important natural resources, as well as technical assistance concerning impacts or potential impacts to those resources. Assistance that federal trustees provide OSC concerning impacts or potential impacts on natural resources extends to conducting consultations under the Endangered Species Act, as necessary.



Pursuant to Subpart G of the NCP, the officials and agencies have been designated trustees for natural resources and their supporting ecosystems in EPA Region IX: Secretary of Commerce, Secretary of the Interior, Secretary of Defense, Secretary of Energy, and Secretary of Agriculture; State Trustees; Native American Tribes; and Foreign Trustees.

### **4317.2 Consulting Natural Resource Trustees/Managers**

When a spill occurs, impacts to the ecosystem are usually unavoidable. However, such impacts can be minimized through proper planning and coordination with State, Federal, Tribal, and/or foreign natural resource trustees and managers both before and during a spill.

USFWS and States share co-trusteeship for migratory birds and threatened and endangered species within Region IX. Both need to be consulted if such resources are affected.

States are sole trustees for resident (non-migratory) non-listed (threatened or endangered) fish and wildlife. National Marine Fisheries Service is responsible for threatened and endangered marine species and habitats including anadromous salmonids. Indian tribes are trustees for natural resources, including their supporting ecosystems, belonging to, managed by, controlled by, or appertaining, to the tribe.

Consultation and coordination with natural resource trustees and managers during the pre-spill planning phase aids in identifying and understanding potential natural resource concerns and issues as a result of spills in general. This consultation is not equivalent to ‘consultation’ as defined by the Endangered Species Act, however aspects may be applicable to both planning and response activities as laid out in the *Endangered Species Act Memorandum of Agreement*. See section 4400, *Endangered Species Act Consultation*.

Consultation and coordination during a spill are essential to ensure that site-specific resource concerns are addressed. In addition to designated natural resource trustees, other Federal and State agencies and Tribal organizations with land and resource management responsibilities and expertise, need to be consulted regarding response actions. USFWS can provide responders with information concerning presence of trust natural resources, as well as technical assistance concerning effects of oil and response actions on these resources.

### **4318 Provide Required Training to Volunteers**

Identify the means for providing the minimum required OSHA and EPA training for volunteers, including those who assist with injured wildlife.

Volunteer coordination, health and safety considerations, and training should be consistent with *Best Practices for Migratory Bird Care During Oil Spill Response, Chapter 2*, see

section 4320.F, Care for Wildlife, above. In California, use of volunteers in the Wildlife Branch is described in the *California Wildlife Response Plan*, see section 4320.F above.

See also section 4021, Volunteers, above.

### **4319 Define Standards to Evaluate Non-Federal Response Plans**

Define the requirements for evaluating the compatibility between this Plan and non-federal response plans (including those of vessels, facilities, and pipelines) on issues affecting fish and wildlife, their habitat, and sensitive environments.

Section 300.210(c)(4)(i) of the NCP mandates that the FWSEA to each Area Contingency Plan define requirements for evaluating its compatibility with non-Federal response plans on issues affecting fish and wildlife, their habitat, and sensitive environments.

The final rule on Oil Pollution Prevention for Non-Transportation-Related Onshore Facilities, 40 CFR Part 112, requires facilities with a total oil storage capacity greater than or equal to one million gallons to submit Facility Response plans if located at a distance such that a discharge of oil could cause injury (as defined at 40 CFR 112.2) to fish, wildlife, sensitive environments and public water intakes.

Facility owners or operators must determine maximum distance at which a worst-case oil spill from their facility could cause injury to fish and wildlife and sensitive environments and develop a plan for mitigating that discharge's potential adverse effects. Facility plans must be consistent with this Annex. EPA reviews and approves Facility Response Plans for compatibility with this Annex. Pipeline plans in the Region are reviewed and approved by the U.S. Department of Homeland Security.

Participation by facilities in Area and Sub-area Committees is encouraged. Joint exercises will be conducted to test facility plans' interface with this Annex.

#### **4319.1 Monitoring Plan Design**

Monitoring spill response activity provides OSC with useful information on effectiveness of response actions and will assist trustees and natural resource managers in identifying and documenting potential impacts to the environment.

Specific plans for each incident response should be developed in consultation with natural resource trustees and natural resource agency managers and include following points:

- a. Monitoring Intensity Levels: Field activities consisting of reconnaissance, environmental parameters assessment, sampling and documentation efforts, and

laboratory activities should be conducted on a scale appropriate to response and potential environmental risks.

- b. Selection of Treated and Unaffected Sites: Treated and unaffected (or reference) sites are useful for gauging degree of cleanup achieved and for establishing background conditions for Natural Resource Damage Assessment (NRDA) pre-assessment phase. Such sites should exhibit similar chemical and physical characteristics to support their comparability. The following criteria should be considered: (1) environmental parameters, (2) physical habitat and geological morphology, and (3) degree of contamination by the released product and probability of further contamination.
- c. Monitoring Parameters and Collection Frequency: Size of samples collected should be based on requirements of analytical methods to be used for analysis. Sample preservation and holding times are considerations for success of any monitoring plan.
- d. Data Quality Requirements and Assessments: Follow applicable EPA guidelines.
- e. Sample Custody Procedures: Follow applicable EPA guidelines.
- f. Sampling and Analytical Methods: All media to be sampled, sampling methods, and laboratory analyses to be performed should be arrived at following consultation with natural resource trustees and natural resource managers and should follow EPA or other approved methods unless otherwise stipulated or requested by the OSC. Any variations from EPA or other approved methods should be documented and noted as such.
- g. Revising Plans and Procedures: Monitoring plans should include provisions for modifications, including additional consultation with natural resource trustees and natural resource managers as necessary.
- h. SMART: The use of the Special Monitoring of Applied Response Technologies (SMART) should be considered. SMART is a joint project of NOAA, USCG, EPA, Centers for Disease Control and Prevention, and BSEE (formerly Minerals Management Service). SMART relies on small, highly mobile teams that collect real-time scientific data during dispersant and *in-situ* burning operations to monitor efficacy of dispersant application as well as particulates concentration in sensitive environments. For details and links to guidance, see:  
<http://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/resources/smart.html>

## 4320 Sources of Sensitive Site Information

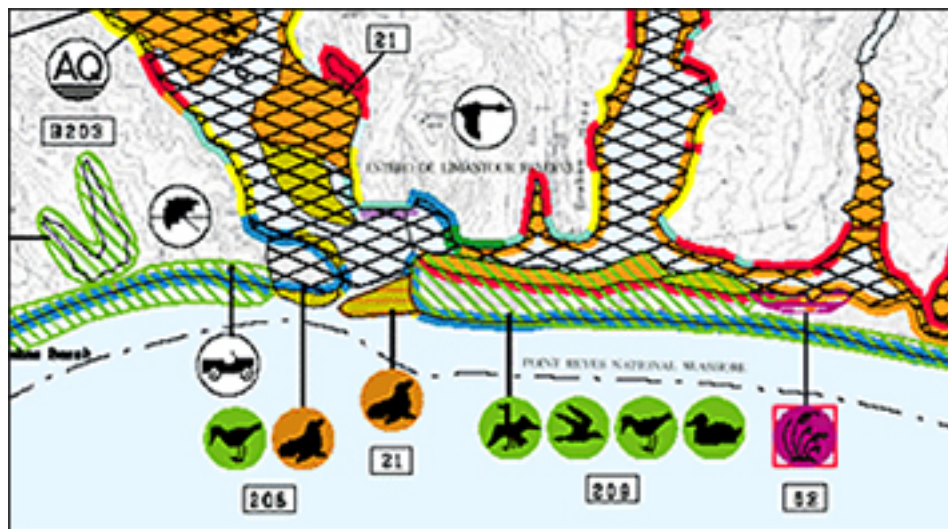
### 4321 Cal DFW BIOS Database

The California Department of Fish and Wildlife maintains the BIOS database to catalog resources in sensitive environments. See <http://www.dfg.ca.gov/biogeodata/bios/>.

BIOS is a system designed to enable the management, visualization, and analysis of biogeographic data collected by the California Department of Fish and Wildlife and its partner organizations. In addition, BIOS facilitates the sharing of those data within the BIOS community. BIOS integrates GIS, relational database management, and ESRI's ArcGIS Server technology to create a statewide, integrated information management tool that can be used on any computer with access to the Internet. For greater access or additional information see <http://www.dfg.ca.gov/biogeodata/bios/contact.asp>.

### 4322 Other Sources of Sensitive Site Information

A variety of tools are publicly available. See table below.



*Shorelines on Environmental Sensitivity Index (ESI) maps are color-coded by sensitivity to oil. Symbols mark biological and human-use resources.*

Sensitive Site Information	Address
California Department of Fish & Game, BIOS Database	<a href="http://www.dfg.ca.gov/biogeodata/bios/">http://www.dfg.ca.gov/biogeodata/bios/</a>
Environmental Sensitivity Index Maps	<a href="http://response.restoration.noaa.gov/maps-and-spatial-data/environmental-sensitivity-index-esi-maps.html">http://response.restoration.noaa.gov/maps-and-spatial-data/environmental-sensitivity-index-esi-maps.html</a>
Local sensitive site information	See Geographic Response Plans in the local Area Contingency Plan.
NOAA Satellite & Information Service, National Climatic Data Center	<a href="http://www.ncdc.noaa.gov/oa/mpp/freedata.html">http://www.ncdc.noaa.gov/oa/mpp/freedata.html</a>
GIS Data such as NOAA Coastal Environmental Sensitivity Index Atlases and USFWS designated critical habitat websites for Region IX.	<a href="http://www.rrt9.org/go/doctype/2763/73915">http://www.rrt9.org/go/doctype/2763/73915</a>

Sensitive site information helps first responders to:

- Identify and prioritize protection of fish and wildlife resources and sensitive environments,
- Contact natural resources trustees and managers, and
- Provide guidance in selecting appropriate response strategies for avoiding or minimizing adverse ecological effects of a spill, including impacts associated with response activities.

### **4321 Consulting with Natural Resource Trustees**

Consultation with natural resource trustees and other natural resource management agencies during spill events having potential for trust resource injuries is an essential requirement. Fish and wildlife response capabilities and services include technical expertise.

During response, natural resource trustee contacts and managers will provide technical assistance and expertise on potential effects of oil on fish and wildlife, their habitats, and other sensitive environments in impacted and potentially impacted zone.

They are familiar with the area or habitats affected and are able to provide recommendations on best locations for equipment staging areas, boat access points, or boom anchor locations; and can identify, recommend, and prioritize sensitive environments where specific oil exclusion measures should be taken. They can assist in developing a monitoring plan and

subsequent collection of data. The U.S. Fish and Wildlife Service (USFWS) and the State wildlife agency will participate in ICS, direct sections within ICS, or provide oversight for protection, rescue, and rehabilitation of fish, fisheries and wildlife.

Both USFWS and National Marine Fisheries Service (NMFS) will provide direct assistance to OSC with consultations pursuant to the ESA. It is important, for resource and legal reasons, that Federal OSC formally contact USFWS or NMFS to specifically request ESA consultation if he/she believes that endangered species may be affected by the spill or cleanup operations.

### **4330 California Law Enforcement Contacts**

In California, OSPR has a core of Wardens trained to deal with pollution/wildlife issues and Department Wardens who will support federal enforcement of MBTA when requested. All Department of Fish and Game Wardens have statutory authority to prosecute violations of parallel State laws and are sworn federal officers for purpose of enforcing the Migratory Bird Act. These Wardens have extensive local knowledge and contacts which can be invaluable.

USCG 11 <sup>th</sup> District Command Center 24x7	(510) 437-3701
CA Governor's Office of Emergency Services	(916) 845-8911 (800) 852-7550
CA Department of Fish and Wildlife Dispatch	(916) 358-1300

### **4340 Federal Law Enforcement Contacts**

U.S. Fish and Wildlife Service's Division of Law Enforcement (DLE) is responsible for investigating suspected and alleged violations of Federal wildlife laws including Migratory Bird Treaty Act, 16 USC 703 et seq., Endangered Species Act, 16 USC 1538 et seq., Eagle Protection Act, 16 USC 668a et seq., National Wildlife Refuge Act, 16 USC 668dd et seq., and several others.

Wildlife injuries, mortalities, and habitat impacts resulting from spills can constitute violations of DLE-enforced laws. Special Agents of DLE or Refuge Officers of Division of Refuges (when USFWS lands are involved) might be required to initiate investigations during spill response phase in order to document violations and collect evidence in a timely manner. These law enforcement officers will normally coordinate their activities with OSC or other on-scene law enforcement personnel. Additionally, Special Agents will insure that responders possess necessary federal permits and that wildlife-related response activities are

accomplished in accordance with applicable law and permit provisions.

Special Agents and Refuge Officers often have detailed knowledge of local terrain and can provide timely, site-specific information to response personnel. In many cases, DLE and USFWS' NRDA personnel have shared and similar interests and will work cooperatively on collecting or sampling, recording, storage, transportation, and laboratory analysis of injured or dead wildlife. When necessary, additional personnel operating under guidance and direction of DLE can be brought on-scene to assist with wildlife handling or collection.

Department of the Interior, Office of Environmental Policy and Compliance, sends copies of National Response Center spill reports to USFWS Field and/or Regional Response Spill Coordinators, and in turn forwards copies to the USFWS DLE's Environmental Investigations Coordinator (EIC). DLE/EIC reviews these reports and may initiate contact with responsible party(ies) and/or responders in order to ascertain magnitude and impacts of the spill and determine whether a DLE response is warranted.

NMFS, Office of Law Enforcement, is responsible for investigating suspected and alleged violations of Federal wildlife laws including Magnuson-Stephens Fishery Conservation and Management Act (Essential Fish Habitat), Marine Mammal Protection Act, and ESA for marine species and habitats under their jurisdiction (e.g., whales, sea turtles, Guadalupe fur seals, Steller's sea lions, various salmonids).

Department of Transportation, Crisis Management Center	(202) 366-1863
EPA, Office of Emergency Management	(202) 564-3850
EPA, Region IX	(415) 227-9500
Federal Emergency Management Agency	(800) 634-7084
National Command Center <a href="mailto:ncc@uscg.mil">ncc@uscg.mil</a>	(202) 372-2100 (800) 323-7233
Department of the Interior, Office of Environmental Policy and Compliance	(415) 296-3355
Transportation Security Administration	(703) 563-3236
U.S. Coast Guard, 11 <sup>th</sup> District/PACAREA, Command Center (Alameda), <a href="mailto:RCCAlameda1@uscg.mil">RCCAlameda1@uscg.mil</a>	(510) 437-3701
U.S. Coast Guard Investigative Service, Headquarters	(202) 493-6607
U.S. Coast Guard, Sector San Francisco, Command Center, <a href="mailto:SectorSanFranciscoCommandCenter@uscg.mil">SectorSanFranciscoCommandCenter@uscg.mil</a>	(415) 399-3547
U.S. Coast Guard, Sector Los Angeles/Long Beach, Command Center	(310) 521-3801

(San Pedro), <a href="mailto:LALBCommandCenter@uscg.mil">LALBCommandCenter@uscg.mil</a>	
U.S. Coast Guard, Sector San Diego, Command Center, D11-DG-M- <a href="mailto:SectorSD-JHOC-SDO2@uscg.mil">SectorSD-JHOC-SDO2@uscg.mil</a>	(800) 854-9834

### 4323 Natural Resource Trustees

CERCLA and OPA authorize the United States, States, and Indian Tribes to act on behalf of the public as Natural Resource Trustees for natural resources under their respective trusteeship [CERCLA §107(f)(1); OPA §1006(c)]. OPA also authorizes foreign governments to act as Trustees [OPA §1006(b)(5)].

Federal, state, tribal and foreign trustees are listed in a spreadsheet titled *4425 Natural Resource Trustees* at <http://www.rrt9.org/go/doctype/2763/261650>

### 4325 Lists of Threatened & Endangered Species

The Endangered Species List includes species listed by the federal government as Threatened (T), Endangered (E) or Proposed (P). For coastal spills, the local ACPs provide details on occurrence of federally and state- listed species in sensitive sites summaries.

The Fish & Wildlife Service maintains a listing of species at [http://ecos.fws.gov/tess\\_public/](http://ecos.fws.gov/tess_public/). You can search by specie name, by county or browse numerous lists.

California	<a href="http://www.dfg.ca.gov/biogeodata/cnddb/">http://www.dfg.ca.gov/biogeodata/cnddb/</a>
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### 4326 U.S. FWS Oil Spill Contingency Plan

See [http://www.fws.gov/contaminants/FWS\\_OSCP\\_05/FWSContingencyTOC.htm](http://www.fws.gov/contaminants/FWS_OSCP_05/FWSContingencyTOC.htm)

## 4330 Essential Fish Habitat

This description is intended to assist Federal On-Scene Coordinators (FOSCs) in areas where the pre-spill planning activities called for under the *Magnuson-Stevens Fishery Conservation and Management Act* have not been completed. However, this document is not intended to be an all-inclusive technical reference for reducing or eliminating all possible adverse effects to Essential Fish Habitat (EFH). It should not be used to replace existing Area Contingency Plan (ACP) provisions developed pursuant to the protection of EFH.



### **4331 Magnuson-Stevens Fishery Conservation & Management Act**

In 1996 the *Magnuson Fisheries Conservation Act* was amended by the *Sustainable Fisheries Act* to include a number of new mandates, and was subsequently renamed the *Magnuson-Stevens Fishery Conservation Act* (MSA) (16 USC 1801 *et seq*). The MSA established procedures designed to identify, conserve, and enhance EFH for those species regulated under a Federal fisheries management plan (FMP). EFH is defined as “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity” and can include rivers, estuaries, bays and open ocean (out to 200 miles).

Under Section 305(b)(2) of the MSA, Federal action agencies are required to consult with NOAA’s National Marine Fisheries Service (NOAA Fisheries) on all actions, or proposed actions, authorized, funded, or undertaken by the agency that may adversely affect EFH. Consultation involves the submission of an EFH assessment to NOAA Fisheries for actions including emergency responses to oil discharges and hazardous substance releases. See Section 300 for guidance on the identification of EFH in your FOSC’s area of responsibility.

### **4332 Habitat of Particular Concern**

There is an additional subset of EFH called “Habitat of Particular Concern” (HAPC). This includes all bays, estuaries and river mouths including where herring spawn in San Francisco Bay.

### **4333 Consulting NOAA about Essential Fish Habitat**

The EFH consultation process is in place to ensure that Federal agencies consider the effects of their actions on EFH, with the goal of “maintain[ing] fish production consistent with a sustainable fishery and the managed species contribution to a healthy ecosystem” (50 CFR 600.815(a)(2)(i)(C)(4)). The process as outlined in this FOSC guide satisfies the Federal agency consultation and response requirements of Sections 305(b)(2) and 305(b)(4)(B) of the MSA, as well as the EFH conservation recommendation requirement of MSA Section 305(b)(4)(A).

In California, when OSPR/USCG requests an ESA Section 7 consultation from NOAA National Marine Fisheries Service, NMFS does a review for ESA and includes EFH, and *Marine Mammal Act* reviews.

As with the *Endangered Species Act*, FOSCs determine when an action “may adversely affect” EFH. Once the FOSC has identified an action that may adversely affect EFH, the FOSC must notify NOAA Fisheries and provide an EFH Assessment. Once NOAA Fisheries receives the Assessment, it provides recommendations to the FOSC within 30 days regarding

the actions taken or to be taken. The FOSC is then required to provide a detailed response in writing to NOAA Fisheries within 30 days of receiving the recommendation. As with ESA Section 7 consultations, EFH consultations should be taking place in an expedited manner during an emergency with a formalized consultation process taking place after the emergency is declared over, if necessary.

Alternatively, if the FOSC determines that there are “no adverse affects,” the FOSC is not required to notify NOAA Fisheries of its findings and actions related to the spill response. However, NOAA Fisheries on their own may decide that an action may adversely affect EFH and send their recommendations to the FOSC. In this case, the FOSC must respond to NOAA Fisheries in writing within 30 days.

The FOSC’s response to NOAA Fisheries shall include a description of measures proposed to avoid, mitigate, or offset the impact of the activity on EFH. In cases where the FOSC is not in agreement with the recommendations by NOAA Fisheries, the FOSC must at a minimum explain the reasons for not following the recommendations.

The FOSC should contact NOAA Fisheries early in emergency response planning, but may consult after-the-fact if consultation on an expedited basis is not practicable before taking action (50 C.F.R. §600.920(a)(1)). To the extent practicable, the Scientific Support Coordinator (SSC) or FOSC should notify NOAA Fisheries of the activities being taken and whether or not time allows for upfront consultation. Additionally, the FOSC and NOAA Fisheries may agree to combine an EFH consultation into an already established consultation process, such as those for the ESA for the same incident, provided all the information required for EFH is documented.

FOSCs are encouraged to work with applicable Regional Response Teams and Area Committees before an oil discharge or a hazardous substance release to update their ACPs with methods on how to minimize, mitigate, or avoid adverse effects to EFH.

### **4334 Reference Material for Essential Fish Habitat**

How to identify Essential Fish Habitat and the consultation process: 50 Code of Federal Regulations Part 600.	<a href="http://www.habitat.noaa.gov/pdf/efhregulatoryguidelines.pdf">http://www.habitat.noaa.gov/pdf/efhregulatoryguidelines.pdf</a>
Locate Essential Fish Habitat in your region.	<a href="http://www.habitat.noaa.gov/protection/efh/efh_mapper/index.html">http://www.habitat.noaa.gov/protection/efh/efh_mapper/index.html</a>

<p>A guide to assist NOAA Fisheries and other Federal agencies in addressing the EFH coordination and consultation requirements established by the <i>Magnuson-Stevens Fishery Conservation and Management Act</i> and the EFH regulatory guidelines:</p>	<p><a href="http://www.habitat.noaa.gov/pdf/efhconsultationguidancev1_1.pdf">http://www.habitat.noaa.gov/pdf/efhconsultationguidancev1_1.pdf</a></p>
<p>Guide to preparing EFH Assessments, with 3 examples of completed assessments.</p>	<p><a href="http://www.habitat.noaa.gov/pdf/preparingefhassessments.pdf">http://www.habitat.noaa.gov/pdf/preparingefhassessments.pdf</a></p>
<p>NOAA, National Marine Fisheries Service EFH Regional Contact.</p>	<p>Joseph Dillon, NMFS, West Coast Region <a href="mailto:joseph.j.dillon@noaa.gov">joseph.j.dillon@noaa.gov</a>, (707) 575-6093</p>

### 4335 What’s required in an EFH Assessment

For the consultation process, the EFH Assessment *must* include the following (50 C.F.R. §600.920(e)(3)):

- Description of the action (level of detail must correspond to the magnitude and complexity of potential effects);
- Analysis of the potential adverse effects of the action on EFH and the managed species;
- Federal agency’s conclusions regarding the effects of the action on EFH; and
- Proposed mitigation, if applicable.

The EFH Assessment *should* include:

- Description of the spill;
- Conclusions of the USCG (through the Area Committee and/or FOOSC) regarding the effects of the action on EFH.

### 4336 Formats for an Assessment

Essential Fish Habitat Assessments submitted to NOAA Fisheries shall employ one, or both, of the following formats as necessary:

Existing Environmental Consultation Procedures: NOAA Fisheries encourages the use of existing environmental consultation procedures to streamline the EFH consultation

process. As long as an existing process clearly identifies, in a separate section of the document, the information required to satisfy an EFH Assessment, and the process will provide NOAA Fisheries with timely notification, the assessment may be incorporated into documents prepared for other purposes. Examples of such documents include Biological Assessments under the *Endangered Species Act* pursuant to 40 CFR 402 and the *National Environmental Policy Act* documents and public notices pursuant to 40 CFR 1500.

Abbreviated consultation procedures should be used when the adverse effects of an action can be alleviated through minor modifications to the action.

Expanded consultation procedures must be used when Federal actions would result in substantial adverse effects to Essential Fish Habitat. Expanded consultation allows maximum opportunity for NOAA Fisheries and the Federal agency to work together to review the action's impacts on EFH and to develop EFH conservation recommendations. If appropriate, NOAA Fisheries may conduct a site visit.

## **4340 US FWS Agreement with CA DFW OSPR**

The U.S. Fish & Wildlife Service, Pacific Southwest Region has a Memorandum of Agreement concerning *Wildlife Agency Participation for Implementation of Federal and State Endangered Species Acts*. See

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=98242>

## **4350 Guidelines for Seals & Whales**

The NOAA, National Marine Fisheries Service (NMFS), Marine Mammal Health and Stranding Response Program maintains the *Pinniped and Cetacean Oil Spill Response Guidelines*. See Tech Memo NMFS-OPR-52 dated 2015 at

<http://www.nmfs.noaa.gov/pr/publications/techmemo/opr52.pdf>.

CA DFW OSPR and NOAA NMFS have a Memorandum of Agreement *Regarding the California Marine Mammal Stranding Network and the Oiled Wildlife Care Network*. See

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=16207>

## **4351 Maps of Marine Mammal Stranding Network Contacts**

For live strandings, see the map of contacts at

[http://www.westcoast.fisheries.noaa.gov/publications/protected\\_species/marine\\_mammals/ca\\_live\\_strandings\\_2015.pdf](http://www.westcoast.fisheries.noaa.gov/publications/protected_species/marine_mammals/ca_live_strandings_2015.pdf).

For dead strandings, see the map of contacts at

[http://www.westcoast.fisheries.noaa.gov/publications/protected\\_species/marine\\_mammals/ca\\_dead\\_strandings\\_2015.pdf](http://www.westcoast.fisheries.noaa.gov/publications/protected_species/marine_mammals/ca_dead_strandings_2015.pdf).

## 4360 MOU with APHIS Regarding Wildlife Services

This Memorandum of Understanding is among the USCG and EPA and the Animal and Plant Health Inspection Service's Office of Wildlife Services. The title is *Wildlife Response Activities during Oil or Hazardous Substances Pollution Incidents*. The 10-page MOU is available as an enclosure.

Enclosure 4360: Wildlife Response Activities during Pollution Incidents:  
[https://nrt.org/site/doc\\_list.aspx?site\\_id=85](https://nrt.org/site/doc_list.aspx?site_id=85)

The purpose of this MOU is

- To enhance cooperation, efficiency and effectiveness of wildlife response activities
- To strengthen the cooperative approach to oil or hazardous substance pollution response
- To recognize working relationships with relevant Federal agencies; and
- To formally acknowledge that APHIS-WS, as a Federal agency, has specialized tools and procedures, along with trained staff, and can provide assistance to capture, handle, haze, and transport wildlife.

## 4370 Executive Order 13186: Protection for Migratory Birds

Under the *Migratory Bird Treaty Act (MBTA)* and *Executive Order 13186: Responsibilities of Federal Agencies to Protect Migratory Birds*, federal agencies are required to complete a memorandum of understanding with the Fish & Wildlife Service if their activities *may* have negative effects on birds. The MOU outlines how agencies will reduce those impacts.

The Coast Guard signed an updated Memorandum of Understanding (MOU) with the U.S. Fish and Wildlife Service in 2014 to promote the conservation of migratory bird populations. The MOU obligates the Coast Guard to identify actions that might have a substantial adverse impact on migratory birds and it requires the Coast Guard to incorporate certain specific concerns for migratory birds into its day-to-day decision-making. The full text of the MOU is available as an enclosure.

Enclosure 4370: USFWS-USCG MOU re E.O. 13186: Protection for Migratory Birds, dated May 2003: [https://nrt.org/site/doc\\_list.aspx?site\\_id=85](https://nrt.org/site/doc_list.aspx?site_id=85)

For the full text of *Executive Order 13186: Responsibilities of Federal Agencies to Protect Migratory Birds*, 1/10/2001, See <http://www.fws.gov/migratorybirds/Partnerships/migbrdeo.pdf>.

## **4400 Endangered Species Act Consultation**

Extensive information about the *Endangered Species Act* as it relates to oil spill response, including training and the MOU discussed below is available at <https://www.nrt.org/Main/Resources.aspx?ResourceType=ESA MOA&ResourceSection=2>.

During an oil or hazardous substance spill or release, the *Endangered Species Act (ESA)* [50 CFR 402.2] should be considered in developing the activities and actions that can be done during an oil spill response by federal agencies or agencies that are acting for or under a federal agency. As the spill response occurs, the On Scene Coordinator (OSC) is responsible for contacting an ESA specialist at the appropriate agency that is responsible for an endangered species or critical habitat that could be affected.

The OSC should consult with the ESA specialist informally to discuss the oil spill response activities and the measures that could be taken to minimize any damage to the endangered species or a designated critical habitat. Consultation communications, whether formal or informal, should be documented. The ESA specialist will advise the OSC regarding which response measure(s) will avoid or minimize impacts on listed species and critical habitat and which response measure(s) are preferred. These recommendations must be considered, but shall not stand in the way of response efforts. The ESA specialist and the OSC jointly evaluate tradeoffs and sensitive area priorities.

After the emergency has ended, any of the following may be produced as a result of the consultation process: biological assessment, letters of concurrence, an initiation package, and/or a biological opinion including an incidental take statement.

## **4410 ESA Consultations Rarely Block or Change Projects**

*Reprinted from E&E News PM from Environment & Energy Publishing*  
<http://www.eenews.net>.

*By Corbin Hiar, E&E reporter, Published: Monday, December 14, 2015*

*A peer-reviewed analysis of Endangered Species Act consultations during the Obama administration finds the law hasn't directly blocked or significantly altered any development projects over concerns about how they would affect federally protected plants or animals.*

*The study found that “such reviews, required under the law’s Section 7, are also not as time-consuming as the law allows, the study found.” The report, published in the Proceedings of the National Academy of Sciences, “fly in the face of concerns often raised by Republicans and ESA’s industry critics, according to Jacob Malcom and Ya-Wei Li, the study’s authors, who work for the conservation group Defenders of Wildlife.”*

## **4420 Pre-Planning Process under the ESA**

In 2001, six Federal agencies signed an Interagency Memorandum of Agreement (MOA) titled *Inter-Agency Memorandum of Agreement Regarding Oil Spill Planning and Response Activities Under the Federal Water Pollution Control Act’s National Oil and Hazardous Substances Pollution Contingency Plan and the Endangered Species Act*. The agencies were the U.S. Coast Guard, the U.S. Environmental Protection Agency, the Department of the Interior’s Office of Environmental Policy and Compliance, the U.S. Fish and Wildlife Service (USFWS), and the National Oceanic and Atmospheric Administration’s National Marine Fisheries Service and National Ocean Service (NOAA Fisheries). See <https://www.nrt.org/sites/2/files/ESAMOA.pdf>.

In the MOA, NOAA Fisheries and USFWS determined that oil spill response activities qualify as an emergency action, as defined by regulations implementing the ESA in 50 CFR 402.2 which allow the oil spill response to occur. As such, the emergency continues to exist until the removal operations are completed and the case is closed in accordance with 40 CFR 300.320(b).

For species protected by the USFWS, incident-specific consultations for ESA-listed species under their jurisdiction need to be done in accordance with the MOA.

Points of Contact for *Endangered Species Act* consultation:

	U.S. Wildlife Service	NOAA NMFS
California	Damian K. Higgins (916) 414-6548 (916) 943-8529 cell <a href="mailto:damian_higgins@fws.gov">damian_higgins@fws.gov</a> ;	Mr. Joe Dillon (707) 575-6093 cell (707) 480-3496 home <a href="mailto:joseph.j.dillon@noaa.gov">joseph.j.dillon@noaa.gov</a> ; (707) 523-1319 after hrs emergency

Approval of Area Contingency Plans and the Coastal Contingency Plan is not an action that is expected to have an effect on *Endangered Species Act* (ESA) listed species or designated critical habitat in California. Consultation is not required.

Actions taken to respond to an oil spill may have an effect on listed species or critical habitat and those actions would be subject ESA Section 7 consultation through emergency consultation as per 50 CFR 402.05 and the Memorandum of Agreement regarding oil spill planning and response activities signed in 2001 and titled “Inter-agency Memorandum of Agreement Regarding Oil Spill Planning and Response Activities Under the Federal Water Pollution Control Acts National Oil and Hazardous Substances Pollution Contingency Plan and the Endangered Species Act, signed by USCG, EPA, US Fish and Wildlife Service, NOAA Fisheries, National Ocean Service, and Office of Environmental Policy and Compliance.” The U.S. Coast Guard is aware of their responsibilities under the ESA and solicited and received input from the National Marine Fisheries Service and U.S. Fish and Wildlife Service as part of the update of this Area Contingency Plan and will continue to receive support from the Services through their participation on the Area Committees and associated planning processes.

## 4421 Endangered Species Act

The *Endangered Species Act* provides a program for the conservation of threatened and endangered plants and animals and the habitats in which they are found. The U.S. Fish and Wildlife Service (FWS) of the Department of the Interior maintains the list of endangered species and threatened species. Anyone can petition FWS to include a species on this list. The law prohibits any action, administrative or real, that results in a “taking” of a listed species, or adversely affects habitat. Likewise, import, export, interstate, and foreign commerce of listed species are all prohibited.

The mission of the *Endangered Species Act* (ESA), first passed in 1973, is to:

- Identify species needing protection and provide means to protect and



- recover those species;
- Provide for consideration of listed species prior to any federal action that may affect them; and
- To prevent and punish takings of those species and harm to their critical habitats. The ESA’s main Sections of 4, 7, and 9 provide the basic structure for the Act’s missions.

ESA Section 4	Contains the process for the initial listing of endangered and threatened species and for critical habitat. This section also mandates that the U.S. Fish and Wildlife Service or National Marine Fisheries Service prepare recovery plans for each listed species in order to identify and implement the measures needed to protect and recover each species.
ESA Section 7	Mandates that all federal agencies carry out programs for the conservation of endangered and threatened species. Section 7 requires that federal agencies consult with the Secretary before taking any action which may affect a listed species in order to ensure that the action will not jeopardize the continued existence of the endangered species or result in the destruction or modification of critical habitat for the species. The Act is applicable to all federal departments and agencies and to all actions “authorized, funded or carried out” by them including federal permits, federal funding, or other federal action necessary to a private project. Federal actions that may affect a listed species require consultation between the permitting agencies and the USFWS or NMFS. The consultation process includes issuance of a “biological opinion” by the agency with jurisdiction over the endangered species assaying the nature and extent of the jeopardy posed to that species by the agency action.
ESA Section 9	Contains prohibitions against “takings” of listed species. The statute defines “takings” as including to “harass, harm, pursue, hunt, wound or attempt to engage in any such conduct.” “Harass” is further defined by regulations as an intentional or negligent act or omission that significantly disrupts normal behavior patterns of the endangered animal. Similarly, “harm” is defined to include activity that results in significant environmental modification or degradation of the endangered animal’s habitat.

The MOA and its guidebook can be found on the National Response Team web site at <http://www.nrt.org/Production/NRT/NRTWeb.nsf/AllPagesByTitle/P-ESAMOU?Opendocument>. The Guidebook is referred to as “Training Manual for ESA MOU (2002)” on that page. The purpose of the guidebook is to familiarize oil spill responders and resource representatives with: the MOA; other pertinent documents and management plans;

the processes through which cooperation should occur before, during, and after an incident; and the roles of each player in the oil spill response process.

## **4430 Emergency Consultation**

A guidebook, dated 2002, for the *Inter-Agency Memorandum of Agreement Regarding Oil Spill Planning and Response Activities Under the Federal Water Pollution Control Act's National Oil and Hazardous Substances Pollution Contingency Plan and the Endangered Species Act* is at:

[http://www.nrt.org/production/NRT/NRTWeb.nsf/AllAttachmentsByTitle/A-269GuidebookforESAMOU/\\$File/MOATrainingManualVersion02.pdf?OpenElement](http://www.nrt.org/production/NRT/NRTWeb.nsf/AllAttachmentsByTitle/A-269GuidebookforESAMOU/$File/MOATrainingManualVersion02.pdf?OpenElement)

Page 38 shows Figure 6-1 a flow chart for pre-spill planning. Page 46 shows Figure 7-1 a flow chart for emergency consultation.

This interagency memorandum of agreement concerns oil spill planning and response activities under the Federal Water Pollution Control Act's *National Oil and Hazardous Substances Pollution Contingency Plan* (NCP) and the Endangered Species Act. The parties to the agreement are the U.S. Coast Guard; U.S. Environmental Protection Agency; Department of the Interior's Office of Environmental Policy and Compliance and Fish and Wildlife Service; and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service and National Ocean Service.

The purpose of the MOA is to increase cooperation and understanding among agencies involved in *Endangered Species Act* compliance at every stage in oil spill planning and response. The MOA outlines procedures to streamline the ESA compliance process before, during, and after an incident. The purpose of the guidebook below is to familiarize oil spill responders and Service representatives with: the MOA; other pertinent documents and management plans; the processes through which cooperation should occur before, during, and after an incident; and the roles of several players in the oil spill response process.

## **4431 NOAA SSC Role in ESA Section 7 Consultation**

The Scientific Support Coordinator's role in consultations under the Endangered Species Act, Section 7 is not based on any trustee authority; it is based on the National Contingency Plan. This is discussed in some detail in the 2001 ESA/NCP Memorandum of Agreement.

In the coastal zone, the USCG FOSC may go to the NOAA Scientific Support Coordinator to facilitate ESA consultation. The intent is for the SSC to assist an FOSC in meeting the intent of the ESA, but not to do it for him/her. This arrangement can provide all parties some peace of mind because SSCs can speak "both languages", whereas USCG staff members are often

not fluent in biology and Section 7 folks from the Services are often not fluent in spill response.

From the National Contingency Plan:

*40 CFR 300.145(c)(1):*

*Generally, SSCs are provided by NOAA in the coastal zones, and by EPA in the inland zone.*

*40 CFR 300.145(c)(3):*

*At the request of the OSC, the SSC may facilitate the OSC's work with the lead administrative trustee for natural resources to ensure coordination between damage assessment data collection efforts and data collected in support of response operations.*

The ESA consultation facilitation role for the NOAA SSC is also described in the 2014 update to the Coast Guard's *Incident Management Handbook* or IMH. See page 20-7 (duty F) for the ESA language.

Generally, SSCs and their Scientific Support Teams (SSTs) are provided by NOAA in the coastal zones and by EPA in the inland zones. However, EPA is not precluded from asking a NOAA SSC for assistance, but it's typically not the case. The FOOSC can request SSC support directly from the SSC assigned to the area or from an RRT agency member.

## **4440 Area Contingency Plans**

Section 9800 of each ACP classifies sites as sensitive due in part to the presence of federally-listed endangered or threatened species and/or their designated critical habitat. Section 9800 identifies sensitive sites and sensitive resources (habitats and species), and identifies specific response strategies for protection of those resources. The ESA consultation process identifies potential effects to listed species and their habitat from various response measures.

Sensitive Site Summary and/or Site Strategy pages in ACP Section 9800 should have added information about listed species, designated critical habitat, and the Services should be included as a key contact. This documents that the ESA Section 7 consultation process is ongoing or completed for each site strategy and to remind response personnel that emergency consultation with the Services should be initiated, and input from the Services incorporated into Planning and Operations processes, when undertaking any Federal action during an oil spill if the action could impact a listed species. If the action will have no impact on a federally-listed species, this determination must be documented as part of the response.

Discussions regarding ESA Section 7 consultation for the ACP's are underway at this writing. The informal consultation process was initiated by a letter and has been an iterative process beginning with concurrence on federal actions listed as “*may affect, but not likely to adversely affect*” in the 2014 revised ACP. The next step in this ongoing informal consultation process will focus on ACP sites designated as ‘Category A’ sites, those that are most sensitive. This will require close interaction between representatives from the Services, EPA and the Coast Guard to work through site strategies to ensure federal actions listed take into account minimization strategies and prevent or minimize any potential impacts to ESA listed species.

## 4500 Applied Response Technologies

The first tactic used in oil spill cleanup operations on surface waters is usually mechanical countermeasures such as booms and skimmers. However, when oil threatens the public interest, the economy, or the environment, other response countermeasures and technologies should be considered. These countermeasures include: chemical dispersants, *in-situ* burning, solidifiers and bioremediation. Applied response technologies (ART) are listed in Subpart J of the National Contingency Plan.

It's the policy of the Region IX RRT that Applied Response Technologies (ARTs), such as dispersants, *in-situ* burning, bioremediation agents and other Oil Spill Cleanup Agents (OSCA; *e.g.*, surface-washing agents, solidifiers) are an integral part of spill response and ought to be available and used, as appropriate, in a timely and efficient manner. The use of ARTs shall be considered when their environmental benefit outweighs their adverse effects.

All use of ARTs other than preapproved use of dispersants and *in-situ* burning are governed by the case-by-case RRT approval process (40 CFR 300.910(b)), and is accomplished at the time of a spill.

At the time of an oil spill, the FOSC can request the use of an ART via a formal request to the RRT. *It is the policy of the Region IX RRT* to "approve" or "deny" an ART request within 2 hours of the request being made. Once approval is granted, a product can be used subject to conditions of approval. Use of any ART on a Regional boundary shall include the appropriate RRT members of the bordering Region.

Prior to pursuing the use of ARTs, the FOSC should first seek advice from the NOAA SSC

(in the coastal zone), or the EPA Environmental Response Team (ERT; in the inland zone), as well as the OSPR (or other) ART Technical Specialists.

## 4510 Oil Spill Cleanup Agents

The chemicals used to wash surfaces such as a ship's hull, sea wall, hard boom, or rip rap; or to recover oil; and the chemicals used for bioremediation are all classified as Oil Spill Cleanup Agents (OSCA).

### 4511 California Requires State Licenses for OSCAs

To use an OSCA in California waters three things must be true: )

- The chemical is listed as an approved OSCA on the National Contingency Plan, Subpart J, Product Schedule (commonly known as the EPA Selection Guide). See <http://www.epa.gov/osweroe1/content/ncp/>.
- The chemical is licensed in the State of California as an OSCA: See <http://www.rrt9.org/go/doctype/2763/49343>.
- Regional Response Team IX has approved the use and method of application of that chemical during a particular cleanup response. See <http://www.rrt9.org/go/doctype/2763/76443>.

#### 4511.1 Exception to License Requirement

Sorbents and cleanup devices that do not use active chemical agents, or are otherwise determined by the OSPR Administrator not to cause aquatic toxicity for purposes of oil spill response do not need to be licensed.

Refer questions about using or licensing an OSCA in the State of California to Ellen Faurot-Daniels, CA DFW Office of Spill Prevention and Response, (831) 649-2888, [Ellen.Faurot-Daniels@wildlife.ca.gov](mailto:Ellen.Faurot-Daniels@wildlife.ca.gov).

## 4520 Product Categories under the NCP, Subpart J

The National Contingency Plan (NCP) Product Schedule includes five types of products which are authorized for use in controlling oil spills. They are defined as below in 40 CFR 300.5 - NCP Definitions.

- •Bioremediation agents
- •Dispersants

- Sorbents
- Surface-Collecting Agents
- Surface-Washing Agents
- Miscellaneous Oil Spill Control Agents

## 4521 Bioremediation Agents

Bioremediation agents are microbiological cultures, enzyme additives, or nutrient additives that are deliberately introduced into an oil discharge and that will significantly increase the rate of biodegradation to mitigate the effects of the discharge.

## 4522 Dispersants

Dispersants are chemical agents that emulsify, disperse, or solubilize oil into the water column or promote the surface spreading of oil slicks to facilitate dispersal of the oil into the water column.

## 4523 Sinking Agents

Sinking agents adsorb oil, making it more dense and causing it to sink to the bottom. One example is chalk (calcium carbonate), which is chemically and biologically inert. Oil sunk to the ocean floor can only be biodegraded *anaerobically*, which is significantly slower than the *aerobic* biodegradation that can occur on the surface or in the water column. The National Contingency Plan, 40 CFR 300.910(e), states “Sinking agents shall not be authorized for application to oil discharges.” Therefore, sinking agents are prohibited in California and throughout Region IX.

## 4524 Sorbents

See also, *Application of Sorbents and Solidifiers for Oil Spills* at [https://www.epa.gov/sites/production/files/2013-09/documents/nrt\\_rrt\\_sorbsolidifierfactsheet2007finalv6.pdf](https://www.epa.gov/sites/production/files/2013-09/documents/nrt_rrt_sorbsolidifierfactsheet2007finalv6.pdf).

Sorbents are essentially inert and insoluble materials that are used to remove oil and hazardous substances from water. This is done through adsorption or absorption. In adsorption, the oil or hazardous substance is attracted to the sorbent surface and then adheres to it. In absorption, the oil or hazardous substance penetrates the pores of the sorbent material, or a combination of the two. Sorbents are generally manufactured in particulate form for spreading over an oil slick or as sheets, rolls, pillows, or booms. Most sorbents do not have to be on the Subpart J, Product Schedule. Sorbent material may consist of, but is not limited to, the following materials:

- Organic products — peat moss, straw, cellulose fibers, cork, corn cobs, chicken or duck feathers, and human hair.
- Mineral compounds — volcanic ash, perlite, vermiculite or zeolite.
- Synthetic products — polypropylene, polyethylene, polyurethane, or polyester.

## **4525 Surface-Collecting Agents**

Surface-collecting agents are those chemical agents that form a surface film to control the layer thickness of oil. They are also known as oil herding agents or herders.

For detailed information, see *Using Oil Herding Agents for Rapid Response In-Situ Burning of Oil Slicks on Open Water* at [http://oilspilltaskforce.org/wp-content/uploads/2015/08/Final\\_Report\\_Herders\\_O-W\\_Rapid\\_ISB.pdf](http://oilspilltaskforce.org/wp-content/uploads/2015/08/Final_Report_Herders_O-W_Rapid_ISB.pdf).

## **4526 Surface-Washing Agents**

A surface-washing agent is any product that removes oil from solid surfaces, such as beaches and rocks, through a detergency mechanism, and does not involve dispersing or solubilizing the oil into the water column.

## **4527 Miscellaneous Oil Spill Control Agents**

Miscellaneous oil spill control agents are any product, other than a dispersant, sinking agent, surface-washing agent, surface collecting agent, bioremediation agent, burning agent, or sorbent that can be used to enhance oil spill cleanup, removal, treatment, or mitigation.

### **4527.1 Solidifiers**

Most solidifiers are products composed of dry high molecular weight polymers that have a porous matrix and large oleophilic surface area. Solidifiers form a physical bond with the oil.

## **4530 Selection Guide for Oil Spill Cleanup Agents**

Because oil spilled onto the water's surface quickly weathers and becomes difficult to work with, there's usually little time for spill responders to research less familiar countermeasures such as solidifiers, dispersants, shoreline pretreatment agents, and elasticity modifiers.

For this reason, responders rely heavily on more familiar technology such as booms and skimmers. The online Selection Guide for Oil Spill Response Countermeasures was developed to make it easier and faster to assess less familiar response options for potential

use during responses.

See <http://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/response-tools/selection-guide-oil-spill-response-countermeasures>. Or access the online guide directly at <https://sg.nrt.org/build/#>

### **4531 Requirements for Using OSCAs**

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

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

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

### **4532 State of California OSCA Licensing Procedures**

Government Code Section 8670.13.1 authorizes the OSPR to license OSCAs. The intent of the licensing process is to give the OSPR the opportunity to review product information, including toxicity, efficacy & degradation characteristics in a non-emergency situation, to determine if use of such a product would be beneficial. This provides the UC with as much flexibility as possible at the time of a spill without necessitating a thorough review of product literature. Although it is possible to use an unlicensed product during a spill incident, this can only be done on an experimental use basis, with approval by the State.

Additionally, the use of an unlicensed product should only be considered if such use provides a result that cannot be obtained any other way, including the use of a licensed product.

### **4533 Federal NCP Product Schedule Listing Process**

The federal EPA has primary responsibility for the listing of products on the NCP Product



Schedule. Under federal regulations, an OSCA must occur on the Subchapter J Product Schedule of the NCP before it may be utilized at a spill.

### **4534 Regional Response Team (RRT) Approval for Use**

At the time of an oil spill incident, the UC can request the use of an OSCA. This is done through a formal request of the RRT. All Alternative Cleanup and Chemical Countermeasures must be approved in advance of use by the RRT. This includes dispersants, in-situ burning and chemical OSCAs. Once the RRT grants approval, a product can be used.

If a product is licensed by the State of California and listed on the NCP, it can be used in spill response. The ART Section of the UC will provide specific information regarding the proposed use of the product needs to be submitted for review. The proposal for use of the product must be reviewed and approved by the UC (the Administrator of the OSPR and the FOOSC). Once approved by the UC, a formal request must be made to the RRT. Once the RRT grants approval, a product can be used.

### **Proposal to Use Alternative Response Technologies**

Date of Request:

Name of Person Submitting Request:

- Issue Statement: Please describe the issue being addressed by the proposal and the recommended solution for addressing this issue.
- Problem Statement: Please describe the specific problem being addressed by this proposal.
- Background Information: Please provide sufficient background information to provide a context for this proposal. This should include any site-specific, spill-specific or resource-specific information as well as any product information that is pertinent.
- Possible Alternatives for Addressing the Problem: Please identify the possible alternatives for addressing the problem. This may include a "do nothing" alternative. Please provide the pros and cons for each alternative.
- Recommendation: Please specify the recommended alternative. Include any additional information you feel is necessary to make your case.
- Procedures and Methodologies for Implementation: Please outline the specific experimental design & methodologies as well as the procedures for implementation of the recommended alternative.

## **4540 Characteristic Coastal Habitats: Choosing Spill Response Alternatives**

This is a job aid designed for anyone who needs to decide if, where, when, and how to remove oil from coastal habitats. It illustrates typical attributes of North American coastal habitats at risk from oil spills.

The text describes each habitat and discusses how oil is likely to behave there, and considerations for treating oil. The guide is especially useful for people participating in cleanup assessment as part of an Environmental Unit within the Incident Command System (ICS). This job aid is available in English and Spanish: *Hábitats Costeros Característicos: Selección de Alternativas para Responder a Derrames de Petróleo*

<http://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/resources/characteristic-coastal-habitats.html>

## **4550 Shoreline Countermeasures Manuals**

Shoreline countermeasures are the treatments people apply to shorelines damaged by an oil spill, in order to reduce the ultimate environmental impact and cost of a spill. The Shoreline Countermeasures Manuals are tools for people who must plan and implement shoreline countermeasures, such as members of Regional Response Teams, Area Planning Committees, and state and local response agencies.

<http://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/resources/shoreline-countermeasures-manuals.html>

### **4551 Shoreline-Cleanup Agents**

Chemical agents applied to shorelines generally are designed either to prevent adherence (stranding) of oil or to release already stranded oil. The efficiency of mechanical cleanup operations may be enhanced by the use of shoreline cleaning agents by assisting with the refloating of oil or preventing its subsequent stranding. While the use of chemical cleaning agents may be appropriate under proper circumstances, certain limitations must be recognized. The potential for toxic responses in indigenous fauna or flora to the cleaning agent must be considered. As compared to dispersants, in which the chemical agents are immediately diluted upon addition to the water surface, shoreline cleaning agents often remain undiluted for prolonged periods of time and consequently can have a greater impact upon the indigenous biological and geological resources.

The NCP, Section 300.910, authorizes the use of chemical agents to respond to discharges of oil. The following guidelines consolidate existing Federal and State policies and streamline the approval process without jeopardizing proper environmental consideration of the use of shoreline cleaning agents.

The OSC shall adhere to the following:

- (1) Zone 1: By definition, shoreline cleaning agents would be considered for use on oil stranded on shorelines. The OSC shall obtain approval from the EPA and State representatives to the RRT and the Natural Resource Trustee(s).
- (2) Documentation/Technical Assistance: EPA, State of California, DOI, and DOC will each have a representative available to coordinate data collection and interpretation and to consult with the OSC.
- (3) Authorized Chemical Agents: Only chemicals listed on the NCP Product Schedule and approved for use in compliance with Article Three (sections 2332 through 2336) of California Code of Regulation, Title 23, may be considered for use. Shoreline cleaning agents must be clearly labeled and licensed for this specific use. OSCAs categorized as dispersing agents cannot be applied to the shoreline [Article Three (Section 2332) of the California Code of Regulations, Title 23], and therefore cannot be used as shoreline cleaning agents.
- (4) Monitoring: The application process and results must be documented. This can be accomplished using film or video footage made from the shore or from the air. Visual observations can also be made by a trained observer. Filming should be done without causing delay to the shoreline cleaning agent application.

## **4560 Alternative Response Tool Evaluation System**

During an oil or chemical spill, the On-Scene Coordinator (OSC), who directs the response, may be asked to consider using a non-conventional alternative countermeasure (a method, device, or product that hasn't typically been used for spill response). To assess whether a proposed countermeasure could be a useful response tool, it's necessary to collect and evaluate quickly the available information about it.

To aid in evaluating non-conventional alternative countermeasures in particular, the Alternative Response Tool Evaluation System (ARTES) was developed. ARTES can also be used to evaluate proposed conventional countermeasures. It is designed to evaluate potential response tools on their technical merits, rather than on economic factors. ARTES is designed

to work in concert with the National Contingency Plan (NCP) Product Schedule and the Selection Guide for Oil Spill Response Countermeasures.

<http://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/resources/alternative-response-tool-evaluation-system-artes.html>

## **4570 NCP, Subpart J, Product Schedule/ Selection Guide**

The National Contingency Plan, Subpart J, “Use of Dispersants and Other Chemicals” at 40 CFR 300.900 lists applied response technologies which “may be used in carrying out the NCP.” The EPA maintains a schedule of dispersants and other chemical or bioremediation products, called the NCP Product Schedule. See <http://www2.epa.gov/emergency-response/alphabetical-list-ncp-product-schedule-products-available-use-during-oil-spill>

### **4571 Proposed Amendments to the NCP Subpart J, Product Schedule**

The U.S. Environmental Protection Agency (EPA) has proposed amendments to the requirements under Subpart J of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) to incorporate scientific advances and lessons learned from the Deepwater Horizon Oil Spill. If you wish to comment on these changes, contact the NCP Product Schedule Manager at [NCPProductSchedule@sra.com](mailto:NCPProductSchedule@sra.com).

Specifically, the proposal amends the Subpart J regulatory requirements by adding new listing criteria, revising the efficacy and toxicity testing protocols, and clarifying evaluation criteria for removing products from the Product Schedule. The proposed changes would ensure that agents (i.e., dispersants, other chemical and biological agents, and other spill mitigating substances) listed on the Product Schedule have met efficacy, toxicity and environmental monitoring requirements.

The proposed Subpart J revisions include:

- New and revised product toxicity and efficacy test methodologies for dispersants, and other chemical and biological agents;
- New toxicity and efficacy criteria for listing agents on the Subpart J Product Schedule;
- Additional human health and safety information requirements from manufacturers;
- Revised area planning requirements for chemical and biological agent use authorization;
- and
- New dispersant monitoring requirements when used on certain oil discharges.

The Agency also proposed amended requirements for the authorities, notifications, monitoring, and data reporting when using chemical or biological agents in response to oil discharges to the navigable waters of the United States and adjoining shorelines, the waters of the contiguous zone, and the high seas beyond the contiguous zone in connection with activities under the Outer Continental Shelf Lands Act, activities under the Deepwater Port of 1974, or activities that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States, including resources. These further amendments are intended to ensure the On-Scene Coordinators, Regional Response Teams and Area Committees have sufficient information to support agent preauthorization or authorization of use decision.

Visit the EPA’s Office of Emergency Management NCP Subpart J Website <http://www2.epa.gov/emergency-response/national-contingency-plan-subpart-j> for reference and basic information on the NCP Product Schedule and proposed amendments to the Subpart J listing requirements.

## 4572 Input from the Field Regarding Product Efficacy

EPA welcomes input from the field on the efficacy of products on the Product Schedule. There are three ways to provide feedback:

Send information to the EPA member on Regional Response Team IX.	Lance Richman <a href="mailto:Richman.Lance@epa.gov">Richman.Lance@epa.gov</a>
Send the information to the current Product Schedule Manager.	Leigh DeHaven <a href="mailto:Dehaven.Leigh@epa.gov">Dehaven.Leigh@epa.gov</a>
-or- to	Craig Matthiessen <a href="mailto:Matthiessen.Craig@epa.gov">Matthiessen.Craig@epa.gov</a>

Effectiveness summaries for products on the Product Schedule are at:

<http://www2.epa.gov/emergency-response/national-contingency-plan-product-schedule-toxicity-and-effectiveness-summaries>

## 4600 Dispersants

The *RRT IX Dispersant Use Plan for California Waters* is being revised. For information about the latest version, contact Ms. Ellen Faurot-Daniels at the California Office of Spill Prevention & Response, [ellen.faurot-daniels@wildlife.ca.gov](mailto:ellen.faurot-daniels@wildlife.ca.gov); (831) 649-2888.

In the mean time, the *RRT IX Dispersant Use Plan for California Waters* is the fall 2008 version.

Enclosure 4600: RRT IX Dispersant Use Plan for California Waters :  
[https://nrt.org/site/doc\\_list.aspx?site\\_id=85/](https://nrt.org/site/doc_list.aspx?site_id=85/)

### **4601 Dispersant Application Observer Job Aid**

<http://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/resources/dispersant-application-observer-job-aid.html>

## **4700 Bioremediation**

Enclosure 4700: Inland Bioremediation Plan: [https://nrt.org/site/doc\\_list.aspx?site\\_id=85/](https://nrt.org/site/doc_list.aspx?site_id=85/)

The points of contact for bioremediation are as follows.

Fred Stroud Environmental Response Team-West US EPA (702) 784-8007 (732) 321-6660 24x7 (702) 682-3272 cell <a href="mailto:Stroud.Fred@epa.gov">Stroud.Fred@epa.gov</a> .
Ellen Faurot-Daniels Senior Environmental Scientist California Office of Spill Prevention & Response (831) 649-2888 (831) 233-0723 cell <a href="mailto:ellen.faurot-daniels@wildlife.ca.gov">ellen.faurot-daniels@wildlife.ca.gov</a> ;

## **4800 *In-Situ* Burning in California Waters**

The *RRT IX In-Situ Burning Plan for California Waters* applies to the coastal waters of California. It calls for RRT IX involvement in every proposed use of *in-situ* burning due to

concerns about air pollution. *In-situ* burning operations in inland areas are governed by the *RRT IX Inland In-Situ Burning Plan* (Enclosure 4900).

The *RRT IX In-Situ Burning Plan for California Waters* is being revised. For information about the latest revision, contact is Ms. Ellen Faurot-Daniels at the California Office of Spill Prevention & Response, [ellen.faurot-daniels@wildlife.ca.gov](mailto:ellen.faurot-daniels@wildlife.ca.gov); (831) 649-2888.

In the mean time, the *RRT IX In-Situ Burning Plan for California Waters* is the 2005 version.

Enclosure 4800: *In-Situ* Burning Plan for California Waters :  
[https://nrt.org/site/doc\\_list.aspx?site\\_id=85/](https://nrt.org/site/doc_list.aspx?site_id=85/)

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# 5000 Logistics

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Logistics involves sourcing supplies, equipment, facilities and personnel in accordance with plans and resource requests from the Section chiefs. It also concerns essential services in support of response personnel, such as lodging, catering, shuttle services and the Medical Officer.

## 5100 The Logistics Section

For information about the organization of the Logistics Section, the positions within it and the Logistic Section's involvement in developing the Incident Action Plan see the *USCG Incident Management Handbook*, May 2014, COMDTPUB P3120.17B. <https://homeport.uscg.mil/ics>.

Anyone working in the incident command post as a member of the Command and General Staff or one of their subordinates should complete Incident Command System training to the Intermediate level, i.e. ICS-300.

## 5110 Responsibilities of the Logistics Section Chief

The Logistics Section Chief and the Branch Directors and Unit Leaders under him/her must have a position-specific qualification from their agency which certifies they are fully trained to fill that role. Consult your Training Officer/Coordinator for information about such training.

Responding agencies and resources will be responsible for their own administration and logistical support until a Logistics Section is established. The Logistics Section Chief will be appointed by the Incident Commander or Unified Command. When commercial resources are required, the vessel/platform/facility representative should be consulted and given the Right-of-First-Refusal in the ordering process. A decision to not proceed with the Right-of-First Refusal by the Incident Commander or Unified Command should be documented in a decision memo. This gives IC/UC the ability to decline to use a resource from that is determined unsafe.

Commercial vessels and facilities are required by federal law to maintain emergency response contracts for pollution and hazardous material response. Tank vessels carrying

petroleum are also required to maintain contracts for marine firefighting and salvage services. Using these in-place contracts may be the most expedient method of ordering major equipment and services. Resources, including people and equipment may also be provided through assisting and cooperating agencies in accordance with the *California Fire Service and Rescue Emergency Mutual Aid System Plan*.

Sector Area Contingency Plans contain procedures and protocols for activating Mutual Aid agreements and designation communications frequencies. These Sector level plans also include a listing of salvage and marine firefighting resources and their contact information.

## 5120 Service Branch

See your local Area Contingency Plans.

### 5121 Communications Support from the USCG

The links to *cg.portal* are only accessible to USCG staff with a Common Access Card (CAC) reader.

The Logistics Section Chief (LSC) in a Unified Command is usually someone contracted by the Responsible Party. He or she may not know anything about Coast Guard equipment and procedures.

*Contingency communications equipment available in the USCG Pacific Area is listed and described at <https://cg.portal.uscg.mil/units/pacarea/PAC-6/SitePages/Cont%20Comms%20Equipment.aspx>.*

### 5122 Requesting Communications Support

Requests from a Unified Command should be sent to PACAREA-6 “Communications” in USCG message format. A sample request is available at

<https://cg.portal.uscg.mil/units/pacarea/PAC-6/Shared%20Documents/Cont%20Comms%20Requests.pdf>.

The old plain language address (PLA) for CAMSLANT, used in USCG messages, is now COGARD COMMUNICATIONS COMMAND CHESAPEAKE VA

If the LSC doesn’t have access to the USCG Command and Control Official Information Exchange (C2OIX), contact the D11/PAC Command Center and send the details via email. The ICS form 213-RR-CG may be used.

D11/PAC Command Center

(510) 437-2701

[RCCAlameda1@uscg.mil](mailto:RCCAlameda1@uscg.mil)

RCC Alameda can then contact the Communications watch at [camlantcwo@uscg.mil](mailto:camlantcwo@uscg.mil) and (757) 421-6240. Alternately, they can contact the Atlantic Command Center at (757) 398-6700 and [D05-SMB-CAA-LANT30cc@uscg.mil](mailto:D05-SMB-CAA-LANT30cc@uscg.mil).

### **5123 Deputy Commandant for Mission Support**

For additional background information, see the *Deputy Commandant for Mission Support, Contingency Support Plan 9930, Annex K C4 & Electronics Support* at <https://cg.portal.uscg.mil/units/dol/dol-1/DCMS%20Instructions/DCMS%20Contingency%20Support%20Plan%209930-15.pdf>. The plan is entirely unclassified

Paragraph K.3.b.(4)(b) states, “Requests for contingency communications equipment in the LANT-6/PAC-6 inventory (as listed in Appendix 1 to this Annex) shall be done using the ICS- 213RR or ICS-213 RR CG through the District IMT and may be followed by record message traffic to LANT-6/PAC-6, information copy to C4IT SC-FSD.

### **5124 Teleconference Lines**

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

The RRT has two permanent teleconference lines: one is only for consulting the RRT; the other is for meetings and briefings. To use these lines contact the USCG RRT9 Coordinator at [uscg@rrt9.org](mailto:uscg@rrt9.org) or (510) 437-2794.

### **5130 Support Branch**

Most of this information is in local Area Contingency Plans.

## 5131 Site Security

Generally, local law enforcement or the responsible party provides site security at the scene of a response. However, upon the recommendation of the Security Manager, the Federal On-Scene Coordinator (FOSC) has the authority to provide for site security as necessary. Site security may cover the Incident Base, Incident Command Post, Staging Area(s), and lodging area(s). When additional security is necessary, the General Services Administration (GSA) can quickly arrange for contract guards.

## 5500 Sources of Spill Response Personnel

The tables below are offered for the convenience of the Logistics section when filling requests for personnel, such as those contained on form ICS-213-RR-CG.

FOSCs may call on Federal agencies to provide special forces and expertise. To contact them, see the table in section 5510 below. If in doubt, call the National Command Center, at (800) 323-7233, to request assistance.

You may also consult the USCG pamphlet: *Hazardous Materials Response Special Teams Capabilities and Contact Handbook*,  
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=15552>

Special Response Teams are also listed with links to their web sites on the LINKS menu of [www.rrt9.org](http://www.rrt9.org).

## 5510 Sources of Federal Personnel

Team/Office	Agency	Support Provided	Contact Information
Agency for Toxic Substances & Disease Registry (ATSDR)	US DHHS	All public health issues including exposure and inhalation	<p>Ms. Libby Vianu            (415) 947-4319 desk            (415) 203-2238 cell  <a href="mailto:vianu.libby@epa.gov">vianu.libby@epa.gov</a>.</p> <p>-or-</p> <p>Duty Officer for Industrial Chemical Emergencies            (404) 498-0120            (770) 488-7100 24x7  <a href="http://www.atsdr.cdc.gov/">http://www.atsdr.cdc.gov/</a></p>
Animal Plant Health Inspection Service	Department of Agriculture	Their Wildlife Services branch provides advice and THSP for oiled wildlife care.	<p>Dennis Orthmeyer            (916) 979-2675  <a href="mailto:Dennis.L.Orthmeyer@aphis.usda.gov">Dennis.L.Orthmeyer@aphis.usda.gov</a>;</p>
Civil Support Team 9	U.S. Army, California National Guard	Response to radiological and hazardous materials incidents. Request via the California Warning Center.	<p>Cal. OES Warning Center            (562) 413-1516  <a href="http://www.calguard.ca.gov/9CST">http://www.calguard.ca.gov/9CST</a></p>

Coast Guard Investigative Service	USCG	Provides for Coast Guard special agents to conduct investigations of actual, alleged or suspected criminal activity; carry firearms; execute and serve warrants; and make arrests.	Request via USCG Command Center (510) 437-3701
District Response Advisory Team, 11 <sup>th</sup> District, Alameda, CA	USCG	Advice and personnel for response to maritime oil spills.	Request via USCG 11 <sup>th</sup> District Command Center (510) 437-3701
Emergency Response Team, Region IX	EPA	Advice and personnel for response in Region IX & Oceania	Emergency Response Center Region IX, San Francisco (800) 300-2193 <3> Duty Officer <a href="mailto:r9_rrc@epa.gov">r9_rrc@epa.gov</a> ;
Environmental Response Team	EPA	Advice and personnel for response to oil & hazmat spills.	EPA Emergency Response Center (800) 300-2193 <a href="mailto:r9_rrc@epa.gov">r9_rrc@epa.gov</a> ; (732) 321-6660 <a href="http://www.epa.gov/ERT">http://www.epa.gov/ERT</a>

Field Intelligence Support Team	USCG	Law Enforcement Intelligence on all maritime threats and disseminates tactical and operational intelligence directly to port level commanders.	Request via USCG 11 <sup>th</sup> District Command Center (510) 437-3701
Geographic Information Systems Disaster Response and Assistance	USCG	Advice and THSP for GIS. ESRI <a href="http://www.esri.com/services/disaster-response/">http://www.esri.com/services/disaster-response/</a>	<a href="mailto:Disaster_Help@esri.com">Disaster_Help@esri.com</a> Online request for assistance: <a href="http://www.esri.com/apps/company/assist/index.cfm?eventID=121">http://www.esri.com/apps/company/assist/index.cfm?eventID=121</a>
Incident Management Assist Team	USCG	Qualified staff to fill positions on the Command & General Staff.	(757) 448-5572 IMAT CDO (800) 323-7233 Nat'l Cmd Center (757) 398-6700 LANT CC
Marine Safety Security Team (MSST) & Dive Team	USCG	Waterborne security for Safety Zones. Divers.	(757) 398-6700 LANT CC
National Weather Service	NOAA	Weather Forecasting Support to Spill Responders. See <i>Decision Support</i> in chapter 4000 of this CCP.	NWS Western Region Duty Officer (801) 524-7907 <a href="mailto:wr.roc@noaa.gov">wr.roc@noaa.gov</a> <a href="http://www.weather.gov">www.weather.gov</a>

Oiled Wildlife Care Network (OWCN)	University of California Davis School of Veterinary Medicine	Retrieval and rehabilitation of oiled wildlife.	(800) 645-7911 Report an oil spill. (877) 823-6926 Report oiled wildlife. <a href="mailto:owcn@ucdavis.edu">owcn@ucdavis.edu</a> <a href="http://www.vetmed.ucdavis.edu/owcn/">http://www.vetmed.ucdavis.edu/owcn/</a>
Pacific Strike Team (PST)	USCG	SMART monitoring of dispersants & <i>in-situ</i> burning. THSP for all ICS positions.	(415) 883-3311 x220 (415) 559-9908 cell (510) 437-3701 PAC Command Center <a href="http://www.uscg.mil/hq/nsfweb/PST/pstdefault.asp">http://www.uscg.mil/hq/nsfweb/PST/pstdefault.asp</a>
Public Information Assist Team	USCG	Staff for the Joint Information Center	(757) 448-5572 IMAT CDO (800) 323-7233 National Cmd Center (757) 398-6700 LANT CC
Radiological Assistance Program (RAP)	Department of Energy	Radiological assessment and response.	(925) 422-8951 <a href="http://nnsa.energy.gov/aboutus/ourprograms/emergencyoperationscounterterrorism/respondingtoemergencies/firstresponders-0">http://nnsa.energy.gov/aboutus/ourprograms/emergencyoperationscounterterrorism/respondingtoemergencies/firstresponders-0</a>
Radiological Emergency Response Teams (RERT)	EPA Office of Radiation & Indoor Air Pollution	Radiological assessment and response.	(800) 323-7233 Nat'l Cmd Center <a href="http://www2.epa.gov/aboutepa/about-office-air-and-radiation-oar">http://www2.epa.gov/aboutepa/about-office-air-and-radiation-oar</a>



Regional Emergency Transportation Representative (RETREP)	US DOT	Leads ESF-1 during <i>Stafford Act</i> responses.	Bob Brown, USDOT FHWA, (415) 744-2564, (202) 306-5889 cell, <a href="mailto:RobertJ.Brown@dot.gov">RobertJ.Brown@dot.gov</a> ; Judy Babbitt, (909) 937-7212, (202) 384-4521 24x7, <a href="mailto:judy.babbitt@dot.gov">judy.babbitt@dot.gov</a>
Regional Response Team, Region IX	Chaired by EPA & USCG	Advice about and authorization to use oil spill response agents (chemicals).	(510) 437-2794, (510) 437-3701 24x7 <a href="mailto:uscg@rrt9.org">uscg@rrt9.org</a> <a href="http://www.rrt9.org">www.rrt9.org</a>
Salvage Engineering Response Team (SERT)	USCG	Advice about vessel stability and salvage. See Rapid Salvage Survey Form at Homeport: Missions > Vessel Standards > Marine Safety Center > Salvage Engineering Response Team > SERT Services	(202) 327-3985 24x7 <a href="mailto:sert.duty@uscg.mil">sert.duty@uscg.mil</a> <a href="https://homeport.uscg.mil/mycg/portal/ep/contentView.do?contentTypeId=2&amp;channelId=-24502&amp;contentId=83082&amp;programId=46984&amp;programPage=%2Fep%2Fprogram%2Feditorial.jsp&amp;pageTypeId=13489">https://homeport.uscg.mil/mycg/portal/ep/contentView.do?contentTypeId=2&amp;channelId=-24502&amp;contentId=83082&amp;programId=46984&amp;programPage=%2Fep%2Fprogram%2Feditorial.jsp&amp;pageTypeId=13489</a>
Scientific Support Center	EPA	Brokers requests for scientific support with all federal agencies.	(732) 321-6740
Scientific Support Coordinator (SSC)	NOAA	Brokers requests for scientific support with all federal agencies.	(206) 321-3320 Jordan Stout (206) 526-4911 Spill Line 24x7

Strike Teams (Atlantic, Gulf, Pacific)	USCG	Provides highly-trained responders.	(800) 323-7233 National Cmd Center (415) 559-9908 PST Duty Officer (415) 883-3311 Pacific Strike Team
Supervisor of Salvage & Diving (SUPSALV)	US Navy	Advice about vessel stability and salvage. Salvage equipment.	(703) 602-7527, (703) 607-2578 <a href="http://www.supsalv.org">http://www.supsalv.org</a>

## 5520 USCG Requests for Forces (RFF)

COMDTINST 5400.1 (series), *Obtaining Personnel Resources to Meet Surge Requirements*, is the primary COMDTINST that addresses the process for obtaining personnel resources to meet surge requirements.

See also COMDTINST M3010.24, *Contingency Preparedness Planning Manual, Volume IV, Incident Management and Crisis Response, Chapter 8, Surge Forces for Incident Management*.

## 5521 Mobilization Readiness Tracking Tool (MRTT)

The USCG uses the *Mobilization Readiness Tracking Tool* to match requests for personnel to qualified personnel who are available. See <https://www.uscg-mrttcpms.net/uscg.mrtt/Login.aspx>.

## 5530 Chemical Experts & Professional Organizations

The technical and scientific information generated by the local community and professional organizations, along with information from Federal, State, and local governments, should be used to assist the FOOSC in devising response strategies where effective standard techniques are unavailable. Additional support is available from the organizations listed below.

Team	Agency	Contact
Bureau of Explosives	Transportation Technology Center, Inc. <a href="http://www.boe.aar.com/">http://www.boe.aar.com/</a>	(719) 584-0749 (719) 584-7151 fax (800) 424-9300 24x7 <a href="mailto:boe@aar.com">boe@aar.com</a>
CHEMTREC & Bureau of Explosives 24 x 7	Chemical Manufacturers' Association <a href="http://www.chemtrec.com/">http://www.chemtrec.com/</a>	(800) 424-9300 <a href="mailto:chemtrec@chemtrec.com">chemtrec@chemtrec.com</a>
National Pesticide Information Network	Oregon State University and US EPA <a href="http://npic.orst.edu/">http://npic.orst.edu/</a>	(800) 858-7378 0800-0000 PT <a href="mailto:npic@ace.orst.edu">npic@ace.orst.edu</a>

## 5540 California

All emergency notifications for the State of California go to the *California State Warning Center* at (800) 852-7550. The Warning Center can also connect you with the appropriate agency based on your description of the problem.

All Emergency Notifications California State Warning Center 24x7	(800) 852-7550
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Inland Response and Coordination	Governor's Office of Emergency Services (OES)	Trevor M. Anderson (916) 845-8788 Direct (800) 852-7550 CALIFORNIA STATE WARNING CENTER, 24X7 <a href="mailto:Trevor.Anderson@caloes.ca.gov">Trevor.Anderson@caloes.ca.gov</a> ;
Marine & Inland Oil Spill Response and Coordination	Department of Fish & Wildlife, Office of Spill Prevention & Response (OSPR)	Ellen Faurot-Daniels (831) 649-2888 Direct (800) 852-7550 CALIFORNIA STATE WARNING CENTER, 24X7 <a href="mailto:Ellen.Faurot-Daniels@wildlife.ca.gov">Ellen.Faurot-Daniels@wildlife.ca.gov</a> ;
HAZMAT Response	Cal. EPA, Department of Toxic Substances Control	Dave Rasmussen (818) 551-2190 Direct (916) 255-6504 Duty Officer, bus. hrs (800) 852-7550 CALIFORNIA STATE WARNING CENTER, 24x7 <a href="mailto:DRasmuss@dtsc.ca.gov">DRasmuss@dtsc.ca.gov</a> ;

## 5550 Tribal Contacts

Lists of tribes in each local planning area may be found in the Area Contingency Plans.

### 5551 California Tribes

Native American Environmental Protection Coalition	EDGE-SCI Building 27368 Via Industria, #105 Temecula CA 92590	<a href="tel:(951)296-5595">(951) 296-5595</a> <a href="tel:(877)739-9243">(877) 739-9243</a> <a href="mailto:info@naepc.com">info@naepc.com</a>
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	Jill Sherman	<a href="mailto:jill@naepc.com">jill@naepc.com</a>
California Native American Heritage Commission	Alternate to California State Historic Properties Officer	(916) 653-4082 <a href="http://nahc.ca.gov/">http://nahc.ca.gov/</a>
California Tribal Nations Emergency Management Council	Chris Walters	<a href="mailto:cwalters@sanmanuel-nsn.gov">cwalters@sanmanuel-nsn.gov</a> ; <a href="http://www.law.ucla.edu/home/index.asp?page=2135">http://www.law.ucla.edu/home/index.asp?page=2135</a>

## 5552 Region IX Tribal Experts

There are also tribal experts in various agencies who represent more than one state.

US DOI, Bureau of Indian Affairs	John Krause	<a href="mailto:John.Krause@bia.gov">John.Krause@bia.gov</a> ; <a href="http://www.bia.gov/index.htm">http://www.bia.gov/index.htm</a>
US EPA, Office of Emergency Management, OEM Tribal and EJ Coordinator	Laura Ebbert, Manager	(415) 947-3561 <a href="mailto:Ebbert.Laura@epa.gov">Ebbert.Laura@epa.gov</a> ; <a href="http://www.epa.gov/region9/tribal">http://www.epa.gov/region9/tribal</a>
	William "Nick" Nichols	(202) 564-1970 <a href="mailto:Nichols.Nick@epa.gov">Nichols.Nick@epa.gov</a> ;
US DHS FEMA, Region IX, Tribal Liaison	Tessa Badua-Larsen	(510) 627-7185 <a href="mailto:Teresita.Badualarsen@dhs.gov">Teresita.Badualarsen@dhs.gov</a> ;

## 5600 Spill Response Equipment

Most response equipment is provided by the oil spill response organization (OSRO) contracted by the Responsible Party (RP). Links to information about oil spill equipment are at <http://www.rrt9.org/go/doctype/2763/79207>. Links to OSRO web sites are at <http://www.rrt9.org/go/doctype/2763/79203>. OSRO sites often list and describe equipment used by that organization.

## 5610 Western Response Resource List

The Western Response Resource List (WRRL) is a database of information on various types of oil spill response equipment. It is maintained by equipment owners. The WRRL is a web-

based system hosted by *GenWest Systems Inc* at [www.wrrl.us](http://www.wrrl.us). It's the equipment owner's responsibility to update and maintain their equipment information.

Anyone can access equipment data in the WRRL. If you don't have a user account you may log in as a "guest" and download the information in a variety of formats.

To become a participating WRRL member, contact the *GenWest* site administrator at [wrrl@genwest.com](mailto:wrrl@genwest.com). *GenWest* can also provide training documents and classroom training.

The WRRL provides a uniform system to describe and list equipment. Each piece of equipment that is entered in the database is given a unique "WRRL ID" that provides a standard way of tracking and listing equipment. The database can be accessed via the Internet and downloaded in a variety of formats. Once the information is downloaded the data can be used in a number of ways: It can be used to locate and order response equipment during a drill or spill; provide an overall picture of the West Coast's response resources; be used for developing and reviewing oil spill contingency plans; and assist in cost accounting or by an organization to track their own resources.

Oil spill response equipment that could be used during a spill or is listed in area contingency plans should be listed on the WRRL. Keep in mind that oil spill responses may cover several activities including, but not limited to, mechanical recovery, *in-situ* burning, dispersant application, shoreline cleanup, salvage, and wildlife recovery. In most cases, equipment that is considered 'consumable' should not be listed on the WRRL. For example; pads, kitty litter, and sorbent boom should not be listed. But dispersant chemicals and fire boom would be listed. The other exception to this is listing specific trailers or warehouses where absorbents are stockpiled. It is also not necessary to list things like anchors or tow bridles. All of the equipment should fit into one of the Kind/Type designations listed below. Response equipment can be listed in any order.

In the WRRL there is a box that can be checked indicating a piece of equipment is not available to others in the event of a spill. However, because the WRRL is used in a variety of different ways (not only for ordering equipment during spills) it is important that all equipment be listed on the WRRL even if the owner is not willing to hire it out.

WRRL response organizations have agreed on "kind and type" labels for response equipment based on capabilities, size, and use. Resource typing provides managers with additional information when selecting the best resource for the task. All equipment found on the WRRL is categorized by these designations. Specific "Resource" categories have been identified and within these categories equipment is identified by "Kind". Each "Kind" is broken down into "Type" and refers to a resources capability. For example, a Type 1 resource provides a

greater overall capability due to power, size, capacity, etc., than a Type 2 resource.

In certain situations different types of equipment are co-located together either on or in another piece of equipment. For example, a response trailer might contain boom, a portable skimmer, and a pump. Or, a workboat might have boom and a portable skimmer stored on board. This can present problems when ordering equipment as someone might think they are just ordering boom and while they did order the boom they are also getting everything else that is stored in the trailer. In order to show how equipment is stored there is a field for a “Group WRRL ID” number. This number is used to identify where a piece of equipment is stored. In our example in addition to having a unique WRRL ID assigned to the boom, skimmer, and pump you would enter the ID of the trailer in which they are stored in the “Group WRRL ID” field. An OSRV (oil spill recovery vessel) is a vessel that has both storage and a skimmer built into or attached to it. In many cases boom is also integral to this system. For these vessels there should be a single entry that describes the OSRVs recovery, storage, and boom. If there are other skimmers or boom that are staged on the vessel but not integral to the system they should have their own WRRL ID. Typing for OSRV’s is based on the length of the vessel. In the description field the vessel length should be listed first, followed by the engine horsepower, and then any additional information.

## **5700 Waste Management**

A major challenge associated with an oil spill response is the disposal of collected product and contaminated cleanup materials, soil, and debris. Each category of waste has its own type of response and management problem. Three sample waste management plans are offered below, plus lessons from Deepwater Horizon.

Enclosure 5700: EPA’s Waste Management Lessons from Deepwater Horizon:  
[https://nrt.org/site/doc\\_list.aspx?site\\_id=85](https://nrt.org/site/doc_list.aspx?site_id=85)

In the coastal zone, the USCG FOSC usually relies on the oil spill response organization (OSRO) hired by the Responsible Party to write the waste management plan.

See also, **Section 5730** Decanting below.

## **5710 California Department of Toxic Substances Control**

In California, the Director of DTSC designates a DTSC representative(s) in advance or when

notified by OSPR, the Governor's Office of Emergency Services, or the U.S. Coast Guard that a threatened or actual spill or discharge of oil and/or oily materials has occurred. The DTSC Representative(s) are authorized to implement and ensure compliance with all terms and conditions of the MOU between the Department of Fish and Wildlife's Office of Spill Prevention and Response and the Department of Toxic Substances Control Relating to the Handling and Transport of Materials Used or Recovered during an Oil Spill, 1997.

Enclosure 5712: CA OSPR-CA DTSC MOU re Handling Waste from Oil Spills:  
[https://nrt.org/site/doc\\_list.aspx?site\\_id=85](https://nrt.org/site/doc_list.aspx?site_id=85)

## **5720 Federal Disposal of Oil and Hazardous Materials**

In order to ensure proper treatment and disposal of hazardous substances recovered from CERCLA emergency response or removal sites, Section 300.65 of the NCP requires that off-site transport of hazardous substances use only facilities operating under appropriate Federal or State permits or authorization. Hazardous substances removed from such sites may be transferred only to facilities that are operating in compliance with RCRA, TSCA, and all applicable State requirements. These requirements also preclude the use of disposal units that have releases of hazardous wastes or hazardous constituents, and of disposal facilities that have releases which have not been addressed by corrective action.

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

The FOOSC should coordinate closely with the Regional RCRA Off-site Coordinator (RROC), and/or TSCA personnel and the State, as appropriate.

### **5721 Federal Disposal of Oil**

The NCP, Appendix E to Part 300, Oil Spill Response, Section 5.4, states that oil recovered in cleanup operations shall be disposed of in accordance with the CCP, ACP, and any applicable laws, regulations, or requirements. RRT and ACP guidelines may identify the disposal plans to be followed during an oil spill response and may address: the sampling, testing, and classifying of recovered oil and oiled debris; the segregation and stockpiling of recovered oil and oiled debris; prior State disposal approvals and permits; and the routes,



methods (e.g. recycle/reuse, on-site burning, incineration, land filling, etc.), and sites for the disposal of collected oil, oiled debris, and animal carcasses.

The *Solid Waste Disposal Act* as amended by the *Used Oil Recycling Act (1980)* and the *Hazardous and Solid Waste Amendments (1984)* provide the statutory authority for RCRA, as amended regulations applying to recovered oils and oily wastes. In 1992, U.S. EPA promulgated new used oil regulations at 40 CFR Part 279; these regulations incorporate the old used oil fuel requirements formerly codified at 40 CFR 266, Subpart E (1986 - 1992 CFRs). The new used oil management standards at 40 CFR Part 279 apply only to "used oil", defined as any oil that has been refined from crude oil, used, and, as a result of such use, contaminated by physical and chemical impurities. If used oil is destined for disposal, the 40 CFR Part 279 regulations reference the RCRA hazardous waste management standards. Mixtures of waste oil (i.e., spilled, unused product oils) and used oil are regulated as used oil. Waste oil and oily wastes are subject to the hazardous waste management regulations at 40 CFR Parts 124, 260-266, 268, and 270. Non-hazardous used oil may be disposed of in an industrial or a municipal solid waste landfill (each State may have additional, more stringent requirements), in accordance with 40 CFR 257 and 258.

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

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

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

## 5722 Temporary Storage of Oiled Waste

To expedite removal of spilled oil, refined products, and contaminated material from marine waters during an emergency response, temporary storage sites may be erected at appropriate shore locations [CCR 66270.1(c)3]. The transportation of oil and contaminated material to temporary storage sites during the emergency response is exempt from handling and permitting requirements [Title 22, Sec. 66264.1(g)(8)]. Contact the California Environmental Protection Agency, Department of Toxic Substance Control (DTSC) representative on-site, or call the Duty Officer.

California Environmental Protection Agency  
Department of Toxic Substance Control  
Duty Officer  
(213) 255-2002

Temporary storage sites should be available at an onshore location convenient to the recovery operations to temporarily store recovered petroleum products and contaminated materials and debris. A temporary storage site may require an emergency permit from the California Coastal Commission. For information on temporary permits within the coastal zone, call the *Emergency Resources Unit*.

California Coastal Commission  
Emergency Resources Unit  
(415) 904-5200

Siting the temporary facility must be done with the concurrence of the USCG and state FOSC, DTSC, the local Regional Water Quality Control Board (RWQCB), and the local health, fire and emergency services departments. If a Unified Command is established, OSPR will facilitate the contact of the state and local government agencies through their liaison function.

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

A temporary storage site may require an emergency permit from the California Coastal Commission (CCC) or the San Francisco Bay Conservation and Development Commission

(BCDC).

For information on emergency permits  
within the coastal zone, call:  
California Coastal Commission  
Oil Spill Unit  
(415) 904-5200

### **5723 Initial Treatment**

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

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

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

### **5724 Characterizing Recovered Petroleum & Debris**

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

It is the responsibility of the generator/RP to have petroleum and contaminated material managed as waste accurately classified as hazardous or nonhazardous for proper disposition [22 CCR 66260.200(c)]. A generator who incorrectly determines and manages a hazardous waste is in violation of the hazardous waste requirements in 22 CCR and is subject to DTSC

enforcement action.

Twenty-two CCR 66264.13 and 66265.13 states that before an owner or operator of a treatment, storage, or disposal facility transfers, treats or disposes of any hazardous waste, the owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the waste. Characterization of the waste must be provided to DTSC (via profile sheet). The DTSC then designates the waste acceptable prior to shipment. State criteria for characterizing a waste hazardous or nonhazardous is found in 22 CCR 66261.10 and 66261.20-66261.24 while federal criteria are presented in 40 CFR 261.30-261.33 (see Figure E.VI.2). These criteria can apply to any oily-water, sorbents, booms, and debris generated as a result of an oil spill cleanup. Based on waste characterization, the wastes can be further defined as either a Federal *Resource Conservation and Recovery Act (RCRA)* waste (hazardous waste regulated under federal regulations), non-RCRA waste (hazardous waste regulated under California regulations), or nonhazardous waste. Nonhazardous waste in this instance is defined as designated waste per 23 CCR 25522. Once the waste is characterized, disposition options can then be selected. Removal of recovered material from temporary storage will require the authorization of the on-scene coordinator.

## **5725 Transporting Recovered Petroleum**

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

## **5730 Decanting**

Waste management plans should include a decanting plan that specifies how the oil and water mixture that is recovered from the spill will be safely separated so that clean water can be returned to the environment. This process is called decanting.

## **5731 No Permits Required for Incidental Discharges**

In 1995 the Office of Spill Prevention and Response (OSPR) and the State Water Resources Control Board (SWRCB) signed a memorandum of understanding (MOU), to waive all permits and other requirements pertaining to the incidental discharge of wastewater during oil spill response activities.

Enclosure 5731: MOA Regarding Incidental Discharges during Oil Spill Response:  
[https://nrt.org/site/doc\\_list.aspx?site\\_id=85](https://nrt.org/site/doc_list.aspx?site_id=85)

## 5732 EPA’s Vessel General Permits & Incidental Discharges

EPA issues VGPs pursuant to authority in the CWA section 402, 33 U.S.C. 1342. An MOU between EPA and USCG provides for *Collaboration on Compliance Assistance, Compliance Monitoring, and Enforcement of Vessel General Permit Requirements on Vessels*. See [http://www.uscg.mil/hq/cgcvc/cvc1/general/vgp/CG\\_EPA\\_MOU.pdf](http://www.uscg.mil/hq/cgcvc/cvc1/general/vgp/CG_EPA_MOU.pdf).

Section 301 of the CWA prohibits the discharge of any pollutant from a point source into waters of the United States, including the contiguous zone or ocean, unless otherwise authorized under the CWA, such as in a permit issued under EPA's National Pollutant Discharge Elimination System (NPDES) program. Certain discharges are not subject to the NPDES permit requirement because they are authorized under other statutory provisions. Sewage from vessels, for example, is regulated pursuant to a separate program and is not addressed in NPDES permits. However, unlike the discharge of other pollutants, discharges incidental to the normal operation of a vessel do not require an NPDES permit when discharged into the waters of the contiguous zone or ocean.

The VGP applies to specific discharges, which are identified in the VGP, that are incidental to the normal operation of a vessel and are discharged from non-recreational vessels of 79 feet or greater in length. In addition, the ballast water discharge provisions apply to any non-recreational vessel of less than 79 feet or commercial fishing vessel of any size discharging ballast water. If a vessel is greater than or equal to 300 gross tons or has the capacity to hold or discharge more than 8 cubic meters (2113 gallons) of ballast water, the owner/operator must submit a Notice of Intent (NOI) to be covered under the permit in accordance with the requirements of Part I of the VGP.

The VGP incorporates the USCG's mandatory ballast water management and exchange standards, adds additional ballast water management practices and provides effluent limits for other types of discharges including, but not limited to, deck runoff, bilge water, gray water, antifouling hull coatings and other discharge types. The VGP also establishes specific corrective actions, inspection and monitoring requirements, as well as recordkeeping and reporting requirements.

## 5733 Sample Decanting Approval Form

The enclosure below is a two-page decanting approval form that may be approved by the Environmental Unit Leader, the State On-Scene Coordinator and the Federal On-Scene Coordinator.

Enclosure 5733: Sample Decanting Approval Form:  
[https://nrt.org/site/doc\\_list.aspx?site\\_id=85](https://nrt.org/site/doc_list.aspx?site_id=85)

## 5740 Federal Disposal of Hazardous Materials

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

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

The FOOSC should coordinate closely with the Regional RCRA Off-site Coordinator (RROC), and/or TSCA personnel and the State, as appropriate.

## 5750 Waste Management Plans

The Oil Spill Prevention Supervisors at CA DFW OSPR have several waste management plans in their toolbox. OSPR and USCG prefer that the Responsible Party develop their own plan since it's their waste.

### 5751 Simple Waste Management Plan without an RP

Enclosure 5751: Simple Waste Management Plan, no RP:  
[https://nrt.org/site/doc\\_list.aspx?site\\_id=85](https://nrt.org/site/doc_list.aspx?site_id=85)

### 5752 Detailed Waste Management Plan without an RP

Enclosure 5752: Detailed Waste Management Plan, no RP:  
[https://nrt.org/site/doc\\_list.aspx?site\\_id=85](https://nrt.org/site/doc_list.aspx?site_id=85)

### 5753 EPA Model Waste Management Plan for SONS

EPA has a model waste management plan for spills of national significance dated July 24<sup>th</sup>

2013. See *EPA Framework for a Model Waste Management Plan for Oil Spills of National Significance (SONS)* at [http://www.epa.gov/waste/homeland/docs/sons\\_wmp.pdf](http://www.epa.gov/waste/homeland/docs/sons_wmp.pdf), or [http://archive.epa.gov/wastes/homeland/web/pdf/sons\\_wmp.pdf](http://archive.epa.gov/wastes/homeland/web/pdf/sons_wmp.pdf).

The framework provides EPA emergency managers, planners, and responders the key elements of waste management planning for an oil discharge that is declared a Spill of National Significance (SONS). Experience with major oil discharges has shown that many of the waste management planning elements are similar and can be planned for ahead of time, and then tailored to the site-specific spill conditions at the time of the SONS. Although an oil SONS will likely involve a responsible party, past incidents have shown that these key elements should be planned for by all stakeholders and be documented within a pre-incident waste management plan and made part of appropriate RCPs and/or ACPs.

## 5800 Basic Ordering Agreements

The U.S. Coast Guard uses Basic Ordering Agreements (BOA) in emergencies to facilitate ordering from approved vendors. BOAs may be used regardless of the source of funds: Oil Spill Liability Trust Fund (OSLTF), CERCLA, Stafford Act, or USCG funds. Other methods of contracting can be used within the USCG when appropriate. Other agencies and Responsible Parties have their own contracting systems. For more detailed information about the U.S. Coast Guard acquisition system, see the following:

- Coast Guard Acquisition Procedures, COMDTINST M4200.19(series) [http://www.uscg.mil/directives/cim/4000-4999/CIM\\_4200\\_19J.pdf](http://www.uscg.mil/directives/cim/4000-4999/CIM_4200_19J.pdf)
- Federal Acquisition Regulation (FAR) <http://www.acquisition.gov/far/>
- Basic Ordering Agreements  
Federal Acquisition Regulation (FAR), Subpart 16.703  
<http://www.gpo.gov/fdsys/pkg/CFR-2005-title48-vol1/pdf/CFR-2005-title48-vol1-sec16-703.pdf>
- USCG Marine Environmental Response & Preparedness Manual, Chapter 13: Marine Environmental Response Funding, COMDTINST M16000.14A (Expected June 2017.)

## 5810 Emergency Response Contracting

The Shore Infrastructure Logistics Center (SILC) supports Coast Guard operations through lifecycle management and stewardship of shore infrastructure. The SILC product lines

provide total logistics and engineering support for the shore facility assets that fall within the product line. The Product Line Manager (PLM) is the primary point of contact for the operational unit, and the single point of accountability for any asset-related issue, system, or equipment.

Of particular interest to the FOSC is the COCO-BSS Emergency Services Contract Operations Branch (COB-1). This branch is responsible for Emergency Response Contracting. Emergency services provided by the SILC Contracting Officers and Specialists are instrumental to the FOSC during a marine environmental response. To expedite the processing of contracts for containment and cleanup of oil and hazardous substance spills, SILCs place orders against Basic Ordering Agreements (BOAs).

Contact your NPFC team leader with BOA or emergency response questions:	
Branch Chief, Emergency Response Contracts	(757) 628-4114
West Coast Team Leader	(510) 437-5942 (510) 437-3235

### **5811 BOA, Defined**

1. A BOA is not a contract and does not provide any contractual relationship between the Government and the Contractor.
2. A BOA is a written understanding that's already been negotiated between a contracting office and a contractor and is the preferred method of contracting for oil spill cleanup. (Refer to the JOTFOC.)
3. A BOA contains the terms and conditions that will apply to Delivery Orders that are issued against it. The terms and conditions contain:
  - a. Fixed prices and a detailed description of the supplies or services to be provided, and
  - b. Instructions on the procedures and authority for the issuance, administration and payment of Delivery Orders.
4. Every individual authorized to issue Delivery Orders against a BOA is responsible for reviewing and understanding the terms and conditions of each BOA.

For more information about BOAs refer to the USCG Marine Environmental Response & Preparedness Manual, Chapter 13: Marine Environmental Response Funding, COMDTINST M16000.14A.



## **5812 When to Use**

BOAs are for *emergency use* only. Under no circumstances may they be used for routine actions. A lack of planning does not justify using a BOA. Delivery Orders cannot be issued to order boom, sorbent pads, or take care of work that either could have, or should have, been done through normal procurement procedures.

Only authorized Contracting Officers and On-Scene Coordinators (OSCs) located at an Authorized Ordering Office may issue Delivery Orders under a BOA. This authority may not be delegated.

## **5813 USCG Contracting Support to EPA**

The U.S. Coast Guard has a Memorandum of Understanding (MOU) with the Environmental Protection Agency (EPA) which states that the Coast Guard will provide contracting support. There is no similar Coast Guard arrangement with the Navy, Maritime Administration, Corps of Engineers, or other federal agencies. Questions from these organizations must be directed to Shore Infrastructure Logistics Center (SILC) Contracting Officer.

## **5814 The FOSC's Authority**

FOSC's are not authorized to take any action, either directly or indirectly that could result in a change in the pricing, quality, established response time frames, or any other terms and conditions of the BOA; or, to direct the accomplishment of effort which would exceed the scope of the BOA. Whenever there is the potential that discussions may impact areas such as described above, the OSC must contact the SILC Contracting Officer.

## **5820 Procurement Requests & CANAPS**

The FOSC or Logistics Section Chief (LSC) prepares the Procurement Request (PR).

(Note: 1 and 2 below do not apply to a spill from a Coast Guard facility.)

1. The FOSC or LSC obtains an FPN/Ceiling by logging in to CANAPS at <https://npfc.uscg.mil/canaps/>. The District is automatically a recipient of the CANAPS-generated message.
2. The (Sector) creates the Document Number using DAFIS instructions and the (Sector) Document Number list.
3. The (Sector) prepares a PR consisting of the following information:

- a. Federal Project Number (FPN)
- b. Fund Citation (i.e. Document No., Accounting Data)
- c. Dollar amount of funds to be obligated under the PO/Delivery Order. (Don't include the full amount of funds issued by the NPFC for administrative support -travel, personnel, etc. Include only the amount to be obligated under the Delivery Order.)
- d. Date(s) the services and/or equipment are required
- e. Suggested Contractor(s) and Phone Number(s)
- f. BOA Number(s) (if applicable).
- g. Coast Guard POC and Phone Number.
- h. A brief description of the project.
- i. Reasons for no competition or for going to a higher cost source. Brief determination or sole source statement of why the OSC has determined that services or equipment can, or should, only be obtained from one source or may only be procured from one source due to response time requirements.

## **5821 CANAPS**

The Ceiling and Number Assignment Processing System (CANAPS) guides you through the steps to request a new project number and ceiling or to amend a previously opened project. See <https://npfc.uscg.mil/canaps/>.



## National Pollution Funds Center

Funding Today for a Cleaner Tomorrow

### Ceiling and Number Assignment Processing System (CANAPS)

Acting on behalf of: **EPA Region 9**

[\[Logout\]](#)

**i** Due to the critical shortage of CERCLA response funds available for Coast Guard FOSCs responding to CERCLA incidents, effective immediately CANAPS will only authorize a maximum of \$25K per case. Any additional funding levels needed above that threshold needs to be processed through the NPFC Duty Officer. The NPFC Duty Officer may be reached at 202-494-9118

The CANAPS wizard will guide you through the steps to request a new project number and ceiling or to amend a previously opened project. Use of this system is restricted to authorized Coast Guard and Environmental Protection Agency (EPA) users only. Unauthorized use is prohibited.

[New Project Wizard](#)

This wizard allows you to request a new project number and ceiling from the NPFC

[Change Ceiling](#)

Increase or decrease the ceiling for an existing project

[Cancel Project](#)

Cancel a previously opened project - use only when **no** funds have been expended

[Check Project Ceiling](#)

Check the ceiling for a previously opened project

[CANAPS FAQs](#)

Check for the answers to many common questions in CANAPS FAQ

[CANAPS POCs](#)

Points of Contact for CANAPS questions and issues

[Change Account Settings](#)

Change your CANAPS account settings (i.e. Unit ID)

## 5822 Pay-As-You-Go

1. Don't obligate all the necessary funds at once. If a resource is needed for a month, obligate enough funds for a week and repeat as needed.
2. Schedule funding to run out on Thursdays not Fridays.

## 5900 General Services Administration

The mission of GSA is to deliver the best value in real estate, acquisition, and technology services to government and the American people.

## **5910 Property**

### **5911 GSA Schedules**

GSA Schedules can be used prior to disaster as well as in response to disaster. GSA encourages the use of schedules to save other agencies money on their purchases and preparations in emergency management. Some of the schedules are open to state and local governments.

The point of contact in GSA is David Lampert, Director, San Francisco Bay Area Customer Service, [David.Lampert@gsa.gov](mailto:David.Lampert@gsa.gov), (415) 522-4584.

### **5912 Exchange/Sale Authority**

GSA's Personal Property Division sells all property seized by the U.S. Marshal's Service from drug interdiction/illegal activities by auction. GSA has also done some vessel disposal for the U.S. Maritime Administration's Ready Reserve Fleet in Suisun Bay. The point of contact is Drew Della Valle, Deputy Director, Personal Property Management, [Drew.DellaValle@gsa.gov](mailto:Drew.DellaValle@gsa.gov), (415) 522-3046.

Once control of these vessels has been assumed by a Federal agency, they can be reported as excess personal property to GSA Personal Property Management. At that time GSA PPM would proceed through the legal disposal channels. That means screening to Federal and State customers for direct re-use. If there is no interest and we are assuming that there would be very little interest then we would put the item up for sale to the public.

One major point that needs to be made is the potential for return of proceeds from sale, what GSA calls exchange sale. 41 CFR Part 3731.4 states:

"GSA can provide this service available for a nominal fee as long as the property was seized by a federal agency or was federal property. Typically, they can sell the property and return the proceeds back to the agency. In some cases the terms and conditions of the sale make the buyer responsible for the cost of getting the property to their destination. This can be particularly valuable when selling pangas."

That is true if you are using the returned proceeds to directly fund operations that are related to the pangas retrieval project. Meaning that the exchange sale authority can only be claimed if the funds are being used as reimbursement to the program that this boat disposal is related to 41 CFR Part 102 Sub-chapter B Part 102.39 covers the statute on exchange sale regulations.

The exchange/sale authority is a statutory provision, (40 U.S.C. 503), which states in part:

“In acquiring personal property, an executive agency may exchange or sell similar items and may apply the exchange allowance or proceeds of sale in whole or in part payment for the property acquired.”

Using the exchange/sale authority may reduce the cost of replacing personal property. When you have personal property that is wearing out or obsolete and must be replaced, you should consider either exchanging or selling that property and using the exchange allowance or sales proceeds to offset the cost of replacing it.

Alternately, if you choose not to replace the property using the exchange/sale authority, you may declare it as excess and dispose of it through the normal disposal process as addressed in 41 CFR Part 102-36. Keep in mind, however, that any net proceeds from the eventual sale of that property as surplus generally must be forwarded to the miscellaneous receipts account at the United States Treasury and thus would not be available to you.

You may use the exchange/sale authority in the acquisition of personal property even if the acquisition is under a services contract, as long as the property acquired under the services contract is similar to the property exchanged or sold (e.g., for a SLEP, exchange allowances or sales proceeds would be available for replacement of similar items, but not for services). See 41 CFR Part 102 Sub-chapter B Part 102-39.40.

For a full explanation, see *Title 41: Public Contracts and Property Management, Part 102-39—Replacement of Personal Property Pursuant to the Exchange/Sale Authority* at [http://www.ecfr.gov/cgi-bin/text-idx?SID=40d6e660f53c0b2c447836b1595f536e&node=pt41.3.102\\_639&rgn=div5](http://www.ecfr.gov/cgi-bin/text-idx?SID=40d6e660f53c0b2c447836b1595f536e&node=pt41.3.102_639&rgn=div5).

### **5913 Disposing of Excess Personal Property**

For complete information see *Title 41: Public Contracts and Property Management, Part 102-36—Disposition of Excess Personal Property* at [http://www.ecfr.gov/cgi-bin/text-idx?SID=40d6e660f53c0b2c447836b1595f536e&node=pt41.3.102\\_636&rgn=div5#\\_top](http://www.ecfr.gov/cgi-bin/text-idx?SID=40d6e660f53c0b2c447836b1595f536e&node=pt41.3.102_636&rgn=div5#_top).

Personal property means any property, except real property. For purposes of this part, the term excludes records of the federal government, and naval vessels of the following categories: battleships, cruisers, aircraft carriers, destroyers, and submarines.

Real property means...

- (1) Any interest in land, improvements, structures, and fixtures under the control of any

Federal agency, except—

- i. The public domain;
  - ii. Lands reserved or dedicated for national forest or national park purposes;
  - iii. Minerals in lands or portions of lands withdrawn under the public land mining and mineral leasing laws;
  - iv. Lands withdrawn or reserved from the public domain...; and
  - v. Crops when designated by such agency for disposition by severance and removal from the land.
- (2) Improvements of any kind, structures, and fixtures under the control of any Federal agency when designated by such agency for disposition without the underlying land, and
- (3) Standing timber and embedded gravel, sand, or stone under the control of any Federal agency.

## **5914 Short Term Rentals**

The General Services Administration (GSA) Fleet Short Term Rentals (STR) program supplies vehicles and equipment to all federal agencies to fulfill short term and temporary needs. GSA handles the procurement, so you can quickly obtain the resources you need to complete your mission. For seasonal work, special events, or surge requirement -- the STR program has the vehicles and equipment to meet your needs. Note: STRs cannot be used for travel proposes. For additional information, see <http://www.gsa.gov/portal/content/102675> or <http://gsa.gov/str>.

## **5920 Emergency Lodging Services**

Emergency Lodging Services through GSA can provide lodging for responders on short notice. The Emergency Lodging Services (ELS) Blanket Purchase Agreement (BPA) provides the following services:

- Locates and sources temporary housing with a single call to CLC;
- Negotiates discounted rates;
- Provides a phone line for GSA BPA at 1(800) 321-0455;
- Includes an audit and reporting trail; and
- Blocks rooms for personnel during a COOP event.

ELS offers secure accommodations, housing and ancillary services for federal agencies, and

state and local governments as well as first responders. The BPA may be used for relief/emergency support personnel, displaced disaster/emergency victims and Continuity of Operations (COOP) events. The BPA includes a unilateral right to add additional users at no additional cost. For additional information, see <http://www.gsa.gov/portal/category/27224> or <http://www.gsa.gov/els>.

## **5930 Support Provided by GSA**

GSA can provide a full range of timely logistical telecommunications and other support to the Federal response effort in accordance with Federal Acquisition Regulations (FAR), the GSA Acquisition Regulations (GSAR), and relevant public laws so that the command post may be operational no later than 48 hours after acceptance of the space by the OSC. Support may include:

- Space
- Office Furniture and Equipment
- Office Supplies
- Transportation
- Telecommunications
- Printing, Graphics and Reproduction Services
- Advisory Personnel: GSA can provide technical advisors in the areas of acquisition, storage, transportation and other areas as required. Engineering assistance will also be made available for help in damage surveys, appraisals of buildings for demolition or repair, etc.
- Procurement of Staff Quarters.
- Other Services:
  - Mobile home acquisition;
  - Assistance in the restoration of interrupted public utility service to Federal agencies;
  - Loan of excess Federal personal property and its return to the holding agency after use;
  - Donation of Federal surplus personal property for use and ultimate disposition by State government in accordance with current procedures;
  - Preliminary damage assessment;
  - Cleanup contractor services;
  - Specialized technical support;
  - Support.

## **5940 MOU among USCG, EPA & GSA Cancelled**

From August 2002 to September 2012, EPA provided initial funding of \$50,000 to Deploy GSA Teams. That Memorandum of Understanding between the EPA, USCG and GSA Pertaining to the Federal Response under the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) has now been cancelled.

GSA can still respond to requests for assistance under the NCP. If there is an incident and EPA or USCG needs GSA assistance, EPA can issue an Emergency Funding Authorization (EFA) for the assistance.

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## 6000 Finance & Administration

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The FOSC may access the emergency fund of the Oil Spill Liability Trust Fund (OSLTF) and CERCLA 24 hours a day by calling the following numbers:

Command Duty Officer: 24x7	(202) 494-9118
NPFC Main Number	(202) 795-6958
Certificates of Financial Responsibility (COFR)	(703) 795-6130

### 6010 The Finance Section

The Finance/Administration Section is responsible for all incident costs and financial considerations. Organizationally, the Finance/Administrations Section includes the Time Unit, Procurement Unit, Compensation/Claims Unit, and Cost Unit. If no Finance Section Chief is designated, the Incident Commander must perform all those functions.

For information about the organization of the Finance/Administration Section in a Unified Command, the positions within it and its role in developing the Incident Action Plan, see the USCG Incident Management Handbook, May 2014, COMDTPUB P3120.17B at <https://homeport.uscg.mil/ics>.

Anyone working in the incident command post as a member of the Command and General Staff or as one of their direct reports should complete Incident Command System training to the Intermediate level, i.e. ICS-300.

### 6100 Funds for Incident Response

Congress established two trust funds to finance the cost of federal responses to discharges of oil or the release of hazardous substances.

Oil Spill Liability Trust Fund (OSLTF)	Costs of responding to discharges of oil.
Hazardous Substance Superfund	Costs of responding to a release of a

Trust Fund (CERCLA)	hazardous substance.
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If an RP is not financially equipped or cannot be identified, the relevant fund may pay for federal response actions up to the amounts made available from it and within certain limitations. The federal government may recover response costs from RPs under liability provisions provided by OPA and CERCLA.

## 6110 Oil Pollution Act of 1990

The *Oil Pollution Act of 1990* (OPA) established a “polluter pays” system placing the primary burden of liability for the costs of spills on the RP in return for financial limitations on that liability. Under this system, the RP assumes, up to a specified limit, the burden of paying for spill costs including removal costs and damage claims. Above the specified limit, the RP generally is no longer financially liable. RPs are liable without limit if the oil discharge is the result of gross negligence or willful misconduct, or a violation of federal operation, safety, and construction regulations. The “polluter pays” system is intended as a deterrent for RPs by requiring that they assume the burden of spill response, restore natural resources, and compensate those damaged by the spill, up to the their limit of liability.

## 6120 Superfund Trust Fund (CERCLA)

CERCLA is the *Comprehensive Environmental Response, Compensation, and Liability Act*, also known as Superfund. Under CERCLA, the *Hazardous Substance Response Trust Fund* (*Superfund*) was established to pay for cleanup of releases of hazardous substances and uncontrolled hazardous waste sites. EPA manages and administers this fund. For more information, look up the index for

## 6130 Funds for Assistance to/from Mexico

The “polluter pays” principle is set forth in Principle 16 of the 1992 *Rio Declaration on Environment and Development*, and is reflected in the national laws of the U.S. and Mexico. The Principal requires that the polluter or Responsible Party is generally responsible for the costs associated with pollution.

Mexico and the United States are parties to the *International Convention on Oil Pollution Preparedness, Response, and Co-operation* (OPRC 1990). If requested, reimbursement of costs relating to assistance to or from Mexico shall be addressed according to OPRC 1990

and by a separate agreement to be concluded before assistance is provided by either Participant. For details, see the *MEXUSPAC Annex* to the *MEXUS Plan* at <http://www.rrt9.org/go/doctype/2763/53643>.

## **6200 Oil Spill Liability Trust Fund**

The OSTLF is available to pay for oil spill cleanups and damages in cases where the responsible party is not known or cannot, or will not, pay for the cleanup.

## **6210 National Pollution Fund Center**

The National Pollution Fund Center (NPFC) manages the Oil Spill Liability Trust Fund (OSLTF). The Fund is a source for payment of removal costs and damages resulting from oil spills or incidents that threaten to spill oil into navigable waters of the United States, adjoining shorelines, or the Exclusive Economic Zone (EEZ). The NPFC serves as fiduciary agency for the OSLTF and administers the Coast Guard portion of CERCLA emergency response funds. NPFC also provides 24-hour funding to FOSCs for immediate removal actions, to monitor RP actions, or to initiate an assessment of damages to natural resources. Organizationally, the NPFC operates within a Case Team concept. There are four case teams: Southeast, Gulf Coast, West Coast, and Northeast. Each case team includes a Case Manager and Specialists in legal, financial, natural resource damage claims and OSLTF claims.

As the fiduciary agency for the OSLTF, the NPFC has several responsibilities, including:

- Providing funding to permit timely removal actions;
- Providing funding to initiate Natural Resource Damage Assessments for oil spills;
- Compensating claimants for damages caused by oil pollution;
- Recovering costs owed by the RPs for removal costs and damages; and
- Certifying the financial responsibility of vessel owners and operators up to their vessel's limits of liability.

## **6211 NPFC Case Managers & Claims Managers**

The National Pollution Funds Center (NPFC) Case Managers or the Shore Infrastructure Logistics Center (SILC) Contracting Officers can assist the FOSC with management and coordination on funding issues with other government agencies (OGAs). These positions should be filled during a Type 1 or 2 Incident. The Case Manager should have direct access

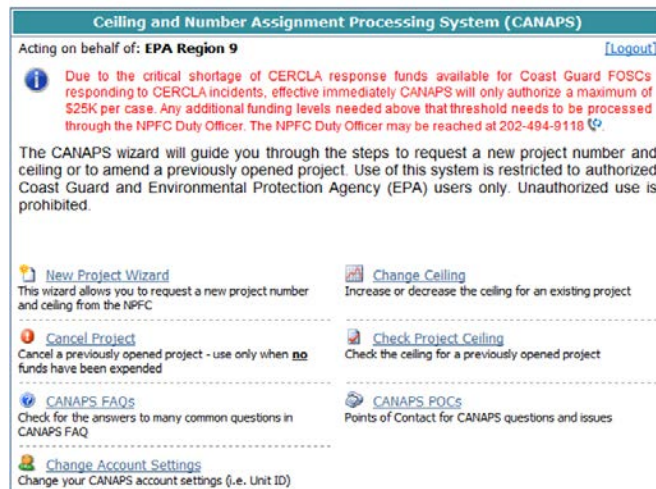
to the FOSC/IC to eliminate delays in funding OGAs and make the FOSC aware of emerging issues with each OGA. The Case Manager will work in the Finance Section as a Technical Specialist (THSP).

Depending on the significance of an oil spill, the demand for coordinating claims due to oil spill may require the NPFC to provide a NPFC Claims Manager to answer questions on OPA claims processes.

## 6220 EPA & USCG Access to the OSLTF

EPA and USCG FOSCs access the Oil Spill Liability Trust Fund (OSLTF) via the NPFC's Ceiling and Numbering Processing System (CANAPS), an online funds request system.

## 6221 Ceiling And Numbering Assignment Processing System



The Ceiling And Numbering Assignment Processing System (CANAPS) automates and centralizes the creation and management of project numbers and ceilings for Federally funded responses initiated by Federal On-Scene Coordinators (FOSCs). CANAPS is a web-based tool that collects basic incident information via a user-friendly, internet “wizard” and immediately assigns a project number and the requested spending ceiling up to a preset limit. An email confirmation of the project number and ceiling is sent to the requesting FOSC. An overview of CANAPS is available in **section 5820** of this document and at <http://www.uscg.mil/npfc/Response/CANAPS/overview.asp>.

## **6222 Federal Projects, Ceilings & Limits**

Federal Projects can be opened by EPA and USCG FOSCs to fund the removal of oil using the Oil Spill Liability Trust Fund (OSLTF).

CERCLA Projects can be opened by USCG FOSCs for the removal of hazardous substances using *Comprehensive Environmental Response, Compensation & Liability Act* (CERCLA) funds. The EPA has its own process for opening Superfund projects outside of CANAPS.

The need to manage the respective funds requires limits to the amount of money that can be obligated automatically by the CANAPS system before having to speak to the National Pollution Funds Center (NPFC).

- USCG FOSCs can open Federal Projects with ceilings up to \$500K and CERCLA Projects with ceilings up to \$25,000.
- EPA FOSCs can open Federal Projects with ceilings up to \$50,000.

These thresholds are subject to change based on the availability of funds. Additional money is available. If the project is going to grow beyond these ceiling limits, contact the NPFC Case Manager to request additional funding.

## **6223 Federal Facilities or Vessels Cannot Use OSLTF & CERCLA**

Neither fund is available to cover response costs associated with a discharge of oil or a release of a hazardous substances from a federal facility or vessel.

## **6230 State Access to the OSLTF**

States may access the OSLTF through three mechanisms: Pollution Removal Funding Authorizations (PRFA), uncompensated removal cost claims as described in 33 CFR 136, or through the procedures established in 33 CFR 133. Of the three mechanisms, PRFAs or claims are the most efficient ways for States to access the OSLTF. See section 6114 for more information about PRFAs. Additional guidance can be found in the *National Pollution Funds Center's User Reference Guide* at <http://www.uscg.mil/npfc/urg/>. For additional information regarding these procedures or related subjects, State representatives, FOSCs, and other interested parties may contact the NPFC at (202) 795-6968.

## **6240 Trustee Access to the OSLTF**

Information about access to the OSLTF by Natural Resource Trustees and Federal Trustees is

available at [http://www.uscg.mil/npfc/NRD/NRD\\_Trustee\\_Links.asp](http://www.uscg.mil/npfc/NRD/NRD_Trustee_Links.asp).

## 6250 Claims against the OSLTF

Information about allowable claims against the OSLTF can be found in *33 CFR 136* <http://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=33:2.0.1.2.7> with additional guidance in the National Pollution Funds Center's *User Reference Guide* at <http://www.uscg.mil/npfc/urg/>. For additional information regarding these procedures or related subjects, State representatives, FOSCs, and other interested parties are urged to contact the NPFC Claims Division at (800) 280-7118.

## 6300 Superfund (CERCLA)

CERCLA is the Comprehensive Environmental Response, Compensation, and Liability Act, also known as Superfund.

Under CERCLA, the *Hazardous Substance Response Trust Fund* (Superfund) was established to pay for cleanup of releases of hazardous substances and uncontrolled hazardous waste sites. EPA manages and administers this fund. In order for a response/cleanup to be initiated using Superfund monies, there must be a release or the threat of a release of a CERCLA hazardous substance, pollutant or contaminant. The release must cause a threat to public health or welfare or the environment based on the criteria outlined in NCP 300.415(b)(2). Pollutants or contaminants must meet a higher threshold of posing an “imminent and substantial endangerment” to human health or the environment. The Federal On-Scene Coordinator makes these determinations.

EPA administers the Superfund; however, the funds authorized for CERCLA are also available to Coast Guard FOSCs. EPA and USCG have an MOU, dated August 17, 1994, to improve procedures for USCG access to the Superfund. See Procedures for USCG to Access SUPERFUND to Support USCG Implementation of CERCLA:

[https://www.uscg.mil/npfc/docs/PDFs/urg/App/EPA\\_CERCLA\\_MOU\\_AppA\\_02.pdf](https://www.uscg.mil/npfc/docs/PDFs/urg/App/EPA_CERCLA_MOU_AppA_02.pdf)

Detailed information regarding the use of the Superfund can be found in the *National Pollution Funds Center* (NPFC) *User Reference Guide*. See <http://www.uscg.mil/npfc/urg/>.

## **6310 Funding Response by Other Federal Agencies**

There are two mechanisms for funding response-related activity by federal agencies other than the USCG and the EPA.

- The agency's Superfund budget, or
- An interagency agreement (IAG) authorizing access to the CERCLA Superfund account.

Response operations for hazardous substances or mixtures of hazardous substances and oil may be funded from the CERCLA Superfund account. Removal actions shall not continue after \$2 million has been obligated or twelve months have elapsed from the date of the initial response, unless U.S. EPA grants an exemption in accordance with Section 104(c)(1) CERCLA, as amended.

Additionally, CERCLA-funded action may not be taken in response to a release or threat of a release:

- Of a naturally occurring substance in its unaltered form or altered solely through naturally occurring processes or phenomena, from a location where it is naturally found;
- From products which are part of the structure of, and result in exposure within, residential buildings or business or community structures;
- Into public or private drinking water supplies as a result of system deterioration through ordinary use.

However, U.S. EPA may respond to any release or threat of release if it is determined that it constitutes a public health or environmental emergency and no other person with the authority and capability to respond to the emergency will do so in a timely manner.

Coast Guard FOSCs have direct access to CERCLA funds via the NPFC and the U.S. EPA Region IX Superfund Division Director has been delegated the authority to approve actions costing up to \$2 million. State and Local governments are not authorized to take actions that involve expenditures of CERCLA funds, unless an appropriate contract or cooperative agreement has been established.

### **6311 Interagency Agreements (IAG)**

The FOSC is responsible for identifying whether technical assistance from another agency is necessary, and for making arrangements for that assistance. In addition, FOSCs are

responsible for initiating and processing any site-specific IAGs necessary for reimbursing Federal agency participation.

U.S. EPA FOSCs may develop, negotiate terms, and award IAGs for site-specific, U.S. EPA-led actions. For these IAGs, the FOSC:

- Defines the scope of work to be performed; outlines the responsibilities of each agency; determines the performance period; identifies primary contacts in each agency; names contractors and the dollar amounts of any contracts, if applicable; and determines the overall reporting, invoicing, and amendment requirements;
- Prepares four copies of the Interagency Agreement/Amendment (EPA Form 1610-1), and prepares the commitment notice and the transmittal/decision memorandum. The FOSC then monitors accomplishment of work in accordance with the IAG scope of work.

## **6320 Local Government Reimbursement**

Local authorities (county, parish, city, municipality, township, or tribe) may apply for reimbursement of costs incurred in response to an incident through the EPA, which administers the SUPERFUND. *States are specifically excluded from seeking reimbursement from the SUPERFUND.* Local governments are eligible for reimbursement up to \$25,000 per incident for costs such as overtime charges, response contractors, equipment purchased for the response, and replacement of damaged equipment. EPA may accept only one request for reimbursement for each hazardous substance release incident. EPA cannot reimburse for costs previously budgeted for by the local government. On February 18, 1998, EPA published an Interim Final Rule simplifying the process for Local Government Reimbursement (LGR). Information on the new rule and application forms may be obtained by calling EPA's LGR Help line at: (800) 431-9209 or <http://www.epa.gov/superfund/programs/er/lgr>

Under the *Oil Pollution Act of 1990*, local governments may be reimbursed for additional services provided as a result of an oil spill. 33 CFR 136.237 outlines what may be reimbursable and the process for submitting claims.



For guidance on accessing either  
OSLTF or CERCLA funds call the:

National Pollution Fund Center

(202) 795-6130 Eastern Time

- or -

NPFC Command Duty Officer

(202) 494-9118 24x7

<http://www.uscg.mil/npfc/>

*Section 123 of CERCLA* authorizes U.S. EPA to reimburse local governments for some and (in rare cases) possibly all of the expenses incurred in carrying out temporary emergency measures in response to hazardous substance threats or releases. These measures or operations are necessary to prevent or mitigate injury to human health or the environment.

The intent of this provision is to reduce any significant financial burden that may have been incurred by a local government (city, county, municipality, parish, township, town, federally recognized Native American Tribe, or other official political subdivisions designated by a particular State) that takes the above measures in response to hazardous substance threats. Traditional local responsibilities, such as routine fire fighting, are not eligible for reimbursement. States are not eligible for this program and may not request reimbursement on their own behalf or on the behalf of a political subdivision within a given State (*40 CFR Parts 310.20 and 310.30*).

## **6321 Criteria for Reimbursement**

The following criteria must be met before a request for reimbursement is to be considered:

- Local government must have had a *Title III* plan by October 1, 1988.
- Response occurred after the effective date of this rule (October 17, 1986).
- Local government informed U.S. EPA or the NRC as soon as possible, but not more than 24 hours after initiating response.
- Response actions were consistent with CERCLA, the NCP, and EPCRA.
- The request contains assurances that the response reimbursement does not supplant Local funds normally provided for such activities.
- The applicant must have first attempted to recover the costs from all known potentially responsible parties (PRPs) and any other possible sources of reimbursement (State funds, insurance companies, etc.). Sixty (60) days must be allowed for the above responsible party to respond by making payment, expressing intent to pay, or demonstrating willingness to

negotiate payment. CERCLA limits the amount of reimbursement to \$25,000 per single response. If several agencies or departments are involved in a response, they must determine among themselves which agency will submit the request for reimbursement. Any request must be received by U.S. EPA within six months of the related response action.

## **6322 Allowable Costs**

Some of the allowable costs may include, but are not limited to, the following:

- Disposable materials and supplies acquired and used specifically for the related response.
- Employee compensation for response work that is not provided in the applicant's operating budget.
- Rental or leasing of equipment.
- Replacement costs of equipment contaminated to the extent that it is beyond reuse or repair.
- Decontamination of equipment.
- Special technical services needed for the response, such as those provided by experts or specialists.
- Other special services, such as utilities.
- Laboratory analysis costs related to the response.
- Costs associated with supplies, services, and equipment procured for a specific evaluation.

A review panel will evaluate each request and will rank the requests on the basis of financial burden. Financial burden is based on the ratio of eligible response costs to the Locality's per capita income adjusted for population. If a request is not reimbursed during the review period for which it is submitted, the U.S. EPA reimbursement official has the discretion to hold the request open for one-year for reconsideration.

## **6323 Application Process**

An application package can be obtained by contacting the RCRA/Superfund Hotline at U.S. EPA Headquarters at (800) 424-9346. The application package contains detailed, line-by-line instructions for completing the application.

# **6400 California Oil Spill Response Trust**

# Fund

If the *Oil Spill Liability Trust Fund* is opened to provide funds for a spill incident, local agencies can seek funding through the FOSC. If federal funds are not available or will not be available in an adequate period of time, and a responsible party does not exist or is unable or unwilling to provide adequate and timely cleanup and to pay for the damages resulting from a marine oil spill, then the State of California Oil Spill Response Trust Fund (OSRTF) shall be used to pay necessary costs for responding to, containing, and cleaning up the oil spill.

The California OSRTF is used by the State of California, Office of Oil Spill Prevention and Response to fund response activities in the event of an oil spill of any amount that impacts state waters, or in the event of an imminent threat of an oil spill. Information regarding OSRTF procedures can be obtained from the State of California Office of Oil Spill Prevention and Response, Cost Recovery Unit at phone number (916) 327-9407.

## **6500 Stafford Disaster Relief & Emergency Assistance Act**

When a National Disaster Declaration is issued by the President of the United States, additional funding may be available through the Federal Emergency Management Agency (FEMA).

FEMA, through the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (Public Law 100-707), may fund emergency operations such as maritime transportation system recovery, firefighting, search & rescue, and oil and hazardous material response.

## **6510 Mission Assignments from FEMA**

When an incident is of such magnitude that a State government's resources are overwhelmed, the State may request Federal response assistance to supplement ongoing disaster relief activities. The *Stafford Act* establishes the programs and processes for the Federal Government to provide disaster and emergency assistance to States, local governments, tribal nations, individuals, and qualified private nonprofit organizations. MAs are the vehicle used by FEMA to support Federal operations in a *Stafford Act major* disaster or emergency declaration. Funds come from a Disaster Relief Fund established by Congress.

A Presidential Disaster Declaration does not change the FOSC's responsibilities and

authorities under the National Contingency Plan for oil and hazardous materials spills. The Responsible Party is still responsible for paying the cost of cleanup.

A Mission Assignment from FEMA enables a wholesale cleanup of spilled oil or chemicals, such as after a hurricane, whereas use of RP funds or the OSLTF requires a separate investigation and financial accounting for each spill.

An MA is a work order issued to a Federal agency by FEMA directing the completion of a specific task, and citing funding, management controls, and guidance. It orders immediate, short-term emergency response assistance when an applicable State or local government is overwhelmed by an incident and lacks the capability to perform, or contract for, the necessary work. An MA combines in one document both operational tasking and the obligation of funds to accomplish that tasking by the assigned agency. MAs are directives issued by FEMA; they are not contracts or Interagency Agreements (IAAs). In most cases, MAs are issued only for assistance under the Stafford Act, not for assistance provided that would normally fall under an agency's independent authorities or responsibilities. FEMA will not reimburse for work done under an agency's regulatory authority.

MAs can be issued from three FEMA-managed entities: Joint Field Offices (JFOs), Regional Response Coordination Centers (RRCCs), and the National Response Coordination Center (NRCC). The FEMA Region IX RRCC in Oakland is the regional interagency coordination center and has primary responsibility for operations until a JFO(s) is established and operational. The RRCC is directly involved in the coordination and issuing of MAs until the JFO becomes operational.

## **6511 Emergency Support Function 10, Oil & Hazardous Materials**

See also, **section 7100** "*ESF-10*" in this plan.

Following a Presidential declaration of disaster or emergency, the Coast Guard may operate under the *Stafford Act* and its implementing framework, the National Response Framework (NRF). The NRF groups the types of Federal assistance most likely to be needed under fifteen Emergency Support Functions (ESFs). The Environmental Protection Agency (EPA) and the Coast Guard are both assigned as primary agencies for ESF-10, Oil and Hazardous Materials Response. While FEMA may assign an ESF-10 MA directly to the Coast Guard if both agencies are involved, the normal practice is for FEMA to assign the ESF-10 MA to EPA, which then sub-task the MA with the Coast Guard or with contractors who can assist with disaster response involving hazardous materials in the marine environment.

EPA will only collect household hazardous waste when it receives a Mission Assignment funded by FEMA to do so.

To effectively support coordinated responses under the NRF, the 11<sup>th</sup> Coast Guard District assigns an Emergency Preparedness Liaison Officer (EPLO) to FEMA Region IX to staff the ESF-10 desk at the FEMA Region IX RRCC. The D11 EPLO maintains a close relationship with FEMA Region IX, serving as an essential contact between FEMA and Coast Guard personnel. In the absence of the EPLO, the D11 District Response Advisory Team (DRAT) staffs the ESF-10 desk at the RRCC for incidents in California. If the incident is in Region IX Oceania, the 14<sup>th</sup> Coast Guard District in Hawaii provides staff.

## **6600 Pollution Removal Funding Authorizations (PRFA)**

Pollution Removal Funding Authorizations (PRFA) are tools available to FOSCs to quickly obtain needed services and assistance from other government agencies (federal, state, local, or tribal) during oil spill and hazardous materials responses. The PRFA commits the OSLTF to payment, by reimbursement, of costs incurred in pollution response activities consistent with the NCP undertaken by another government agency working for the FOSC. The PRFA may not be used by the FOSC to obtain goods or services directly from private individuals, groups, or companies. It should also not be used to obligate funds for the initiation of Natural Resources Damage Assessments (NRDA), further assessment actions, or payment of damages.

The National Pollution Funds Center (NPFC) has a job aid for creating the accounting string for a PRFA in the USCG's in-house accounting tool called the Finance and Procurement Desktop (FPD). The job aid streamlines coordination between the FOSCR and the unit's supply department. The PRFA FPD Job Aid gives a USCG unit's Storekeeper (SK) step-by-step instructions to create the accounting string.

<https://www.uscg.mil/npfc/Response/Cost%20Documentation/prfa.asp>

There are two types of PRFA forms, one for Federal agencies and one for non-federal agencies. The FOSC and the other government agency must agree on and document:

- The specific goods and services to be provided; and
- A good faith estimate of the total anticipated costs, with a line item breakdown of the principal expense categories. This need not be more than a single page, and can be made an attachment to the PRFA.

The PRFA may be amended, at the FOSC's discretion, to increase the authorized maximum reimbursement ceiling, if additional assistance and support is desired, or if costs incurred for services provided exceed the original estimate.

The NOAA Scientific Support Coordinators (SSC) and their associated services are the most frequently called other government agency resources which participate in Coast Guard pollution responses. Unless NOAA specifically declines the need for a PRFA, **the FOSC must prepare a PRFA each time the SSC is called for incident specific response support.**

For additional details, see Chapter 8 of NPFC Instruction 16451.2, *Technical Operating Procedures for Resource Documentation under OPA* at [http://www.uscg.mil/npfc/docs/PDFs/urg/Ch2/NPFC16451\\_2.pdf](http://www.uscg.mil/npfc/docs/PDFs/urg/Ch2/NPFC16451_2.pdf)

## **6610 Funding ESA-7 Consultations with PRFAs**

The Coast Guard, EPA, DOI Office of Environmental Policy and Compliance and USFWS, and NOAA's NMFS and National Ocean Service entered into an *Interagency Memorandum of Agreement Regarding Oil Spill Planning and Response Activities Under the Federal Water Pollution Control Act's National Oil and Hazardous Substances Pollution Contingency Plan and the Endangered Species Act*. Appendix D of the MOA is a *Sample Pollution Removal Fund Authorization*. See <http://www.fws.gov/southeast/es/pdf/OilSpillContingency2.pdf>

## **6620 Emergency Funding Authorizations (EFA)**

If there is an incident and EPA requires assistance from another agency or contractor, EPA can issue an Emergency Funding Authorization (EFA) for the assistance.

## **6700 Documentation & Cost Recovery**

For OSLTF-funded responses, information about Cost Recovery and Documentation and cost recovery/documentation forms are in *33 CFR 133* and *33 CFR 136 Subpart B* with additional guidance in the National Pollution Funds User Reference Guide at <http://www.uscg.mil/npfc/urg/>. For additional information regarding these procedures or related subjects, State representatives, FOSCs, and other interested parties may contact the NPFC at (202) 795-6958.

All entities and agencies should document the full range of costs in responding to an incident. Since it may never be clear at the onset of an incident how costs might be recovered, it is important that records meet a very strict standard of accuracy and completeness.

Upon completion of all site activities and/or completion of each phase of an incident, the FOSC may be responsible for submitting letters and/or reports to other agencies. The NCP and NWACP require that an FOSC Report be submitted if requested by the National Response Team or the Regional Response Team. Also, those responders and agencies that accessed fund sources, or wish to access fund sources for reimbursement, must provide written documentation and information to support the costs incurred. Costs must be fully and accurately documented throughout a response. Cost documentation should provide the source and circumstances of the release, the identity of responsible parties, the response action taken, accurate accounting of federal, state, or private party costs incurred for response actions, and impacts and potential impacts to the public health and welfare and the environment.

## **6710 Types of Funds**

*Section 300.335* of the NCP outlines the types of funds which may be available to address certain oil and hazardous substances discharges. For releases of oil or a hazardous substance, pollutant, or contaminant, the following provisions apply:

- During all phases of response, the lead agency shall complete and maintain documentation to support all actions taken under the ACP and to form the basis for cost recovery. In general, documentation shall be sufficient to provide the source and circumstances of the release; the identity of responsible parties; the response action taken; accurate accounting of Federal, State, or private party costs incurred for response actions; and impacts and potential impacts to the public health and welfare and the environment. Where applicable, documentation shall state when the NRC received notification of a release of a reportable quantity.
- The information and reports obtained by the lead agency for OSLTF-financed response actions shall, as appropriate, be transmitted to the NPFC. Copies can then be forwarded to the NRT, members of the RRT, and others as appropriate.

## **6720 Notice to Responsible Party Required**

OSCs should make every reasonable effort to have the RP, when identified, perform prompt and voluntary removal operations. OSCs use a variety of tools to convey requirements for those actions as well as penalties for insufficient action or no action at all. The following tools afford OSCs the platform to convey federal interest, federal direction, and federal control over response actions.

### **6721 Notice of Federal Interest**

The OSC should present a Notice of Federal Interest (CG-5549) for an Oil Pollution Incident, used in order to inform every suspected discharger of a potential FWPCA violation for which the discharger possibly is liable up to \$40,000 per day or up to three times the costs the OSLTF incurs. The OSC also should present a Notice if a potential discharger takes insufficient action to correct a threatened spill and the OSC contemplates federal action. (However, an OSC's failure to present the Notice does not affect liability for damages.) The OSC (or OSC representative) should bring witness(es) when serving the Notice and retain the OSC's Notice copy after the suspected discharger (or discharger representative) has signed and dated it. If the discharger refuses to sign, the OSC:

- Should note the circumstances on the copy;
- Sign and date it;
- Have the witness(es) sign and date it;
- Consider the Notice as having been served.

If an owner/operator or representative is not available, the OSC should send the notice by certified mail, return receipt requested.

### **6722 Notice of Federal Assumption**

If an OSC believes a response effort can be expedited and/or made more efficient, the OSC is legally empowered and bound to ensure the necessary actions are taken and/or additional resources used. The OSC may assume total or partial control of removal activities under any of three conditions:

- The polluter's identity is not known or the polluter is not acting responsibly.
- The polluter's removal effort is inadequate.
- Assuming control would prevent the discharge or alleviate the substantial threat of a discharge.



If the OSC intends to assume response activities, the polluter (if known) must be presented with a NOFA even if the polluter has taken no action. In some cases the OSC may determine the polluter's efforts should continue, but that some federal assistance is needed to augment them because the polluter cannot or will not provide certain cleanup resources. When the federal government must spend funds on cleanup operations (other than monitoring) the OSC should:

- Declare what part or parts of the response activities that he or she is taking control over (if it is not a total federal assumption of response activities).
- Activate the Oil Spill Liability Trust Fund (OSLTF) to cover expenses, and
- Take whatever actions are needed to ensure a proper cleanup.

In these cases the NOFA should state specifically what activities or resources the OSLTF will pay for.

The OSC is required to notify the RP if their action to abate the threat and to remove a hazardous substance is unsatisfactory. When the RP does not take appropriate measures to contain and remove pollutants or their actions are deemed inadequate by the FOSC, the OSC then assumes the response activity and the RP is liable for cost incurred by the federal government. The OSC may determine if the assumption of the federal government will be partial or full.

### **6723 Notice of Designation of Source**

The source of an actual or threatened discharge is the actual entity from which it comes (e.g., ship, motorboat, railcar, fuel storage tank, etc.). The OSC normally notifies the NPFC expeditiously of the source's identity. Where the source is unknown and there is not enough information to identify it, further investigation, possibly including sample analysis, may be necessary.

When an incident will likely result in damages or removal costs that may be claimed, the Director, National Pollution Funds Center, or OSC can designate the source or sources of an actual or threatened oil discharge and provide notice of such designation to the Responsible Party(ies). OPA 90 serves as the statutory authority to name the source(s) and, if the source is a vessel or facility, requires notice be given to the Responsible Party and guarantor (when known).

The actual Notice formally identifies the Responsible Party(ies) informing them of liabilities for removal costs and damages as specified in 33 USC 2702, in addition to stating a requirement to advertise the procedures by which persons who have claims for removal costs

and damages may submit their claims, as specified in 33 U.S.C. 2714. For more information on designation of source, please reference NPFC Instruction M5890.3A, *Technical Operating Procedures Relating to Designation of Source and Advertisement under OPA 90*.

If a source is not known for an incident which may result in claims, the OSC immediately notifies the NPFC.

## **6724 Administrative Orders**

Administrative Orders direct compliance of the RP to grant access to properties in question for the purpose of determining the need for response, choosing a response action, taking a response action, or otherwise enforcing the provisions CERCLA or FWPCA. The FO SCR will be involved with two forms of Administrative Orders, one for CERCLA threats and one FWPCA threats.

OPA provides OSCs or their representative the authority to issue administrative orders to RPs to ensure effective and immediate removal of a discharge or the mitigation or prevention of substantial threat of a discharge of oil or a FWPCA hazardous substance. CERCLA provided OSCs or their representatives the authority to issue administrative orders for CERCLA “hazardous substance” releases which may create an imminent and substantial endangerment to the environment or to the public health and welfare. OSCs or their representatives needing to issue an administrative order under CERCLA should contact the D11 DRAT for guidance.

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## **7000 Hazardous Materials**

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This Coastal Contingency Plan (CCP) expands upon the planning and response requirements set forth in the National Contingency Plan (NCP), augments coordination with state and territory authorities, and integrates existing state, territory, and federal plans for California.

The CCP was developed in coordination with the NCP, existing state and coastal zone Area Contingency Plans (ACPs). Each coastal zone ACP covers the coastal zone of the corresponding USCG Sector.

ACPs cover, in part, how to respond to an oil or hazardous substance spill. This response includes notification procedures; identification, prioritization, and cleanup strategies for sensitive areas; and identification of contractors and equipment available. The plans also identify strategies for responding to a worst-case discharge. The CCP covers the following:

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

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

### **7010 Statutory Authority**

Designating areas, appointing area committee members, determining information to be included in, and review of area contingency plans, has been delegated by Executive Order 12777 of 22 October 1991, to the Commandant of the U.S. Coast Guard (through the Department of Homeland Security) for the coastal zone, and to the Administrator of the Environmental Protection Agency (EPA) for the inland zone. The coastal zone and inland zone are defined in the NCP (40 CFR 300.5). The EPA has NCP response authority for

incidents in all areas inland of the coastal zone. The Coast Guard has designated as Areas, those portions of the Captain of the Port (COTP) zones that are within the coastal zone and for which area committees will prepare area contingency plans. COTP zones are described in Coast Guard regulations (33 CFR Part 3).

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

CWA § 311, Title 33 United States Code (U.S.C.) § 1321, gives the federal government the authority to respond to a discharge or substantial threat of discharge of oil or a hazardous substance into or upon the navigable waters of the United States, adjoining shorelines, or the waters of the contiguous zone. CWA § 311(c)(1) gives the President the authority to:

- Remove or arrange for removal of a discharge and mitigate or prevent a substantial threat of a discharge at any time;
- Direct or monitor all private, local, state, and federal actions to remove a discharge; and
- If necessary, destroy a vessel discharging or threatening to discharge by whatever means are available.

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

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

## 7020 Federal Bureau of Investigation Jurisdiction

The Department of Justice through the Federal Bureau of Investigation has the lead responsibility for criminal investigations of terrorist acts or terrorist threats and for coordinating activities of other members of the law enforcement community to detect, prevent, preempt, investigate, and disrupt a terrorist attack.

The FBI will determine:

- Presence of secondary devices
- Extent of the crime scene

If needed, the FBI has its own *Hazardous Evidence Response Team* (HERT) which is trained in explosives neutralization strategies, HAZMAT response and evidence collection. In addition there are Special Agents Bomb Technicians (SABT) who are FBI explosive ordinance disposal personnel, as responders for all explosive and WMD devices. SABTs would also search for and respond to secondary devices.

## 7100 Federal Response Plans

Federal response plans include:

<b>Other Contingencies</b>
National Response Framework (NRF)
Federal Radiological Emergency Response Plan (FRERP) <a href="https://training.fema.gov/emiweb/is/is301/301unt06.pdf">https://training.fema.gov/emiweb/is/is301/301unt06.pdf</a>
U.S. Government Interagency Domestic Terrorism Concept of Operations Plan (CONPLAN) <a href="https://www.dhs.gov/xlibrary/assets/NRP_Brochure.pdf">https://www.dhs.gov/xlibrary/assets/NRP_Brochure.pdf</a>
<b>Oil &amp; Hazmat Spill Response</b>
National Contingency Plan (NCP)
Coastal Contingency Plans (CCP)

Area Contingency Plans (ACP)
Oil/Chemical Annex to the Federal Interagency Operational Plans

## **7110 National Response Framework**

The purpose of the NRF is to facilitate the delivery of all types of federal response assistance to states to help them deal with the consequences of significant disasters with or without Presidential Declaration. The Federal Emergency Management Agency (FEMA) is the lead agency for coordinating response activities that include 26 federal departments and agencies plus the Red Cross. Under the NRF, EPA is the Primary Agency responsible for coordinating preparedness and response activities for Emergency Support Function #10 (ESF-10), regarding hazardous materials including radiological releases, and leads ESF-10 responsibilities in dealing with counter-terrorism consequence management. The EPA-RERP recognizes that OSC(s) coordinate their response operations through the Federal Coordinating Officer (FCO), within the response community framework when responding to NRF incidents.

## **7120 Federal Radiological Emergency Response Plan**

The EPA FRERP is a framework for the regional removal and radiation programs to develop their respective RCPs, and to integrate their radiological response resources within the operational structure(s) of the NRF, FRERP and CONPLAN. The relationship between these plans and the EPA-RERP, may be summarized as follows. The EPA-RERP provides the EPA OSCs and response teams with guidance for the integration of the federal response plans into a response directed and coordinated pursuant to the NCP. Current interagency agreements, Memoranda of Understanding or Agreement, Executive Orders, Presidential Decision Directives or statutory authorities are not superseded by the EPA-RERP.

Under the NCP, EPA is the lead response agency for releases of hazardous substances, including radionuclides, in the Inland Zone of the US, pursuant to the *Comprehensive Environmental Response, Compensation, and Liability Act of 1980* (Superfund), and excluding certain releases of radiological materials from Nuclear Regulatory Commission licensed nuclear reactors and from uranium mill tailing sites. Sections 300.130 (f), (g), (h), and (i) of the NCP incorporate by reference the FRERP and NRF provisions. The NCP specifically adopts the applicable FRERP notification and assistance procedures for radiological emergency response. Most radiological releases do not result in FRERP

activation, and are handled in accordance with the NCP.

The FRERP describes how federal agencies including EPA, should coordinate their actions when responding to a peacetime radiological emergency that has actual, potential, or perceived radiological consequences within the US, its territories, possessions, or territorial waters that could require a response by several federal agencies. The FRERP is a federal agreement/plan that describes how, when and where the EPA radiological resources will be utilized. It however does not supersede NCP regulatory authorities.

The EPA-RERP recognizes that EPA must act consistently with the NCP when conducting FRERP response activities where CERCLA is applicable including all situations when EPA is the LFA for FRERP response. In these situations, the pre-designated EPA OSC has the authority to take response action accordingly, to ensure effective and adequate federal response. The Plan also recognizes that the EPA OSC is responsible for determining when a radiological incident or emergency warrants activation of a multi-agency response within his/her area of jurisdiction. ORIA provides the RERT as a “Special Force” under the NCP to assist federal OSCs during NCP emergency responses. Although the FRERP was originally developed to address large scale accidents at commercial nuclear power plants, it has been implemented in response to small radiological incidents.

## **7121 Roles of State, Tribal and Local Governments**

The primary role of the state, Tribal and local governments is to provide for the health and safety of the public and protection of the environment. EPA provides recommendations to these governmental entities on actions to protect the health and safety of their communities. Using incident-specific information and EPA’s protective actions recommendations, the state/local governments are responsible for determining which action(s) to implement. Protective actions may include evacuation, sheltering, relocation, distribution of potassium iodide, or restrictions on the consumption of water or certain foods, removal or control of the source, or decontamination, or taking whatever response actions are necessary to protect public health and the environment.

Although it may not be practical for state, Tribal and local government responders to maintain extensive radiological emergency response capabilities, they are always expected to respond during the initial hours of a radiological accident. However, they may likely need federal assistance for situations with potentially significant consequences requiring multi-jurisdictional response, or for those that extend beyond several hours, days, or weeks.

## **7122 Notification and Activation**

Typically, notifications of incident, spills and emergencies are made to EPA through the

National Response Center (NRC) and Regional Response Centers (RRC). Notifications to the NRC , are relayed directly to the appropriate RRC. If notifications are made directly to ORIA or Regional Radiation Programs, they should immediately be relayed to the appropriate RRC. When notified of an EPA LFA incident, the lead EPA official (usually the OSC) will assess the situation (“site”) in order to determine if it is an emergency or otherwise requires EPA response action. When a situation is beyond the sole resources of the local and state jurisdiction and licensee (or responsible party), the EPA lead official will request appropriate EPA resources from the Regional Radiation Program, ORIA and/or Superfund Program, as appropriate.

### **7123 Domestic Terrorism CONPLAN**

To read the *United States Government, Interagency Domestic Terrorism, Concept of Operations Plan*, see <https://www2.fbi.gov/publications/conplan/conplan.pdf>.

The CONPLAN establishes overall guidance concerning how the federal government responds to a potential or actual terrorist threat or incident that occurs in the US, particularly one involving weapons of mass destruction (WMD). The CONPLAN implements Presidential Decision Directives 39 and 62: United States Policy on Counter-terrorism, and Combating Terrorism (PDD-39, PDD-62), respectively. It also establishes conceptual guidance for assessing and monitoring a developing threat, notifying appropriate federal, state, and local agencies of the nature of the threat, and deploying the requisite advisory and technical resources to assist the LFA in executing a crisis and consequence management response to a threatened or actual terrorist incident. Lastly, it defines the structure under which the federal government will marshal resources to augment and support state and local governments in responding to a threatened or actual terrorist incident.

### **7124 OSC May Approve Up to \$200K**

In most EPA Regions, the OSC may approve the use of Superfund in the amount of \$200K in an emergency, or \$50K for non-emergency removal response and a Superfund account number will be established for travel and other response costs requested by the OSC. Or in the case of an incident that requires further assessment, the EPA OSC may conduct Superfund assessment activities for which a Superfund account will be established. The OSC or ORIA lead EPA official will request needed radiological resources based upon incident requirements, availability of resources, regional and national priorities and commitments, in consultation with regional and Headquarters radiation program managers. If EPA radiological resources are not available, the lead official may request radiological support from other agencies or from EPA contractors which support the National Response System and FRERP.



## **7125 EPA Resources and Commitments**

When notified of an emergency, EPA will assess the need for federal response pursuant to the NCP, and will respond according to this Plan. EPA resources are available for technical assistance and radiological response operations subject to prior commitments to fulfill other essential statutory and operational needs. The EPA regional emergency response program managers allocate available resources based on identified threats, jurisdictional/national priorities and in coordination with the corresponding Headquarters counterparts.

If radiological resources are unavailable in the affected state or from a region, EPA Headquarters will seek to provide an appropriate EPA alternative. ORIA serves as a central point for information/coordination of nationally available radiological resources. The ORIA Laboratories, the National Air and Radiation Environmental Laboratory (NAREL) and the Radiation and Indoor Environments National Laboratory (R&IENL), provide environmental monitoring, sampling and analysis support. The OSC may also consult with the Regional Response Team or National Response Team to obtain support from other member agencies.

## **7126 EPA Radiological Capabilities**

EPA has significant emergency response management and coordination capabilities, managed by each of the Regional Removal Managers, and overseen by the Headquarters OERR. In support of the National Response System (NRS) and EPA's emergency response program and to fulfill its unique responsibilities under the NCP and FRERP, EPA's radiological capabilities include trained responders, team commanders and specialists, and equipment and laboratory capabilities to:

- Direct and conduct environmental monitoring activities and assess the environmental consequences of radioactivity releases.
- Access response contractors, the Emergency Response Team, strike forces, RERT, and other special forces of the National Response System.
- Analyze risk and recommend protective actions and other radiation protection measures.
- Recommend acceptable emergency radiation levels in the environment.
- Determine routes of exposure and estimate effects of radioactive releases on human health and environment.
- Prepare health and safety advice and information for the public.
- Provide nationwide environmental monitoring data from Environmental Radiation Ambient Monitoring Systems (ERAMS) for assessing the national impact of a release.
- Assist in the preparation of long-term monitoring and area restoration

plans; and recommend cleanup criteria.

## **7127 Requests for EPA Assistance and Response Assets**

EPA may decide to mobilize on-scene during an emergency or incident to determine if assistance is needed. Requests for EPA's assistance may come from a variety of sources including state, Tribal, and local governments, the owners and operators of radiological facilities, other federal agencies, or even the general public. Requests may be made directly to EPA Headquarters, regional offices, or laboratories, or through the NRC. Upon notification, the NRC first notifies the Federal OSC through the RRC, and then relays communications of incidents or emergencies to pre-designated EPA personnel, including the EPA OSC, and the RERT, On-Scene Commander. It is important to note that pursuant to the NCP, EPA does not need a request from state or local officials to be a responder.

EPA responders work directly with their state and local counterparts to provide the required assistance. When necessary, EPA emergency response action may go beyond "assistance" to state and local jurisdiction, and may include *Oil Pollution Act* and/or CERCLA Federal-lead response actions consistent with the NCP. For all radiological incidents and emergencies, the affected EPA Region may provide regional OSC(s) and regional radiation program specialist(s) to coordinate EPA response activities. If the incident is of major consequences or national/global significance, the EPA Headquarters organizations may provide response support such as mobilization of the RERT and coordination, in addition to programmatic and response guidance.

In all instances under the FRERP, the Department of Energy (DOE) has the lead responsibility for coordinating the Federal Radiological Monitoring and Assessment Center (FRMAC), for assistance during the early phase of the emergency. The FRMAC provides expertise and equipment to handle requests for specialized response assets. EPA also may be called upon to provide resources including personnel, equipment and laboratory support for sampling and analysis, to assist DOE. DOE FRMAC assets can be requested through the EPA RERT. During the intermediate and late phases of an emergency, EPA assumes control of the FRMAC.

In instances where the Department of Justice/Federal Bureau of Investigations (FBI) has the lead responsibility for coordinating a federal response to a radiological (terrorist) emergency, EPA may provide crisis management technical assistance and advice to the FBI, as requested, and to other federal agencies as well as to state and local responders. EPA also provides consequence management as the lead agency for ESF-10, Hazardous Materials Annex, and in support of other ESFs of the NRF.

## **7128 EPA Coordination with other Federal Agencies**

Under the *Atomic Energy Act of 1954* (AEA), the Nuclear Regulatory Commission (NRC) the lead federal agency (LFA) for materials licensed by the Nuclear Regulatory Commission or Agreement States. However, the Nuclear Regulatory Commission does not have response funding or enabling legislative authority to fund or mount significant response actions should the Licensee be bankrupt, missing, unable or unwilling to respond in a timely manner. EPA may, at the OSC's discretion, undertake CERCLA response actions to control releases of hazardous substances, pollutants, or contaminants which pose a significant threat from Nuclear Regulatory Commission licensed facilities. Excluded by definition are radiological releases from Nuclear Regulatory Commission licensed nuclear reactors. Based on the exigency of the situation, and after Nuclear Regulatory Commission has taken reasonable steps to enforce a Licensee cleanup under the AEA, CERCLA enforcement authorities should also be evaluated and utilized *before* expending Superfund Trust Fund monies, as required by the NCP. Request for Superfund assistance by Nuclear Regulatory Commission should be made directly to the EPA Region or Federal OSC.

Under the NCP and CERCLA Executive Order 12580, DOD and DOE provide the OSC for releases from their facilities, and for technical support as may be requested by others. Consistent with section 300.135 of the NCP, the OSC's efforts are coordinated with other appropriate federal, state, local and private response agencies, including the Department of Health and Human Services and Occupational Safety and Health Administration in cases involving public health emergencies and worker health and safety issues.

Because of the relationship between Nuclear Regulatory Commission's regulatory authority and its responsibility as LFA, and EPA's CERCLA response authority, funding and resources, an NCP response will not be required if the radiological incident does not involve a listed radionuclide or the actual or potential release of a listed radionuclide exceeding the reportable quantity requirements. Hence, both organizations must coordinate closely to keep one another informed of all releases of radiological materials. Early coordination ensures timely and effective response, and transition of responsibilities from to one agency to another, when necessary.

## **7129 Reimbursements for Mission Assignments**

EPA is responsible for all of its own costs incurred when responding to a radiological incident or emergency, regardless of whether activities are initiated by statutory responsibilities or at the request of another federal or state agency. This does not, however, preclude EPA from later seeking special appropriations to cover the response costs, or seek funds through enforcement actions against the responsible parties, where appropriate.

In the event of a NRF disaster declaration and issuance of a mission assignment, EPA will be reimbursed by FEMA in accordance with policies and procedures outlined in the Financial Management Annex of the NRF. Though each federal department and agency is responsible for providing its own financial services and support to its response operations in the field, FEMA may reimburse funds to cover eligible costs for response activities and, in special cases, may advance such funds.

EPA may expend Superfund monies to respond to releases of radiological materials pursuant to the NCP and FRERP. CERCLA authorizes EPA to recover from potentially responsible parties costs incurred for response actions, and trustee agencies may seek penalties and compensation for damages to natural resources.

## **7130 Federal Interagency Operational Plans**

The Federal Interagency Operational Plans (FIOPs) describe how the Federal government aligns resources and delivers core capabilities. The FIOPs build upon the National Planning Frameworks, which set the strategy and doctrine for how the whole community builds, sustains, and delivers the core capabilities identified in the National Preparedness Goal. The Goal is: “A secure and resilient nation with the capabilities required across the whole community to prevent, protect against, mitigate, respond to, and recover from the threats and hazards that pose the greatest risk.” The Goal is the cornerstone for the implementation of Presidential Policy Directive / PPD-8: National Preparedness.

The FIOPs are part of the National Preparedness System. There is one FIOP for each of the five preparedness mission areas:

- Prevention Federal Interagency Operational Plan
- Protection Federal Interagency Operational Plan
- Mitigation Federal Interagency Operational Plan
- Response Federal Interagency Operational Plan
- Recovery Federal Interagency Operational Plan

The FIOPs describe the concept of operations for integrating and synchronizing existing national-level Federal capabilities to support local, state, tribal, territorial, insular area, and Federal plans, and are supported by Federal department-level operational plans, where appropriate.

For more information, see <http://www.fema.gov/federal-interagency-operational-plans>.

## **7131 Oil/Chemical Incident Annex**

The final June 2016 *Oil/Chemical Incident Annex* supports both the Response and Recovery *Federal Interagency Operational Plans* (FIOPs) under PPD-8. The Annex:

- Describes the major federal approaches used to respond to oil/chemical incidents, the NCP and Stafford Act;
- Includes a new federal approach called “NCP Response with ESF Support”;
- Describes how the FBI leads criminal investigations for suspected or actual deliberate oil/chemical incidents.

## **7200 Weapons of Mass Destruction**

In accordance with the National Response Framework (NRF), in responding to a potential or actual terrorist incident the Coast Guard for the marine environment and US EPA for the inland area will respond with the Federal Bureau of Investigation and other appropriate Federal, State and Local agencies to establish a Unified Command.

The Unified Command will simultaneously manage incident operations involving law enforcement response and response operations aimed at protecting public health, safety and the environment.

### **7210 Unified Command for WMD**

The Unified Command should facilitate the effective integration of law enforcement and public health and safety response activities involving potential or actual terrorist incidents that occur in the maritime environment.

#### **7211 Membership of the Unified Command**

The make-up of the Unified Command organization for a terrorist incident will be tailored to the type of incident. For example, in a terrorist initiated radiological incident, the Department of Energy (DOE) would be a member of the Unified Command since they are the designated Coordinating Agency for the incident. In addition to the DOE, the Coast Guard, Federal Bureau of Investigation and the state(s) would also have representation in the Unified Command. The following types of incidents would have representation from other entities. The list of agencies is not exclusive.

Type of Incident	Agency
Radiological Incident	Department of Energy (Coordinating Agency)
Biological Incident	Public Health Department
Hazardous Material Incident	Local fire department, “Responsible Party”
Oil Incident	“Responsible Party”
Explosions	Local fire department

## 7212 Determinations to Be Made

Determinations to be made by:	
Incident Commander	<ul style="list-style-type: none"> <li>• Initiate Critical Incident Communications procedures:</li> <li>• Determine ‘Safe to Respond’</li> <li>• Determine the control zones (hot, warm, cold)</li> <li>• Communicate location of zones to responders</li> <li>• Document Safe to Respond determination</li> </ul>
Unified Command	<ul style="list-style-type: none"> <li>• Need to implement responder identification protocols</li> <li>• Need for law enforcement personnel on commercial clean-up vessels</li> <li>• Appropriate level of law enforcement protection for responders</li> </ul>
Federal Bureau of Investigation	<ul style="list-style-type: none"> <li>• Presence of secondary devices</li> <li>• Extent of the crime scene</li> </ul>

## 7213 Unified Command Priorities and Objectives

<ul style="list-style-type: none"> <li>• P r i o r i t</li> </ul>	<ul style="list-style-type: none"> <li>• Preserving life and minimizing risk to public health</li> <li>• Preventing a terrorist act or expansion of an existing terrorist act</li> <li>• Locating, controlling and disposing of a WMD</li> <li>• Apprehending and prosecuting terrorists</li> <li>• Protecting the marine environment</li> </ul>
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t i e s	<ul style="list-style-type: none"> <li>• Minimizing impacts to maritime commerce</li> </ul>
• O b j e c t i v e s	<ul style="list-style-type: none"> <li>• Conduct site assessment to determine presence of a secondary device</li> <li>• Institute actions to protect the crime scene</li> <li>• Communicate with port stakeholders</li> <li>• Ensure the preservation of evidence</li> <li>• Secure/Protect port infrastructure to prevent further/expanded attack</li> <li>• Minimize and/or contain the damage caused by the attack</li> </ul>

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## 7214 USCG References Related to WMD

The USCG Office of Specialized Capabilities (CG-721) manages guidance related to weapons of mass destruction. Relevant USCG guidance includes:

- COMDTINST 3400.3B Weapons of Mass Destruction and Catastrophic Hazardous Material Releases
- COMDTINST 3400.4A Chemical, Biological, Radiological and Nuclear (CBRN) Policy for Coast Guard Expeditionary Forces
- COMDTINST M16601.12 Special Missions Chemical, Biological, Radiological, Nuclear, High-Yield Explosive (CBRNE) Operations Manual
- COMDTINST 16600.2B Maritime Radiation Detection Policy
- COMDTINST 16247.3E U.S. Coast Guard Law Enforcement Competency Qualification Instruction

## 7220 Hazmat Operations

For incidents that involve both law enforcement-investigation and incident management the Operations Section Chief's primary role shifts to one of coordination, ensuring that all tactical activities planned among the Deputy Operations Chiefs result in well-coordinated joint operations. In this capacity the Operations Section Chief:

- Ensures that the Unified Command objectives are accomplished
- Minimizes duplication of effort among the Deputies
- Looks for opportunities to share limited resources
- Ensures that Unified Commanders receive comprehensive briefings
- Ensures that Operations fully supports the ICS Planning Process
- Ensures that tactical planning is coordinated among the Deputies

Working closely together, the Deputy Operations Section Chiefs develop tactical plans and manage their respective fields of expertise.

Deputy Operations Chief for Maritime Security: A Coast Guard officer responsible for the management of all the maritime law enforcement response activities. Responsibilities include but are not limited to:

- Supporting the development of tactical plans
- Coordinating closely with the FBI and other law enforcement agencies
- Coordinating search and rescue operations as necessary
- Establishing and enforcing safety and security zones

Deputy Operations Section Chief for Law Enforcement and Investigation: This FBI Special Agent's responsibilities include but are not limited to:

- Managing the deployment and coordination of Federal law enforcement and investigative assets in support of the Incident Action Plan
- Collection and dissemination of intelligence

Deputy Operations Section Chief for Response and Recovery: Is someone from an agency or entity with the legal responsibility for removing the public health and environmental threat. Responsibilities include but are not limited to:

- Support the development of tactical plans that address public health and environmental threats
- Coordinate closely with the FBI and other law enforcement agencies
- Depending on the incident, implement actions outlined in the appropriate



consequence management Annex (oil, hazardous materials, radiological, biological)

The Unified Command and the type of incident to which it is responding, will dictate the agency that will fill the role of Deputy Operations Chief for Response and Recovery.

## **7230 Terrorism**

It may be unclear at the initial on-set of a response whether the cause was accidental or criminal. Local responders will be the first to arrive on scene to assess the situation and possibly take initial response measures to contain or stop the release.

In instances where criminal activity is suspected, coordination is required between law enforcement, who view the incident as a crime scene, and other first responders who view the incident as a hazardous substances problem or a disaster site. Although protection of life remains paramount, the protection and processing of the crime scene is imperative so perpetrators can be identified and apprehended.

Since 9/11/2001, a lot of attention has been given to terrorist incidents. A nuclear, biological, or chemical Weapon of Mass Destruction (WMD) type terrorist incident is inherently a hazardous substance incident with a criminal investigation component. As such, it should be responded to under the National Response System (NRS) and potentially the National Response Framework (NRF). The Terrorism Incident Law Enforcement and Investigation Annex to the NRF also provide guidance on response to criminal incidents with significant impacts. A terrorist incident will always be treated as a federal crime scene, thus giving the Federal Bureau of Investigation and local/state law enforcement agencies the initial lead in each response. Be aware that the FBI can activate federal resources to assist in the response activities.

The UC responding to an incident where terrorism is involved must be acutely aware of the unique nature of the Federal Government's response mechanism for these types of incidents. HSPD-5 gave the Department of Homeland Security (DHS) the lead federal role for coordinating federal support to a state and local response, however, nothing in the NRF changes legal authorities or responsibilities outlined in other federal, state, or local laws and regulations. The UCs may find themselves working with or for DHS, the Federal Bureau of Investigation (FBI), FEMA, or a number of other federal agencies under the National Response Framework (NRF).

## 7231 Credible Threat Determination

If a responder suspects terrorism, the FBI and local/state law enforcement must be notified as soon as possible. Given available evidence, statements, scenario, and intelligence, the FBI/LE agencies will make the determination on whether the incident is credible. The Federal On-Scene Coordinator (FOSC) may be approached by the law enforcement agencies (FBI or local/State LE agencies) to assist in obtaining initial investigative samples to confirm their “credible threat” determination if local sampling resources are not identified or available.

The FOSC should share all available and applicable information, with the LE agencies to assist them in making these determinations.

## 7232 Terrorism

The complexity and jurisdictional characteristics of the incident will determine the level of involvement of federal, state, local, tribal, responsible party, and other responders. It is expected that the unified command participants will be determined based on each incident. The table below outlines the State and Federal lead agency for specific incident types. Please note this chart only shows the agency with primary authority, it does not reflect the fact that multiple agencies typically coordinate on each incident.

Jurisdiction	Oil	HazMat	Biological	Radiological	Disaster
<b>California</b>	DFW Office of Spill Prevention & Response	Office of State Fire Marshal	Dept. of Health	Dept. of Health	Governor’s Office of Emergency Services
<b>Federal</b>	EPA/USCG	EPA/USCG	EPA	EPA/USCG/ DOE/DOD/ NRC/NASA	FEMA

## 7233 Unified Command for Terror Incidents

The make-up of the Unified Command organization for a terrorist incident in the maritime environment will be tailored to the type of incident. For example, in a terrorist initiated radiological incident, the Department of Energy (DOE) would be a member of the Unified Command since they are the designated Coordinating Agency for the incident. In addition to the DOE, the Coast Guard, Federal Bureau of Investigation and the state(s) would also have

representation in the Unified Command. The following types of incidents would have representation from other entities:

<b>Type of Incident</b>	<b>Representation</b>
Radiological Incident	Department of Energy (Coordinating Agency)
Biological Incident	Public Health Department
Hazardous Material Incident	Local fire department, Tri-State Maritime Safety Association, “Responsible party”
Oil Incident	“Responsible party”
Explosions	Local fire department, Tri-State Maritime Safety Association

The following agencies may be involved in the section or position shown:

<b>Operations</b>	<b>Intelligence Officer</b>
USCG Sector Local Fire FBI State Agencies Responsible Party Other Federal Agencies	USCG FIST FBI FIG ICE Analysis State Police Intel CBP Intel
<b>Planning</b>	<b>Logistics</b>
USCG Sector USCG Strike Team USCG IMAT	USCG Sector USCG IMAT Responsible Party
<b>Deputy Planning</b>	<b>Finance/Admin</b>
FBI	USCG Sector USCG Strike Team USCG IMAT Responsible Party

## **7240 Special Teams & Other HAZMAT Assistance**

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

## 7241 California National Guard, Civil Support Team 9

9th CST, when ordered, deploys to a suspected or known WMD incident to support civil authorities at a domestic chemical, biological, radiological, nuclear, and high yield explosives (CBRNE) incident. The CST can identify CBRNE agents and substances, assess current and projected consequences, advise on response measures and assist with appropriate requests for federal and state support, in order to help save lives, prevent human suffering and mitigate property damage.

The Civil Support Team supports local Incident Commanders and local emergency responders. It does not replace functions carried out under the Incident Command System or the emergency first responder community. The Incident Commander may request CST support via the state's main command center as shown below.

California	Governor's Office of Emergency Services via the State Warning Center: (800) 852-7550, or (916) 845-8911, or <a href="mailto:warning_center@oes.ca.gov">warning_center@oes.ca.gov</a>
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The CST's medical personnel are well-versed in the effects of chemical, biological and radioactive agents to provide timely treatment information. A mobile Analytical Laboratory System and the team's Medical Science Officer provide on-scene ability to process and analyze samples for rapid identification of chemical and biological agents.

The Unified Command Suite, a state-of-the-art communications system, provides secure and non-secure communications. The system uses Internet, e-mail, voice and fax in all terrain and weather to allow instantaneous access to technical resources, organizations and personnel. The newly integrated ACU 1000 provides interoperability to allow emergency first responders to communicate regardless of frequency or radio type.

Self-sustained technical decontamination can be established in less than 30 minutes to effectively decontaminate entry team members and samples.

The CST is staffed with 22 full-time service members. Members are assigned to one of six primary functional areas: command, operations, communications, administration/logistics, medical and survey/entry.

## 7242 National Strike Force & Strike Teams

National Strike Force Coordination Center	(919) 331-6000
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Pacific Strike Team	(415) 883-3311
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The USCG National Strike Force consists of the three USCG Strike Teams and the National Strike Force Coordination Center (NSFCC). The National Strike Force is available to assist FOSCs in both preparedness and response. Each Strike Team provides trained personnel and specialized equipment to assist the FOSC in training, spill stabilization and containment, and monitoring or directing response actions. The NSFCC can provide coordination support to the FOSC and assist in locating spill response resources. The Pacific Strike Team (PST) is a pollution control team equipped and trained to assist in the response to oil or chemical incidents. The PST has personnel on standby to respond to incidents occurring worldwide and can provide: technical expertise, supervisory assistance, cost documentation, deployment of salvage and pollution control equipment, and training in pollution response techniques.

The Pacific Strike Team operates under the following response timeframes and always deploys via the fastest means possible.

BRAVO-2	<i>within 2 hours</i>	4 x responders deploy.
BRAVO-6	<i>within 6 hours</i>	8 - 12 responders (and equipment) deploy.
BRAVO-24	<i>within 24 hours</i>	Remaining team deploys

### 7243 EPA Environmental Response Team

<p style="text-align: center;">U.S. EPA Environmental Response Team  (732) 321-6660 24x7  <a href="http://www.epa.gov/ert">www.epa.gov/ert</a></p>
<p style="text-align: center;">U.S. EPA Scientific Support Center  (732) 321-6740</p>

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

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

- Hazard evaluation and risk assessment,
- Multimedia sampling and analysis,
- Water supply decontamination and protection, and
- Degree of cleanup required.

## **7244 EPA Radiological Emergency Response Team**

EPA Radiological Emergency Response Team  
(800) 424-8802

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

## **7245 EPA National Decontamination Team**

Formed in 2004, The National Decontamination Team (NDT) is a federal scientific and technical resource for decontamination science that supports actions to protect human health, the environment, and national security. NDT provides coordination, communication, and delivery of decontamination expertise to local, national, and international agencies supporting hazardous material response and remedial operations. The team consists of highly specialized and experienced emergency responders, engineers and scientists dedicated to providing immediate technical decontamination expertise at the scene of a chemical, biological, or radiological attack. NDT is a resource for expertise and support to FOSC on decontamination of buildings or other structures in the event of an incident involving releases of radiological, biological or chemical contaminants.

## **7246 ATSDR and CDC**

The Agency for Toxic Substances and Disease Registry (ATSDR) is the lead federal agency for hazardous materials incidents and in partnership with the Centers for Disease Control (CDC) can provide the following experts for consultation and advice: See section 4062 in this plan for contact information for Public Health Technical Specialists.

<b>Expert</b>	<b>Response Target</b>
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Emergency Response Coordinators	10 minutes
Preliminary Assessment Teams consisting of a toxicologist, chemist, environmental health	
Scientists, physicians, and other health personnel	20 minutes
On-Site Response Teams, if the incident warrants	8 hours

### **7247 U.S. Navy, Supervisor of Salvage (SUPSALV)**

U.S. Navy Supervisor of Salvage & Diving  
Office of the Director of Ocean Engineering  
SUPSALV  
(202) 781-1731  
(202) 781-3889 24x7

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

### **7248 U.S. Coast Guard District DRAT**

11th Coast Guard District  
District Response Advisory Team  
(510) 437-3697  
(510) 437-3701 24x7

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

### **7248 General Services Administration**

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

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

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

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

## **7250 Expert Consultation**

### **7251 U.S. Department of Transportation, RETREP**

Regional Emergency Transportation Representation (909) 937-7212 (202) 384-4521 24x7
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The Regional Emergency Transportation Representative (RETREP) for DOT Region IX plans, coordinates, and implements region-wide transportation emergency preparedness plans and programs and serves as the primary contact point for emergency notification, response, and recovery operations within the region.

When activated under the NRF, the Regional Emergency Transportation Representative assists federal agencies, state, and local government entities, and voluntary organizations requiring transportation capacity to perform response missions following a major disaster or emergency.

### **7252 NOAA Scientific Support Coordinator**

NOAA Scientific Support Coordinator (510) 437-5344 (206) 526-4911 24x7
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The NOAA SSC provides scientific support in environmental chemistry, oil spill trajectories, natural resources at risk, environmental tradeoffs of countermeasures and cleanup, and information management. FOSC requests for SSC support can be made directly to the SSC assigned to the area, to the NOAA HAZMAT program office in Seattle, Washington, or to the DOC ORRT representative.

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

The NOAA SSC can provide the following information:

- Weather forecasts, water levels, and currents;
- Spill trajectory forecasts;
- Oil observations and over flight maps;
- Information management;
- Natural resources at risk;
- Consensus from the natural resource trustee agencies;
- Environmental tradeoffs of countermeasures and cleanup;
- Environmental chemistry, including oil fingerprinting;
- Provide health and safety recommendations; and
- Support to RRTs and area committees in preparing RCPs and ACPs and in conducting spill training and exercises.

## **7253 Occupational Safety & Health Administration**

The Occupational Safety & Health Administration (OSHA) provides expert consultation regarding threats from toxic substances and worker health and safety procedures. Search their website at <https://www.osha.gov/index.html>.

An MOU among EPA, NIOSH, OSHA, and USCG regarding *Guidance for Worker Protection during Hazardous Waste Site Investigations and Clean-up and Hazardous Substance Emergencies*, dated 12/18/1980, is at [https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_id=226&p\\_table=MOU](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_id=226&p_table=MOU).

## **7254 Cal/OSHA**

The State of California is authorized by OSHA to run its own occupational safety and health program. The Division of Occupational Safety and Health (DOSH), better known as Cal/OSHA, protects workers from health and safety hazards on the job in almost every workplace in California. Cal/OSHA can assist the Safety Officer and the Operations Section Chief to identify specific site hazards and to determine the appropriate safety and health control procedures needed to protect employees from the identified hazards. See <http://www.dir.ca.gov/default.html>.

In the event of an oil or hazardous materials spill, contact Cal/OSHA via the California Warning Center at (800) 852-7550, or (916) 845-8911, or [Warning\\_Center@oes.ca.gov](mailto:Warning_Center@oes.ca.gov).

## **7300 Radiological Incidents**

A radiological incident involves the release or potential release of radioactive material that poses an actual or perceived hazard to public safety, national security and or the environment.

### **7310 Coast Guard Jurisdiction as the Coordinating Agency**

The Coast Guard's jurisdiction as the Coordinating Agency for a radiological incident is limited in both geographic area and authority and is specified in the National Response Plan.

#### **7311 Coordinating Versus Cooperating Agencies**

The Coordinating Agency for an incident is that Federal agency which owns, has custody of, authorizes, regulates, or is otherwise deemed responsible for the radiological facility or activity involved in the incident (NRP).

The role of the Coordinating Agency for radiological incidents in the maritime environment can reside with several different federal agencies depending on geographic location, accountability for the radiological source, and the suspected or actual involvement of terrorism.

A Cooperating Agency (40 CFR 1508.5) means any Federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental

impact involved in the incident. A State or local agency of similar qualifications or, when the effects are on lands of tribal interest, a Native American tribe may, by agreement with the lead agencies, also become a cooperating agency.

### **7312 Key Factors: Jurisdiction and Terrorism**

Two factors determine the Coast Guard's role as either a Coordinating Agency or as a cooperating agency during a radiological incident are jurisdiction and terrorism.

In radiological incidents where the Coast Guard has jurisdiction and there is no involvement of terrorism the Coast Guard Incident Commander responds under the NCP. For any radiological incidents where terrorism is involved, the Department of Energy is the Coordinating Agency responding under the NRP and the Coast Guard is a cooperating agency.

The National Response Plan limits the Coast Guard's Coordinating Agency role for radiological incidents to "*certain areas of the coastal zone*" which is defined as radiological incidents that occur on:

- Any type of vessel, except Department of Defense vessels
- Waters seaward of the shoreline to the outer edge of the Exclusive Economic Zone, except DOE is the Coordinating Agency for radiological material shipped by or for them, and,
- Specified waterfront facilities (those regulated by 33 CFR 105, 126-8,140, 154-6.)
  - For the Captain of the Port Sector San Francisco, Los Angeles/Long Beach, San Diego these specified facilities are listed in the following link:  
[http://www.slc.ca.gov/Division\\_Pages/MFD/MFD\\_Home.htm](http://www.slc.ca.gov/Division_Pages/MFD/MFD_Home.htm).

The scope of incidents the Coast Guard Incident Commander will respond to are:

- Transportation of radioactive materials
- Shipment of materials that are not licensed or owned by a Federal agency or Agreement State. (For non-agreement states such as NJ the USCG is the Federal Coordinating Agency and assists the state if necessary.)
- Foreign, unknown or unlicensed materials (Such as a reactor, imported radioactively contaminated material, or a shipment of foreign-owned radioactive material.)
  - Incidents involving foreign or unknown sources of radioactive material or

radioactive material which does not have appropriate licenses

- Space vehicles containing radioactive materials
  - Not managed by DOD or NASA (i.e. commercial satellite)

In addition to geographic limitations, the scope of the Coast Guard's jurisdiction as the Coordinating Agency is limited to those radiological incidents that *do not* involve a terrorist act.

For any terrorist event involving non-Department of Defense or non-Nuclear Regulatory Committee (NRC) radioactive material, the Department of Energy (DOE) will assume the role of Coordinating Agency to address the radiological aspects of the response.

## **7320 Methods of Notification**

Notification of a possible or actual radiological incident can occur in several ways.

- Passive detection from radiation pagers (Level I, RADLVL1)
- Intelligence source(s)
- Notification of a radiological release -- NCP response
- Actual terrorist incident involving radiation

### **7321 Passive Detection**

A radiological incident may be first discovered while conducting routine operations in the port (discovery may be made by Customs and Border Protection) or through intelligence gathering. The guidance in the Unit's Radiological Response Standard Operating Procedure will be used when Level I detection indicates the presence of a radiological source.

Depending on the method of discovery and whether the incident is on a vessel or facility, the CGIC should make some initial determinations as to which Course of Action to take:

On a Vessel: While on board a vessel (underway or moored), if a Level I Team detects either neutron or gamma radiation and has determined that the source is illegitimate or unknown, the Coast Guard Incident Commander, in consultation with the States, should determine the safest location for the vessel to be located. Safe location options are to:

- If at sea, keep the vessel at sea
- If vessel is transiting in the port or is moored, direct the vessel to a safe location. Options include: if moored remain at moorings, anchorage, or

send out to sea. Take into account the following:

- Proximity to population centers
- Critical infrastructure
- Vessel traffic in the vicinity of suspect vessel
- Ability to get teams on and off the vessel
- Source is emitting neutrons (may indicate the presence of spent nuclear material)
- Consult a Port of Safe Refuge Document

On a Facility: If a Level I Team detects either neutron or gamma radiation and has determined that the source is illegitimate or unknown while at a facility:

- Determine whether to limit facility operations adjacent to the isolation perimeter established by the Level I Team.
- If source is emitting neutrons may indicate the presence of spent nuclear material (Note: Neutron sources rarely occur naturally and are usually produced in a reactor. Although they are generally associated with special nuclear material (SNM), there are some legitimate sources of neutron radiation).
- In conjunction with the Facility Security Officer evaluate the need to limit access into the facility or evacuate the facility.

For both vessels and facilities: If radiation source is illegitimate, unknown or exceeds the safe exposure limits for a Level I Team, the Level I Team is to notify the chain of command requesting Level II support. Upon receiving the request, the appropriate Coast Guard Sector Commander should consider the following:

- Deploy Level II Team to localize and characterize the radiation source.  
Level II resources include:
  - Pacific Strike Team
  - Coast Guard Sector
  - Customs and Border Protection
- Notify local Field Intelligence Support Team (FIST).
- Contact the Coast Guard Investigative Service (CGIS) Liaison Agent to the Joint Terrorism Task Force (JTTF) to notify the local FBI Office when a Level II Team is deployed.
- If necessary, Level II Team should coordinate with CBP Laboratory

Scientific Support (LSS).

- National LSS radiological officer 24-hour number is: (407) 975-1780
- Notify the State Office of Emergency Services (CA OES) (800) 852-7550
- Determine need to shift to secure communications
- Consider establishing Safety/Security Zones
- Determine Safe to Respond
- If Level II Team cannot identify the source as legitimate, request assistance from the DOE Radiological Assistance Program (RAP) Team at the Oakland Area Office.
- Emergency number (925) 422-8951
- Notify the National Response Center if RAP support requested.
- Determine need to initiate Critical Incident Communications procedures.

### **7322 Intelligence Sources**

When the Coast Guard receives notification of possible intelligence regarding a potential radiological incident it is critical to determine if the intelligence is credible.

- Work with the FIST and CGIS to determine if threat is credible or not credible.
  - If credible, support the Department of Energy, which is the Coordinating Agency and the Federal Bureau of Investigation.
  - *If not credible,*
- Does the Coast Guard have jurisdiction?
- If yes, conduct follow-up to determine if there is a public health threat.

### **7323 Actual Terrorist Incident**

In the event of an actual terrorist incident involving radiation the Coast Guard's role is as a cooperating agency using primarily the authorities of the Captain of the Port. Initial actions to be taken

- Initiate Critical Incident Communications procedures.
- Account for all field deployed teams, individuals and assets.
- If first federal on scene, implement the Terrorism Incident Annex until relieved by the Department of Energy

## 7330 Response to a Radiological Incident

Radiological incidents or emergencies may occur at hazardous waste sites, fixed nuclear facilities (domestic and foreign), and may involve satellites, nuclear weapons and devices, transportation accidents, sabotage or nuclear terrorism. Incidents may also occur at smaller nuclear facilities such as hospitals, and from contaminated imports, or improper waste management and disposal anywhere in the United States. These situations may result in radionuclide releases with actual, potential, or perceived harm or consequences to human health and the environment within the US and its territories, possessions, or territorial waters.

State and local government officials have the primary responsibility for protecting the public during a radiological emergency. They must be prepared to respond during the first hours of a radiological emergency. Consistent with the NCP, state and local jurisdictions, as well as owners/operators of major nuclear facilities, should have compatible radiological emergency response plans that have been coordinated and tested for timely, effective emergency response. Federal assistance may be needed for emergencies that have the potential for significant offsite consequences such those involving multiple jurisdictions, or those that extend beyond several hours, and beyond the capabilities of the state/local community. Federal response to radiological incidents and emergencies is carried out under the auspices of the Statutes, Agreements, Memoranda of Understanding, Executive Orders, and Presidential Decision Directives.

Within the EPA, the regional OSCs are responsible for *coordinating and managing* the emergency response under the NCP. For radiological response activities, however, a number of programs, teams and groups in EPA Headquarters and Regions are responsible for preparedness planning and response support involving potential or actual radiological releases at the national or international level. The NCP is EPA's blueprint for emergency response guiding the funding authority and response mechanisms necessary for the Agency to meet its response obligations for releases of hazardous substances including radionuclide releases. The Federal Radiological Emergency Response Plan (FRERP) prescribes the federal lead and support roles and obligations within the Federal Government including EPA. The EPA-RERP integrates EPA's commitments pursuant to the CONPLAN, FRERP/NRF, and the NCP. To this end, the Plan identifies EPA's internal response structure, coordination of capabilities for regional and Headquarters response activities including the laboratories, in the event of peacetime radiological hazardous substance and technological emergencies, and nuclear terrorist incidents.

### 7331 EPA Radiological Emergency Response Plan

The Environmental Protection Agency Radiological Emergency Response Plan (January

2000) discussed below can be found online at

<http://www.epa.gov/sites/production/files/2015-05/documents/rerp-1-00.pdf>.

The EPA-RERP establishes organizational focus for management of potential or actual radiological incidents and emergencies and coordination among the EPA On-Scene Coordinators, (OSCs) community, regional radiation programs, Office Emergency and Remedial Response (OERR), Chemical Emergency Prevention and Preparedness Office (CEPPO) and Office of Radiation and Indoor Air (ORIA), including the two radiation support laboratories. Recognizing that cross-agency consistency is critical for effective emergency response, this Plan does not preclude or supplant regional planning and preparedness.

The scope of this Plan includes:

- Domestic radiological incidents and emergencies occurring at, or involving hazardous waste sites, fixed nuclear facilities, domestic or foreign satellites, nuclear weapons and devices, accidents in transportation of radioactive materials, or incidents of sabotage and nuclear terrorism that have actual, potential, or perceived consequences to US and its territories; and
- International radiological emergencies such as the Chernobyl accident in the Ukraine, subject to the International Atomic Energy Agency (IAEA) “Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency.”

The EPA-RERP applies to EPA radiological emergency response actions pursuant to the NCP, FRERP, CONPLAN, and/or NRF.

### **7332 EPA Radiological Emergency Response Mission**

The EPA mission in responding to radiological emergencies is subsumed in the Agency response to other hazardous substances, pollutants, or contaminants under the Superfund program has both enforcement and response responsibilities. In the event of technological emergencies, or incidents of terrorist attacks involving a potential or actual release of radionuclides, EPA may lead the response to ensure the protection of human health, welfare and the environment from the adverse impacts associated with exposure to radiation. Working with a broad spectrum of stakeholders, EPA may provide technical advice and response support to the state, tribal, and local governments (referred to as state and local), site or facility owner/operator, and other federal agencies. EPA has also the authority to order private party cleanup, and oversee and monitor emergency response by others. EPA achieves



its mission by:

- Evaluating the need for emergency, time-critical or non-time critical removal response to protect health and the environment pursuant to the NCP;
- Evaluating the need for coordinating multi federal response pursuant to the FRERP;
- Establishing and maintaining a high-level of readiness through planning, training, and drills/exercises;
- Providing upon request effective and efficient emergency response management support to federal, state, Tribal, and local governments;
- Conducting emergency, time-critical and non-time critical removal response action pursuant to the NCP;
- Providing “Special Forces” emergency response radiological expertise and support to the On-Scene Coordinator for NCP removal responses through the Radiological Emergency Response Team (RERT) of ORIA and their labs;
- Leading the FRERP response to radiological emergencies when assigned the Lead Federal Agency (LFA) role;
- Developing Protective Action Guidance (PAGs) and providing incident-specific protective action recommendations;
- Performing timely, and accurate environmental measurements and assessments of radiological conditions;
- Providing threat assessment, technical support, and operational support to the LFA in potential or actual terrorist incidents; and
- Assisting in preparing long-term environmental monitoring and area restoration plans, and recommended cleanup criteria.

## **7340 Radiological Incidents on Federal Lands**

A response to a radiological incident or emergency on or affecting federal lands not occupied by a government agency should be coordinated with the agency responsible for managing that land. This ensures that response activities are consistent with federal statutes governing the use and occupancy of these lands to the extent required pursuant to CERCLA/ NCP. Coordination is particularly necessary in the case of Indian tribal lands, because federally recognized Indian tribes have a special relationship with the US Government, and the state and local governments may have limited or no authority on Indian reservations. Pursuant to CERCLA, Indian tribes are in general treated as states.

For radiological emergencies occurring on or with possible consequences to Indian tribal lands, the Department of Interior (DOI) will provide liaison between federally recognized Indian tribal governments and the FRERP designated LFA, state, and local agencies for coordinating the response and protective action(s) efforts. Additionally, DOI will advise and assist the FRERP designated LFA on economic, social, and political matters in the Virgin Islands and the Territories of Guam, American Samoa, and the Trust Territories of the Pacific Islands should a radiological emergency occur in these areas.

In the event of a radiological accident involving a nuclear weapon or special nuclear material (SNM), the owner of the weapon or material shall declare the area a National Defense Area (for Department of Defense “DOD”) or National Security Area (for DOE or National Aeronautics and Space Administration “NASA”), depending on the circumstances of the emergency. These areas are established only during the emergency to safeguard classified information and/or restricted data or equipment and material. Establishment of these areas may place non-federal lands under federal control. For emergencies involving DOD, or DOE, these agencies shall provide the OSCs, and be responsible for taking all response actions. In the case of NASA and other federal agencies, their OSCs will be responsible *only* for all response actions that are *not emergencies*. Otherwise, the EPA provides the OSC to manage and coordinate radiological emergency response for those agencies including NASA. It is possible that radioactive contamination and emergency response actions would extend beyond the boundaries of these areas.

IN ACCORDANCE WITH APPROPRIATE NATIONAL SECURITY  
CLASSIFICATION DIRECTIVES, INFORMATION MAY BE  
CLASSIFIED CONCERNING NUCLEAR WEAPONS, TERRORIST  
THREATS, SPECIAL NUCLEAR MATERIALS AT REACTORS, AND  
CERTAIN FUEL CYCLE FACILITIES PRODUCING MILITARY FUEL.

### **7341 Enforcement Actions**

EPA under certain circumstances will exercise its discretionary authority to undertake a radiological emergency response action pursuant to the appropriate enforcement provisions. EPA, state, or local legal actions will be taken to obtain compliance with environmental laws, rules, regulations, or agreements and/or obtain penalties or criminal sanctions for violations. Under CERCLA, EPA will seek to require potentially responsible parties to undertake full response, and/or pay for the cleanup. In other situations, if investigations by EPA and state agencies uncover willful violations, criminal prosecution may be sought through the Department of Justice. EPA's removal program (emergency response) prevents, limits, or mitigates threatening situations as quickly as possible at any emergency or incident involving uncontrolled CERCLA hazardous substances, pollutants or contaminants including

radioactive materials. Enforcement actions are taken as time allows based on the incident specific threats.

### **7342 International Coordination**

In the event of a radiological incident or emergency originating on foreign soil or, conversely, a domestic incident with an actual or potential foreign or trans-boundary impact, the EPA will immediately notify the Department of State (DOS) which has responsibility for official notification of foreign governments. The DOS coordinates release notification and information gathering/exchange activities with foreign governments, except when existing bilateral agreements may permit direct communication. When EPA as the LFA has existing bilateral agreements permitting direct exchange of information, the Agency will keep DOS informed of communications with their foreign counterparts. Agency officials should take care that consultations do not exceed the scope of the relevant agreements(s). The EPA will ensure any offers of assistance to or requests from foreign governments are coordinated with DOS.

### **7343 NCP Special Teams**

The FOSC will direct with ORIA coordinating the mobilization of the RERT, and may coordinate mobilization of the Department of Energy's Radiological Assistance Program (RAP), and FRMAC. It is important to note that the Radiological Assistance Teams (RATs) mentioned in §300.145 of earlier versions of the NCP are now called Radiological Emergency Response Teams (RERTs), and are organized in ORIA. OERR will coordinate mobilization of the Environmental Response Team (ERT) among other organizational response elements as appropriate. Requests for mobilization of these response elements can be made directly through the OSC, and/or the National Response Center, which would put the requester directly in communication with the requested Special Teams' representatives.

## **7400 Response Assets**

See section 7400 in the local Area Contingency Plan (San Francisco, Los Angeles or San Diego) for lists, maps and descriptions of the capabilities of Hazardous Materials Response Teams in those areas of responsibility.

# 7500 HAZMAT Planning

## 7510 Planning Section Chief

In a terrorist incident response, the FBI will place a special agent in the Planning Section as a Deputy Planning Section Chief. In this capacity the FBI is responsible for:

- remaining up-to-date on the most current incident situation
- acting as a conduit for requests for additional crisis assets, and
- assisting with the development of the Incident Action Plan

## 7520 Scientific Support

See *EPA Environmental Response Team* in section 7232 and the *NOAA Scientific Support Coordinator* in section 7242 above.

## 7521 Air Plume Modeling

See chapter 3000, *Operations*, in this Coastal Contingency Plan.

## 7522 Sampling Assistance and Resources

The agencies listed below can provide on-site sampling followed by laboratory analysis of hazardous substances. For each agency, we have identified their capabilities with these abbreviations: Toxic Industrial Chemicals (TIC), Chemical or Biological Warfare Agents (WMD), Radiation (Rad). Please contact them if you are in need of assistance. See table next page.

Agency	Location	Phone	Capabilities
US EPA Region IX	San Francisco		TIC, WMD, Rad
USCG Pacific Strike Team	Novato, CA	(415) 883-3311	TIC, WMD, Rad
FBI Hazardous Materials Response Unit	Washington, D.C.	(202) 324-3000	TIC, WMD, Rad
National Guard, 9 <sup>th</sup> Civil Support Team	California	(562) 254-8299	TIC, WMD, Rad

For a complete listing, see the following link to the: *Hazardous Materials Response Special Teams Capabilities and Contacts Handbook* (2005) at [nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=15552](http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=15552)

### **7523 Laboratory Assistance and Resources**

The following laboratory resources and networks can be used to identify appropriate sampling techniques, analytical methods, and available laboratories for the analysis of samples from various matrixes. See table next page.

Laboratory	Description	Contact/Info
Centers for Disease Control (CDC)	Laboratory Response Network (LRN) – A collaborative effort of federal, state, military, and private labs to aid in response effort of a TIC, WMD, or Rad event.	(800) 232-4636 <a href="http://www.bt.cdc.gov/lrn">http://www.bt.cdc.gov/lrn</a>
EPA Environmental Response Laboratory Network (ERLN)	A network of agency, State environmental, commercial, and other Federal laboratories who will provide integrated , rapid analysis using standardized diagnostic protocols and procedures	<a href="http://www.epa.gov/erln/index.html">http://www.epa.gov/erln/index.html</a>
EPA Laboratory Compendium	Network of EPA national labs, state public health, and private labs to aid in a water security event, in addition to TIC, WMD, and Radiological incidents	(703) 818-4200 <a href="http://www.epa.gov/compendium/">http://www.epa.gov/compendium/</a>
Association of Public Health Laboratories (APHL)	State Public Health Laboratories – Emergency Contact Directory	<a href="http://www.aphl.org/AboutAPHL/publications/Documents/PHPR_2012April_State-Public-Health-Laboratories-Emergency-Contact-Directory.pdf">http://www.aphl.org/AboutAPHL/publications/Documents/PHPR_2012April_State-Public-Health-Laboratories-Emergency-Contact-Directory.pdf</a>
National Environmental Laboratory Accreditation Program (NELAP)	Current listing of accredited environmental labs and their primary accreditation body, in addition to types of sample media the labs can analyze.	<a href="http://www.nelac-institute.org/newnelap.php">http://www.nelac-institute.org/newnelap.php</a>
National Environmental Method Index (NEMI)	Search all chemical, biological, microbial, toxicity, and physical methods in NEMI	<a href="https://www.nemi.gov/home/">https://www.nemi.gov/home/</a>
EPA Method Collection	Standard Analytical Methods (SAMs) for environmental measurement and regional EPA laboratory contact information	<a href="http://www.epa.gov/fem/methodcollectns.htm">http://www.epa.gov/fem/methodcollectns.htm</a>

## **7530 Government Policy and Response**

The response system for the governmental agencies widely differs depending on which level of government is involved. Each level has its own unique capabilities, responsibilities, response strengths, jurisdictions, and authorities. The following sections describe the response actions and systems for the federal, state, and local agencies as viewed by the agencies themselves.

### **7531 Federal Policy and Response**

The role of FOSC is radically different depending on the material(s) involved in a spill or threatening to impact federal waters. In incidents involving oil, the CG FOSC takes a very active role in the response. The FOSC serves as the senior member of the UC and directs the response activities. For hazmat releases or threatened releases, the FOSC looks after federal interests and provides support to the local, county, or state responding agency. The FOSC would assume an active role only under specific circumstances, such as when an incident exceeds response capabilities of local agencies. The FOSC would assist the state and local agencies with any technical advice, obtaining specialized assistance, and monitoring of the response.

#### **7531.1 Patient Decontamination in a Mass Chemical Exposure Incident**

The Chemical Defense Program (CDP), under the Department of Homeland Security Office of Health Affairs (OHA), and the Office of the Assistant Secretary for Preparedness and Response (ASPR), under the Department of Health and Human Services (HHS), have published the document titled “*Patient Decontamination in a Mass Chemical Exposure Incident: National Planning Guidance for Communities.*” See <https://www.federalregister.gov/articles/2014/12/19/2014-29779/notice-of-availability-for-the-patient-decontamination-in-a-mass-chemical-exposure-incident-national>

### **7532 Hazmat Response in California**

In California, the state’s main role in any hazmat incident is to assist local government, and take part in the UC as appropriate. Certain resources exist at the state level, and if requested can be made available to assist federal and local responders in a marine hazmat incident.

California Governor’s Office of Emergency Services (Cal OES) notifies other federal and state agencies and appropriate local government contacts as specified in law. Additionally, the Responsible Party (RP), reporting party, or responders may request that Cal OES contact specialized state agencies for additional assistance.

Pursuant to the California Health and Safety Code Chapter 6.95, local governments have developed local area plans (which differ from the Federal ACPs) documenting policies and procedures for responding to hazmat incidents. These policies and procedures include sections on notification and coordination, communications, utilization of the incident-command system, pre-emergency planning, public safety and information, supplies and equipment, and responsibilities of responding organizations. In all cases where hazmat incidents may impact local jurisdictions, local agencies must be notified. Even if local agencies cannot take mitigation actions at the vessel, they will still need to respond. Local governments will be responsible for the public safety of its citizens and property.

## **7540 Required Planning**

The *Federal Water Pollution Control Act* (FWPCA) requires hazardous-substance-release contingency planning. *Public Law 101380*, which created the *Oil Pollution Act of 1990* (OPA 90), also amended the FWPCA (codified as *Title 33, United States Code, Section 1321(j)(1)*). Among other things, that amendment requires contingency planning for releases of hazardous substances in local Area Contingency Plans, and requires response plans for waterfront facilities and vessels that handle hazardous substances. The substances designated by the FWPCA as hazardous, and therefore requiring contingency planning, are listed in *Title 40 CFR 116.4*.

## **7541 Emergency Planning & Community Right-to-Know Act**

The *Emergency Planning and Community Right-to-Know Act* (EPCRA) of 1986 (Title 42, *United States Code*, Chapter 116) was passed by Congress in response to concerns regarding the environmental and safety hazards posed by the storage and handling of toxic chemicals. These concerns were triggered by the 1984 disaster in Bhopal, India, which killed or severely injured more than 2,000 people.

Congress imposed requirements for federal, state and local governments, tribes, and industry. These requirements covered emergency planning and "Community Right-to-Know" reporting on hazardous and toxic chemicals. The Community Right-to-Know provisions help increase the public's knowledge and access to information on chemicals at individual facilities, their uses, and releases into the environment. States and communities, working with facilities, can use the information to improve chemical safety and protect public health and the environment.

EPA's *EPCRA Fact Sheet* provides an overview of EPCRA and its reporting requirements. See <http://www.epa.gov/epcra/epcra-fact-sheet>.



The NRT issued the *Hazardous Materials Emergency Planning Guide* (NRT-1) in 1987, as required by Emergency Planning and Community Right-to-Know Act.

Planning guidance for state and local governments in the development of local emergency response plans can be found in the *Hazardous Materials Emergency Planning Guide* (NRT-1) updated in 2001.

Criteria for RRTs to review their emergency plans can be found in the *Criteria for Review of Hazardous Materials Emergency Plans* (NRT1a). These criteria are also useful for State Emergency Response Commissions (SERCs) and Local Emergency Planning Councils (LEPCs) during plan revision.

For the text of both these documents, see the list of titles at

<http://www.nrt.org/Production/NRT/NRTWeb.nsf/PagesByLevelCat/Level3GeneralNRTPublications?Opendocument>

## **7550 Coordinated Planning**

Planning for hazardous substance responses happens at a number of levels throughout Idaho, Oregon, and Washington. As a result of the *Superfund Amendments and Reauthorization Act* (SARA) Title III requirements, State Emergency Response Commissions (SERCs), Local Emergency Planning Committees (LEPCs), and Tribal Emergency Response Commissions (TERCs) were formed. Within Washington State, absent a formal TERC, the senior tribal representative is responsible for implementation of all SARA Title III provisions. The purpose of these groups is to develop local emergency response plans, participate in exercises to ensure preparedness at the local level, and arrange for training for local responders. In addition, local departments of emergency management (or similar groups) may assist with these functions as well as notifications of hazardous substance incidents. The federal government provides very limited funding to SERCs, LEPCs, and TERCs through the Hazardous Materials Emergency Preparedness grant program. The level of SERC, TERC and LEPC activity varies widely from across the region. The emergency management positions vary from state to state and may be a Department of Emergency Management, Emergency Services, Civil Defense, or Disaster Services.

Various federal and state statutes require facilities and vessels to develop emergency response plans to deal with their operations as well as potential off-site impacts. Finally, the Northwest Area Contingency Plan serves as the primary response planning document for the federal and state hazardous materials response agencies in the northwest. In Idaho, the Idaho Hazardous Materials/Weapons of Mass Destruction Incident Command and Response

Support Plan is the primary state response planning document and references the Northwest Area Contingency Plan.

## **7560 Natural Resource Trustees**

The following list outlines the Trustees for natural resources designated in subpart G of the NCP and provides a brief description of the resources that may be potentially impacted as a result of an oil spill or hazardous material release. Natural resources include land, fish, wildlife, biota, water, ground water, drinking water supplies, and other such resources. This list is provided for informational purposes and is not intended to be all-inclusive.

### **7561 Federal Trustees**

The Department of the Interior (through the Bureau of Indian Affairs, Bureau of Land Management, Bureau of Reclamation, Fish and Wildlife Service, National Park Service, Bureau of Safety and Environmental Enforcement)

- Migratory birds and certain anadromous fish, endangered species, and marine mammals and their supporting ecosystems.
- Federally owned minerals.
- Federally managed water resources.
- Natural and cultural resources located on, over or under land administered by DOI through its component bureaus
- National Parks, National Wildlife Refuges, National Landscape Conservation Areas, etc.
- Those natural resources for which an Indian tribe would otherwise act as a trustee in those cases where the United States acts on behalf of the Indian tribe.

Department of Commerce (through the National Oceanic and Atmospheric Administration)

- Marine fishery resources and certain anadromous fish, endangered species, and marine mammals and their supporting ecosystems.
- National Marine Sanctuaries.
- National Estuarine Reserves.

Department of Agriculture (through the U.S. Forest Service): Natural and cultural resources located on, over or under land administered by USFS.

Department of Defense: Natural and cultural resources located on, over or under land

administered by DOD.

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Department of Energy: Natural and cultural resources located on, over or under land administered by DOE.

## **7570 Transition to Long-Term Cleanup**

At some point after the peak of the initial response phase, the nature of site activities may evolve into a long-term cleanup phase. The responders involved in the initial response phase may or may not be actively involved with this phase. Depending upon the scope of activities and the ability of the local responders, post-initial response and mitigation phase efforts may necessitate mobilization of additional resources. Also, it is possible that additional federal and/or state agency representatives may need to be involved with the long-term phase to ensure that regulatory mandates are followed. It is critical that the initial responders debrief the incoming clean up staff prior to demobilizing. Standard long-term cleanup actions are:

- Evaluate cleanup/decontamination options;
- Implement cleanup alternatives; and
- Long-term monitoring or remediation of impacted area, if necessary.

## **7600 HAZMAT Logistics**

### **7610 Classified Spaces Needed**

The unique nature of a terrorist incident requires the collection and sharing of sensitive or classified information. The establishment of the Incident Command Post must take into consideration the following:

- Facilities Unit
- Include dedicated private space for law enforcement
- Communications Unit
- Determine need to request communications support from CAMSPAC.
- Determine need to provide Cellular STU-III support to the Coast Guard Incident Commander.

## 7620 Hazardous Waste Disposal

A number of different hazardous wastes may be generated as a result of the incident. The responsible party or lead agency must address proper disposal of the wastes in accordance with the *Resource Conservation and Recovery Act (RCRA)*, the NCP and NWACP, state, and local regulations. Options for disposal of materials connected to the emergency response action will be addressed by the State with support by the federal agencies for those agents, substances, or radioactive materials that need special care.

### 7621 Biological Waste & Biological WMD

The need to dispose of material contaminated with biological agents is rare, and therefore standard protocols do not exist. Often it is possible to neutralize the biological agent, after which the material may be treated as non-hazardous garbage. The appropriate disposal method for biological waste will be dependent on the specific situation, and will be influenced by politics. It will require consultations between local, state, and federal partners as well as agreement from the disposal site operator.

## 7630 Special Emergency Response Teams

There are a number of specially trained hazardous materials teams (both public and private) throughout the states of Idaho, Oregon, and Washington that will most likely be involved in hazardous substance spills. The following tables provide information on how to contact these various teams. For a Handbook on teams that are considered National Assets, see: *Hazardous Materials Response Special Teams Capabilities and Contacts Handbook* (2005). <http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=15552>

## 7700 Emergency Support Function #10

The EPA and the USCG participate in the National Response Framework (NRF), which outlines how the Federal Government responds to and/or coordinates the response to disasters and/or emergencies when an incident is of such magnitude that a State government's resources are overwhelmed. The President may implement the *Stafford Act* or undertake a non-*Stafford Act* response that provides for the reimbursement of agency appropriations used in support of declared disasters and emergencies. The Federal Emergency Management Agency (FEMA) acts as the President's primary Executive agency to coordinate the response to a disaster that has occurred in the United States and that

overwhelms the resources of local and State authorities.

There are a total of 14 ESFs under the NRF which all have varying roles and responsibilities during a declared disaster. Each ESF is composed of designated primary and support agencies. Primary agencies are defined under the NRF as Federal agencies with significant authorities, roles, resources, or capabilities for a particular function with an ESF. Support agencies are more limited in their authorities or in the capabilities they provide.

For details about ESF-10, see FEMA's National Preparedness Resource Library at <https://www.fema.gov/media-library/assets/documents/25512>. EPA updated this document in 2016 as part of FEMA's PPD-8 update process and included the following changes.

- The Scope section includes a new bullet stating that ESF #10 can address the disposition of animal carcasses contaminated by oil or hazardous materials. This mirrors a sentence EPA included in a paragraph in the Response FIOF that clarified the role of several ESFs in the management of animal carcasses.
- The Scope section includes a new bullet explaining that when a Federal Radiological Monitoring and Assessment Center (FRMAC) is activated, EPA provides its FRMAC assets under ESF #10, while DOE provides its FRMAC assets under ESF #12. It also explains that if a radiological incident includes other oil or hazardous materials, ESF #10 would coordinate the environmental monitoring/sampling/assessment for those other contaminants.
- The Scope section includes a new bullet briefly describing the 2010 EPA/USACE/FEMA MOU on the management of CBRN-contaminated debris that clarified the roles of ESF #3 vs ESF #10.
- The Private Sector/NGO section includes a new paragraph about the use of volunteers.
- The Core Capabilities and Actions section includes a new sentence stating that FEMA Public Assistance Policy 9523.8 applies to funding for ESF #10 activities.

## **7710 EPA is Primary Agency**

The EPA is the primary agency when an incident impacts the inland zone and the Coast Guard is the primary agency when the incident impacts the coastal zone. In the case that impacts are in both in the inland and coastal zones, EPA is the primary agency. ESF #10 coordinates oil and hazardous materials response activities (including activities to detect,

identify, clean up and dispose of oil/hazardous materials) and provides personnel, equipment, and supplies in support of State and Local agencies involved in oil and hazardous materials response operations. *Emergency Support Function #10 (ESF-10) – Oil and Hazardous Materials Response* provides Federal support in response to an actual or potential discharge and/or uncontrolled release of oil or hazardous materials when activated.

ESF-10 provides for a coordinated Federal response to actual or potential oil and hazardous materials incidents. Response to oil and hazardous materials incidents is generally carried out in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300. For purposes of this annex, “hazardous materials” is a general term intended to mean hazardous substances, pollutants, and contaminants as defined in the NCP. Hazardous materials include chemical, biological, and radiological substances, whether accidentally or intentionally released.

The scope of ESF-10 includes the appropriate actions to prepare for, respond to, and recover from a threat to public health, welfare, or the environment caused by actual or potential oil and hazardous materials incidents. Appropriate general actions can include, but are not limited to: actions to prevent, minimize, or mitigate a release; efforts to detect and assess the extent of contamination (including sampling and analysis and environmental monitoring); actions to stabilize the release and prevent the spread of contamination; analysis of options for environmental cleanup and waste disposition; implementation of environmental cleanup; and storage, treatment, and disposal of oil and hazardous materials. Examples of specific actions may include:

- Sampling a drinking water supply to determine if there has been intentional contamination;
- Stabilizing the release through the use of berms, dikes, or impoundments;
- Capping of contaminated soils or sludge;
- Using chemicals and other materials to contain or retard the spread of the release or mitigate its effects;
- Decontaminating buildings and structures;
- Using drainage controls, fences, warning signs, or other security or site-control precautions;
- Removing highly contaminated soils from drainage areas;
- Removing drums, barrels, tanks, or other bulk containers that contain oil or hazardous materials; and
- Other measures as deemed necessary.

In addition, ESF-10 may be used under appropriate authorities to respond to actual or

threatened releases of materials not typically responded to under the NCP but that pose a threat to public health or welfare or to the environment. Appropriate ESF-10 response activities to such incidents include, but are not limited to, household hazardous waste collection, monitoring of debris disposal, water quality monitoring and protection, air quality sampling and monitoring, and protection of natural resources.

ESF-10 applies to all Federal departments and agencies with responsibilities and assets to support State, tribal, and local response to actual or potential oil or hazardous materials incidents.

### **7711 ESF-10 Response Annex to the NRF**

To see the National Response Framework (NRF), see:

<http://www.fema.gov/national-response-framework>.

To see the ESF-10 Annex, see

<http://www.fema.gov/media-library/assets/documents/32241?id=7376>.

For pre-surge deployments, USCG pre-deploys assets and, consistent with the Stafford Act, those assets can be covered under the ESF-10 pre-surge MA. States are not involved in pre-surge deployments.

FEMA Region IX and EPA Region IX (Pacific Southwest) serve Arizona, California, Nevada, Hawaii and the US islands of Oceania. USCG District 11 serves only Arizona, California, and Nevada. District 14 (Honolulu) serves Hawaii and the US islands of Oceania.

### **7720 Policy Guidance on ESF #10 Mission Assignments**

In September 1998, FEMA and EPA agreed that FEMA would use *Stafford Act* funds to reimburse EPA for specific emergency response activities related to hazardous materials (hazardous substances, pollutants, contaminants, and oil) under ESF #10, when there is an Emergency or Major Disaster Declaration.

FEMA Policy 9523.8 published in May 2001 and titled, *Policy Guidance on ESF #10 Mission Assignments* provides policy guidance on MAs and activities funded with *Stafford Act* funds. Because it was signed by Lacy E. Suiter of FEMA and Jim Makris of EPA is often called the *Suiter-Makris Memo*. This guidance should be used on all ESF #10 Mission Assignments.. If you have any questions, please call Chuck Stuart, FEMA at (202) 646-3691 or Lea Anne Thorne, EPA at (202) 564-7387. The text of the *Suiter-Makris Memo is at*

[http://www.fema.gov/media-library-data/20130726-1750-25045-7391/9523\\_8.pdf](http://www.fema.gov/media-library-data/20130726-1750-25045-7391/9523_8.pdf).

For additional policy guidance, see [www.epaosc.org/ESF10WorkGroup](http://www.epaosc.org/ESF10WorkGroup).

## 7730 ESF-10 Public Affairs Packet

The National Response Team (NRT) has two general, pre-agreed upon ESF-10 related press release templates that can be used by NRT Member Agencies. See

<http://www.nrt.org/Production/NRT/NRTWeb.nsf/QuickSearch?SearchView&Query=esf-10&count=5000&start=1&SearchOrder=1> and click “ESF #10 Communications Packet”.

The template messages contain the following information:

- National Response System (NRS) – membership, agency roles and responsibilities, structure, etc.;
- Authorities of the NRS- National Response Plan (NRP), *Clean Water Act* (CWA), National Oil and Hazardous Substances Pollution Contingency Plan (NCP), etc.;
- NRS expertise;
- Current operational picture;
- Relevance of the NRS expertise to the current operational picture to reassure the public that the response is being conducted by qualified, experienced, and capable personnel;
- Sources for additional information (e.g., points of contact, website addresses, agency hotlines, local media, etc.)

These press releases have been drafted to ensure a unified “voice” and reduce conflicting information. Based on lessons from previous experiences, it is essential for incident managers to include in these messages

- Basic response information and response structure for the public;
- Communication about the risks and dangers to the public and
- Guidance on protective actions and ways to avoid risks during the initial stages of an incident.

This risk communications packet also includes two sample press releases. Each sample press release demonstrates use of one of the two templates.



## **7740 California Guidance on ESF-10**

The *California Hazardous Materials and Oil Emergency Function* (EF-10) is an annex to the *State Emergency Plan*. EF-10 is a framework for agencies with jurisdictional or regulatory authority to conduct all phases of emergency management for threatened or actual releases of oil or hazardous materials. For more information and a link to the *State Emergency Plan*, see <http://www.calepa.ca.gov/Disaster/HazmatOil/>.

## **7750 Superfund – Funded Responses & Reimbursement**

Two mechanisms exist for funding a response and response-related activities of another Federal agency other than U.S. EPA: an agency's Superfund budget and an IAG authorizing access to the CERCLA Superfund account. Response operations for hazardous substances or mixture of hazardous materials and oil may be funded from the CERCLA Superfund account. Removal actions will not continue after \$2 million has been obligated or 12 months have elapsed from the date of the initial response, unless U.S.

EPA grants an exemption in accordance with CERCLA § 104(c)(1), as amended. Additionally, CERCLA funded action may not be taken in response to a release or threat of a release:

- If a naturally occurring substance in its unaltered form or altered solely through naturally occurring processes or phenomena, from a location where it is naturally found.
- From products that are part of the structure of, and result in exposure within, residential buildings or business or community structures.
- Into public or private drinking water supplies as a result of system deterioration through ordinary use.

U.S. EPA may, however, respond to any release or threat of release if it is determined that it constitutes a public health or environmental emergency and no other person with the authority and capability to respond to the emergency will do so in a timely manner.

USCG FOSCs have direct access to CERCLA funds via the NPFC, and the U.S. EPA, Region IX, Superfund.

Division Director has been delegated the authority to approve actions costing up to \$2 million. State and local governments are not authorized to take actions that involve

expenditures of CERCLA funds, unless an appropriate contract or cooperative agreement has been established.

The FOSC is responsible for identifying whether technical assistance from another agency is necessary and for making arrangements for that assistance. In addition, FOSCs are responsible for initiating and processing any site-specific IAGs necessary for reimbursing federal agency participation.

U.S. EPA FOSCs may develop, negotiate terms, and award IAGs for site-specific, U.S. EPA-led actions. For these IAGs, the FOSC:

- Defines the scope of work to be performed; outlines the responsibilities of each agency; determines the performance period; identifies primary contacts in each agency; names contractors and the dollar amounts of any contracts, if applicable; and determines the overall reporting, invoicing, and amendment requirements.
- Prepares four copies of the IAG and amendment (U.S. EPA Form 1610-1) and prepares the commitment notice and the transmittal and decision memorandum.

The FOSC then monitors accomplishment of work in accordance with the IAG scope of work. The following procedures apply to FOSCs (either USCG or U.S. EPA) who are performing hazardous substance response operations under the NCP and require funding support from the CERCLA fund. The FOSC contacts the NPFC case officer and requests issuance of a CERCLA Project Number and a corresponding ceiling amount.

- The following additional information is needed:
- Sector and OSC point of contact;
- Name of incident and location (city, county, and state);
- Latitude and longitude;
- Date incident occurred and was discovered and date FOSC action commenced;
- Description of threat;
- Ceiling amount requested; and
- Contractor(s) hired and amount obligated for each.

The NPFC responds promptly to all requests, with confirmation by priority message no later than the next business day. Initial CERCLA ceiling requests are limited to \$250,000.

All messages, POLREPS, or others messages related to an incident where the CERCLA fund

has been accessed will include the FOSC, NPFC, District Response Division CG FINCEN, and the SILC Chief of Contracting as INFO addressees, in addition to current reporting requirements. There are also special FOSC reporting requirements for CERCLA incidents that are explained in the NPFC User Guide at <http://www.uscg.mil/ccs/NPFC/URG/default.asp>.

## **7751 Reimbursement to Local Governments**

CERCLA § 123 and OPA § 1002 (b)(2)(F) authorize U.S. EPA to reimburse local governments for some and (in rare cases) possibly all of the expenses incurred in carrying out temporary emergency measures in response to hazardous substance threats or releases. These measures or operations are necessary to prevent or minimize injury to human health or the environment.

The intent of this provision is to reduce any significant financial burden that may have been incurred by a local government (city, county, municipality, parish, township, town, federally recognized Native American Tribe, or other official political subdivisions designated by a particular state) that takes the above measures in response to hazardous substance threats. Traditional local responsibilities, such as routine firefighting, are not eligible for reimbursement. States are not eligible for this program and may not request reimbursement on their own behalf or on the behalf of a political subdivision within a given state (Title 40 CFR §§ 310.20 and 310.30).

The following criteria must be met before a request for reimbursement is to be considered:

- Local government must have had a Title III plan by October 1, 1988.
- Response occurred after the effective date of this rule (October 17, 1986).
- Local government informed U.S. EPA or the NRC as soon as possible, but not more than 24 hours after initiating response.
- Response actions were consistent with CERCLA, the NCP, and EPCRA.
- The request contains assurances that the response reimbursement does not supplant local funds normally provided for such activities.

The applicant must have first attempted to recover the costs from all known PRPs and any other possible sources of reimbursement (state funds, insurance companies, etc.). Sixty days must be allowed for the above responsible party to respond by making payment, expressing their intent to pay, or demonstrating willingness to negotiate payment.

CERCLA limits the amount of reimbursement to \$25,000 per single response. If several agencies or departments are involved in a response, they must determine among themselves

which agency will submit the request for reimbursement. U.S. EPA must receive any request within 6 months of the related response action.

Some of the allowable costs may include, but are not limited to, the following:

- Disposable materials and supplies acquired and used specifically for the related response.
- Employee compensation for response work that is not provided in the applicant's operating budget.
- Rental or leasing of equipment.
- Replacement costs of equipment contaminated to the extent that it is beyond reuse or repair.
- Decontamination of equipment.
- Special technical services needed for the response, such as those provided by experts or specialists.
- Other special services, such as utilities.
- Laboratory analysis costs related to the response.
- Costs associated with supplies, services, and equipment procured for a specific evaluation.

A review panel will evaluate each request and will rank the requests on the basis of financial burden.

Financial burden is based on the ratio of eligible response costs to the locality's per capita income adjusted for population. If a request is not reimbursed during the review period for which it is submitted, the U.S. EPA reimbursement official has the discretion to hold the request open for one year for reconsideration.

An application package can be obtained by contacting the RCRA and Superfund Hotline at U.S. EPA headquarters at (800) 424-9346. The application package contains detailed, line-by-line instructions for completing the application.

States can access the OSLTF in three ways:

- Direct Access. States must request direct access through the FOSC. State access must be approved by the FOSC. The request must come only from the official designated by the
- Governor. A proposal must be submitted to the FOSC and include anticipated funding and scope of work to be taken at the site. Ceiling increases and changes in the scope of work must be approved by the

FOSC.

- Pollution Removal Funding Authorization (PRFA). The state acts as a contractor to the FOSC on site and can oversee site activities. The state can oversee federal contractors under a PRFA. The FOSC will prepare cost documentation and submit to the NPFC. State and other agency rates can be developed in conjunction with the NPFC. Each agency involved in the spill must have a separate PRFA.
- Claims. Costs for spill cleanup can be submitted to the NPFC after the incident if direct access or a PRFA was not used. An FOSC is not involved in the claims process. The NPFC will determine whether all actions taken at the site were consistent with the NCP.

## 7900 HAZMAT Reference Material

### 7910 Code of Federal Regulations

29 CFR – Labor 33 CFR – Navigation and Navigable Waters 40 CFR – Protection of the Environment 40 CFR Part 300 – National Contingency Plan 49 CFR – Transportation	<a href="http://www.gpo.gov/fdsys/browse/collectionCfraction?collectionCode=CFR">http://www.gpo.gov/fdsys/browse/collectionCfraction?collectionCode=CFR</a>
Hazardous substances under CERCLA and their reportable quantities are listed in 40 CFR Part 302, Table 302.4.	<a href="http://www.ecfr.gov/cgi-bin/text-idx?SID=6d6714994040cc92188471685b1108ec&amp;mc=true&amp;node=se40.28.302_14&amp;rgn=div8">http://www.ecfr.gov/cgi-bin/text-idx?SID=6d6714994040cc92188471685b1108ec&amp;mc=true&amp;node=se40.28.302_14&amp;rgn=div8</a>

### 7920 Chemical Properties of Hazardous Materials

Other hazards are discussed in Quick Response Guides written by the National Response Team (NRT)	<a href="http://nrt.org/Production/NRT/NRTWeb.nsf/PagesByLevelCat/Level2Hazardds?Opendocument">http://nrt.org/Production/NRT/NRTWeb.nsf/PagesByLevelCat/Level2Hazardds?Opendocument</a>
Chemical Hazards Response Information System (CHRIS)	<a href="http://ccinfoweb.com/products/web/chrespondium.html">http://ccinfoweb.com/products/web/chrespondium.html</a>

ATSDR Chemical Specific Information	<a href="http://emergency.cdc.gov/agent/agentlistchem.asp">http://emergency.cdc.gov/agent/agentlistchem.asp</a>
ATSDR Chemical Specific 2-Page info sheets	<a href="http://www.atsdr.cdc.gov/toxfaqs/index.asp">http://www.atsdr.cdc.gov/toxfaqs/index.asp</a>
NIOSH Pocket Guide to Chemical Hazards	<a href="http://www.cdc.gov/niosh/npg/">http://www.cdc.gov/niosh/npg/</a>
ACGIH TLVs and BEIs	<a href="http://www.acgih.org/tlv/">http://www.acgih.org/tlv/</a>
Wiley Guide to Chemical Incompatibilities	<a href="http://www.wiley.com/WileyCDA/WileyTitle/productCd-0470387637.html">http://www.wiley.com/WileyCDA/WileyTitle/productCd-0470387637.html</a>
Chemical Properties Handbook, Thermodynamics- Environmental Transport, Safety and Health Related Properties for Organic and Inorganic Chemicals(not a link to the book)	<a href="http://www.amazon.com/Chemical-Properties-Handbook-Thermodynamics-Environmental/dp/0070734011">http://www.amazon.com/Chemical-Properties-Handbook-Thermodynamics-Environmental/dp/0070734011</a>
The Merck Index	<a href="http://www.rsc.org/merck-index">http://www.rsc.org/merck-index</a>

## 7930 References for Responders

Crop Protection Handbook (formerly the Farm and Chemical Handbook)	<a href="http://www.meistermedia.com/publications/meisterpro-crop-protection-handbook/">http://www.meistermedia.com/publications/meisterpro-crop-protection-handbook/</a>
EPA OSC Blue Book – A collection of field related resources	<a href="http://www.epaosc.org/_bluebook/bluebook.asp">http://www.epaosc.org/_bluebook/bluebook.asp</a>
Hazardous Materials Guide for First Responders	<a href="https://www.usfa.dhs.gov/applications/publications/display.cfm?sc=16&amp;mc=33&amp;ol=">https://www.usfa.dhs.gov/applications/publications/display.cfm?sc=16&amp;mc=33&amp;ol=</a>
CSX Transportation Emergency Response to Railroad Incidents	<a href="http://csxhazmat.kor-tx.com/">http://csxhazmat.kor-tx.com/</a>

DOT Emergency Response Guidebook	<a href="http://www.phmsa.dot.gov/hazmat/library/erg">http://www.phmsa.dot.gov/hazmat/library/erg</a>
DOT ERG Mobile app	<a href="http://www.phmsa.dot.gov/portal/site/PHMSA/menuitem.ebdc7a8a7e39f2e55cf2031050248a0c/?vgnnextoid=f6db5aaa0581d310VgnVCM1000001ecb7898RCRD&amp;vgnnextchannel=c8e71dec94973110VgnVCM1000009ed07898RCRD&amp;vgnnextfmt=print">http://www.phmsa.dot.gov/portal/site/PHMSA/menuitem.ebdc7a8a7e39f2e55cf2031050248a0c/?vgnnextoid=f6db5aaa0581d310VgnVCM1000001ecb7898RCRD&amp;vgnnextchannel=c8e71dec94973110VgnVCM1000009ed07898RCRD&amp;vgnnextfmt=print</a>
ASTDR - HazMat Emergency Preparedness Training and Tools for Responders	<a href="http://www.atsdr.cdc.gov/hazmat-emergency-preparedness.html">http://www.atsdr.cdc.gov/hazmat-emergency-preparedness.html</a>

### 7931 Safety Guidelines

NIOSH Manual of Analytical Methods	<a href="http://www.cdc.gov/niosh/docs/2003-154/">http://www.cdc.gov/niosh/docs/2003-154/</a>
OSHA Guidance Manual for Hazardous Waste Site Activities	<a href="http://www.osha.gov/Publications/compilinks/OSHG-HazWaste/4agency.html">http://www.osha.gov/Publications/compilinks/OSHG-HazWaste/4agency.html</a>
Quick Selection Guide to Chemical Protective Clothing	<a href="http://www.wiley.com/WileyCDA/WileyTitle/productCd-0470146818.html">http://www.wiley.com/WileyCDA/WileyTitle/productCd-0470146818.html</a>
3M Respirator Selection Guide and Odor Thresholds for respirators	<a href="http://multimedia.3m.com/mws/media/webserver?mwsId=SSSSuH8gc7nZxtUOxmG4x_SevUqe17zHvTSevTSeSSSS--&amp;fn=3M%20Respirator%20Selection%20Guide_Selection">http://multimedia.3m.com/mws/media/webserver?mwsId=SSSSuH8gc7nZxtUOxmG4x_SevUqe17zHvTSevTSeSSSS--&amp;fn=3M%20Respirator%20Selection%20Guide_Selection</a>
ATSDR Medical Management Guidelines for Acute Chemical Exposures: includes information on physical properties, symptoms	<a href="http://www.atsdr.cdc.gov/MMG/index.asp">http://www.atsdr.cdc.gov/MMG/index.asp</a>

## 7940 Medical Management of Casualties

<p>USAMRICD Medical Management of Chemical Casualties Handbook</p> <p>USAMRIID's Medical Management of Biological Casualties</p> <p>Textbook of Military Medicine (TMM) Defense Against Toxin Weapons Manual</p>	<p><a href="http://www.usamriid.army.mil/education/instruct.cfm">http://www.usamriid.army.mil/education/instruct.cfm</a></p>
<p>Jane's Chem-Bio Handbook</p>	<p>Not available online, must be purchased or borrowed.</p>

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## 8000 Salvage and Marine Firefighting

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The local Area Committee’s Salvage and Marine Firefighting (SMFF) Plan (Section 8000 of the Area Contingency Plan) provides guidance for coordinating vessel salvage and marine firefighting response activities to prevent or limit environmental damage.

33 CFR 155.4030(d) “*Required salvage and marine firefighting services...*” states in part “For services that, by law, require public assistance, there must be clear guidelines on how service providers will interact with those organizations. The information contained in the (vessel) response plan must be consistent with applicable Area Contingency Plans and the NCP as found in paragraphs 155.1030(h).”

The primary purpose of the local Area SMFF Plan is to minimize confusion and to provide initial guidance during a salvage or marine firefighting incident, as required by 33 CFR Part 155, Subpart I — Salvage and Marine Firefighting. See <https://www.law.cornell.edu/cfr/text/33/part-155/subpart-I>. The goals are to prevent or limit environmental and economic damage. The plan provides:

- Basic frameworks around which to organize a coordinated response and to build upon as events dictate.
- Incident check lists,
- Preferred communication frequencies,
- Contacts for possible resource providers, and
- Criteria for decision-making, but not the decisions themselves.

For information about funding SMFF, see section 6300 *Funding Salvage and Marine Firefighting* in this Coastal Contingency Plan.

## 8010 Marine Casualty Reporting

In accordance with 46 CFR 4.05, a vessel owner, agent, master, operator, or person-in-charge, shall immediately notify the nearest U.S. Coast Guard Sector or Marine Inspection Office whenever a vessel is involved in a marine casualty after addressing the resultant safety concerns.

Marine casualties consist of:

- Loss of life, fall overboard, or any injury that requires professional

- medical treatment
- Grounding, stranding, floundering, collision or allision
- Loss of propulsion with subsequent inability to control the movement of the vessel,
- Bump-and-go grounding,
- Excessive list,
- Fire, explosion or flooding
- Loss of main propulsion or primary steering
- Failure of or damage to fixed firefighting systems, life saving equipment, and bilge pumping equipment
- Any other circumstance that might affect or impair a vessel's seaworthiness
- Any incident involving significant harm to the environment including the discharge of oil or release of hazardous substances into navigable waters

A follow-on written report (CG-2696) must be submitted within five days of the casualty.

If personnel available on board cannot meet the needs of an actual or potential incident, the master is expected to follow the procedures approved in the ship's Vessel Response Plan (VRP) including initiating, within an hour, a remote assessment and consultation with a competent salvor. The person contacted must be competent to consult on a determination of the appropriate course of action and initiation of a response plan. See 33 CFR 155.4025 and .4030

When a discharge of oil, or a substantial threat of such a discharge of oil, exists the resource provider identified in a VRP should be immediately notified and, as appropriate, activated. Quick initiation of a remote assessment and consultation may save lives and prevent the escalation of potential oil spills to worst case discharge scenarios. See 33 CFR 155.4010(b).

## **8020 Safety Zones**

The COTP may find it helpful to control or restrict vessel traffic near an incident or vessel in distress to help ensure the safety of responders and the general public. All safety zones are established by regulation. 33 CFR 165 Subpart C sets forth procedures for the COTP to establish Safety Zones for the protection of vessels, water, and shore areas. See <https://www.law.cornell.edu/cfr/text/33/part-165/subpart-C>. Temporary Safety Zones issued in response to an emergency, such as a ship fire, are issued as final rules and are effective immediately upon signing.

Some reasons to establish a Temporary Safety Zone include:

- Ensuring the safe transit of a vessel carrying cargo of particular hazard
- Limiting vessel access to an area in which spill removal operations are underway
- Limiting access to shore side areas suffering from the after effects of explosions, fires or oil pollution
- Safeguarding a vessel grounded or sunk in or near a navigable channel, or to keep vessels off an uncharted shoal before marking or dredging
- Establishing a perimeter around a damaged or burning vessel, in order to facilitate access for fire/rescue personnel and to protect uninvolved persons and vessels.

## **8100 Marine Firefighting**

Primary responsibility for maintaining necessary firefighting capabilities in U.S. ports and harbors lies with local authorities.

The waterfront fire protection mission continues to grow and become more complex as cargo vessels increase in size and carry more hazardous commodities, cruise ships carry more passengers and commercial vessels of all types become more frequent visitors to our ports.

## **8110 USCG Marine Firefighting Contingency Plans**

The *Ports and Waterways Safety Act of 1972* acknowledged that increased government supervision of port operations is necessary to prevent damage to structures in, on, or adjacent to the navigable waterways of the United States, and to reduce the possibility of vessel or cargo loss, or damage to life, property and the marine environment. Following the passage of this Act, the Coast Guard issued marine firefighting guidance to Coast Guard field units in the Coast Guard's Firefighting Assistance Policy (COMDTINST 11320.7).

This guidance was further expanded in Coast Guard Marine Safety Manual Volume VI, Chapter 8 (Coast Guard Firefighting Activities, June 1986, Revised May 1996). The guidance reiterated the Coast Guard's role in ensuring the safety and security of the nation's ports and directed Captains of the Port (a.k.a. USCG Sectors) to develop local Marine Firefighting Contingency Plans. These local plans include discussions on Federal, State, and local agency responsibilities, response organization, possible marine firefighting scenarios, and a listing of marine firefighting resources.

## 8111 U.S. Coast Guard's Role

The Coast Guard renders assistance as available, based on the level of personnel training and the adequacy of equipment. Coast Guard units do not normally have advanced firefighting capabilities. The Commandant intends to maintain this traditional “assistance as available” posture without conveying the impression that the Coast Guard is prepared to relieve local fire departments of their responsibilities. In developing a Coast Guard unit’s assistance posture, the following needs to be considered:

- Threat level of fire;
- Jurisdictions involved;
- Capabilities of local fire departments;
- Availability of Coast Guard equipment; and
- Level of Coast Guard training.

Although the Coast Guard has no specific statutory responsibility to fight marine fires, it has traditionally been responsible for the saving of life and property upon the waters of the United States.

The U.S. Coast Guard Captain of the Port (COTP), co-located with the USCG Sector, works with port authorities and local governments within its area of jurisdiction to maintain current and effective contingency plans, supported by the port community, including its fire departments, to ensure coordination of federal, state, municipal, and commercial resources that respond to fires and other incidents. This policy is consistent with the Federal *Fire Prevention and Control Act of 1974* (PL 93-498) that states that firefighting is, and should remain, a state and local function.

Responsibilities of the COTP during a major fire aboard a vessel or waterfront facility include:

- Establish and coordinate a Unified Command in accordance with the Coast Guard Incident Management Handbook, COMDTPUB 3120.17 (series)
- Assist in staffing the Incident Command Post
- Assume lead UC member for a burning vessel underway or at anchor when the fire department with jurisdiction is not on scene or unable to respond or no fire department has jurisdiction
- Assume operational control of all Coast Guard forces on-scene
- Establish safety or security zones as necessary
- Provide information on involved waterfront facilities

- Provide information on the location of hazardous materials on the vessel or facility, if available
- Provide technical data on ship's construction, stability and marine firefighting techniques
- For vessel fires, the primary marine firefighting resource provider identified in the VRP will be the point of contact for the plan-holder, the Federal On-Scene Coordinator (FOOSC) and the Unified Command, in matters related to specific resources and services, as required in 33 CFR 155.4030(a).
- Coordinate the response to actual or potential oil or hazardous materials discharges in the Coastal Zone.
- Obtain tugs to assist in relocating moored or anchored vessels using the VRP's pre-identified resources with proper horsepower or bollard pull compatible with the size and tonnage of the vessel to be assisted, if available. See 33 CFR 155.4035 "*Emergency towing*".
- Alert owners/operators of terminals or vessels at risk.

## **8120 Local Fire Departments & Port Authorities**

Paramount in preparing for vessel or waterfront fires is the need for local fire departments and port authorities to integrate planning and training efforts with the Coast Guard and other responsible agencies. Integration of planning and training with vessel and third-party shipboard marine firefighting services is also necessary to ensure smooth coordination of resources during shipboard fire incidents.

### **8121 Contracting for Shipboard Firefighting Resources**

Vessel owners and operators are required to contract for shipboard firefighting resources and prepare a vessel-specific pre-fire plan that outlines their responsibilities and actions aboard the vessel during a marine fire incident. This plan explains the resource provider's role and the support which can be provided during marine firefighting incidents, including responsibilities and procedures for coordination of on-scene forces. It should be designed for use in conjunction with other state, regional and local contingency and resource mobilization plans.

### **8122 Local Authorities**

Local fire departments are responsible for fire protection within their jurisdictions. In a number of cities, this responsibility includes marine terminals and facilities.

Responsibilities of local fire departments include:

- Serve as lead Unified Command member for a burning vessel at the pier or underway for incidents within their jurisdiction.
- Establish and staff a Command Post when acting as IC and ensure proper Unified Command participation when appropriate.
- Respond with necessary personnel and equipment, including fire boats, specialized technical rescue and hazardous material resources, safety officers and appropriate medical aid.
- Coordinate with the vessel's contracted marine firefighting provider for shipboard services.
- Determine the need for, and request mutual aid.
- Make all requests for Coast Guard personnel, equipment, and waterside security through the COTP.
- Establish liaison with police departments for landside traffic and crowd control, scene security, and evacuation.
- Provide portable communications equipment to response personnel from outside agencies, if needed.

### **8123 California State Lands Commission**

The California State Lands Commission (SLC) manages state land and oversees marine oil terminal operations. Representatives may be a valuable asset as a technical specialist for an event occurring at a facility they regulate.

### **8124 County Agencies**

Counties, being a legal sub-division of the State of California, have jurisdictional boundaries within the sovereignty of the State of California which extend from the mean high water mark out to 3 nautical miles and beyond if it doesn't conflict with federal law and when not identified by municipal boundaries. As a state agency, county fire and sheriff departments may be able to offer unique resources for preparedness, response, recovery, and mitigation. In counties that possess resources for fire management, the county fire department (or sheriff department for certain marine incidents), has the responsibility to act in the same capacity as municipal departments for incidents occurring within the county jurisdiction but outside municipal jurisdictions.

Under the California Fire Service and Rescue Emergency Mutual Aid System Plan, each of California's 58 counties is designated as an "Operational Area" (the exceptions are the Lake Tahoe Basin and Los Angeles County, which both contain more than one Operational Area).

Operational Area Fire and Rescue Coordinators are responsible for:

- Maintaining Fire Defense Resource Inventories
- Area Mutual Aid Plan
- Dispatch of Fire and Rescue Mutual Aid Resources

## **8125 Port Authorities and Harbor Departments**

Generally, Port Authorities and Harbor Departments provide infrastructure for tenants and customers and work closely with the local municipal government to ensure access is maintained for emergency response resources. This infrastructure may include security, fire protection, pilotage, and anchorage/mooring areas.

Port Authorities and Harbor Departments should be notified immediately whenever a fire occurs within their boundaries, or in close proximity, to help coordination of response efforts.

## **8126 Vessel Master**

A captain or vessel master is a licensed mariner in ultimate command of the vessel. The captain is responsible for its safe and efficient operation, including cargo operations, navigation, crew management and ensuring the vessel complies with local and international laws, as well as company and flag state policies. All persons on board, including officer and crew, other shipboard staff members, passengers, guests and pilots, are under the captain's authority and are his ultimate responsibility.

The presence of contracted and/or local fire fighters does not relieve a vessel master of command of, or transfer the master's responsibility for overall safety on, the vessel. However, the master should not normally countermand any orders given by the local fire fighters in the performance of fire fighting activities on board the vessel, unless the action taken or planned clearly endangers the safety of the vessel or crew. Regardless of other response resources, the owner/operators of vessels, facilities, and oil platforms retain a fundamental responsibility for safety and security.

## **8127 A Salvor's Role in Marine Firefighting**

See **section 8220**, *A Salvor's Role in Marine Firefighting*, in this chapter.

## **8128 Basic Firefighting Training for Mariners**

All merchant mariners are required to maintain proficiency in basic firefighting skills in accordance with IMO's Standards of Training, Certification, and Watchkeeping for Seafarers (STCW) Convention. Additionally, Masters and rated Officers of oil and chemical tankers

are required to undergo additional training and certification relevant to the specific hazards and emergency actions required for those particular cargos. In either case, merchant mariners must hold an endorsement on their license or credential indicating they meet these requirements.

## **8130 Incident Management during Marine Fires**

Upon activation of the Plan, salvage and firefighting resources under the direction of the Incident Commander/Unified Command respond in an appropriate manner in an attempt to stabilize the incident. Coast Guard assets are prepared to provide “assistance as available” to firefighting efforts when appropriate qualified fire service officers are present and able to assume command.

### **8131 Incident Commander**

For marine fires, the highest ranking fire service officer present in whose jurisdiction the marine fire occurs will normally serve as the Incident Commander. Based on availability and limitations of agency resources, an agency with jurisdictional authority may elect to transfer Incident Command to an assisting agency who has a greater capacity to respond to the marine fire incident. For marine casualties not involving fire or the threat of fire, the Coast Guard will normally retain the Incident Commander role. Then the highest ranking fire service officer may serve as the lead member of the Unified Command for firefighting operations.

### **8132 Unified Command**

If an incident extends over jurisdictional boundaries, it is best to establish a Unified Command response structure. If there is a threat of an oil spill or hazardous materials release due to a marine incident, the *Oil Pollution Act of 1990* and National Contingency Plan require the Coast Guard to respond and form a Unified Command.

Within the Unified Command structure, the lead member may shift between agencies when other operations such as search and rescue, environmental protection, and/or vessel salvage are being conducted. The strength of the Unified Command response structure is multiple authorities and resources can be leveraged simultaneously for multiple missions and incident objectives.

### **8133 Role of the Responsible Party/Owner-Operator in the UC**

As required under the *Oil Pollution Act of 1990*, the owner/operator of a vessel, oil platform,



or waterfront facility shall designate a representative to serve as a member of the Unified Command in a manner consistent with the National Contingency Plan.

At all times, the owner/operator has a legal responsibility for the safety of the vessel's crew and any other individuals who board the vessel or oil platform or enter the waterfront facility.

## 8200 Salvage

The Coast Guard serves as the federal government's lead agency for responding to threatened or actual pollution incidents in the coastal zone and works closely with the US Army Corps of Engineers (USACE) to ensure a coordinated approach to maintaining safety and the functionality of the port navigation system in U.S. ports and waterways.

The Coast Guard is one of two primary agencies for ESF 10 (Oil & Hazardous Materials Response), which includes mission-specific salvage response. The Coast Guard, upon the request of FEMA, may provide management and contract administration for certain Mission Assignments under the authority and funding in accordance with the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (Stafford Act).

Coast Guard authority for vessel removal/destruction when no Responsible Party is identified is described in COMDTINST 16465.5 (series), and COMDTINST M16465.43 (series).

The following incident objectives, captured on form ICS-202, are paramount:

- Safety of human life
- Rescue of victims
- Notification of key personnel/agencies
- Fire suppression
- Protection of the environment
- Security and salvage of wreckage
- Incident investigation
- Restoration of the Marine Transportation System

Having a well thought-out and organized salvage plan is vital to the success of any salvage operation. A detailed survey of the casualty and salvage site provides the salvor with the necessary background information from which to form a comprehensive plan. To develop a workable salvage plan, salvors must evaluate the position and condition of the ship, understand the complexities of the given situation and conceptualize the work and methods necessary to accomplish the aims of the operation.

Salvage efforts may be divided into three phases: assessment and survey, stabilization, and specialized salvage operations. See 33 CFR 155.4025. The assessment is intended to allow sound decisions to be made for subsequent salvage efforts. Stabilization may be accomplished with measures such as emergency towing, emergency transfer operations, vessel refloating, and making temporary repairs. During the stabilization phase, salvors must take steps to limit further damage to the vessel, and to keep the ship from being driven harder aground or broaching. Specialized salvage operations may include heavy lift capability, subsurface or subsurface product removal, and refloating of a vessel. Refloating commences when the salvage plan is executed and ends when the ship begins to move from her stand. After refloating, the vessel is secured and delivered to the designated port facility.

## **8210 Initial Salvage Response**

Initial response is the responsibility of the owner/operator of the vessel, oil platform, or waterfront facility. Owners and operators must develop their own contingency plans to respond to marine fires and limit the spread of fire from their property.

Many public agencies and private organizations may provide assistance with marine firefighting response operations. These organizations include:

- Municipal fire and police departments
- County fire and sheriff departments
- U.S. Coast Guard
- Affected port and harbor authorities
- Contracted resources
- Other interested parties including Good Samaritans

Local firefighting organizations (municipal, industrial, and contractor) must be prepared to respond within the limits of their training and capabilities. If firefighting resources are not trained or capable of handling a marine fire, they can take appropriate measures to prevent the fire from spreading to nearby exposures.

The Federal On-Scene Coordinator (within the Unified Command) shall oversee salvage operations and pollution response upon conclusion of firefighting operations.

Other response entities, particularly pollution response and salvage resources, will be integrated into the response organization as needed by the Incident Commander or Unified Command (to include the Responsible Party). Although no industry certification standard exists for salvors, the Incident Commander/Unified Command should utilize the evaluation

criteria in 33 CFR 155.4050, which is supported by the American Salvage Association, to ensure the adequacy of salvors and commercial marine firefighters. See <https://www.law.cornell.edu/cfr/text/33/155.4050>.

## **8220 A Salvor's Role in Marine Firefighting**

Many shipboard fires start in the engine room or accommodation spaces. Oils fuel most engine room fires initially, producing hot fires that spread rapidly and require immediate attack. Because accommodation blocks are usually directly above machinery spaces, engine room fires often spread to these spaces, which also contain heavy fuel loads.

Cargo fires have different characteristics that depend upon the type of cargo and the ventilation arrangements and fire-fighting arrangements in the hold. Fires in containers, chemical carriers, bulk cargoes of coal, liquefied gas carriers, and tankers require specialized fire-fighting techniques.

Salvors play a major role in ship survivability. Regulations were implemented in 2011 for tank vessels, and in 2013 for nontank vessels requiring vessel owners and operators to identify and pre-contract, with funding agreements in place, for adequate marine firefighting services. These services include remote assessment and consultation, on-site fire assessment, and fire suppression using external vessel firefighting teams and systems.

Vessel owners/operators must plan to provide firefighting services that are capable of responding within timeframes for vessel fires at the pier operating area, and from 0-12 miles, or 12-50 miles from shore. Resource providers may be listed in the VRP that have been arranged by contract or other approved means. Public marine firefighters may only be listed out to the maximum extent of the public resource's jurisdiction unless other agreements are in place.

The vessel owner or operator must provide their marine firefighting resource provider with the shipboard response section of their VRP, and a vessel specific pre-fire plan. The marine firefighting provider must certify to the vessel owner or operator that they find the plan acceptable and agree to implement it to mitigate a potential or actual fire. These pre-fire plans include vessel diagrams and are available to the Coast Guard's SERT team.

Salvors must be proficient in firefighting strategies, tactics and use of equipment. Vessel owner or operator selection of marine firefighting providers is based upon their meeting training guidelines in NFPA 1001, 1005, 1021, 1405 and 1561, showing equivalent training, or demonstrating qualification through experience. Adequate marine firefighting service planning includes ensuring firefighting equipment is compatible with the vessel.

Salvors must react quickly and read a fire, to anticipate what will happen. Several characteristics of marine fires impede salvage firefighters:

- What is seen from a salvage ship alongside a burning vessel is not always representative of the total fire situation aboard the casualty.
- A ship has finite dimensions and special hazards (fuel, dangerous goods, munitions, etc.) that govern the basic firefighting approach
- Materials and storage methods aboard ship make firefighting difficult
- A burning ship has a limited capacity to sustain buoyancy losses caused by the accumulation of large quantities of firefighting water
- Resupplying firefighting consumables is often difficult and may require helicopter logistics

## **8221 Dewatering & Vessel Stability**

The free surface effect of loose water is often more damaging to stability than the weight of the water. Whenever fires are fought with water or other liquids, careful attention must be paid to where those liquids go, both during and after the fire. It is essential to establish and maintain adequate dewatering systems during the fire containment stage. To maintain vessel stability during dewatering, vessel owners and operators pre-contract for expert guidance from remote and on-site fire assessors.

The remote assessor is contacted immediately to discuss and assess the situation and is competent to consult on a determination of the appropriate course of action and initiation of a response plan. Completion of a vessel's stability and structural integrity assessment is accomplished through the use of a salvage software program. The data used for calculations includes information collected by the on-site salvage professional. The assessment is intended to allow sound decisions to be made for subsequent marine firefighting and salvage efforts and must be consistent with the conditions with regard to use of a salvage software program, as set forth in 33 CFR 155.240 and 155.245.

The on-site fire assessor, on scene, at a safe distance from the vessel or on the vessel, can determine the steps needed to control and extinguish a marine fire in accordance with a vessel's stability and structural integrity assessment, if necessary.

The Coast Guard's SERT team interfaces with the vessel owner/operator's assessors, and the vessel owner/operator's primary resource provider is the point of contact for the plan-holder, the FOSC and the UC.

## 8230 Emergency Towing

The mission of emergency (or rescue) towing includes saving a stricken vessel at sea and towing to a safe refuge, or possibly towing a damaged vessel away from a port to protect life and property.

Ideally, a rescue tug can:

- Reach the casualty before the situation deteriorates beyond recovery
- Arrest the leeward drift
- Turn the distressed vessel to reduce the environmental effects
- Make headway to a port of safe refuge

The U.S. Coast Guard requires all commercial tank vessels carrying petroleum as cargo and all commercial non-tank vessels over 400 gross tons to identify an emergency towing provider in their Vessel Response Plan. The vessel owner/operator must identify towing vessels with adequate horsepower and bollard pull, which can operate in environments with winds up to 40 knots, and can respond within 12 to 18 hours to where the vessel plans to operate. See (33 CFR 155.4030(e)).

To facilitate an emergency towing evolution within a port complex, all oil tankers over 20,000 deadweight tons (dwt) must have an emergency towing arrangement fitted at both ends of the vessel in accordance with 33 CFR 155.235 and IMO resolution MSC.35(63), and all vessels carrying permitted Class 1 explosives (Division 1.1 and 1.2 materials), must have emergency towing wires secured to mooring bits at the bow and stern ready for immediate use with the towing eyes passed outboard and kept at about water level while the vessel is moored or anchored in a port area, in accordance with 49 CFR 176.178.

## 8240 Scuttling & Ocean Dumping

The *Marine Protection, Research, and Sanctuaries Act* (MPRSA) regulates the ocean dumping of wastes including disposal of ships at sea. The Environmental Protection Agency (EPA) established criteria for ocean dumping permits including the sites and time periods at which ocean disposal can occur. When vessel scuttling or ocean dumping is considered, the Regional Response Team should be briefed.

When an emergency situation exists, where the vessel poses an immediate peril, is at risk of sinking, and is likely to result in a pollution event or hazard to navigation, the disposal process can be expedited. See <http://www.epa.gov/region02/water/oceans/wrecks.htm>. For example, when the USACE and/or the USCG determine that an emergency exists; exceptions

can be made regarding the notification requirements, the daylight requirement, and the requirement that all oils and contaminants be removed. If sunk within three nautical miles from shore, the appropriate state agency must be consulted.

Ocean Dumping Permits	
Mr. Allan Ota EPA Regional Ocean Dumping Coordinator	<a href="mailto:ota.allan@epa.gov">ota.allan@epa.gov</a> ; (415) 972-3476

In most emergency instances involving vessel scuttling, the vessel owner is involved in the decision-making. However, in cases where the owner is unknown or uncooperative, the USCG, in accordance with the National Contingency Plan (NCP), has the authority to remove and, if necessary, destroy a vessel. Note that while the Federal On-Scene Coordinator (FOSC) makes the initial determination of whether a vessel should be removed or destroyed, only the USCG Commandant can authorize such action.

The decision to scuttle a vessel in an emergency is based on the facts of the incident and the perceived trade-offs. Typically, the USCG works to remove as much oil from the vessel as possible, while balancing worker safety and logistical concerns. Safety issues are beyond the scope of this chapter but it is important to note that a full evaluation of trade-offs needs to carefully consider worker safety concerns inherent in emergency response actions such as pumping bunker tanks that may require confined space entry into a dark, rolling, structurally questionable, and potentially unstable vessel.

## 8300 Salvage & Marine Firefighting Plans

Each U.S. Coast Guard Sector (major port) maintains a Salvage and Marine Firefighting Plan as Chapter 8000 of its Area Contingency Plan. It includes geographic-specific annexes concerning marine firefighting, salvage, potential places of refuge, response directories, samples of Incident Action Plans, salvage diving safety plans and other information.

The salvage plan enumerates the work to be done, matches it with the resources available, schedules it, sets forth the responsibilities of individuals and organizations, and provides a vehicle for coordination of all salvage efforts to meet target dates and times.

### 8310 Vessel Response Plans

USCG NVIC 2-10 – *Guidance for Implementation and Enforcement of SMFF Regulations*

for VRPs states: “The response plan is activated once the Master has determined that the resources and personnel available on board cannot meet the needs of an actual or potential incident.” Regulations require a qualified remote assessment and consultation service provider to be available to discuss and assess the situation, in order to determine the safest and most effective way to proceed. Activation of this resource is expected within the 1 hour from the time the response organization identified in the VRP receives notification of a potential or actual incident.

As a provision of the *Oil Pollution Act of 1990*, all tank vessels carrying oil as cargo and all commercial vessels over 400 gross tons carrying oil as fuel for main propulsion must develop and maintain an oil spill response plan. The plan must include shipboard spill mitigation procedures and cover all geographic areas of the United States in which the vessel intends to operate. These provisions were codified in 33 CFR 155, Subpart D (155.1015) and Subpart J (155.5015) respectively.

In addition to general pollution prevention and response procedures, several classes of commercial vessels must also identify a salvage and marine firefighting resource provider that is capable of responding to an incident while the vessel is operating within 50 miles of the U.S. coast.

- All petroleum tank vessels (regardless of capacity) and all non-tank vessels over 400 gross tons with a fuel capacity greater than 2,500 barrels must have a signed response contract with a salvage and marine firefighting provider.
- All non-tank vessels over 400 gross tons with a fuel capacity less than 2,500 barrels, but greater than 250 barrels must have a consent agreement with a salvage and marine firefighting provider to list them in the vessel response plan, but does not require a signed response contract.
- All non-tank vessels over 400 gross tons with a fuel capacity less than 250 barrels must have a consent agreement with a salvage services only.

### 8311 SMFF Response Timeframes

Salvage response timeframes are set in 33 CFR 155.4030(b).

Salvage—Stabilization	CONUS	OCONUS
Emergency Towing	12 hrs	18 hrs
Salvage Plan	16 hrs	22 hrs
External Emergency Transfer Operations	18 hrs	24 hrs

Emergency Lightering	18 hrs	24 hrs
Other Refloating Methods	18 hrs	24 hrs
Temporary Repairs	18 hrs	24 hrs
Diving Services Support	18 hrs	24 hrs

### 8312 Scenario-Based Salvage and Marine Firefighting Verification

The Coast Guard has implemented a scenario-based Salvage and Marine Firefighting (SMFF) verification. In conjunction with the review of vessel response plans (VRPs) submitted for approval, the SMFF verification will ensure VRP compliance with applicable SMFF regulations in 33 C.F.R. Part 155, Subpart I. After the vessel owner or operator submits a VRP for initial approval or five-year renewal, the Coast Guard may ask the vessel owner or operator to answer questions about a scenario involving a vessel requiring SMFF services in a Captain of the Port (COTP) zone listed in the VRP. The vessel owner or operator must use information within the submitted VRP to answer the questions, which may necessitate contacting the primary SMFF resource provider for support. This SMFF verification will not involve the deployment of actual resources to a particular scene, nor will it involve months of exercise planning. Rather, vessel owner or operators will have up to ten days to submit their responses to the questions to the Coast Guard.

### 8313 Vessel Response Plans in VRP Express

VRP Express is a program developed to aid both the Coast Guard and our industry partners in managing, tracking, and viewing *Vessel Response Plans*, *Shipboard Oil Pollution Emergency Plans* (SOPEPS) and *Shipboard Marine Pollution Emergency Plans* for vessels carrying oil and noxious liquid substances (SMPEPs).

Vessel Response Plan Information	<a href="http://homeport.uscg.mil/vrp">http://homeport.uscg.mil/vrp</a>
Vessel Response Plan Status Page	<a href="http://homeport.uscg.mil/vrpexpress">http://homeport.uscg.mil/vrpexpress</a>
Enclosure 8313: Vessel Response Plan Express Quick Reference Card (For USCG members using CAC login.)	<a href="https://nrt.org/site/doc_list.aspx?site_id=85">https://nrt.org/site/doc_list.aspx?site_id=85</a>

### 8314 Principle Entity Contracted to Provide SMFF Services

The resource provider listed in the vessel response plan is the principle entity contracted to provide specific salvage and/or marine firefighting services and resources, regardless of other salvage and marine firefighting resource providers listed for that service, for each of the



COTP zones in which a vessel operates. The primary resource provider will be the point of contact for the plan holder, the Federal On-Scene Coordinator (FOOSC) and the Unified Command, in matters related to specific resources and services, as required in 33 CFR 155.4030(a). Although this private response is mandated, it is also required that the private responder integrate into the existing incident command structure.

Enclosure 8314: Evaluating Salvage & Marine Firefighting Services	<a href="https://nrt.org/site/doc_list.aspx?site_id=85">https://nrt.org/site/doc_list.aspx?site_id=85</a>
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## 8320 Related Plans

Area Maritime Security Plan (AMSP)	Comprehensive port security plans that provide awareness, preparedness, prevention, security response, and system stabilization recovery procedures and coordination, and act as a communications tool among port stakeholders within a COTP Zone.
Salvage Response Plan (SRP)	An element of the AMSP that coordinates post-maritime Transportation Security Incident (TSI) salvage and vessel removal to reopen the port as required by the <i>Security and Accountability for Every Port Act</i> (SAFE Port Act) of 2006.
Maritime Transportation System Recovery Plan (MTSRP)	The MTSRP is an element of the AMSP that coordinates port recovery planning following a transportation disruption. See chapter 4000 for a description of the Maritime Transportation System Recovery Unit (MTSRU) in the Unified Command.
Vessel Response Plans (VRP)	Environmental protection contingency plans required by the U.S. Coast Guard for most commercial vessels operating in U.S. waters. The plans include notification procedures, shipboard spill mitigation procedures, and shore-side spill response resources. For petroleum tank vessels and certain commercial vessels over 400 gross tons, the plans must also identify salvage and marine firefighting resources.

Vessel Pre-Fire Plan	The marine firefighting pre-fire plan must be submitted with the VRP for each tank vessel and nontank vessel over 400 gross tons with oil capacity above 250 bbl. It outlines the responsibilities and actions during a marine fire incident. The principle purpose is to explain the resource provider's role, and the support which can be provided, during marine firefighting incidents. Policies, responsibilities and procedures for coordination of on-scene forces are provided in the plan. It should be designed for use in conjunction with other state, regional and local contingency and resource mobilization plans.
Vessel Fire Control Plan (VFCP)	The Fire Control Plan is a mandatory requirement of SOLAS. The plan provides information about fire stations on each deck, alarm systems, sprinkler and extinguishing appliances, and ventilation systems. A copy of the fire control plan can be found in a weather tight tube near the gangway of a vessel.
Facility Operation Manuals	Operators of marine transfer facilities regulated by the U.S. Coast Guard are required to have an Operations Manual describing how they meet the operating rules and equipment requirements of 33 CFR Parts 154 and 156. The plan includes emergency response procedures for cargo leaks and spills, fire fighting procedures and extinguishing agents effective on cargo fires, and emergency contact information.
Facility Response Plan (FRP)	A Facility Response Plan demonstrates a facility's preparedness to respond to a worst case oil discharge. Under the Clean Water Act, as amended by the Oil Pollution Act, facilities that could reasonably be expected to cause "substantial harm" to the environment by discharging oil into or on navigable waters are required to prepare and submit Facility Response Plans.

## 8400 Salvage Resources

Salvage and marine firefighting resources are, for the most part, not listed in the Response Resources Inventory. They are, however, included in the Salvage and Marine Firefighting core Geographic Specific Appendices contained in the Vessel Response Plan by reference to documents submitted directly to the USCG VRP Program for review.

Points of contact for the information in this section are as follows.

Ms. Patricia K. (Adams) Wolf  
 Salvage and Marine Firefighting Program Manager  
 USCG COMMANDANT (CG-MER-1)  
 (202) 372 1227  
[Patricia.K.Wolf@uscg.mil](mailto:Patricia.K.Wolf@uscg.mil)

**8410 List of SMFF Resources for California**

Enclosure 8410: List of SMFF Resources in California (redacted) : [https://nrt.org/site/doc\\_list.aspx?site\\_id=85](https://nrt.org/site/doc_list.aspx?site_id=85)

The information in all three lists in this section is based on information provided by the SMFF Providers in their *SMFF Core GSAs* last submitted on October 1<sup>st</sup>, 2015.

Columns A - C	Subcontractor Information (name, phone, address, website)
Columns D - G	Indicates which of the 4 major SMFF providers company is contracted
Columns I - K	Indicates which of the COTP Zones within D11 the company operates (A=Ardent, D=Donjon-SMIT, R=Resolve, T=T&T Salvage)
Columns L - AD	Indicates which of the 19 services the company provides (A=Ardent, D=Donjon-SMIT, R=Resolve, T=T&T Salvage)

**8411 List of Emergency Towing Vessels in California**

Enclosure 8411: Emergency Response Towing Vessels in California (redacted) : [https://nrt.org/site/doc\\_list.aspx?site\\_id=85](https://nrt.org/site/doc_list.aspx?site_id=85)

For the towing vessel table, like the codes are the same as for the resources table:

- A=Ardent,
- D=Donjon-SMIT,
- R=Resolve, and
- T=T&T Salvage.

A towing vessel may be listed multiple times if it is contracted by more than one of the above listed SMFF Providers. The table lists the vessel name, company, HP, Bollard Pull, and

which COTP Zone the vessel operates by SMFF Resource Provider.

## **8412 List of Piers in California**

The Piers Table lists all of the Piers that each SMFF Resource Provider lists in their GSA in each of the COTP Zones.

Enclosure 8412: Piers in California Mentioned in Vessel Response Plans (redacted) :  
[https://nrt.org/site/doc\\_list.aspx?site\\_id=85](https://nrt.org/site/doc_list.aspx?site_id=85)

## **8420 Quarterly Updated SMFF Provider Information**

The four major SMFF Providers in each Captain-of-the-Port Zone (a.k.a. USCG Sector) are required to update their "core geographic-specific appendix" (GSA) every quarter and to submit it for review and acceptance by the USCG. These updates enable their clients to incorporate the core GSA into Vessel Response Plans (VRPs) by referencing the online location; version #; and date of the core GSA. These "core GSAs" list the resources each SMFF Provider will use in each of the 41 COTP zones in the US.

USCG headquarters, CG-MER-1 staff, distributes these quarterly updates to its distribution list. To be added to this quarterly update, send email to [vrp@uscg.mil](mailto:vrp@uscg.mil).

The following informational documents are included in each update.

- SMFF Resources Database updated quarterly: Shows the Resources and Subcontractors for each of the major providers by COTP Zone and by service provided.
- VRP Express QRC: Gives directions on accessing a plan on VRP Express where the SMFF Provider Core GSAs can be found.
- Pre-Fire-Plan Sites and Logins: Links to web addresses, usernames, and passwords for accessing Pre-Fire-Plans for each of the 4 SMFF Providers.
- ER Towing Vessels updated quarterly: List of all the Emergency Response Towing vessels listed in the SMFF Providers Core GSA by District and Captain of the Port (COTP) Zone.
- Piers Database updated quarterly: All of Piers listed in the SMFF Providers Core GSA for Firefighter Response within timeframes by COTP Zone.

VRP Information: <http://homeport.uscg.mil/vrp>

VRP Status Page: <http://homeport.uscg.mil/vrpexpress>

# 8500 Partner Agencies

## 8510 U.S. Army Corps of Engineers

One of the USACE's primary missions is to ensure navigation on the nation's waterways moves safely, reliably and efficiently with minimal impact to the environment, thus sustaining a vital component of the economy. USACE navigation activities are worked in partnership with the Coast Guard, National Oceanic and Atmospheric Administration (NOAA) and the shipping industry.

USACE provides emergency support in the restoration of inland waterways, ports, and harbors through dredging operations, channel depth surveys, and clearing obstructions from channels to include vessel removal and salvage.

### 8511 Mitigating Obstructions

On 5 October 2012 the USCG and ACOE signed a Memorandum of Understanding to explain the procedures to determine whether an obstruction is a hazard to navigation and procedures to determine the appropriate corrective actions to be taken by both agencies. This MOU replaced one from 1985.

Enclosure 8511: ACOE-USCG MOU re Mitigating Obstructions to Navigation:  
[https://nrt.org/site/doc\\_list.aspx?site\\_id=85](https://nrt.org/site/doc_list.aspx?site_id=85)

### 8512 Marking and Removing Wrecks & Obstructions

The Army Corps of Engineers and the USCG have a Memorandum of Agreement concerning *Coast Guard and Department of Army Responses to Marking and Removal of Sunken Vessels and Other Obstructions to Navigation*. See Appendix B at

[http://www.publications.usace.army.mil/Portals/76/Publications/EngineerRegulations/ER\\_1130-2-520.pdf](http://www.publications.usace.army.mil/Portals/76/Publications/EngineerRegulations/ER_1130-2-520.pdf).

### 8513 Removing Wrecks & Obstructions

The ACOE will accept FEMA Mission Assignments to remove obstructions in a federally-regulated channel, but they will not conduct surveys to look for obstructions to the channel (for example, after a storm or tsunami). Use the NOAA Navigation Response Team for that as explained below.

The ACOE policy regarding removal of wrecks and obstructions is in ER 1130-2-520,

*Project Operations, Navigation & Dredging Operations & Maintenance Policies*, Chapter 4. [http://www.publications.usace.army.mil/Portals/76/Publications/EngineerRegulations/ER\\_1130-2-520.pdf](http://www.publications.usace.army.mil/Portals/76/Publications/EngineerRegulations/ER_1130-2-520.pdf). The text below is an excerpt from Chapter 4, *Removal of Wrecks & Obstructions*, page 4-2.

#### 4-3 Policy

- d. *Emergency removal authority under "Section 20" of the River and Harbor Act of 1899, as amended (33 United States Code 409 and 411-415), shall be used only when an expedited removal is necessary for the protection of life or property, or when an obstruction seriously impedes navigation. Emergency removals may involve a taking of private property by the Federal government, with a potential for legal liability if not sufficiently justified by the circumstances. The exercise of this authority is always a special case, and therefore requires special notifications to HQUSACE when invoked. In all cases of emergency removal, district commanders shall ensure immediate telephone notification to their MSC and headquarters (CECW-OD), followed by message within 24 hours reporting the situation and actions taken/planned. Telephone notifications to HQUSACE after-hours shall be made through the Army Operations Center as described below.*

HQ US ACE After Hours  
Army Operations Center  
Ask for the CECW-OD representative  
(703) 695-2769

- e. *In cases involving substantial threat to the human environment from pollution, the USCG may exercise its own authority to remove or destroy a vessel. Some of these cases may also involve a hazard to navigation (triggering USACE jurisdiction) and some may not. When circumstances would permit removal by either agency, the decision as to which agency will take the lead shall be made locally, if possible. The USCG will always make the final decision whether to invoke its authority for removal under 33 CFR 153 (Control of Pollution by Oil and Hazardous Substances Discharge Removal). However, the USACE may not invoke its emergency removal authority under Section 20 (33 USC 415) when the sole purpose of removal is for mitigating a pollution threat. Section 20 removal must always be tied to navigation impacts.*

4-4 Funding.

- a. The authority to undertake removal up to \$100,000 (contract cost) is delegated to district commanders (and MSC commanders for operating divisions). Further delegation is authorized, but must be in writing (either specifying individual name or job position). Delegation of emergency removal authority (Section 20 removals) may not be made below the level of the Chief, Construction-Operations Division (or Operations Division). Note: Emergency actions to prevent loss of life or significant property damage shall NEVER be delayed on the basis of estimated cost or lack of cost estimate.
- b. *Funding for all USACE removal efforts under \$100,000 shall initially be charged to the revolving fund. After completion of removal, the district shall submit a request through the MSC to CECW-OD for reimbursement from O&M, General. For cases over \$100,000, instructions for funding shall be provided with the approval from CECW-OD.*
- c. *Reimbursable costs (those which are recoverable from the owner/operator/lessee) shall be all "reasonable" costs associated with marking and removal....*

**8514 Army Corps of Engineers Contacts**

Army Corps of Engineers, San Francisco	
HQ USACE (after-hours) via the Army Operations Center, and directed to a CECW-OD representative	(703) 695-2769
Mr. <u>Derrick Dunlap</u> Deputy Operations Officer Operations & Readiness Division	<a href="mailto:Derrick.T.Dunlap@usace.army.mil">Derrick.T.Dunlap@usace.army.mil</a> (415) 503-6772
Mr. Marty Plisch Navigation Chief Operations & Readiness Division	<a href="mailto:Marty.L.Plisch@usace.army.mil">Marty.L.Plisch@usace.army.mil</a> ; (415) 859-1651

**8520 NOAA Navigation Response Teams**

Assistance from a Navigation Response Team (NRT) can be requested through the NOAA Scientific Support Coordinator based at the 11<sup>th</sup> District office. NRT 6 is based in Richmond, CA on San Francisco Bay.

Mr. Jordan Stout	<a href="mailto:jordan.stout@noaa.gov">jordan.stout@noaa.gov</a> ;
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Scientific Support Coordinator USCG 11 <sup>th</sup> District & EPA Region IX, mainland	(206) 321-3320 email & text (206) 526-4911 Spill Line 24x7
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Six mobile navigation response teams (NRT) conduct hydrographic surveys to update charts for 175 major U.S. ports. They remain on call to respond to emergencies, speeding the resumption of shipping after storms, and protecting life and property from underwater dangers to navigation.

These hydrographic field units are equipped with trailer-able survey launches. All teams have side-scan sonar and several teams have multi-beam sonar to generate three-dimensional views of what lies below the surface.

See also: <http://www.nauticalcharts.noaa.gov/nsd/nrt.html>.

## 8530 USCG Salvage Engineering Response Team

The Marine Safety Center Salvage Engineering Response Team (SERT) is comprised of 4-6 staff engineers who are on call 24 hours a day, 7 days a week to provide immediate salvage engineering support to the Coast Guard Captains of the Port (COTP) and Federal On-Scene Coordinators (FOOSC) in response to a variety of vessel casualties. Specifically, SERT can assist the COTP and FOOSC manage and minimize the risk to people, the environment, and property when responding to vessels that have experienced a grounding, allision, collision, capsizing, or structural damage. SERT provides this assistance by performing numerous technical evaluations including: assessment and analysis of intact and damaged stability, hull stress and strength, grounding and freeing forces, prediction of oil/hazardous substance outflow, and expertise on passenger vessel construction, fire protection, and safety.

SERT Duty Officer 24x7 (202) 327-3985 <a href="mailto:SERT.Duty@uscg.mil">SERT.Duty@uscg.mil</a>
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When requesting SERT assistance, complete the *Rapid Salvage Survey Form* (see Supporting Documents on the web page). It contains the minimum essential casualty details. (This is an electronic form which you can save and e-mail directly to the Duty Officer). See <https://homeport.uscg.mil/mycg/portal/ep/contentView.do?contentType=2&channelId=-24502&contentId=83082&programId=46984&programPage=%2Fep%2Fprogram%2Feditorial.jsp&pageTypeId=13489> or search the web for “homeport sert”.



## 8540 U.S. Navy Supervisor of Salvage

U.S. Navy SupSalv maintains a capability to respond to maritime accidents and provide ship salvage services in emergencies. Their mission is to provide technical, operational, and emergency support to the Navy, DOD, and other Federal agencies, in the ocean engineering disciplines of marine salvage, pollution abatement, diving, diving system certification, and underwater ship husbandry.

U.S. Navy SUPSALV  
(202) 781-3889 24x7  
<http://www.supsalv.org/>

See *Appendix D, Interagency Agreement (IAA) between the U.S. Navy and the U.S. Coast Guard for Cooperation in Oil Spill Clean-Up Operations and Salvage Operations*, at <http://www.supsalv.org/pdf/VOL%206.pdf>.

## 8600 Places of Refuge

The guidelines discussed in this section address places of refuge decision-making throughout California. They are consistent with the December 2003 International Maritime Organization *Guidelines on Places of Refuge for Ships in Need of Assistance*, and the Pacific States/B.C. Oil Spill Task Force *USCG Pacific Area/Pacific States/BC Oil Spill Task Force Area Plan Annex for Places of Refuge*.

Notwithstanding the use of such words as “may,” “should,” “will,” “must,” or “shall,” in the guidelines cited in this section, they are intended solely as factors that may be considered with respect to the exercise of judgment in deciding whether, where, and when to direct or permit a vessel to seek a place of refuge, as well as during the execution and implementation of any such decision.

These guidelines have been adopted by the Region IX Regional Response Team for incorporation into California Area Contingency Plans (North Coast, San Francisco Bay & Delta, Central Coast, Los Angeles/Long Beach (Northern & Southern Sectors), and San Diego). RRT IX extends their appreciation to the Alaska RRT for their efforts in developing the original document and allowing RRT IX and the NRT to adopt it.

## **8610 Place of Refuge Defined**

A “place of refuge” is a location where a vessel needing assistance can be moved temporarily, and where actions can then be taken to stabilize the vessel, protect human life, reduce a hazard to navigation, and/or protect sensitive natural resources and/or other uses of the area (e.g., subsistence collection of mussels, commercial fishing, and recreational boating). A place of refuge may include constructed harbors, ports, natural embayments, temporary grounding sites, or offshore waters. A vessel moved to a temporary grounding site must be removed after emergency actions are completed. There are no pre-approved places of refuge in California.

The Place of Refuge policy exists because taking actions to repair or stabilize a vessel can help prevent or minimize potential adverse affects to the public, the environment, and resource users. For example, leaking vessels may need to be brought into a harbor, or anchored or moored in protected waters to make repairs to stop the loss of oil or other hazardous substances. Likewise, vessels that have lost power or steering may need to be brought into a place of refuge for repairs to prevent a shipwreck that could result in the loss of fuel, hazardous substances, or other cargo.

## **8611 Identifying Potential Places of Refuge**

There is no single place of refuge suitable for all vessels and all situations. Decisions relating to places of refuge must be made on an incident-specific basis because they encompass a wide range of issues that vary according to each situation, such as:

Vessel size, fuel carried, and reason for assistance.

Information relevant to a specific location may be incomplete or out-of-date.

Weather and sea conditions vary.

Fish and wildlife resources are mobile and may or may not be in an area as anticipated, or depending on the season.

The locations of other activities (e.g., commercial fishing and subsistence use) vary over time.

Resources (e.g., salvage vessels) available to respond to the incident vary over time.

The best location for a place of refuge at any given time depends on incident-specific characteristics and real-time input by appropriate stakeholders. When considering places of refuge decisions, the COTP needs to consider multiple interests, including, but not limited to, operational, human health and safety, natural resources, economic, security, resource users, land owners and land managers.

Regional Response Team IX supports the pre-identification of potential places of refuge that may be evaluated on an incident-specific basis. Pre-identifying a potential place of refuge does not require that those locations be used as a place of refuge. RRT IX does not support the pre-approval of places of refuge.

## **8612 Incident-Specific Decisions**

If time allows, the COTP will activate a Unified Command to make the decision. The decision to direct or permit a vessel to seek a place of refuge, as well as the decisions and actions to implement those decisions will be based on best available information and best professional judgment.

Decisions regarding places of refuge will consider each of the following options, as appropriate:

- The vessel remains in the same position.
- The vessel continues on its voyage.
- The vessel moves to another location farther from shore.
- The vessel is intentionally scuttled in deep water.
- The vessel moves to a place of refuge.

The incident-specific, places-of-refuge decision-making process recognizes that while the timeframe for the COTP to make decisions regarding places of refuge varies, it may be divided into the following three categories:

- The vessel's situation requires immediate action, leaving no time for consultation with the State On-Scene Coordinator, natural resource trustees, or other appropriate stakeholders.
- The vessel's situation requires rapid action, leaving time for consultation with the State On-Scene Coordinator, natural resource trustees, and other, but not all, appropriate stakeholders.
- The vessel's situation requires timely action, and there is time to consult with the State On-Scene Coordinator, natural resource trustees, and all other appropriate stakeholders.

## **8613 Authorities and Responsibilities**

The decision-making process in these Guidelines is based on the following authorities:

- The U. S. Coast Guard COTP (who is also the designated Federal On-Scene Coordinator) has authority to order vessels into and out of ports, harbors and embayments in order

to protect the public, the environment, and maritime commerce. While the COTP retains ultimate authority for places of refuge decision-making, the COTP will consult with the State On-Scene Coordinator, natural resource trustees or other appropriate stakeholders in accordance with the Guidelines and will activate a Unified Command as appropriate.

The State of California has authority to represent and protect the State's interest for incidents that may threaten or impact land, waters, and other resources within the territorial jurisdiction of the State, including State-owned tide and submerged lands. The Department of Fish & Wildlife, Office of Spill Prevention and Response (OSPR) provides the designated State On-Scene Coordinator.

The U.S. Department of the Interior (DOI), the U. S. Department of Commerce, and U.S. Department of Agriculture each have authority to represent and protect their respective interests for incidents that may threaten or affect national parks, national marine sanctuaries, national wildlife refuges, national forests, other federal lands and their lands, waters, and other resources within Federal management authority, including Federally- owned submerged lands and Federally-owned shorelines, and to provide input to the COTP.

OSPR and the California State Lands Commission have public trust responsibility for California's natural resources under their respective management authority and provide input to the State On-Scene Coordinator and the COTP.

There may be some maritime homeland security situations where the COTP may have access to Sensitive Security Information and/or classified information that may affect the final disposition of a vessel requesting *Force Majeur* or permitting a vessel to seek a place of refuge or approval of a salvage plan. It may not be practical or possible to share the specifics of this information with any or all interested stakeholders.

*Force Majeur* provides a vessel with limited immunity from US laws and directives when it is forced into US waters by virtue of distress, whether a result of natural or man-made causes.

## **8620 Places of Refuge Decision-Making**

Place-of-Refuge decisions in Region IX apply only to coastal California.

### **8621 USCG Place of Refuge Policy**

The USCG *Places of Refuge Policy*, dated July 17<sup>th</sup> 2007, is COMDTINST 16451.9 at [https://www.uscg.mil/directives/ci/16000-16999/CI\\_16451\\_9.PDF](https://www.uscg.mil/directives/ci/16000-16999/CI_16451_9.PDF). The body of the

instruction explains the policy. The enclosures provide step-by-step instructions.

Enclosure (1)	<i>Sample Place of Refuge Checklist.</i> Helps you gather all relevant information.
Enclosure (2)	<i>Place of Refuge Risk Assessment Job Aid</i> designed to independently evaluate the probability and consequences associated with each Place of Refuge option under consideration. The scores for each option are then combined to produce overall risk scores.
Enclosure (3)	<i>Table of Authorities, Responsibilities, and Roles during a Place of Refuge Incident.</i> It describes the roles and responsibilities of key participants during progressive stages of an incident.

## 8622 National Response Team Place of Refuge Guidelines

The National Response Team (NRT), which includes the Coast Guard, developed and approved *Guidelines for Places of Refuge Decision-Making*, dated July 26<sup>th</sup> 2007 at [http://www.nrt.org/Production/NRT/NRTWeb.nsf/QuickSearch?SearchView&Query=place of refuge&count=5000&start=1&SearchOrder=1](http://www.nrt.org/Production/NRT/NRTWeb.nsf/QuickSearch?SearchView&Query=place%20of%20refuge&count=5000&start=1&SearchOrder=1). The NRT Guidelines provide:

- An incident-specific decision-making process to assist Coast Guard Captains of the Port in deciding whether a vessel needs to be moved to a place of refuge, and if so, which place of refuge to use; and
- A framework for pre-incident identification of potential places of refuge for inclusion in appropriate Area Contingency Plans.

Appendix 1, *Incident-Specific Places of Refuge Decision-Making Process*, provides a 10 step procedure to make a decision.

Appendix 2, lists *Potential Stakeholders*. Before using that list, check the appropriate Area Contingency Plan to determine whether specific stakeholders have been identified for local potential places of refuge. If so, use the specific list developed for that potential place of refuge.

## 8630 Identifying Potential Places of Refuge in ACPs

To ensure the process for developing information and the resulting documents relating to

potential places of refuge is consistent in California, follow the steps below.

- Establish an ACP Places of Refuge Workgroup (Workgroup) of interested and knowledgeable stakeholders. At a minimum, the Workgroup will include representatives from the U.S. Coast Guard, appropriate Federal (e.g., Department of the Interior, Department of Commerce, and/or Department of Agriculture), and State (e.g., California OSPR and California State Lands Commission) and natural resource trustees. In addition, federally recognized tribes and other interested stakeholders (e.g., safety and public health agencies) will be invited to participate in the Workgroup.
- Ensure the process is consistent with the NRT's *Guidelines for Places of Refuge Decision-Making*.
- Identify type(s) of vessel (e.g., oil tankers) likely to be in need of a Place of Refuge.
- Determine environmentally and culturally sensitive areas at risk within the area.
- Identify candidate potential places of refuge and document how they meet specified criteria.
- Prepare potential places of refuge chart/table sheets for each site.
- Arrive at consensus among Workgroup members on the draft section.
- Submit the draft section to the respective Area Committee for review and approval.

### **8631 Contents of the POR Section in ACPs**

Copying from USCG *Places of Refuge Policy* and the NRT's *Guidelines for Places of Refuge Decision-Making*, as appropriate, is encouraged for consistency.

Purpose and scope: Introduces the topic and describes how the document supports the NRT's *Guidelines for Places of Refuge Decision-Making*.

How to Use Potential Places of Refuge: Briefly describes how potential-places-of-refuge information is used in the decision-making process.

How the Document was developed: Outlines the process used to identify the potential places of refuge and identifies who participated in the process.

Potential Places of Refuge Chart/Table Sheets: Shows pre-identified potential places of refuge on an area index map. Specific information on each place of refuge will be documented on a one-page (two-sided) sheet containing the following:

- Side One: One or more color navigation charts of the candidate sites in the

immediate vicinity showing approaches, anchorages, moorings, docks/piers, potential grounding sites, and existing geographic response strategies; a color aerial photograph of the location; and a chart legend.

- Side Two: Tables of information about each of the sites describing physical and operational characteristics of the sites (i.e., maximum vessel size, navigational approach, minimum water depths, maximum water depths, maximum vessel draft, swing room/dock face, bottom type, docks/piers, moorings, anchorages, firefighting anchorages, potential grounding sites, prevailing winds, currents, tides, sea conditions, shelter from severe storms and fog.); a list of stakeholders for the site; and other site considerations (i.e., health and safety, natural resources, economic, response, and other considerations).

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# 9000 Agreements and References

## 9500 Interagency Agreements

Agreements related to pollution that apply only to Region IX are shaded in gray. Sorted by the CCP chapter in which they are discussed.

CCP Section	Title	Parties	Date
1423	MOU between BLM, DPR, and DFG for Management of the CCNM. See Appendix C, and its Attachment A. <a href="http://www.blm.gov/ca/st/en/prog/nlcs/California_Coastal_NM/CCNM_RMP.html">http://www.blm.gov/ca/st/en/prog/nlcs/California_Coastal_NM/CCNM_RMP.html</a>	US BLM, CA DPR, CA DFG	06/05/2000
1701	Programmatic Agreement on Protection of Historic Properties During Emergency Response Under the NCP (a.k.a. the National Programmatic Agreement) <a href="http://www.achp.gov/NCP-PA.html">http://www.achp.gov/NCP-PA.html</a>	USCG, EPA, DOI & NPS, DOD, DOC & NOAA, USDA & USFS, ACHP, NCSHPO	11/28/1998
1830	MOU re Establishing Jurisdictional Responsibilities for Offshore Facilities, <a href="http://www.bsee.gov/International-and-Interagency-Collaboration/Interagency/index/">http://www.bsee.gov/International-and-Interagency-Collaboration/Interagency/index/</a>	MMS, EPA	02/28/1994
1830	MOA OCS-01 Agency Responsibilities. <a href="http://www.bsee.gov/International-and-Interagency-Collaboration/Interagency/index/">http://www.bsee.gov/International-and-Interagency-Collaboration/Interagency/index/</a>	MMS, USCG	2004
1830	MOA OCS-06 Offshore Renewable Energy Installations on the Outer Continental Shelf. <a href="http://www.bsee.gov/International-and-Interagency-Collaboration/Interagency/index/">http://www.bsee.gov/International-and-Interagency-Collaboration/Interagency/index/</a>	BOEMRE, USCG	2011

1830	MOA for Coordinating NPDES Permit Compliance with MMS Offshore Inspection Program Pacific Region. <a href="http://www.bsee.gov/International-and-Interagency-Collaboration/Interagency/index/">http://www.bsee.gov/International-and-Interagency-Collaboration/Interagency/index/</a>	EPA, MMS	1989
1830	MOU Concerning Regulation Activities and Facilities on the Outer Continental Shelf. <a href="http://www.bsee.gov/International-and-Interagency-Collaboration/Interagency/index/">http://www.bsee.gov/International-and-Interagency-Collaboration/Interagency/index/</a>	MMS, USCG	08/29/1989
1830	MOA re Jurisdictional Responsibilities for Offshore Facilities. <a href="http://www.bsee.gov/International-and-Interagency-Collaboration/Interagency/index/">http://www.bsee.gov/International-and-Interagency-Collaboration/Interagency/index/</a>	USDOJ, USDOT, EPA	12/14/1993
1830	MOU regarding Outer Continental Shelf (OCS) Pipelines, <a href="http://www.bsee.gov/International-and-Interagency-Collaboration/Interagency/index/">http://www.bsee.gov/International-and-Interagency-Collaboration/Interagency/index/</a>	MMS, USDOT	12/10/1996
1830	MOA OCS-02 Civil Penalties. <a href="http://www.bsee.gov/International-and-Interagency-Collaboration/Interagency/index/">http://www.bsee.gov/International-and-Interagency-Collaboration/Interagency/index/</a>	MMS, USCG	2006
1830	MOA OCS-03 Oil Discharge Planning, Preparedness, and Response. <a href="http://www.bsee.gov/International-and-Interagency-Collaboration/Interagency/index/">http://www.bsee.gov/International-and-Interagency-Collaboration/Interagency/index/</a>	BSEE, USCG	04/03/2012
1830	MOA OCS-04 Floating Offshore Facilities. <a href="http://www.bsee.gov/International-and-Interagency-Collaboration/Interagency/index/">http://www.bsee.gov/International-and-Interagency-Collaboration/Interagency/index/</a>	MMS, USCG	2008
1830	MOA OCS-05 Incident Investigations. <a href="http://www.bsee.gov/International-and-Interagency-Collaboration/Interagency/index/">http://www.bsee.gov/International-and-Interagency-Collaboration/Interagency/index/</a>	MMS, USCG	2009
1830	MOA OCS-07 Safety and Environmental Management Systems (SEMS) and Safety Management Systems (SMS). <a href="http://www.bsee.gov/International-and-Interagency-Collaboration/Interagency/index/">http://www.bsee.gov/International-and-Interagency-Collaboration/Interagency/index/</a>	BSEE, USCG	2013
1830	MOA OCS-08 Mobile Offshore Drilling Units (MODUs). <a href="http://www.bsee.gov/International-and-Interagency-Collaboration/Interagency/index/">http://www.bsee.gov/International-and-Interagency-Collaboration/Interagency/index/</a>	BSEE, USCG	2013

1830	MOA OCS-09 Fixed Outer Continental Shelf (OCS) Facilities. <a href="http://www.bsee.gov/International-and-Interagency-Collaboration/Interagency/index/">http://www.bsee.gov/International-and-Interagency-Collaboration/Interagency/index/</a>	BSEE, USCG	2014
1830	MOA re Building a Partnership to Improve Safety and Environmental Protection. <a href="http://www.bsee.gov/International-and-Interagency-Collaboration/Interagency/index/">http://www.bsee.gov/International-and-Interagency-Collaboration/Interagency/index/</a>	BSEE, USCG	2012
2202	MOU Concerning the Mitigation of Damage to the Public Health or Welfare Caused By a Discharge of a Hazardous Substance Under Section 311 of the Clean Air Act, 33 USC 1321 <a href="http://ocean.floridamarine.org/acp/SAVACP/Documents/MOU_MOA/1979-07.pdf">http://ocean.floridamarine.org/acp/SAVACP/Documents/MOU_MOA/1979-07.pdf</a>	EPA, USCG	10/03/1979
3011	MOA for Oil Pollution Prevention and Response. <a href="https://nrt.org/site/doc_list.aspx?site_id=85">https://nrt.org/site/doc_list.aspx?site_id=85</a>	USCG D11, CA DFW OSPR	1997
3012	Oil Spill Memorandum of Cooperation, Pacific States/BC Oil Spill Task Force. <a href="https://nrt.org/site/doc_list.aspx?site_id=85">https://nrt.org/site/doc_list.aspx?site_id=85</a>	AK, CA, HI, OR, WA & British Columbia	06//2001
3013	MOA for Cooperation in Preparedness & Response to Oil Spills in the Coastal Zone. <a href="https://nrt.org/site/doc_list.aspx?site_id=85">https://nrt.org/site/doc_list.aspx?site_id=85</a>	USCG D11, Navy SW	04/21/2010
3622	MOU re Management of the California Islands Wildlife Sanctuary, see Attachment A of Appendix C: <a href="http://www.blm.gov/ca/st/en/prog/nlcs/California_Coastal_NM/CCNM_RMP.html">http://www.blm.gov/ca/st/en/prog/nlcs/California_Coastal_NM/CCNM_RMP.html</a>	US BLM, CA DFW	05/1983
3622	MOU re Management of the California Coastal National Monument, <a href="http://www.blm.gov/ca/st/en/prog/nlcs/California_Coastal_NM/CCNM_RMP.html">http://www.blm.gov/ca/st/en/prog/nlcs/California_Coastal_NM/CCNM_RMP.html</a>	US BLM, CA DFW, CA DPR	05/31/2000

3641	MOU Designating California Department of Fish and Game as Primary Contact for Fish and Wildlife Issues in the Event of Oil or Toxic Substance Spills within the State of California. <a href="https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=33719">https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=33719</a>	CA DFW, USFWS	1988
3732	MOA Marking and Removal of Sunken Vessels and other Obstructions to Navigation. See Enclosure (9) to COMDTINST M16465.43, <a href="https://www.uscg.mil/directives/cim/16000-16999/CIM_16465_43.pdf">https://www.uscg.mil/directives/cim/16000-16999/CIM_16465_43.pdf</a>	USCG, USACE	11/29/1996
3924	MOA on Atmospheric Hazards Prediction for Incidents of National Significance.	DHS IMAAC, NOAA, DoD, DOE EPA, NASA, NRC, USFS	09/23/2004
3925	MOA re Management of Marine Weather Information	NOAA NWS, USCG	03/01/2010
4030	MOU re Developing and Supporting an Unaffiliated Volunteer Management Program	CNCS, EPA, USCG	01/25/2011
4340	Agreement Concerning Endangered and Threatened Fish, Wildlife and Plants <a href="https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=98242">https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=98242</a>	CA DFW, USFWS	2015
4350	MOA Regarding the California Marine Mammal Stranding Network and the Oiled Wildlife Care Network <a href="https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=16207">https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=16207</a>	CA DFW OSPR, NOAA NMFS	1997
4360	MOU Regarding Wildlife Response Activities during Oil or Hazardous Substances Pollution Incidents, <a href="https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=16207">https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=16207</a>	APHIS, EPA, USCG	06/27/2014

4370	Executive Order 13186: Responsibilities of Federal Agencies to Protect Migratory Birds: <a href="http://www.fws.gov/migratorybirds/Partnerships/migrdeo.pdf">http://www.fws.gov/migratorybirds/Partnerships/migrdeo.pdf</a>	Federal Agencies	01/10/2001
4370	MOU Regarding Implementation of Executive Order 13186: “Responsibilities of Federal Agencies to Protect Migratory Birds”	USFWS, USCG	05/22/2003
4410	MOU re Oil Spill Planning and Response Activities Under the Federal Water Pollution Control Act’s National Oil and Hazardous Substances Pollution Contingency Plan and the Endangered Species Act: <a href="http://www.nrt.org/Production/NRT/NRTWeb.nsf/AllPagesByTitle/P-ESAMOU?OpenDocument">http://www.nrt.org/Production/NRT/NRTWeb.nsf/AllPagesByTitle/P-ESAMOU?OpenDocument</a>	USCG, EPA, DOI, FWS, NOAA NOA & NMFS	05/25/2001
4428	A Guidebook for the Interagency Memorandum of Agreement Regarding Oil Spill Planning and Response Activities Under the Federal Water Pollution Control Act’s National Oil and Hazardous Substances Pollution Contingency Plan and the Endangered Species Act. <a href="http://www.nrt.org/Production/NRT/NRTWeb.nsf/AllAttachmentsByTitle/A-269GuidebookforESAMOU/\$File/MOATrainingManualVersion02.pdf?OpenElement">http://www.nrt.org/Production/NRT/NRTWeb.nsf/AllAttachmentsByTitle/A-269GuidebookforESAMOU/\$File/MOATrainingManualVersion02.pdf?OpenElement</a>	USCG, EPA, DOI & FWS, NOAA NOS & NMFS	2002
4800	LOA Concerning the Use of <i>In-Situ</i> Burning as a Response Method to Oil Pollution for the Area 35-200 Nautical Miles Off the California Coast. <a href="https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=19976">https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=19976</a>	USCG, NOAA, DOI. EPA.	04/10/1997
5601	MOU Relating to the Handling and Transport of Materials Used or Recovered During An Oil Spill.	CA Toxic Control, CA DFW OSPR	1997

5631	<i>MOA Regarding Incidental Discharges during Oil Spill Response.</i>	CA State Water Resources Control Board, CA OSPR	04/28/1995
5632	MOU for Collaboration on Compliance Assistance, Compliance Monitoring, and Enforcement of Vessel General Permit Requirements on Vessels: <a href="http://www.uscg.mil/hq/cgcv/cvc1/general/vgp/CG_EPA_MOU.pdf">http://www.uscg.mil/hq/cgcv/cvc1/general/vgp/CG_EPA_MOU.pdf</a>	EPA, USCG	2/11/2011
6000	Procedures for USCG to Access SUPERFUND to Support USCG Implementation of CERCLA <a href="https://nrt.org/site/doc_list.aspx?site_id=85">https://nrt.org/site/doc_list.aspx?site_id=85</a>	EPA, USCG	10/02/1981
7243	MOU re Guidance for Worker Protection During Hazardous Waste Site Investigations and Clean-up and Hazardous Substance Emergencies. <a href="https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_id=226&amp;p_table=MOU">https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_id=226&amp;p_table=MOU</a>	EPA, NIOSH, OSHA, USCG	12/18/1980
8640	Inter-Agency Agreement for Cooperation in Oil Spill Clean-Up Operations and Salvage: <a href="http://www.supsalv.org/pdf/VOL%206.pdf">http://www.supsalv.org/pdf/VOL%206.pdf</a>	USCG, USN SUPSALV	09/15/1980
9620	USCG D11, CA OSPR, EPA R9 MOU for Government Initiated Unannounced Exercises. <a href="https://nrt.org/site/doc_list.aspx?site_id=85">https://nrt.org/site/doc_list.aspx?site_id=85</a>	BSEE, EPA, PHMSA, USCG	01/26/2016

## 9600 Exercise Programs

Industry has its own, in-house exercise programs. There are two national exercise programs.

### 9610 National Preparedness for Response Exercise Program (NPREP or PREP)

The NPREP exercise program meets the intent of section 4202(a) of the *Oil Pollution Act of 1990* (OPA 90). The NPREP was designed to provide a mechanism for compliance with the

exercise requirements, while being economically feasible for the Government and the oil industry to adopt and sustain. NPREP is a unified Federal effort that satisfies the exercise requirements of the U.S. Coast Guard (USCG), the Environmental Protection Agency (EPA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Bureau of Safety and Environmental Enforcement (BSEE). Completion of the exercises described in the NPREP Guidelines is one option for maintaining compliance with OPA 90-mandated Federal oil pollution response exercise requirements.

The NPREP Guidelines describe the *minimum* expectations for ensuring adequate response preparedness. The [2016 National Preparedness for Response Exercise Program \(PREP\) Guidelines](https://homeport.uscg.mil/cgi-bin/st/portal/uscg_docs/MyCG/Editorial/20160413/2016%20PREP%20Guidelines.pdf?id=66cf525e7a7d0f95b42cf91f259d19ab3cf02f6b&user_id=a7862b10971761dcb0cdde0323b53b9f) became effective June 10<sup>th</sup> 2016. See [https://homeport.uscg.mil/cgi-bin/st/portal/uscg\\_docs/MyCG/Editorial/20160413/2016%20PREP%20Guidelines.pdf?id=66cf525e7a7d0f95b42cf91f259d19ab3cf02f6b&user\\_id=a7862b10971761dcb0cdde0323b53b9f](https://homeport.uscg.mil/cgi-bin/st/portal/uscg_docs/MyCG/Editorial/20160413/2016%20PREP%20Guidelines.pdf?id=66cf525e7a7d0f95b42cf91f259d19ab3cf02f6b&user_id=a7862b10971761dcb0cdde0323b53b9f).

## 9620 Government Initiated Unannounced Exercises

Government Initiated Unannounced Exercises (GIUEs) are compliance activities that allow regulatory agencies the opportunity to evaluate industry preparedness for oil spill response during a realistic scenario and to validate critical components of industry response plans. GIUEs are intended to test vessel and/or facility response plan procedures through actual notifications, Oil Spill Response Organization (OSRO) response time to the incident location, and deployment of equipment owned by the facility and/or OSRO. In addition, these exercises strengthen interagency and industry partnerships, improve awareness of plan holder emergency procedures, and illuminate local OSRO capabilities. The EPA, the USCG, and Cal OSPR collaborate to further the goals and objectives of Section 311(j) of the Clean Water Act's requirement for unannounced exercises. That agreement was codified in a Memorandum of Agreement (MOA) that established cooperation and coordination between EPA, USCG and Cal. OSPR for GIUEs.

See Enclosure 9620, MOU for Government Initiated Unannounced Exercises at [https://nrt.org/site/doc\\_list.aspx?site\\_id=85](https://nrt.org/site/doc_list.aspx?site_id=85).

## 9700 References

This section lists agency guidance that is relevant to oil spill preparedness and response. Searching the Internet is also a good way to find information on any topic.

## 9710 Relevant USCG Guidance

The following U.S. Coast Guard Commandant Instructions (COMDTINST/CI), policies, publications (COMDTPUB/CP) and manuals (CIM) provide guidelines and responsibilities for all USCG units to follow. All the publications below are located in the following website: [http://www.uscg.mil/directives/listing\\_cim.asp?id=16000-16999](http://www.uscg.mil/directives/listing_cim.asp?id=16000-16999).

Title	Reference Number
Federal Emergency Management Agency Mission Assignments: Operational Acceptance and Execution	CI 3006.1
USCG Emergency Preparedness Liaison Officer (EPLO) Program	CI 3025.1
USCG Incident Management Handbook, 2014	CP 3120.17B
USCG Incident Management Handbook, 2014 : <a href="https://play.google.com/store/apps/details?id=com.uscg.app&amp;rdid=com.uscg.app">https://play.google.com/store/apps/details?id=com.uscg.app&amp;rdid=com.uscg.app</a>	Mobile App
Financial Resource Management Manual (FRMM)	CIM 7100.3 (series)
Marine Safety Manual, Chapter 7, Pollution Response <a href="http://www.uscg.mil/hq/nsfweb/foscr/ASTFOSCRSeminar/Presentations/JurisdictionandAuthority/MERPPagesCIM_16000_11.pdf">www.uscg.mil/hq/nsfweb/foscr/ASTFOSCRSeminar/Presentations/JurisdictionandAuthority/MERPPagesCIM_16000_11.pdf</a>	CIM 16000.11
Marine Safety Manual, Marine Environmental Preparedness and Response Procedures, Vol. IX; October 1999 (Major revision expected Fall 2016.)	CIM 16000.14
Coast Guard Connectivity to the National Response Framework	CI 16000.22 (series)
Vessel Removal/Destruction under the FWPCA or CERCLA, 10/14/2011 <a href="http://www.uscg.mil/directives/ci/16000-16999/CI_16465_5.pdf">http://www.uscg.mil/directives/ci/16000-16999/CI_16465_5.pdf</a>	CI 16465.5
Area Contingency Plan Organization, Content, Revision Cycle, and Distribution, 8/21/2000 <a href="https://www.uscg.mil/directives/ci/16000-16999/CI_16471_3.pdf">https://www.uscg.mil/directives/ci/16000-16999/CI_16471_3.pdf</a>	CI 16471.3
Disaster Related Pollution Response Activities, Mission Assignments from FEMA, and Cost Reimbursement from the Stafford Act; Dec 19, 1996	CI 16451.1
Place of Refuge Policy; July 17, 2007	CI 16451.9



Guidelines for Implementation and Enforcement of Vessel Response Plans, Facility Response Plans, and Shipboard Oil Pollution Emergency Plans; 7/21/1995	CI 16450.32A
Emergency Contracts for Responding to Discharges which Pose Substantial Threat to Public Health or Welfare; Sep 26, 1995	CI 16460.5
CERCLA Response Authority and Associated Coast Guard Policies. Enclosure (2) to Instruction of Re-delegation <a href="https://www.uscg.mil/directives/cim/16000-16999/CIM_16465_29.pdf">https://www.uscg.mil/directives/cim/16000-16999/CIM_16465_29.pdf</a>	CIM 16465.29
District Response Advisory Team Functions & Responsibilities; January 14, 2008	CI 16465.41A
Area Contingency Plan Organization, Content, Revision Cycle, and Distribution; Aug 16, 2000. at <a href="http://www.uscg.mil/directives/ci/16000-16999/CI_16471_3.pdf">http://www.uscg.mil/directives/ci/16000-16999/CI_16471_3.pdf</a>	CI 16471.3
Use of Special Monitoring of Applied Response Technology (SMART) Protocols; March 17, 2000	CI 16470.1
Protected Living Marine Resources Program; May 27, 2003	CI 16475.7

## 9720 Relevant EPA Guidance

To search the EPA Archive by keyword on the Internet, see <http://archive.epa.gov/>.

## 9730 Other Relevant Guidance

To search the National Response Team web site by keyword, see <http://www.nrt.org/>.

Title	Reference Number
National Response Framework (NRF) <a href="https://www.fema.gov/media-library/assets/documents/32230">https://www.fema.gov/media-library/assets/documents/32230</a>	None
Robert T. Stafford Disaster Relief and Emergency Assistance Act <a href="http://www.fema.gov/robert-t-stafford-disaster-relief-and-emergency-assistance-act-public-law-93-288-amended">http://www.fema.gov/robert-t-stafford-disaster-relief-and-emergency-assistance-act-public-law-93-288-amended</a>	42 U.S.C. § 5121, et seq.

## 9800 This Coastal Contingency Plan

The lead editor for this Coastal Contingency Plan is the USCG's RRT Coordinator. The EPA's RRT Coordinator ensures that all material relevant to incidents where the EPA

provides the On-Scene Coordinator is included, and provides subject-matter experts to review sections for which the EPA has particular expertise. Each agency representative and alternate to the RRT should assist the editor in identifying subject-matter experts to review text that is relevant to their agency.

## **9810 Purpose of the CCP**

This federal Region IX Coastal Contingency Plan (CCP) is a reference and guide for tribal, local, state and federal responders and response support personnel. It contains all Regional Response Team Policies, Guidance, Standard Operating Procedures, Memoranda of Agreement, Memoranda of Understanding, Letters of Agreement, and the like that apply to or influence emergency response operations in the coastal zone when the U.S. Coast Guard is the Federal On-Scene Coordinator

The CCP is intended to contain all the information that is common to the Area Contingency Plans in the coastal zone. This reduces redundancy and prevents the circumstance where common information held in separate plans conflicts with one another.

Like the local Area Contingency Plans, the contents are organized by Incident Command functions. For example, general background information and policies affecting an entire response will be found in the first chapter 1000. Section 2000, Command, addresses Incident/Unified Command items of interest, such as state and federal Command Response Authorities and FOSC coordination. Section 3000 includes Operations related information, and so on.

## **9811 Corrections & Comments**

The CCP is a living document. If while using or reviewing it, you see the need for a change, addition or a clarification, please contact the editor at [uscg@rrt9.org](mailto:uscg@rrt9.org), (510) 437-2794. Or, contact the RRT Coordinator for the EPA at [Richman.Lance@epa.gov](mailto:Richman.Lance@epa.gov), (415) 972-3022.

## **9812 Americans with Disabilities Act Compliance**

Start with a document in Microsoft Word™ format. Convert the file to PDF by using the SAVE AS command in Microsoft Word™. Open the file in Adobe Acrobat Pro DC™. From the TOOLS menu, choose ACTION WIZARD, and then MAKE ACCESSIBLE.

Adobe Acrobat Pro DC™ enables you to create and verify PDF accessibility features. Search HELP for “accessibility”. Look for the following topics:

- Make PDFs accessible.

- Check accessibility of PDFs.
- Fix accessibility issues.

## 9813 Continuous Revision Cycle

In the past, the CCP and the ACPs were updated every three years. After the 2014 update the review period was extended to four years to match the frequency with which USCG Sectors are required to conduct a full scale exercise under the National Preparedness for Response Exercise Program (NPREP).

Starting in 2016, USCG headquarters extended the revision cycle to five years. (Note: This does not match the NPREP schedule, as it used to.) See the USCG *Marine Environmental Response & Preparedness Manual, Chapter 4.C, Area Contingency Plans* at [https://www.uscg.mil/directives/cim/16000-16999/CIM\\_16000\\_14A.pdf](https://www.uscg.mil/directives/cim/16000-16999/CIM_16000_14A.pdf).

The CCP is too big to update in one year using the staff available. Consequently, the chapters have been divided into groups. One group is updated each year of the review cycle. Notwithstanding these schedules, changes, additions and corrections can be made at any time when they are needed. Changes made outside the 5-year revision cycle are noted in the Record of Changes at the beginning of this plan.

Calendar Year	Chapters Revised
2017	1000 — Policies 2000 — Command
2018	3000 — Operations 5000 — Logistics
2019	6000 — Finance 7000 — Hazardous Materials
2020	4000 — Planning
2021	8000 — Salvage 9000 — References
January 2022	New Version

## 9820 Front Matter

The pages before the first chapter are numbered with lower case Roman numerals and are

known as front matter. In this CCP they consist of:

- Cover
- Letter of Promulgation
- Notice of Changes
- Complete Table of Contents

## 9821 Letter of Promulgation & Signatures

For the 2014 revision, the USCG District Commander asked the lead agencies to sign the Letter of Promulgation for each Area Contingency Plan. For the CCP, all the member agencies who belong to the Executive Steering Committee sign.

Executive Steering Committee Member Agencies	
Federal	Environmental Protection Agency
	U.S. Coast Guard
	U.S. Department of the Interior
	National Oceanographic & Atmospheric Administration
California	Department of Fish & Wildlife Office of Spill Prevention & Response
	Governor's Office of Emergency Services

## 9822 Record of Changes

Changes that are made outside the formal 5-year revision cycle are explained in the *Record of Changes* on page v of the Front Matter.

## 9823 Tables of Contents, Index & Full Text Search

A full table of contents is at the front of the plan. An index is in the back. You can also search the text for keywords using the file at [https://nrt.org/site/doc\\_list.aspx?site\\_id=85](https://nrt.org/site/doc_list.aspx?site_id=85).

## 9824 References versus Enclosures

References are Internet addresses (URL) placed in line with the text, usually preceded by the word "See...." URLs are colored dark blue and italicized. Enclosures are numbered to match the section where they are discussed. Enclosures are published at

[https://nrt.org/site/doc\\_list.aspx?site\\_id=85](https://nrt.org/site/doc_list.aspx?site_id=85).

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# Coastal Contingency Plan

## for Oil & Hazardous Materials Spills on the Coast of California

Regional Response Team IX Coastal Zone U.S. Coast Guard	<a href="http://www.rrt9.org">http://www.rrt9.org</a> <a href="mailto:uscg@rrt9.org">uscg@rrt9.org</a> <a href="mailto:cgchair@rrt9.org">cgchair@rrt9.org</a> (510) 437-2794 working hours (510) 437-2949 working hours
Regional Response Team IX Inland Zone U.S. EPA	<a href="http://www.rrt9.org">http://www.rrt9.org</a> <a href="mailto:richman.lance@epa.gov">richman.lance@epa.gov</a> (415) 972-3022 working hours (415) 816-6314 working hours
Report terrorism or spills of any kind to the National Response Center	(800) 424-8802 24x7 (202) 267-2675 24x7 <a href="mailto:nrc@uscg.mil">nrc@uscg.mil</a> non-emergency only <a href="http://nrc.uscg.mil/">http://nrc.uscg.mil/</a>
U.S. EPA, Region IX, Duty Officer	(800) 300-2193 24x7 <a href="mailto:r9_rrc@epa.gov">r9_rrc@epa.gov</a> (415) 947-3520 fax
U.S. Coast Guard, PACAREA/ 11 <sup>th</sup> District, Duty Officer	(510) 437-3701 24x7 <a href="mailto:RCCAlameda1@uscg.mil">RCCAlameda1@uscg.mil</a> (510) 437-3017 fax