

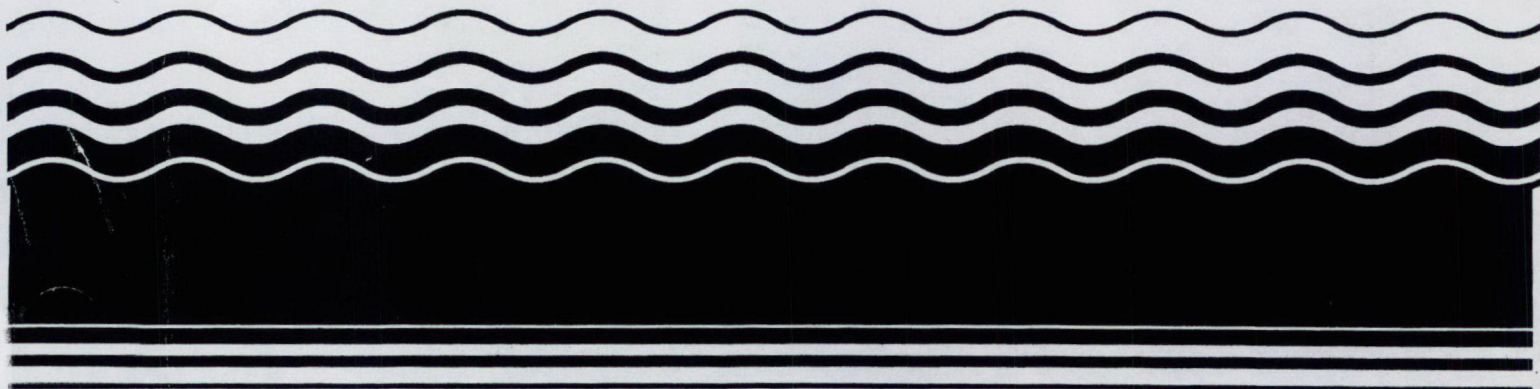
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Superfund

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# REGION VIII AREA CONTINGENCY PLAN



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REGION VIII  
AREA CONTINGENCY PLAN  
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2466

R8  
0180

DEC 22 1993

Ref: 8HWM-ER

MEMORANDUM

SUBJECT: Region VIII Area Contingency Plan

FROM: Jack W. McGraw  
Acting Regional Administrator

TO: Region VIII Regional Response Team Members

Please accept the enclosed Region VIII Area Contingency Plan (ACP) annex to the current Region VIII Regional Contingency Plan. This ACP was developed in accordance with the provisions of Section 4202 of the Oil Pollution Act (OPA) of 1990.

On April 24, 1992, EPA published a Federal Register notice that designated the 13 Regional Response Team (RRT) areas as the initial planning Areas under OPA. The functions of designating Areas, appointing Area Committee members, determining the information to be included in ACPs, and reviewing and approving ACPs have been delegated by Executive Order 12777 of October 22, 1991, to the Administrator of the Environmental Protection Agency for the inland zone. Subsequently, this authority was delegated to the EPA Regional Administrators on January 19, 1993. This initial Area has been designated as EPA Region VIII (Colorado, Utah, Montana, Wyoming, North Dakota, and South Dakota) and the Area Committee has been designated as the Region VIII RRT for developing and reviewing the Region VIII ACP. This ACP has been developed under the guidance of Jim Knoy, Region VIII On-Scene Coordinator (OSC).

Comments and recommendations regarding this ACP, as well as suggestions for designating future subregional (site-specific) planning Areas, should be addressed to Jim Knoy, OSC, or Eric Steinhaus, U.S. EPA Region VIII, 999 18th Street, Suite 500 (8HWM-ER), Denver, Colorado 80202-2466. The telephone number is (303) 293-1723.

Attachments

I-1



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# REGION VIII AREA CONTINGENCY PLAN

## VOLUME I

### I. INTRODUCTION

#### 1. Purpose and Objective.

The purpose of this Area Contingency Plan (ACP) is to provide an action plan to respond to a release and to promote timely and effective coordination among the entire spill community, including federal, state, tribal, local, and private entities in response to a discharge or substantial threat of discharge.

#### 2. Authority and Applicability.

This ACP is required by Title IV, section 4202 of the Oil Pollution Act of 1990 (OPA), which amends Subsection (j) of Section 311 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. 1321 (j)) as amended by the Clean Water Act (CWA) of 1977 (33 U.S.C. 1251 et seq).

This ACP is written in conjunction with the National Oil and Hazardous Substances Contingency Plan (NCP) (40 CFR 300), the Region VIII Regional Contingency Plan (RCP), and in conformance with the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) of 1980 (42 U.S.C. 9601), as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1986. This ACP is designed to be used as an annex to the current Region VIII RCP.

Region VIII state authorities are located in Annex V of the Region VIII RCP.

#### 3. Scope

The ACP applies to and is in effect for:

(1) discharges of oil into or on the navigable waters, on the adjoining shorelines to the navigable waters, into or on the waters of the exclusive economic zone, or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (OPA section 4201); and

(2) releases into the environment of hazardous substances, and pollutants or contaminants which may present an imminent and substantial danger to public health or welfare in the Areas which will be defined in each chapter of Volume II, Section 1 ("Geographic Description") of this ACP.

This ACP expands upon the requirements set forth in the NCP and Region VIII RCP, augments coordination with state and local authorities, and integrates existing state, local, and private sector plans for the Area.

#### 4. Abbreviations.

Abbreviations as defined in the NCP are as follows:

##### Department and Agency Title Abbreviations:

ATSDR -- Agency for Toxic Substances and Disease Registry  
DOC -- Department of Commerce  
DOD -- Department of Defense  
DOE -- Department of Energy  
DOI -- Department of the Interior  
DOJ -- Department of Justice  
DOL -- Department of Labor  
DOS -- Department of State  
DOT -- Department of Transportation  
EPA -- Environmental Protection Agency  
FEMA -- Federal Emergency Management Agency  
GSA -- General Services Administration  
HHS -- Department of Health and Human Services  
NIOSH -- National Institute for Occupational Safety and Health  
NOAA -- National Oceanic and Atmospheric Administration  
RSPA -- Research and Special Programs Administration  
USCG -- United States Coast Guard  
USDA -- United States Department of Agriculture

(Note: Reference is made in the NCP to both the Nuclear Regulatory Commission and the National Response Center. In order to avoid confusion, the NCP and this ACP will spell out Nuclear Regulatory Commission and use the abbreviation "NRC" only with respect to the National Response Center.)

##### Operational Abbreviations:

ARARs - Applicable or Relevant and Appropriate Requirements  
CERCLIS -- CERCLA Information System  
~~GRC -- Community Relations Coordinator~~  
~~CRP -- Community Relations Plan~~  
ERT -- Environmental Response Team  
FCO -- Federal Coordinating Officer  
FS -- Feasibility Study  
HRS -- Hazard Ranking System  
LEPC -- Local Emergency Planning Committee  
NCP -- National Contingency Plan  
NPL -- National Priorities List  
NRC -- National Response Center  
NRT -- National Response Team  
NSF -- National Strike Force  
O&M -- Operation and Maintenance  
OSC -- On-Scene Coordinator  
PA -- Preliminary Assessment

PIAT -- Public Information Assist Team  
RA -- Remedial Action  
RAT -- Radiological Assistance Team  
RCP -- Regional Contingency Plan  
RD -- Remedial Design  
RI -- Remedial Investigation  
ROD -- Record of Decision  
RPM -- Remedial Project Manager  
RRC -- Regional Response Center  
RRT -- Regional Response Team  
SAC -- Support Agency Coordinator  
SERC -- State Emergency Response Commission  
SI -- Site Inspection  
SMOA -- Superfund Memorandum of Agreement  
SSC -- Scientific Support Coordinator

Other applicable abbreviations include the following:

AC -- Area Committee  
ACP -- Area Contingency Plan  
CAMEO -- Computer-Aided Management of Emergency Operations (a software program)  
CERCLA -- Comprehensive Environmental Response Compensation and Liability Act of 1980  
COTP -- Captain of the Port (USCG)  
CWA -- Clean Water Act (33 USC 1321)  
DRAT -- District Response Advisory Team (USCG)  
FOSC -- Federal On-Scene Coordinator  
FWPCA -- Federal Water Pollution Control Act  
HAZMAT -- Hazardous Materials  
ICS -- Incident Command System  
LEPC -- Local Emergency Planning Committee  
LOSC -- Local On-Scene Coordinator  
NCP -- National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 300)  
PRP -- Potentially Responsible Party  
RCP -- Regional Contingency Plan  
SARA -- Superfund Amendments and Reauthorization Act of 1986  
SOSC -- State On-Scene Coordinator  
SSC -- Scientific Support Coordinator  
Title III -- The Emergency Planning and Community Right-to-Know Act of 1986 (Title III of SARA)  
USFWS -- United States Fish and Wildlife Service

Area-specific acronyms and abbreviations will be listed in each chapter of Volume II, Section II ("Organization"), Appendix A.

5. Definitions.

Definitions contained herein, unless otherwise specified, are the same as those contained in the NCP, Section 300.5 ("Definitions") and OPA section 1001 ("Definitions").

Additional definitions are listed below:

**Area Committee:** As defined by sections 311(a)(18) and (j)(4) of CWA, as amended by OPA, means the entity appointed by the President consisting of members from federal, state, and local agencies with responsibilities that include preparing an Area Contingency Plan for the area designated by the President. The Area Committee may include ex-officio (i.e., non-voting) members (e.g., industry and local interest groups).

**Area Contingency Plan:** As defined by sections 311(a)(19) and (j)(4) of CWA, as amended by OPA, means the plan prepared by an Area Committee, that in conjunction with the NCP, shall address the removal of a discharge including a worst-case discharge and the mitigation or prevention of a substantial threat of such a discharge from a vessel, offshore facility, or onshore facility operating in or near an area designated by the President.

**Contingency plan:** (1) A document used by federal, state, and local agencies to guide their planning and response procedures regarding spills of oil, hazardous substances, or other emergencies; (2) a document used by industry as a response plan to spills of oil, hazardous substances, or other emergencies occurring upon their transportation vehicle, or at their facilities.

**Drinking water supply:** As defined by section 101(7) of CERCLA, means any raw or finished water source that is or may be used as a public water system (as defined in the Safe Drinking Water Act) or as drinking water by one or more individuals.

**Environment:** As defined by section 101(8) of CERCLA, means the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson Fishery Conservation and Management Act; and any other surface water, ground water, drinking water supply, land surface and subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.

**Environmentally sensitive area:** An especially delicate or sensitive natural resource that requires protection in the event of a pollution incident. Designations of areas considered to be sensitive can be found in Appendix D of the proposed Facility Response Plan rule. In addition to this definition, Area Committees may include any areas determined to be "sensitive" for OPA planning purposes.

**Federal On-Scene Coordinator:** The federal official predesignated by EPA or the USCG to coordinate and direct federal responses under subpart D, or the official designated by the lead agency to coordinate and direct removal actions under subpart E of the NCP (additional information can be found in the Region VIII RCP, Section 300).

**Ground water:** As defined by section 101(12) of CERCLA, means water in a saturated zone or stratum beneath the surface of land or water.

## II. RESPONSIBILITY AND ORGANIZATION FOR RESPONSE

### 1. Duties of the President Delegated to Federal Agencies.

In Executive Order 12777, the President delegated certain functions and responsibilities vested in him by the OPA to the Administrator of EPA for the inland zone and the Commandant of the USCG through the Secretary of Transportation for the coastal zone. These functions and responsibilities include designating Areas, appointing Area Committee members, determining the information to be included in ACPs, and reviewing and approving ACPs. For the coastal zones and inland zones, respectively, the USCG and EPA shall assign a FOSC to each Area to carry out these functions and responsibilities.

### 2. General Organization Concepts.

The Area Committees, in conjunction with the National Response Team (NRT) and the Regional Response Teams (RRTs), serve a spill planning and preparedness role within the National Response System. Each Area Committee shall be comprised of federal, state and local agency personnel. Under the direction of the FOSC, each Area Committee for its assigned Area shall:

- (a) Prepare and submit for approval an ACP;
- (b) Work with state and local officials to integrate contingency planning and response efforts; and
- (c) Work with state and local officials to expedite decisions for the use of dispersants and other mitigating substances and devices.

### 3. National Response Team.

National planning and coordination is accomplished through the NRT. The NRT consists of representatives from the USCG, EPA, FEMA, DOD, DOE, USDA, DOC, HHS, DOI, DOJ, DOL, DOT, DOS, GSA, and Nuclear Regulatory Commission. For details, see the NCP at 40 CFR 300.175(b).

### 4. Regional Response Team.

Regional planning and coordination of preparedness and response actions is accomplished through the RRT. The RRT agency membership parallels that of the NRT but also includes State and Indian Tribal representation. See the Region VIII RCP, Annex I, for Region VIII RRT membership.

### 5. Area Committee.

Area planning and coordination of preparedness and response actions is accomplished through the Area Committee. The Area Committee membership includes federal, state, and local representation. No subregional (site-specific) Areas have been designated in Region VIII. The Region VIII RRT is the initial Area Committee covering federal Region VIII.



requires all non-transportation related facilities within EPA's jurisdiction to develop plans necessary to contain a discharge of oil and prevent it from reaching navigable waters.

9. Response Operations.

To the extent practicable, response operations shall be consistent with federal, state, and local plans, including ACPs, and Facility Response Plans required under OPA.

The OSC, consistent with §§ 300.120 and 300.125 of the NCP, shall direct response efforts and coordinate all other efforts at the scene of a discharge or release. As part of the planning and preparation for response, the OSCs are predesignated by the regional or district head of the lead agency.

The first federal official affiliated with an NRT member agency to arrive at the scene of a discharge or release should coordinate activities under the ACP and is authorized to initiate, in consultation with the OSC, any necessary actions normally carried out by the OSC until the arrival of the predesignated OSC. This official may initiate federal Fund-financed actions only as authorized by the OSC or, if the OSC is unavailable, the authorized representative of the lead agency.

The OSC shall, to the extent practicable, collect pertinent facts about the discharge or release, such as its source and cause; the identification of potentially responsible parties; the nature, amount, and location of discharged or released materials; the probable direction and time of travel of discharged or released materials; the pathways to human and environmental exposure; the potential impact on human health, welfare, and safety and the environment; the potential impact on natural resources and property which may be affected; priorities for protecting human health and welfare and the environment; and appropriate cost documentation.

The OSC's efforts shall be coordinated with other appropriate federal, state, local, and private response agencies. OSCs 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 CWA section 311(k), as amended by OPA, or CERCLA funds unless an appropriate contract or cooperative agreement has been established.

The OSC should consult regularly with the RRT in carrying out the NCP and ACP and keep the RRT informed of activities under the NCP and ACP.

The OSC shall advise the support agency as promptly as possible of reported releases.

In those instances where a possible public health emergency exists, the OSC should notify the HHS representative to the RRT. Throughout response actions, the OSC may call upon the HHS representative for assistance in determining public health threats and call upon the Occupational Safety and Health Administration (OSHA) and HHS for advice on worker health and safety problems.

All federal agencies should plan for emergencies and develop procedures for dealing with oil discharges and releases of hazardous substances, pollutants, or contaminants from

Strike Teams can provide communications support, advice, and assistance for oil and hazardous substances removal. These teams also have knowledge of shipboard damage control, are equipped with specialized containment and removal equipment, and have rapid transportation available. When possible, the Strike Teams will provide training for emergency task forces to support OSCs and assist in the development of RCPs and ACPs.

The OSC may request assistance from the Strike Teams. Requests for a team may be made directly to the Commanding Officer of the appropriate team, the USCG member of the RRT, the appropriate USCG Area Commander, or the Commandant of the USCG through the NRC.

Each USCG OSC manages emergency task forces trained to evaluate, monitor, and supervise pollution responses. Additionally, they have limited "initial aid" response capability to deploy equipment prior to the arrival of a cleanup contractor or other response personnel.

The Environmental Response Team (ERT) is established by EPA in accordance with its disaster and emergency responsibilities. The ERT has expertise in treatment technology, biology, chemistry, hydrology, geology, and engineering.

The ERT can provide access to special decontamination equipment for chemical releases and advice to the OSC in hazard evaluation; risk assessment; multimedia sampling and analysis program; on-site safety, including development and implementation plans; cleanup techniques and priorities; water supply decontamination and protection; application of dispersants; environmental assessment; degree of cleanup required; and disposal of contaminated material.

The ERT also provides both introductory and intermediate level training courses to prepare response personnel.

OSC or RRT requests for ERT support should be made directly to the Edison, New Jersey office. The 24-hour phone number for ERT is (908) 321-6660.

Scientific support coordinators (SSCs) are available, at the request of OSCs, to assist with actual or potential responses to discharges of oil or releases of hazardous substances, pollutants, or contaminants. The SSC will also provide scientific support for the development of RCPs and ACPs. Generally, SSCs are provided by NOAA in coastal and marine areas, and by EPA (ERT) in the inland zone. In the case of NOAA, SSCs may be supported in the field by a team providing, as necessary, expertise in chemistry, trajectory modeling, natural resources at risk, and data management.

During a response, the SSC serves under the direction of the OSC and is responsible for providing scientific support for operational decisions and for coordinating on-scene scientific activity. Depending on the nature of the incident, the SSC can be expected to provide certain specialized scientific skills and to work with governmental agencies, universities, community representatives, and industry to compile information that would assist the OSC in assessing the hazards and potential effects of discharges and releases and in developing response strategies.

include, among other things, Construction Standards (29 CFR Part 1926), General Industry Standards (29 CFR Part 1910), and the general duty requirement of section 5(a)(1) of the OSH Act (29 U.S.C. 654(a)(1)). No action by the lead agency with respect to response activities under the ACP constitutes an exercise of statutory authority within the meaning of section 4(b)(1) of the OSH Act. All governmental agencies and private employers are directly responsible for the health and safety of their own employees. All persons at the response scene must have received OSHA training and certification.

In Region VIII, the state is the lead OSHA representative in Utah and Wyoming, but not in Colorado, Montana, South Dakota, or North Dakota. See the Region VIII RCP, Section 306 Personnel Health & Safety.

13. Public Information and Community Relations.

During an incident, it is imperative to give the public prompt and accurate information on the nature of the incident and the actions underway to mitigate the damage. OSCs and community relations personnel should ensure that all appropriate public and private interests are kept informed and that their concerns are considered throughout a response. They should coordinate with available public affairs/community relations resources to carry out this responsibility. At the discretion of the OSC, an information coordination center should be established or a person designated to assist in this effort.

Further information can be found in the Region VIII RCP, Section 305 Community Relations.

14. Documentation and Cost Recovery.

Section 300.58 of the NCP outlines the types of funds which may be available to remove certain oil and hazardous substances discharges. For releases of oil or a hazardous substance, pollutant, or contaminant, the following provisions apply:

(1) 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.

(2) The information and reports obtained by the lead agency for Fund-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.

15. OSC Reports.

[RESERVED]

1. Planning and Coordination Structure.

National. As described in § 300.110 of the NCP, the NRT is responsible for national planning and coordination.

Regional. As described in § 300.115 of the NCP, the RRTs are responsible for regional planning and coordination.

In response to the NRT's request for a report on the state of preparedness for oil spill response from each RRT, the Region VIII RRT submitted a response to the NRT on November 7, 1989.

In a separate Region VIII EPA report done to support the Region VIII RRT report, five tasks were specifically addressed: Current Contingency Planning (federal, state, local, and private sector, including high risk areas for which contingency plans should be considered); Summary of Recent Experiences; Potential Future Oil Spills, including a worst case scenario inland oil spill for Region VIII; Response Capability (federal, state, local, and private sector); and Summary of Oil Spill Prevention Activities.

The following observations were made based on all the RRT information submitted. The "areas of greatest concern" in Region VIII are water bodies and wetland areas adjacent to transportation routes, particularly pipelines. State and federal land management agencies identified such areas as needing contingency plans. The "typical" past major oil spills in Region VIII have involved rupture of an oil or petroleum product pipeline into a river or stream (and are considered worst case scenarios).

This information is available from the Prevention Section of EPA Region VIII's Emergency Response Branch.

Area. Section 4202(a) of the OPA amends section 311(j) of the CWA to require that the Area Committee, under the direction of the FOSC for its Area, shall be responsible for: (1) preparing an Area Contingency Plan for its Area; (2) working with state and local officials to enhance the contingency planning of those officials and to assure preplanning of joint response efforts, including appropriate procedures for mechanical recovery, dispersal, shoreline cleanup, protection of sensitive environmental areas, and protection, rescue, and rehabilitation of fisheries and wildlife; and (3) working with state and local officials to expedite decisions for the use of dispersants and other mitigating substances and devices.

State. As provided by sections 301 and 303 of SARA, the State emergency response commission (SERC) of each State, appointed by the Governor, is to designate emergency planning districts, appoint local emergency planning committees (LEPCs), supervise and coordinate their activities, and review local emergency response plans. The SERC also is to establish procedures for receiving and processing requests from the public for information generated by Title III reporting requirements and to designate an official to serve as coordinator for information.

Local. As provided by sections 301 and 303 of SARA, emergency planning districts are designated by the SERC in order to facilitate the preparation and implementation of emergency plans. Each LEPC is to prepare a local emergency response plan for the

local agencies, the owners and operators of vessels and facilities in the area, and private industry.

ACPs should integrate approved onshore facility, pipeline, and bulk transportation response plans. A detailed description of the relationship between ACPs and these response plans will be provided in Volume II of the ACP under the section on "Organization".

CWA section 311(j)(4) requires each Area Committee, under the direction of the OSC, to prepare an ACP for its Area. The statute requires that each ACP describe the area covered by the plan, including the areas of special economic or environmental importance that might be adversely affected by a discharge. Several factors should be considered, including but not limited to the presence and proximity of natural resources, environmentally sensitive areas, and population concentrations; the location of drainage basins and appropriate geographic and/or topographic features; the location of water supplies; and beaches, recreational areas, areas of seasonal significance, and migratory bird flyways. Compliance with this part will be accomplished through a Fish and Wildlife and Sensitive Environments Plan, which will be an annex to the ACP and a part of each Area-specific Plan (Volume II).

Region VIII has developed a Geographic Risk Area Analysis dated December 31, 1992, proposing priority areas for Area-specific contingency planning. This information is available from the Region VIII EPA Prevention Section and is incorporated herein by reference. The criteria included, but was not limited to: the pattern of past spills and likelihood of future spills; the presence and proximity of natural resources, environmentally sensitive areas and population concentrations; the concentration of facilities, pipelines, and transportation routes within the Region; the location of drainage basins including approximate geographic and/or topographic features, and navigable waterways.

Sources of information included federal, state, and local government and industry representatives (state and county emergency management offices, state and county health departments and departments of environmental quality, SERCs, LEPCs, departments of natural resources, federal departments and agencies, oil spill cooperatives, oil companies, oil and gas commissions, etc.)

EPA Region VIII's Federal Reporting Data System (FRDS) will be used in part to identify water supplies. This system is currently being redeveloped. Although specific information on this national drinking water database is limited, source information data elements such as public water supply latitude/longitude is included. Municipal, irrigation, industrial and drinking water intake information is most readily available at the state and local level, and will be detailed in Volume II of the ACP.

### 3. Title III local emergency response plans.

The regulations that implement SARA Title III are codified at 40 CFR Part 355.

Each LEPC is to prepare an emergency response plan in accordance with section 303 of SARA Title III and review the plan once a year, or more frequently as changed circumstances in the community or at any subject facility may require. Such Title III local emergency response plans will be closely coordinated with applicable Area contingency plans

The OPA provides additional authority for carrying out a response. Under section 4201 of the OPA, the OSC as the President's designate may:

- (1) remove or arrange for the removal of a discharge, and mitigate or prevent a substantial threat of a discharge, at any time;
- (2) direct or monitor all federal, state, and private actions to remove a discharge; and
- (3) remove and, if necessary, destroy a vessel discharging, or threatening to discharge, by whatever means are available.

Furthermore, if a discharge results in a substantial threat to the public health or welfare of the United States (including but not limited to fish, shellfish, wildlife, other natural resources, and the public and private beaches and shorelines of the United States), the OSC shall direct all federal, state, and private actions to remove the discharge or to mitigate or prevent the threat of the discharge.

In Region VIII, worst case discharge scenarios will center around petroleum production, refining and storage facilities, pipelines, and transportation routes. Further information will be detailed in Volume II of the ACP.

To prepare for a worst case oil spill incident, planners and responder need to know the characteristics of the size and type of possible occurrences. Looking at the spill history of an area is a good way to anticipate what you are likely to face in the future. Reportable oil spills are required to be reported to the NRC (previously referenced). When spills are reported, the information is disseminated to the EPA FOSC for possible response actions. The mechanism for recording spills is the EPA Region VIII Emergency Response Notification System (ERNS). Further information about this system can be found in the Region VIII RCP, at the end of Section 302 Notification.

Region VIII has developed a Federal Local Contingency Plan for the North Platte River in Wyoming, dated March 13, 1981, to minimize pollution damage from discharges of oil or hazardous substances into the North Platte River and its tributaries. Information in the plan includes: environmentally sensitive areas; most probable locations for pollution incidents; resources needed to respond to spill incidents (including location information); plans of action for protecting vulnerable resources; and a local organizational structure for spill response.

## **2. Fish and Wildlife Response Plan.**

OPA section 4201(b) amends subsection (d) of section 311 of the FWPCA (33 U.S.C. 1321(d)) to include a fish and wildlife response plan, developed in consultation with the USFWS, NOAA, and other interested parties (including state fish and wildlife conservation officials), for the immediate and effective protection, rescue, and rehabilitation of, and the minimization of risk of damage to, fish and wildlife resources and their habitat that are harmed or that may be jeopardized by a discharge.

The Fish and Wildlife and Sensitive Environments Annex will be included in Volume II of the ACP.

In general, the OPA fund is available primarily for the cleanup actions of an oil spill. The purposes of the fund are outlined in section 1012 of the OPA.

CERCLA funds are available for the payment of removal costs for incidents involving hazardous substances, contaminants or pollutants.

2. Response.

The relationship of the federal agencies (RRT) is described in the Region VIII RCP. A detailed description of the relationships between federal, state, and local responding organizations will be detailed in Volume II of the ACP.

In most instances, response personnel, equipment and resources involved in oil response and in hazardous substances response are the same for a given Area. Application of fund monies from CERCLA or OPA may require evaluation after the cleanup based on the documentation obtained during the response. Additional detail regarding joint OPA and CERCLA response will be addressed in Volume II, Section II of the ACP.

For hazardous substance response only, see appropriate Title III, SERC and LEPC HAZMAT response plans.

VI. STATE AND LOCAL INVOLVEMENT IN RESPONSE

1. General.

Subpart F of the NCP addresses state involvement in hazardous substance response and is incorporated herein by reference.

For further information, see the Region VIII RCP, Annex I Tabs 2 and 3, and Annex III Tabs 1 and 2.

2. EPA/State/Local MOA (MOU).

Federal, state, and local MOAs (MOUs) may establish the nature and extent of EPA, state and local interaction during EPA-lead and state/local-lead responses (including Indian Tribes). EPA shall enter into MOA (MOU) discussions if requested by a state or local government.

Refer to the NCP (at section 300.505) for a discussion of State MOAs (MOUs). Also refer to the Region VIII RCP regarding State authorities in Annex V.

3. Requirements for State Involvement in Enforcement Responses and Site Remedy.

[RESERVED]

Enforcement procedures and protocol will be developed and detailed in Volume II of the ACP, under the section entitled "Organization".

Landowners are also encouraged to participate in planning and response. The landowner is a valuable resource due to his/her local knowledge. The landowner, to the extent practical and based on the FOSC's judgement, may be included in the planning and response activities, under direction of the FOSC. Landowners that provide access to or are affected by a spill have jurisdiction over their lands, and warrant special consideration by the responding agency or unified command. In the event that an incident poses, or has the potential to pose an imminent threat to human health and/or the environment, it is in the best interest of the landowner to provide FOSC access.

In addition, OPA authorizes filing of claims against the OSLTF by other persons. To file a claim, contact the Director, NPFC, Suite 1000, 4200 Wilson Boulevard, Arlington, VA 22203-1804, telephone (703) 235-4756.

Detail on Area Committee non-governmental, ex-officio participants (e.g., industry, volunteer groups, landowners, etc.) will be provided in Volume II of the ACP.

#### **IX. ADMINISTRATIVE RECORD FOR SELECTION OF RESPONSE ACTION**

Subpart I of the NCP addresses administrative recordkeeping for selection of response actions and is incorporated herein by reference to the extent that it applies to emergency response.

#### **X. CHEMICAL COUNTERMEASURES**

Subpart J of the NCP addresses the use of dispersants and other chemical countermeasures, and is incorporated herein by reference. In addition, section 4202(a) of the OPA requires that each Area Committee work with state and local officials to expedite decisions for the use of dispersants and other mitigating substances and devices. Region VIII draft guidance is available for using bioremediation in response to terrestrial oil spills. The process for expediting decisions regarding the use of dispersants and other chemical countermeasures on an Area basis will be identified in Volume II of the ACP, section IV ("Chemical Countermeasures"). Current policy/procedures are set forth in the Region VIII RCP, Section 600 Chemical, Biological, and Burning Agents.

#### **XI. FEDERAL FACILITIES**

**[RESERVED]**

**See the Region VIII RCP, Section 303.1**



# AREA CONTINGENCY PLAN VOLUME II

## [RESERVED]

The following is the outline for a Region VIII Area-specific ACP:

### I. GEOGRAPHIC DESCRIPTION

Describe boundaries, special economic and environmental areas, natural resources, and topographic information, cross-referencing to databases and appendices as necessary. Includes vulnerabilities and hazards. Incorporate the Fish and Wildlife and Sensitive Environments Plan developed by the Area Committee.

- Geographic Boundaries
- Area of Responsibility
- Area Spill History
- Sensitive Areas
- Disposal

### II. ORGANIZATION

Describe roles and responsibilities of parties under the Plan (PRP, federal, state, local, tribe, landowner). Reference this information from facility response plans.

- Response System and Policies
- Planning Organization
- Response Organization
- Operational Administration
- Area Committee Organization
- Operations
- Applicable MOAs/MOUs

December 1993

### **III. RESPONSE RESOURCE CAPABILITIES**

Include equipment and personnel (PRP, federal, state, local, public sector, private sector). This section may take the form of a database, which should be referenced in this volume.

- Personnel and Information Resources
- Special Forces
- Equipment

### **IV. CHEMICAL COUNTERMEASURES**

Include decision-making and preapproval regarding uses of certain chemicals.

Reference expedited methods for use of dispersants and other chemicals.

### **V. RELATIONSHIP TO OTHER PLANS**

Integrate federal, state and local response plans for the given Area listed in an attachment to the ACP.

Reference facility response plans.

### **VI. SCENARIOS**

Include a list of major facilities and a worst-case scenario for each facility.

In addition, the Area Committee, under the direction of the OSC, will prepare a shortfall analysis to be presented to the lead agency. This analysis will be included in this section.

### **VII. AREA INVENTORY**

Include an inventory of facilities.

### **APPENDICES**

Area-Specific abbreviations and definitions

Other appendices as determined by the Area Committee

### **RECORD OF AMENDMENTS**

Include a Record of Amendments at the back of the document, which lists: date submitted, who submitted amendment, page and content, and date of amendment.