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FEDERAL REGION IV REGIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

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LETTER OF PROMULGATION

Section 4202 of the Oil Pollution Act of 1990 (OPA) amended Section 311(j) of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. 1321(j)) to address the development of a National Planning and Response System. As part of this system, Area Committees are to be established for each area designated by the President. These committees are to be comprised of qualified personnel from Federal, State and local agencies. The functions of appointing Area Committee members, determining the information to be included in Area Contingency Plans, and reviewing and approving Area Contingency Plans have been delegated by Executive Order 12777 of 22 October 1991, to the Administrator of the United States Environmental Protection Agency (USEPA) for the inland zone. On April 24, 1992, the United States Environmental Protection Agency Administrator designated the 13 Regional Response Teams as Area Committees. The area for this plan has been designated as USEPA Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee). The USEPA Region IV Regional Response Team (RRT) serves as the Area Committee.

This plan has been designed and prepared to satisfy all statutory and regulatory requirements mandated in the National Contingency Plan (NCP) and OPA. Comments and recommendations are invited and should be addressed to Mary Jo Penick, Area On-Scene Coordinator, United States Environmental Protection Agency, Region IV, 345 Courtland Street, Atlanta, Georgia, 30365. This plan will be reviewed and updated annually (on January 31) for the first five years of the Plan, and once every five years after that. Changes or corrections will be published as necessary.

Acting Statuik M. Tohns <u>/2-2/-93</u> Date

Regional Administrator US Environmental Protection Agency Region IV

SECTION 100. INTRODUCTION

101. PURPOSE:

This Regional Contingency Plan (RCP) is prepared to comply with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and to implement the NCP at the Regional level. The plan provides the structure and mechanisms for responding to a pollution incident, or threat of a pollution incident, in a timely, coordinated and effective fashion. Procedures for coordinating with the United States Coast Guard (USCG) Area Plans and other Federal, state, tribal and local community emergency plans are presented in this plan.

102. AUTHORITY:

Section 300.210 of the NCP, promulgated in accordance with the requirements of the Federal Water Pollution Control Act (FWPCA) as amended, and Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) requires that each standard Federal region develop a Regional Contingency Plan (RCP) to coordinate preparation and assistance activities both before and during a spill response.

Section 4202 of the Oil Pollution Act of 1990 (OPA), which amends Subsection (j) of Section 311 of the FWPCA as amended by the Clean Water Act (CWA) of 1977, requires the development of Area Contingency Plans for responding to a worst-case oil discharge. Pursuant to OPA section 4202(b)(1)(A), the President designates areas for which Area Contingency Plans are established. Through section 1(b) of Executive Order 12777 (56 FR 54757; October 22, 1991), the President delegated to the Administrator, United States Environmental Protection Agency (USEPA), responsibility for designating the Areas and appointing the Committees for the "Inland Zone" as defined by the NCP. The USCG has responsibility for designating Areas and appointing Committees for the coastal zone as defined by the NCP. The USEPA Administrator, in 57 Federal Register (FR) 15198; April 24, 1992 designated the inland areas of the 13 Regional Response Teams (RRT) as the designated Areas and the 13 individual RRTs as the Area Committees. In the same FR Notice, the USCG designated as Areas, those portions of the Captain of the Port (COTP) zones within the coastal zone as defined in the NCP as the designated Area. The precise boundaries for the inland and coastal zones are described in Annex M.

103. SCOPE:

Under the provision of the NCP, the USEPA or the USCG is authorized to undertake removal measures deemed necessary to protect the public health or welfare or the environment from discharges of oil or releases of hazardous substances, pollutants, or contaminants. This plan is applicable to these response actions taken pursuant to the authorities under CERCLA and Section 311 of the CWA, as amended. The strategies, mechanisms, operations and procedures contained in this plan conform with the provisions of the NCP.

This plan is a combined coastal and inland zone Regional Contingency Plan governing Federal response operations to threats and/or discharges of oil in the inland zone or to releases or threats of releases of hazardous substances in both zones. It is the chief working document of the RRT and is also the Area Contingency Plan for the inland zone of the Region. It meets the provisions of all statutory and regulatory requirements for such plans, including Region IV's strategy to address a worst-case oil discharge in the inland zone.

The following Region IV classifications are used for oil and hazardous substance releases occurring in the inland zone:

ТҮРЕ	OIL	HAZ. SUBSTANCE						
MINOR	< 1,000 gallons	< Reportable Quantity						
MEDIUM	1,000 - 10,000 gallons	> Reportable Quantity but don't meet criteria for a major or minor release						
MAJOR	> 10,000 gallons	amount that poses a substantial threat to human health, welfare or environment						
WORST CASE	a worst case involves ANY discharge or threat of a discharge, in significant quantities to impact public health, welfare or the environment, where the parties responsible for the threat or discharge are unwilling or unable to perform the required response actions.							

Within this plan are the appropriate coordination mechanisms to ensure compatibility and coordination with the Area Contingency Plans developed by the USCG COTP for responding to discharges of oil within the coastal zone and with the Federal Response Plan written by the Federal Emergency Management Agency for responding to natural disasters.

This plan has been developed with the cooperation of all designated Federal agencies and state and local governments. It applies to all preparedness activities and response operations taken by the Federal member agencies of the Region IV RRT. The geographical boundaries of this plan are those defining standard Federal Region IV and include the states of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee.

This plan is applicable to and is in effect for:

- (1) Discharges of oil into or on the navigable waters and adjoining shorelines of the United States that lie within the inland zone of the region as defined in this plan. When discharges of oil into or on the navigable waters and adjoining shorelines or other waters as defined in the appropriate USCG Area Contingency Plan, the response will be managed under that applicable Area Contingency Plan.
- (2) Releases into the environment of the inland zone, of hazardous substances, and pollutants or contaminants which may present an imminent and substantial danger to public health or welfare. When releases or threats of releases of hazardous substances occur within the jurisdiction of a USCG designated area and the applicable Area Contingency Plan contains provisions for a response to such a release, that ACP shall govern the response to that release.
- (3) Additional resource and support requirements above those available through the applicable COTP Area Contingency Plan will be coordinated through the provisions of this plan and the NCP as needed.

This plan will be used to:

- Identify primary responsibilities and jurisdictions among Federal, State, tribal and local governments in response actions.
- (2) Describe Federal response actions in accordance with the CWA and CERCLA.
- (3) Describe Area Response Planning concepts and Committee membership in Region IV.
- (4) Describe methods and procedures to coordinate and integrate multi-agency, multi-area and multi-regional responses and plans.
- (5) Provide information concerning facilities, resources, equipment and additional capabilities from governmental, commercial, academic and other sources.
- (6) Provide information pertaining to preparedness activities including planning, training and exercising.

104. RELATIONSHIPS WITH OTHER PLANS:

104.01. AREA CONTINGENCY PLANS: Area Contingency Plans have been developed by Area Committees representing each of the eight Captain of the Port Areas in Region IV. Under the direction of the USCG predesignated On-Scene Coordinator, these plans provide specific procedures and details for response to discharges of oil occurring within each designated area. As a region wide planning and support coordination plan, this RCP is applicable for both the coastal and inland zones of the region and provides resource coordination in support of those specific Area Plans as needed.

104.02. FEDERAL RESPONSE PLAN: The Federal Response Plan (FRP) provides for federal response in support of state and local governments to disaster situations. Annex 10 to that plan, Emergency Support Function # 10, provides a coordination mechanism that integrates the response under this plan to discharges of oil and hazardous substances releases with the overall response to the disaster. Annex __, to this plan, entitled ESF #10 Operations, details the coordination procedures and describes the operations taken under this plan with those under the FRP.

104.03. STATE/LOCAL EMERGENCY MANAGEMENT AND RESPONSE

PLANS: Each state and most local governments in the Region have emergency management and emergency response plans. This plan contains a description of each state's responsibilities and procedures for responding to emergency situations. Most federal response efforts undertaken through this plan are in support of local and state efforts. To facilitate close coordination, the use of an Incident Command System incorporating all responding organizations into a Unified Command System is encouraged through this plan.

105. ASSUMPTIONS:

- * Threats and releases of hazardous substances and discharges of oil occur within the inland and coastal areas of the region requiring Federal response actions.
- * Upon notification of a spill or threat of a spill, the procedures and coordination mechanisms in this plan will be followed, as necessary, to implement a Federal response in support of local and state government actions.
- * Regional response forces respond with all applicable and available resources when releases of hazardous substances, discharges of oil or other pollution or contamination incidents require a Federal response presence.

- * Natural disasters and technological emergencies that occur in the Region will cause the activation of the Federal Response Plan (FRP). This plan provides the coordination mechanisms to integrate appropriate Regional response actions into the Federal Response Plan structure.
- * A Federal response under this plan will not be immediately initiated at the scene of an incident. Travel time may prevent a Federal On-Scene Coordinator (OSC) from arriving on-scene in the first eight to ten hours following an incident. The arrival of response resources may take even longer.

105. HOW TO USE THIS PLAN:

This plan is composed of a Base Plan and a series of Annexes, Appendices and Tabs. The Base Plan is general in nature and presents information and policies that are not subject to frequent change. It captures the general strategy to be employed in responding to releases of oil and hazardous substances, pollutants and contaminants. Responsibilities of the RRT member agencies are presented and a general description of each state's environmental response and emergency management procedures is included. Also, general concepts of Administration, Logistics and Direction and Control are presented. The basic plan becomes the framework upon which subsequent functional annexes, appendices, tabs and checklists are overlayed.

The plan's annexes, appendices and tabs describe the tactical guidance and procedures for achieving this strategy. Although it contains many specific response procedures, the entire plan is not intended to be used in the field. The operational annexes are specific and provide the detail of who does what, when, how and with what. These annexes, such as response organization and operations, logistics, communications and disposal are designed to be used as stand-alone, detailed response plans by the OSCs in the field. Other annexes provide detailed information necessary to support response operations.

The response is organized functionally along an incident command system structure which includes planning, operations, logistics and finance. In an incident in which two or more levels of government and the responsible party respond, a unified command system will be initiated at a designated command post and the representatives will meet to reiterate this strategy, modify it as necessary and develop the tactics and objectives to be employed to protect lives, property, the environments and effect the removal, cleanup and disposal of the material.

106. RESPONSE POLICY:

It is the policy of the Region IV RRT that response actions on non-Federal lands be monitored or implemented by the lowest level of government with authority and capability to conduct such activities. Generally, the lowest level is the local government agencies. When the discharge is beyond the response capabilities of the local or state agencies, or sufficient removal operations are not being conducted to protect the population and environment, the Federal OSC will initiate the appropriate Federal response action. Region IV's incident command protocol for Federal response actions is presented in Annex A.

To ensure maximum coordination and utilization of response resources, the designated State contact will communicate as soon as possible with the Federal OSC following an incident that requires or that could potentially require immediate attention. In the absence of sufficient site assessment information, the OSC may respond on-site to assess the situation. If insufficient information is available through the State contact, the OSC will coordinate directly with local officials during the site assessment.

The person responsible for the discharge or release, or threat of a discharge or release, is responsible for taking immediate and effective actions to mitigate the effects of any spill and to cleanup and restore the incident site. The actions of the responsible party (RP) or potentially responsible party (PRP) must be consistent with the provisions outlined in this plan, the NCP and, if applicable, the Facility Response Plan.

Facility Response Plans, as defined by Section 4204(a)(5) of OPA, shall be reviewed for approval and consistency with this Plan. During a response the OSC shall meet with other responding parties to coordinate and integrate this Plan with all other relevant plans including, but not limited to, Federal, State, local, tribal, and private plans. The RRT will continuously review effectiveness and integration of all plans based on actual responses, exercises, and all other relevant information leading to enhancement of these plans.

107. DISPERSANT and OTHER CHEMICALS USE POLICY:

Authorization for considering dispersant usage is granted by the NCP Subpart J. Under Section 300.310 Phase III and Section 300.310 (b), the RRT and OSC may use chemicals and other materials to restrain the spread of oil and protect public health and welfare and the environment. Expanding upon this, Section 300.910 (e) states that the RRT must evaluate the appropriate use of dispersants, surface collecting agents, biological methods and miscellaneous agents listed on the NCP Product Schedule. The Region IV RRT has developed a Dispersant Use Plan to be used for spill of oil in the coastal zone.

For the inland zone, the RRT has agreed that oil dispersants are generally not acceptable for use. The OSC is only granted

authority to use other chemical and biological agents, without RRT concurrence, when human lives are threatened by the oil spill. In non-life threatening situations, the OSC shall obtain concurrence from EPA's representative to the RRT and, as appropriate, the RRT representatives from the State with jurisdiction over the navigable waters threatened by the release or discharge. Consultation with the natural resource trustees, Department of Commerce (DOC) and Department of Interior (DOI), is also necessary.

SECTION 200. ORGANIZATION AND RESPONSIBILITIES

201. Introduction:

Federal, state and local governments have different organizational structures and response functions during an emergency situation. Contained in this section are the basic responsibilities for the majority of Federal and state agencies that either respond to or provide support to response efforts. This includes both RRT and non-RRT member agencies. The NCP briefly discusses each agency in Section 300.175(b).

202. Organizations:

The National Response System (NRS), as detailed in Section 300.105 of the NCP, serves to coordinate the efforts of all applicable organizations in a focused response strategy for the immediate and effective mitigation and cleanup of discharges of oil and releases of hazardous substances. Presented below are the individuals and organizations at the local, state and Federal level, as well as the private sector, that make up the NRS.

202. 1. NATIONAL RESPONSE TEAM

The NRT is primarily a national planning, policy and coordinating body. The NRT provides assistance as requested by an OSC via the RRT during an incident, but usually does not respond directly to incidents. NRT assistance usually entails technical advice, access to additional or specialized resources and coordination with other RRTs. Specific details are found in Section 300.110 of the NCP.

202.2. REGIONAL RESPONSE TEAM

The RRT is responsible for regional planning and preparedness activities before response operations and for providing advice and support to the OSC when activated during a response. The RRT membership consists of regional representatives from each Federal agency that participates in the NRT along with state representation and through the state, local representation. Federal RRT member agencies have duties established by Statute or Executive Order which may apply to Federal response actions following a discharge of oil or a release or a threat of release of a hazardous substance, pollutant, or contaminant.

A. STANDING REGIONAL RESPONSE TEAM

The principal components of the RRT are a standing RRT and incident-specific RRTs. The Region IV Standing RRT is co-chaired

by the Chief, Emergency Response and Removal Branch, USEPA Region IV and the Chief, Marine Safety Division, Seventh Coast Guard District. The standing RRT consists of those members described above. State representatives, appointed by the Governor, typically come from the state's environmental agency and where possible the state Emergency Management Agency.

Each member agency should designate one member and at least one alternate member to the standing RRT. Agencies whose regional subdivisions do not correspond to the standard Federal regions may designate additional representatives to the standing RRT to ensure appropriate coverage of the standard Federal region. Federally recognized Indian Tribal governments are encouraged to arrange for representation on the RRT. Other interested parties may attend and observe RRT meetings. An updated roster for the Standing RRT is presented in the USEPA Emergency Response and Removal Branch's Field Operations Blue Book."

To carry out the pre-response preparedness and planning charge of the RRT, a Management Committee consisting of the Chairs of each of the RRT Committees, the Co-Chairs and alternate Co-Chairs from USEPA and the USCG and additional rotating members meets periodically. Specific, continuing RRT issues are addressed by working committees. Each working committee chair is appointed by the RRT Co-Chairs.

The role of the standing RRT includes communications and procedures, planning, coordination, training, evaluation of responses, preparedness, and related matters on a region-wide basis. These activities include, but are not limited to:

- Providing technical assistance for preparedness and conducting and participating as necessary in training and exercises to encourage preparedness activities of the response community within Region IV. At least one exercise is planned and conducted annually;
- 2. Reviewing and updating the RCP;
- 3. Discussing, modifying, and adopting procedures to enhance the various aspects of response coordination between local, Tribal, State, Regional, and Federal response efforts;
- 4. Reviewing and commenting, where practicable, on local emergency response plans required by SARA, Title III. Such reviews are conducted upon the request of a Local Emergency

All contact names and phone numbers for organizations discussed in this plan are contained in USEPA ERRB's Field Operations Blue Book. Each USEPA OSC has been issued an official copy. One additional copy is kept in the Region IV RRC for reference.

Planning Committee (LEPC), forwarded to the RRT by a State Emergency Response Commission (SERC). The standing RRT may also review and comment on other issues concerning the preparation or implementation of related response plans;

- 5. Reviewing, evaluating, and commenting on Regional and local responses to discharges or releases, and recommending improvements, as appropriate.
- 6. Reviewing OSC actions to ensure that RCPs and OSC contingency plans are effective;
- 7. Encouraging the State and local response communities to improve their response preparedness;
 - Conducting advance planning for use of dispersants, surface collecting agents, in-situ burning, biological additives, or other chemical agents;
 - 9. Meeting three times annually to review response actions, address preparedness and pre-response activities, and consider changes to the RCP. Meeting locations are rotated among each of the Region IV States;
- 10. Providing reports on RRT activities to the NRT twice a year, no later than January 31 and July 31;
- 11. Integrating, to the extent possible, ongoing planning and preparedness activities with RRT preparedness initiatives, and all RRT agencies;
- 12. Recommending revisions of the NCP to the NRT, based on observations of response operations;
- 13. Providing resources for response to major discharges or releases outside the Region upon request;
- 14. Evaluating the preparedness of the participating agencies and the effectiveness of Federal response to discharges and releases;
- 15. Preparing an annual work plan to coordinate emergency response and preparedness activities; and
- 16. Coordinating planning and preparedness with RRTs in adjacent Regions.

B. INCIDENT-SPECIFIC REGIONAL RESPONSE TEAM

An incident-specific RRT may be activated during a response and consists of representatives of appropriate Federal, State, and representatives of local governments as required by the

circumstances of the incident. The circumstances under which an incident-specific RRT will convene are discussed later in this section.

An incident-specific RRT has one Chair - either the Regional Manager for the Federal On-Scene Coordinator (OSC) or Remedial Project Manager (RPM) responding to the incident or the USCG Chair for a vessel in a 2nd District river. The role of the incident-specific team is determined by the RRT response to a specific discharge or release. Participation is relative to the technical nature and geographic location of the discharge or release. The RRT Chair coordinates with the RRT membership and the OSC/RPM for the incident, to determine the appropriate level of RRT member activation. Member agencies and States participating with the RRT must ensure that designated representatives or alternates can function as resource personnel for the OSC/RPM during incident-specific events.

When activated, members of an incident-specific RRT may be requested to:

- 1. Provide advice, as requested by the OSC/RPM, and recommend courses of action for consideration by the OSC/RPM;
- 2. Monitor and evaluate reports from the OSC/RPM;
- Advise the OSC/RPM on the duration and extent of a Federal response and recommend to the OSC/RPM specific response actions;
- Request other Federal, State, or local government or private agencies provide resources, under their existing authorities, to respond to a discharge or release or to monitor response operations;
- 5. If circumstances warrant (e.g., substantial movement of the pollution into the predesignated area of another OSC lead agency), recommend to the RRT Co-Chairs that an OSC/RPM be changed; and,
- 6. Ensure continual communications with the National Response Center (NRC) as significant developments occur.

202.3. AREA COMMITTEES

Section 4202(a)(4) of the Oil Pollution Act of 1990 requires that Area Committees, made up of Federal, State and local officials, be established to develop an Area Contingency Plan (ACP). The predesignated OSC for the area serves as the Chair of the Committee and provides general advice and guidance and directs the Committee's development and maintenance of the ACP. The Area Committee is also charged with a responsibility to work with State and local officials to enhance the contingency planning and to assure preplanning of joint response efforts including procedures for mechanical recovery, dispersant use, shoreline cleanup, protection of sensitive environmental areas and protection, rescue and rehabilitation of fisheries and wildlife. In development of the ACP, the committee must ensure that resources and personnel are adequate to remove or prevent a worst-case discharge of oil in or near the area covered by the plan. Both USEPA and the USCG are responsible for overseeing the formation of the Area Committees and the development of the ACPs for the inland zone and the coastal zones, respectively. The USCG designated the 48 Captain of the Port Areas as the coastal zones areas. In the standard Federal Region IV there are nine coastal areas each with an Area Committee and an ACP. In the inland zone of Region IV, the standing RRT serves as the Area Committee.

202. 4. OTHER RESPONSE ORGANIZATIONS

Several of the participating Federal agencies have internal organizations that assist the agency and the overall response effort. These organizations and their functions are listed in the following subsection.

203. RESPONSIBILITIES:

This section describes the individuals and organizations that make up the framework of the National Response System and discusses their responsibilities. Some of the organizations involved in emergency response and removal actions exist as parts of an agency. Others are created by the response to the situation, function as a unit and disappear at the conclusion of the event.

203.1. ON-SCENE COORDINATORS (OSC)

The OSC is the predesignated Federal official responsible for ensuring immediate and effective response to a discharge or release. The USCG designates OSCs for the U.S. coastal zone, while the USEPA designates OSCs for the U.S. inland zones. The OSC directs Federal Superfund-financed response efforts and coordinates all other Federal efforts at the scene of a discharge or release. In the case of a release of a hazardous substance on a DOD or DOE facility, the responsible lead agency will designate the OSC. If an oil discharge occurs on a DOD or DOE facility, the USCG or USEPA will designate the OSC depending on the location. OSC's general responsibilities are described below. Specific duties for a discharge or release are presented in Annex A along with a list of predesignated OSCs in Region IV.

a. Coordinates, directs, and reviews the work of other agencies, responsible parties, and contractors to ensure compliance

with the NCP, RCP and any other documents such as decision documents, consent decrees, administrative orders, and/or lead agency-approved plans.

- Notifies the appropriate State and Federal agencies of any reported discharges or potential discharges. OSC notification responsibilities are discussed in Annex B.
- c. Determines 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 OSC or does not take appropriate actions, or if the party is unknown, the OSC shall respond in accordance with provisions of the NCP, RCP and agency guidance.
- d. Collects pertinent information concerning the discharge or release such as: 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.
- e. Coordinates efforts with other appropriate Federal, State, and local agencies to consult with and inform the RRT members of reported discharges and releases through Pollution Reports (POLREPs). POLREPs are discussed in Annex B.
- f. Consults with the appropriate Regional or District office regarding situations potentially requiring temporary or permanent relocation. In the event of a declared Federal disaster, coordinates with the FEMA Federal Coordinating Officer (FCO) as appropriate.
- g. Implements appropriate community relations activities as presented in Annex I of this plan.
- h. Appropriately addresses worker health and safety issues prior to and during a response operation. Health and safety issues are discussed in Annex G.
- i. Coordinates with the Agency for Toxic Substances and Disease Registry (ATSDR), as the OSC deems necessary, regarding possible public health threats. Refer to Annex J for more information.

203.2. REMEDIAL PROJECT MANAGERS (RPM)

The RPM is the predesignated official for remedial and other response actions being taken at sites on the proposed or promulgated National Priorities List (NPL), and for sites not on

the NPL but under the jurisdiction, custody, or control of a Federal agency. It is not the intent of this plan to repeat the remedial program found in the NCP, rather, this plan is a emergency response and removal document. For more specific information concerning RPMs refer to Section 300.120 of the NCP. A list of USEPA Region IV predesignated RPMs is maintained in the Waste Management Division Staffing Plan.

203.3. FEDERAL RRT MEMBER AGENCIES

The responsibilities of the Federal agencies listed in this section have been established by statute, executive order, or Presidential directive. The responsibilities listed may apply to Federal actions in the prevention of, or following the discharge of oil or release of a hazardous substance, pollutant, or contaminant. Additionally, some of these agencies also have duties relating to the restoration, rehabilitation, replacement, or acquisition of equivalent natural resources injured or lost as a result of such discharge or release.

During preparedness planning or in an actual response, these federal agencies, consistent with their legal authorities and capabilities, may be called upon to provide assistance in their respective areas of expertise, as indicated in this section. To be responsive to the requirements of this plan, all RRT member agencies should plan for emergencies and develop procedures for addressing oil discharges and releases of hazardous substances, pollutants, or contaminants from vessels and facilities under their jurisdiction, custody, or control. All Federal Region IV RRT member agencies should be prepared to provide OSCs/RPMs with assistance from their respective agencies commensurate with responsibilities, resources, and capabilities.

Responsibilities common to all RRT member agencies include:

- a. Providing representatives to the RRT and assisting the RRT in the formulation of the RCP and providing assistance to designated OSCs in the development of Area Contingency Plans;
- b. Informing the RRT of changes in the availability of their response resources; and,
- c. Reporting discharges and releases from facilities or vessels under their jurisdiction or control.

Each RRT member agencys' responsibilities and functions are presented on the following pages.

203.301, UNITED STATES COAST GUARD (USCG)

The USCG is an agency of the Department of Transportation. The Coast Guard provides the Co-Chair for the standing RRT and

predesignated OSCs for the coastal zone. The USCG also supplies expertise in the domestic/international fields of port safety and security, marine law enforcement, navigation, and construction, and the manning, operation, and safety of vessels and marine facilities. The USCG maintains continuously manned facilities that are capable of command, control, and surveillance for oil or hazardous substances releases occurring in the coastal zone and on the major inland rivers of the region and may provide these services to the OSC.

203.302. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (USEPA)

The USEPA provides the Co-Chair of the Region IV standing RRT and provides OSCs for the inland zone and for all other areas for which an ACP is required under section 311(j) of the CWA. USEPA is responsible for providing expertise regarding environmental effects of pollution releases and environmental pollution control techniques. USEPA will also advise the RRT and the OSC of the degree of hazard a particular release poses to the public health and safety, coordinate damage assessment and will generally provide the Scientific Support Coordinator for the inland zone.

203.303. DEPARTMENT OF AGRICULTURE (USDA)

The USDA has the capability to measure, evaluate and monitor situations where natural resources have been impacted by fire, insects and disease, floods, hazardous substances and other natural or man-caused emergencies. USDA is represented on the RRT through the United States Forest Service (USFS), the designated member of the RRT. The USFS is responsible for protection and management of national forests and grasslands. The USFS maintains specially trained incident management teams and also has capabilities to provide emergency communications systems, specialized aircraft, and human support facilities for large groups of people. In addition, the USDA is among those agencies designated by the NCP as a Federal Trustee for Natural Resources.

Other USDA agencies include:

The Food and Nutrition Service (FNS), through the Food Distribution Program, provides food as emergency assistance to disaster victims. In appropriate emergency situations, FNS will authorize State agencies to issue food stamps based on emergency procedure.

Food Safety and Inspection Service (FSIS) tests meat and poultry products for the presence of violative drugs, chemical residues, and other adulterants.

Agricultural Stabilization and Conservation Service (ASCS) in cooperation with the Forest Service, Soil Conservation Service, and Army Corps of

Engineers, is responsible for emergency plans and preparedness programs for food processing, storage, and distribution through the wholesale level.

Animal and Plant Health Inspection Service (APHIS) provides expertise on plant and animal diseases and health.

National Agricultural Statistics Service (NASS) serves as a source of data on crops, livestock, poultry, dairy products, and labor. State Statistical Offices collect and publish local information on these topics.

203.304. DEPARTMENT OF COMMERCE (DOC)

The DOC, through NOAA, provides support to the RRT and the OSC in areas of scientific support for response and contingency planning in coastal and marine areas, including assessment of the hazards that may be involved, predictions of movement and dispersion of oil and hazardous substances and cleanup and mitigation methods. DOC, through NOAA, has three roles within Region IV:

- Provides the Scientific Support Coordinator (SSC), in accordance with the NCP;
- 2. Serves as a Federal Trustee for Natural Resources, in accordance with the NCP.
- 3. RRT member. Can provide scientific expertise on living marine resources for which it is responsible; provide current and predicted meteorologic, hydrologic, ice, and oceanographic conditions; provide charts and maps; and can provide communication services to the general public, various levels of government, and the media via its weather wire and weather radio system.

203.305. DEPARTMENT OF DEFENSE (DOD)

The DOD can take all actions necessary to respond to releases of hazardous substances where either the release is on, or the sole source of the release is from any facility or vessel under the jurisdiction, custody or control of DOD. In these situations, DOD will provide the OSC. DOD also serves as a Federal Trustee for Natural Resources.

The United States Army Corps of Engineers (USACOE) provides design services, performs construction services, provides potable water when a source becomes contaminated, conducts modelling activities, manages locks and dams and provides navigation controls for major rivers. The USACOE also has an Interagency Agreement with USEPA to conduct community evacuation services when necessary.

The US Navy is the federal agency most knowledgeable and experienced in ship salvage, shipboard damage control and diving. The USN

has an extensive array of specialized equipment and personnel available for use in these areas as well as specialized containment, collection and removal equipment specifically designed for salvage-related and open-sea pollution incidents.

203.306. DEPARTMENT OF ENERGY (DOE)

The DOE provides the designated OSC/RPM for responses to releases on or from any facility or vessel under its jurisdiction. Under the Federal Radiological Emergency Response Plan (FRERP), DOE provides advice and assistance to the RRT and OSCs for emergency actions essential to the control of radiological hazards. DOE also administers, implements, and coordinates the Federal Radiological Monitoring and Assessment Plan (FRMAP) during radiological emergencies. In addition, DOE is among those agencies designated by the NCP as a Federal Trustee for Natural Resources.

203.307. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

FEMA provides guidance, policy and program advice and technical assistance in hazardous materials, chemical and radiological emergency preparedness activities. FEMA monitors and provides technical assistance regarding public sector emergency response planning, training and exercising for incidents involving hazardous materials. When the President declares a disaster or emergency, FEMA coordinates Federal assistance, through the activation of the Federal Response Plan. Coordination with the Federal Coordinating Officer (FCO) in a situation where both the Regional Contingency Plan and the Regional Response Plan authorities are active takes place through the Emergency Support Function # 10 which is included as an Annex to this plan.

203.308. GENERAL SERVICES ADMINISTRATION (GSA)

The GSA, upon request, provides logistical and telecommunications support to Federal RRT agencies. The support includes, but is not limited to, provision of space, transportation, supplies, telecommunications, and procurement-related services. GSA personnel may be located at the scene of the oil or hazardous material release, or at their regular duty stations, depending on the specific requirements of the OSC or the emergency situation. Expenses incurred by GSA in providing requested assistance to other agencies must be reimbursed.

203.309. DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

HHS is responsible for providing expertise and advice on public health and worker safety issues associated with releases or threatened releases of hazardous substances; for all health studies and surveys conducted under CERCLA; and for providing and maintaining information concerning the health effects of toxic substances. The principal HHS response comes from the United States Public Health Service (USPHS). This response is coordinated from the USPHS regional office. The primary response to a hazardous materials emergency comes from the Agency for Toxic Substances and Disease Registry (ATSDR) and the Centers for Disease Control (CDC). Both ATSDR and CDC maintain a 24 hour emergency response capability and through scientific and technical personnel provide technical assistance to the lead federal agency and state and local response agencies on human health threat assessment and analysis and exposure prevention and mitigation. Such assistance is used for situations requiring evacuation of affected areas, human exposure to hazardous materials and technical advice on mitigation and prevention. CDC takes the lead during petroleum discharges regulated under the CWA and OPA while ATSDR takes the lead during chemical releases under CERCLA.

203.310. DEPARTMENT OF THE INTERIOR (DOI)

DOI will provide, through its Regional Environmental Officer (REO), technical expertise to the OSC and the RRT with respect to land, fish, wildlife and other resources for which it is responsible. The REO is the designated DOI member to the RRT and can provide information concerning the lands and resources specifically under DOI jurisdiction, as well as offer technical expertise related to geology, hydrology, minerals, fish and wildlife, cultural resources, and recreation resources. Under Executive Order 12580, DOI is among those agencies designated by the NCP as a Federal Trustee for Natural Resources.

DOI has direct jurisdiction for the protection of resources on its own lands, as well as trustee responsibilities for certain natural resources, regardless of location. The DOI natural resource trusteeship that extends beyond DOI site boundaries includes migratory birds, anadromous fish, and endangered or threatened species and their critical habitat.

Within the Department, individual bureaus have specific responsibilities and capabilities which are listed below. Each bureaus may be contacted through the DOI Regional Environmental Officer.

The United States Fish and Wildlife Service (USFWS) provides expertise on migratory birds, endangered and threatened species, and wildlife habitat, and can advise on fish and wildlife protection methods, endangered and threatened species, waters and wetlands and effects on natural resources. The agency can provide information on national wildlife refuges and national fish hatcheries managed by USFWS. It has the expertise necessary to disperse or capture birds, and to coordinate bird rehabilitation activities at spill sites in conjunction with respective State wildlife conservation agencies. USFWS issues migratory bird rehabilitation permits to qualified individuals and/or organizations that may be available to assist in rehabilitation operations related to oil spill incidents. The National Park Service (NPS) provides general biological, natural and cultural resource managers to evaluate, measure, monitor and contain threats to park land and resources; historic, archeological, architectural, and recreational resources and sites on the National Register of Historic Places. The NPS can provide information on units of the national park system, including national parks, lake shores, monuments, national historic sites, rivers, and recreation areas.

The United States Geological Survey (USGS) provides advice and information concerning geohydrologic, geologic and geochemical data, and ground and surface water data, as well as maps. USGS maintains stream flow gauges in every State and can provide historical stream flow information, assist in predicting the time/travel/trajectory of spills, and can collect and analyze surface and groundwater samples.

The Bureau of Indian Affairs (BIA) coordinates activities affecting Indian Tribal lands, and provides assistance in identifying Indian Tribal government officials.

The Bureau of Land Management (BLM) has expertise in minerals, soils, vegetation, archeology, and wildlife habitat.

The Bureau of Mines (BOM) assists in the analysis and identification of inorganic hazardous substances, and has technical expertise in metals and metallurgy relevant to site cleanup. BOM has expertise in minerals (occurrence, production, and research), mining, mining techniques, and metallurgical practices.

The Bureau of Reclamation (BOR) has expertise in water management, flow control, and water quality improvement. BOR can perform well drilling and subsurface hyrogeological investigation and analysis.

203.311. DEPARTMENT OF JUSTICE (DOJ)

The DOJ members of the RRT serve as representatives for their agency and not as legal counsel to the RRT or its member agencies. Although the DOJ representative to the RRT is not a substitute for member agencies' in-house counsel, the DOJ representative will be able to offer the advice, views, and expertise of the Department with respect to the RRT's long-term planning and incident-specific functions.

The Department's primary role is to serve as litigation counsel for the Federal government and as legal counsel on enforcement and inter-agency matters. As a consequence, DOJ participation in RRT activities will ordinarily focus on litigation concerns of response activities and inter-agency coordination. In this capacity, the role of the DOJ representative might include: general legal advice; review and comment on regional planning and procedural documents; and incident-specific assistance, including assigning staff attorneys when the incident may result in litigation or raise difficult issues of interagency coordination.

203.312. DEPARTMENT OF LABOR (DOL)

DOL, through the Occupational Safety and Health Administration (OSHA), conducts safety and health inspections of hazardous waste sites to ensure employees are being protected and to determine compliance with its regulations. Through OSHA, DOL will also provide the OSC/RPM with advice, guidance, and assistance regarding hazards to persons involved in response activities and in the precautions necessary to prevent harm to their health and safety.

203.313. THE DEPARTMENT OF STATE (DOS)

The DOS leads in developing joint international contingency plans. It also provides assistance in coordination when a pollution release crosses international boundaries or involves foreign flag vessels. DOS coordinates requests for assistance from the Government of Canada and United States proposals for conducting research at incidents that occur in Canadian waters.

203.314. DEPARTMENT OF TRANSPORTATION (DOT)

DOT provides expertise regarding transportation of oil or hazardous materials by all modes of transportation. Through the Research and Special Programs Administration, DOT offers expertise in the requirements for packaging, handling and transporting hazardous materials.

The Office of Fipeline Safety oversees the operation of interstate pipelines and is responsible for the approval of Facility Response Plans for pipelines.

203.315. NUCLEAR REGULATORY COMMISSION (NucRegComm)

The NucRegComm will respond, as appropriate, to releases of radioactive materials by its licensees to monitor the action of those licensees and assure that the public health and environment are protected and adequate recovery operations are instituted. The NucRegComm will also provide advice to the OSC and the RRT when assistance is required in identifying the source and character of other hazardous substance releases where the NucRegComm has licensing authority for activities utilizing radioactive materials.

203.4. STATE RESPONSIBILITIES

Because of the diversity of incidents involving oil and hazardous substances and the potential impact to public safety as well as to public health, welfare and the environment, the Governor of each State is requested to designate representatives to the RRT from both the agency responsible for response to environmental emergencies and the state emergency management agency. Each State representative may participate fully in all activities of the RRT and are expected to coordinate with the State Emergency Response Commissions (SERC) in their respective States in order to communicate and coordinate preparedness and pre-response planning activities between the State and the RRT. State and local government agencies are encouraged to coordinate the State contingency planning efforts for response to hazardous material events with this plan and with requirements of SARA Title III and OPA.

Section 300.180 of the NCP describes State and local participation in a response. Ordinarily, State and local public safety organizations are the first government representatives at the scene of a discharge or release. As first responders they are expected to initiate public safety measures, consistent with containment and cleanup requirements as stated in the NCP, that protect the public health and welfare. They are also responsible for directing evacuations pursuant to existing State or local procedures.

Contact names and phone numbers for State organizations are maintained in the USEPA Region IV Field Operations Blue Book.

203.5. LOCAL OPERATIONS

As provided by Sections 301 and 303 of Superfund Amendments and Reauthorization Act (SARA), the 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 is also to establish procedures for receiving and processing requests from the public for information generated by Title III reporting requirements and to designated an official to serve as coordinator for information. The Region IV RRT places a great deal of emphasis on states assisting local communities in the development of local contingency plans.

Local governments, because of their proximity to the event are usually the first responders on the scene. They will deploy response resources within their capability, usually in coordination with the State. Their primary concern is with the protection of the population at risk. This includes activities such as alerts and warnings, notifications, evacuations or inplace sheltering, law enforcement, emergency medical response, rendering continuing assistance to the community to include provision of shelter and mass care and other functions relating to the protection of the public. When protection of the public is at issue and a unified command system is in place, the local Incident Commander usually assumes a unified command role. During responses to oil spills, local agencies may not be involved as part of the unified command, but provide agency representatives who interface with the command structure.

203.6. OWNERS/OPERATORS

Section 4202(a)(5) of OPA requires owners and operators of tanks, vessels or facilities, as described in Section 4240(a)(5)(B), to prepare and submit to USEPA for review, a Facility Response Plan (FRP). The plans shall describe in detail the procedures for preventing or responding to a worst-case discharge from the tank vessel or facility.

In the event of a release or threat of a release, the owner(s) and/or operator(s) are responsible for conducting notification procedures response in accordance with the NCP.

203.7. PRIVATE, NON-GOVERNMENTAL ORGANIZATIONS

Within Federal Region IV, there are a number of private and nongovernmental groups that can provide assistance during a response. Industries, co-operatives, academic groups, and others are encouraged to provide assistance and resources. Often the most significant contributions are their technical expertise and response equipment. Several groups are discussed below:

203.701. ENVIRONMENTAL ORGANIZATIONS - To be developed

203.702. COOPERATIVES - To be developed

203.703. VOLUNTEERS - To be developed

203.8. NATURAL RESOURCE TRUSTEES

Section 101 of CERCLA and Subpart G of the NCP designate, on behalf of the President, those federal officials who will act as Natural Resource Trustees and sets forth their responsibilities. State trustees and Indian tribe chairmen are appointed to represent their respective State's or Indian tribe's natural resources. For this plan, trustees' responsibilities are consistent with those presented in Section 300.615 of the NCP. It is the responsibility of the Incident OSC, either directly or through the RRT, to promptly notify the appropriate trustees if natural resources are or may be damaged by the discharge.

In Region IV, the Federal Trustees are represented by the following RRT members:

- a. Department of the Interior Representative: for national parks, national monuments, national historic sites, national recreation areas, wild and scenic rivers, national wildlife refuges, national fish hatcheries, waterfowl production areas, migratory birds and endangered species, public lands, lands and waters managed or protected in association with Reclamation dams, reservoirs and water conveyance systems, Federally-owned minerals, Indian Reservations, and other lands or natural resources held in trust for an Indian Tribe;
- b. <u>Department of Commerce's NOAA Representative</u>: The Secretary of Commerce shall act as trustee for natural resources managed or controlled by DOC or by other federal agencies and that are found in or under waters navigable by deep draft vessels, in or under or using tidally influenced waters or waters of the contiguous zone, the exclusive economic zone and the outer continental shelf.
- c. <u>Department of Agriculture's Forest Service Representative</u>: for national forests and grasslands
- d. <u>Department of Defense</u>:
 - 1. DOD USArmy Representative: for military lands
 - 2. USACE Representative: for Corps of Engineers Project Lands
- e. <u>Department of Energy</u>;
- f. <u>State's</u>: are designated by the Governor of each State, Names and phone numbers can be found in the USEPA ERRB's Field Operations Blue Book.

SECTION 300. CONCEPT OF OPERATIONS

301. GENERAL

The response to an incident involving oil or hazardous substances that requires federal action and assistance will be made by a predesignated Federal OSC. The role and responsibility of the OSC is to direct and coordinate Federal resources and assist in managing the technical/removal aspects of an oil or hazardous substance incident that presents a public health or environmental threat. When hazardous substances are involved, Federal OSCs normally do not assume command of specific local emergency management functions from local commanders unless specifically requested to do so and feel capable of assuming that role.

Response actions during incidents involving oil or hazardous materials often are directed toward two separate but related threats or impacts. Simply stated, these are:

1. Public Safety: A response to manage the emergency conditions caused by the release of the material which directly threatens the lives of people at risk. i.e., threats to public safety and property. This response is usually made by local first responders to the extent of their capability.

2. Public Health and Environmental: A parallel response to "manage" (contain, cleanup, remove dispose etc.) the released product.

For incidents involving protection of the public, via fires, explosions, releases of toxic airborne clouds or other similar incidents, there is usually little or no Federal involvement in that activity beyond communicating the risk imposed by the released material. The role of the federal government is not protection of public safety and secondly, the response time to the scene is usually several hours. Local public safety (fire, law enforcement, emergency medical) agencies and officials are the first responders regardless of the magnitude of the incident. They may establish an Incident Command System and direct appropriate response actions.

When incidents occur on public property, such as a transportation incident on a public highway or railway, the party responsible for the incident is required to cooperate with and aid the local responders but typically does not direct or implement fire fighting, evacuations or other first responses to the incident.

The responsible party (spiller), state environmental agencies and the OSC assume a more proactive role when the situation requires a response to manage environmental and public health protection. Local response personnel continue to manage public safety issues and provide support and assistance to the OSC within their capabilities. Thus, a discharge or oil or a release of a hazardous substance(s) may pose a threat or impact to public safety, public health and welfare, property or the environment. In an incident during which this plan is activated and a federal OSC response is required, a multi-organizational response network may be deployed to meet the varied demands of the situation. Included in this network are resources of the Federal, State and local governments, the responsible party, response contractors and in some cases volunteer groups and individuals.

In the first response situation, local response forces are normally the first on scene and undertake response actions in accordance with local plans and capabilities. It is likely that the first response forces will establish an Incident Command System. The response mechanisms in this plan are designed to incorporate into and function within a comprehensive command and control structure. This unified command system expands the initial ICS and facilitates a coordinated response effort which takes into account the Federal, State, local and responsible party responsibilities, concerns and interests when implementing the response strategy. See Annex A for details on the Incident Command/Unified Command System.

The role of State agencies in a public safety response during the early stages of an incident is to provide advice and assistance to local responders. During major incidents, state and Federal responders will be available to provide additional assistance to the local incident commander by providing technical assistance such as air, water and soil sampling, analysis of chemicals, providing specialized resources and equipment from agency or contractor sources and providing detailed advice or other assistance.

Region IV maintains a sufficient quantity of response vehicles, monitoring devices and safety equipment to allow for safe and effective response to most incidents. The agency does not maintain an ability to conduct removal operations utilizing its own personnel and equipment. When applicable, the OSC possesses the authority to utilize a commercial clean-up contractor to perform removal operations. The OSCs function on-scene it to investigate the incident as well as direct Federal fund financed removal operations to minimize the impact on the public and environment.

The first Federal official affiliated with a RRT agency to arrive at the scene of a discharge or release should coordinate activities under the NCP, RCP, and agency guidance until the predesignated OSC is available. That Federal official should consult directly with the predesignated OSC regarding any necessary initial actions. Fund-financed operations must be authorized by the OSC prior to implementation.

302. MULTIREGIONAL RESPONSES

If a discharge or release moves from the area covered by one RCP or OSC/RPM contingency plan into another area, the authority for response actions should likewise shift. If a discharge or release affects areas covered by two or more RCPs, the response mechanisms of both may be affected. In this case, response actions of all regions concerned shall be fully coordinated as detailed in the RCPs.

There shall be only one OSC and/or RPM at any time during the course of a specific response operation. Should a discharge or release affect two or more areas, USEPA, USCG, the Department of Defense, Department of Energy, 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 OSC and/or RPM. The RRT shall designate the OSC and/or RPM if the RRT member agencies who have response authority within the affected area are unable to agree on the designation. The NRT shall designate the OSC and/or RPM if members of one RRT or two adjacent RRTs are unable to agree on the designation.

Where USCG has initially provided the OSC for response to releases from hazardous waste management facilities located in the coastal zone, responsibility for response action shall shift to USEPA or another Federal agency, as appropriate. The OSC/RPM shall be provided by the Region within which the release occurs, or according to preestablished protocols.

303. REMOVAL ACTIONS

The NCP Section 300.415 states that at any release, if the quantity of contamination in the environment is great enough to threaten or damage public health or the environment, the lead agency can take any appropriate actions to remove or minimize the release or threat of release. This also includes actions to the restore the environment to pre-incident conditions. Often these removal actions take place somewhat later than the public safety protection measures. Whether conducted by the responsible party, the State or the Federal government, removal actions can go on for a much longer period of time. Classical removal actions, such as those taken by a Federal OSC can include the placement of containment and recovery devices, sampling of soil, air, run-off and water bodies, excavating soil, performing hydrogeological investigations and other similar "technical" activities.

SECTION 400. ADMINISTRATION AND LOGISTICS

401. **REPORTING**

Pollution Reports (POLREPs): are prepared by the designated OSC for each release or potential release in which an on-scene response occurs. The OSC submits POLREP's to the RRC as significant events occur. For medium and major releases, a POLREP will be submitted on a regular or periodic basis until, in the judgement of the OSC, the response operation and impact of the discharge or release have stabilized.

OSC Reports: OSCs shall submit OSC reports to the RRT or NRT only if requested as provided by Sec. 300.165 of the NCP.

For information on reporting requirements and procedures during a response refer to Annex B further in this plan.

402. RECORD KEEPING

Documentation to support all actions taken under the various response authorities must be sufficient to support full cost recovery for resources utilized. These records shall identify the source and circumstances of the incident, the responsible party or parties and impacts and potential impacts to public health and welfare and the environment. Refer to Annexes A and B for details.

403. FUNDING

The person(s) responsible for discharges or releases are liable for the cost of the cleanup. The OSC shall attempt to have the party responsible for the discharge or release voluntarily assume responsibility for containment, removal and disposal and restoration operations. If the OSC determines that the responsible party is not responding properly, the OSC shall take appropriate actions established by OPA, CWA or CERCLA. The OSC shall notify the responsible party of the potential liability for federal response costs incurred by the OSC pursuant to the appropriate authorities. See Annex H for details on Funding and Contracting.

404. IAGs AND MOUS

To facilitate response operations, the USEPA and several other Federal agencies have entered in Interagency Agreements (IAGs) or Memorandums of Understanding (MOUs). Details on specific IAGs and MOUs are presented Annex N of this plan.

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SECTION 500. DIRECTION AND CONTROL

Response activities taken under this plan will be under the direction of a Federal Incident OSC. The Incident OSC, consistent with sections 300.120 and 300.125 of the NCP, shall direct response efforts under the NCP and this plan and coordinate all other efforts at the scene of a discharge or release. Incident OSCs for the inland zone of the region are appointed by the USEPA Regional Administrator. First line supervision and specific designation is made by the Chief, Emergency Response and Removal Branch.

The first Federal official affiliated-with a RRT member agency to arrive at the scene of a discharge or release should coordinate activities under the RCP and is authorized to initiate, in consultation with the responding Incident OSC, any necessary actions normally carried out by the Incident OSC until the arrival of the pre-designated Incident OSC.

The Incident OSC has the ultimate authority in a response operation with respect to all actions and issues involved with the protection of public health and the environment.

The Incident OSC, upon arrival at the scene will, if no system is in place, establish a Unified Command System which will include the Incident Commander, the state Incident OSC and the Responsible Party's Incident Manager.

The Regional Response Center, located within the USEPA Regional Office in Atlanta is the coordination center for all inland zone responses conducted by an USEPA designated Incident OSC. Coastal zone responses will be controlled and coordinated through the provisions of the appropriate Area Contingency Plan. Coastal spills or open ocean spills covering two or more COTP zones will be coordinated at the District Operations Center.

ANNEX A: RESPONSE ORGANIZATION AND OPERATIONS

PURPOSE and SCOPE: Every spill, although unique in location, size, and surrounding environment, requires an organized response performed by qualified personnel. The key to a successful response is effective coordination and management of resources. This Annex presents the EPA Region IV's command structure for organizing people and resources. Given the multitude of problems encountered during a worst-case discharge, the structure has been separated into specific functions which are presented in detail throughout this Annex and following Annexes.

PROCEDURES: A brief description of a spill scenario is presented in the beginning of the Annex. This is to familiarize the reader with the possible conditions of a spill and to give a sense of where the various command centers and resources are located. The remainder of the Annex is a flow chart of EPA's Command Structure. The entire chart is presented showing all the various functions and their relationship to the Incident On-Scene Coordinator. The chart is further divided into specific responsibilities which serve as a checklist or reminder of actions to consider for performance, if applicable to the particular incident.

A SPILL SCENARIO: During a spill event, particularly a worstcase spill, the EPA Region IV Emergency Response and Removal Branch's Telephone Duty OSC is notified by either the discharger, the State, or the National Response Center. The Telephone Duty OSC, after collecting as much information as possible, determines if the discharge poses a substantial threat to public health or welfare. If it is determined that there is a significant or suspected significant threat, then the Telephone Duty OSC sends the Incident OSC to the spill site along with any necessary resources. For more specific information on notification procedures refer to Annex B.

Once at the site, the Incident OSC evaluates the effectiveness of any activities being conducted either to contain the release, prevent its spread into the environment, or to collect material already spilled. Given a typical scenario, the discharger conducts the necessary response activities. The Incident OSC oversees or directs the discharger to ensure that the contractor conducts work according to the appropriate regulations and rules of safe practice.

Under EPA Region IV's worst-case scenario, the party(ies) responsible for the discharge are unable or unwilling to take any response measures. Given such conditions, even small spills

demand a very structured organization and coordination system. Typically the magnitude of the release is not obvious in the first few hours. As the impact becomes more severe, the Incident OSC's support requirements escalate requiring additional personnel and equipment to be sent to the scene. To handle these increases, command centers need to be established. The Mobile Command Post serves as the Forward Command Post for responders in the field while the Incident OSC relocates to an Incident Operations Center (IOC) away from site activities. This allows the Incident OSC to coordinate between the RRC in Atlanta, confer with RRT, and direct all field activities without becoming overwhelmed by minor problems.

Since no one OSC can handle all the demands of a response, Cleanup Teams and Advance Teams, headed by OSCs, are sent to the field. Cleanup Teams lead or oversee the containment, recovery and cleanup efforts going on in areas that have been impacted by the spilled material. Advance teams go downstream or into areas that have not been impacted yet to determine resource needs and take proper preventative measures. All field teams report back to and receive concurrence from the Incident OSC regarding any activities.

	ADDITIONAL INFORMATIONS
	ADDITIONAL INFORMATION:
Addi	tional information on the following
auhi	ects can be found in the indicated Annex.
ాచా	CCCB CHILDE LOUND, IN CHE INDICACED ANNEX.
	Communication Annex B
	Incident Command Center Annex B
	Mobile Command Post Annex B
	Notification Annex B
	Personae Evaluation Annex C
	Response Evertacion Almex C
	Response Strategies Annex C
	Telephone Duty OSC Annex B

ORGANIZATIONAL CHART






SCOPE: The Incident OSC is the predesignated Federal official responsible for ensuring immediate and effective response to a discharge. The Chief of EPA Region IV's Emergency Response and Removal Branch (ERRB) will appoint the Incident OSC for each spill. In most cases it will be the On-call OSC originally sent to the spill. For "worst-case" type spills, additional OSCs may be needed to fill the variety of roles in the response. All activities, whether conducted by other OSCs or response personnel, must be coordinated through the Incident OSC.

The Incident OSC shall designate individuals from Federal, State, local and private groups, as necessary, to fill the designated functions under the Command System. Depending upon the spill situation, one individual may fill several functions or one function may require an entire support staff. As with any command structure, all activities conducted under a particular function shall be coordinated through the Incident OSC.

Although the Incident OSC has authority to make decisions, recommendations and input from other members of the response structure should be consulted.

- ____ Respond in accordance with NCP, USEPA and other agency guidelines.
- Direct Federal Superfund or Oil Spill Liability Trust Fund financed response efforts and coordinate all other Federal efforts at the scene of a discharge or release.
- Ensure that 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 OSC or does not take appropriate actions, or if the party is unknown, the OSC shall respond in accordance with provisions of the NCP, RCP and agency guidance.
- Coordinate activities between dischargers, Federal, State and Local agencies, and private sector parties. Also, inform the RRT members of reported discharges and releases through Pollution Reports (POLREPs).
- _____ Consult the RRT.
- _____ Obtain proper funding for response activities.
 - Ensure the following are conducted:
 - * cost monitoring and documentation
 - * proper health and safety for responders
 - * public information and community relations
 - * documentation of spill and response activities
 - * natural resource trustees are notified
 - Polreps and reports are prepared
- Authorize the use of dispersants, surface collecting agents, burning agents, or biological additives without obtaining concurrence from the RRT ONLY when the use of the product is necessary to prevent or substantially reduce a hazard to human life. The Incident OSC must receive concurrence from the RRT to use such agents if human lives are NOT in immediate danger.
- _____ Consults with the Army Corps of Engineers regarding situations potentially requiring temporary or permanent relocation.
- Implement appropriate community relations activities.
- _____ Address worker health and safety issues.
- Coordinate with the Agency for Toxic Substances and Disease Registry (ATSDR), as necessary, regarding possible public health threats.

INCIDENT OSC



Additional information on the following subjects can be found in the indicated Annex: Cost Monitoring Annex H Documentation Annex B Funding Annex H Health and Safety Annex G Natural Resource Trustees Base Plan & Annex F Notification Annex B Pollution Reports Annex B Predesignated OSCs Appendix A-1 Public Health Annex J Public Relations Annex I		
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SCOPE: The urgent nature of a discharge often requires response initiation before undertaking extensive enforcement activities. For example, emergencies typically allow time for only limited enforcement, such as an oral demand for cleanup. In these circumstances, the NCP gives an OSC the authority to balance enforcement priorities with those of environmental protection, allowing the OSC to choose the latter as a means of achieving USEPA's primary goal of protecting public health and the environment.

If the identity of the responsible party (RP) is known, the Incident OSC shall verbally inform them of their responsibilities and liability regarding the discharge and response activities. The Incident OSC shall oversee the work being conducted by the RPs to ensure compliance with the Facility Response Plan (FRP), CERCLA, OPA, the NCP and any other pertinent plans. When the RP refuses to conduct response activities, the Incident OSC shall conduct response activities and secure funding through Superfund or the Oil Spill Liabiliby Trust Fund. It is up to the Incident OSC to determine the RP's role during an USEPA or OPA funded response.

Oil Discharges: Each responsible party for a vessel or a facility from which oil is discharged, or which poses the substantial threat of a discharge of oil, into or upon the navigable waters or adjoining shorelines or the exclusive economic zone is liable for the removal costs and damages specified in Section 1002 of OPA.

Hazardous Substances Dischargers: Basic liability provision for dischargers are detailed in Section 107 of CERCLA.



SCOPE: Section 300.180 of the NCP describes State and local participation in a response. Ordinarily, State and local public safety officials are the first responders and initiate public safety measures, consistent with consistent with containment and cleanup requirements as stated in the NCP, that protect the public health and welfare. During a response, both State and local officials are involved in the decision making process. The Incident OSC and these officials should consult with one another on a regular basis throughout the response. All Federal, State and local activities should be coordinated to maximize the effectiveness of the response.

RESPONSIBILITIES: The State RRT representative shall ensure that the following actions are completed as appropriate:

Notify downwind communities and downstream water users (municipal, industrial, and agricultural) of all discharges and releases that may threaten them or take any initial actions to minimize the impact or damage associated with the discharge. Inform the Incident OSC regarding downstream/downwind communities and resources.

Direct evacuations pursuant to existing State or local procedures.

Responsibilities Continued:

- Notify and coordinate with appropriate State, county and municipal agencies, including State trustees for natural resources and the State emergency management system.
 Serve as liaison between State and Federal government.
 Be responsible, in conjunction with the Incident OSC, for:
 * Selection of disposal sites and staging areas;
 - * Arrangement for the use of disposal sites;
 - * Selection of transport routes to disposal sites;
 - * Making arrangements with the State Emergency Management Agency to provide security for all on-scene forces and equipment. This includes establishing local liaisons with hospital, emergency services, and police personnel, and in restricting entrance to hazardous areas to essential personnel;
 - * Assist the Incident OSC in determining and providing advice on the degree of hazard to public health and safety;
 - * Assume responsibility for operation and maintenance of a site to the degree consistent with its authority and resources, if necessary and when no responsible party has been identified; and,
 - * Advise the Incident OSC on the use of dispersants and other chemicals.

Assist in the development of cleanup goals and in determining "how clean is clean?"



SCOPE: As described in Section 300.115 of the NCP, the Regional Response Team provides assistance and advice to the Incident OSC. During a spill, the members of the RRT shall make available to the Incident OSC the resources of their agencies as specified in this plan. Detailed information on the role of the RRT along with specific members and their resource capabilities is presented in Section 200.2 of the Base portion of this plan.

ACTIVATION: An Incident Specific RRT may be activated by either the Incident OSC, the Co-chair of the agency that provided the Incident OSC, or upon request of any member agency. Any activation, either partial or full, occurs by telephone and is later confirmed in writing. Procedures for activating the RRT are presented in Appendix B-3 of Annex B.

- Provide advice, as requested by the Incident OSC, and recommend courses of action for consideration.
- _____ Monitor and evaluate reports from the Incident OSC.
- _____ Advise the Incident OSC on the duration and extent of a Federal response and recommend specific response actions.

RRT

- Request other Federal, State and local government or private agencies provide resources, under their existing authorities, to respond to a discharge or to monitor response operations.
- Provide equipment and resources within the response, resources and capabilities of the Agency or State. Also assist in the coordination of the equipment or resources.
- _____ Assist the Incident OSC with public information releases.
- Consult with the Incident OSC when a request has been made to use dispersants, surface collecting agents, other chemical agents, burning agents or biological additives.
 - Provide facilities and personnel for communications and information exchange.
 - Consult with the National Response Team (NRT) when a discharge or release exceeds the capabilities of the RRT.

ADDITIONAL INF	ORMATION:
Communications	Annex E
Dispersants and	
chemical agents	Annex C
National Response Team	Base Plan
Public Information	Annex I
RRT membership	Base Plan
Reports	Annex B
Response strategies	Annex C



SCOPE: The Regional Incident Coordination Team (RICT) operates during significant, non-routine events that require cooperation and coordination of cross or multi-program issues within the Region IV EPA office. The RICT does not replace any existing emergency response organization, procedures or functions. It is a multi-program team brought together to deal with broad issues during response events and to support the RRT and the Incident OSC. When the Federal Response Plan is activated, the RICT will support EPA's ERRB and the various support functions.

MEMBERSHIP: Standing members include senior-level

representatives from each of EPA's Region IV Program Offices. The chair of the RICT is the Chief of the ERRB. Each member is able to commit resources and make decisions on behalf of their program. The specific program offices are:

- * Office of Regional Counsel
- * Office of Congressional Affairs
- * Office of Public Affairs
- * Office of Policy and Management
- * Environmental Services Division
- * Water Management Division
- * Air, Pesticides and Toxics Management Division
- * Waste Management Division.

ACTIVATION: Detailed procedures for activating the RICT are included in the <u>RICT</u> <u>Operational</u> <u>Guidelines</u>, June 1993. Based upon the conditions of the release and expertise needed, the RICT chair will notify the designated members of the "Active Status". Once activated, members will be accessible 24-hours a day unless otherwise notified by the RICT chair.

- _____ Serve as a focal point for overall coordination of USEPA Region IV's internal response efforts.
- _____ Support the Incident OSC in any way possible.
- _____ Keep the Regional Administrator and other appropriate management apprised of on-going activities.
- _____ Assist the RRT with coordination efforts.
- Assist the Emergency Support Functions (ESFs) when the Federal Response Plan is activated.
- Assist in coordination and communication between USEPA Region IV's RRC, USEPA Headquarters EOC and other Federal and State agencies.



SCOPE: The accurate recording of response activities, funds spent and decisions made is vital to many of the activities that occur days to months after the response is completed. Such documentation is useful in enforcement and cost recovery cases, natural resources damage assessments and responder training courses. Documentation can vary from keeping a simple logbook to recording detailed expense reports. The Incident OSC shall select a person to coordinate documentation activities either on their own or through the support of a documentation team. Further information on documentation requirements is contained in Sections 300.160 and 300.315 of the NCP and Annex B of this plan.

- _____ Record spill history and on-going response actions.
- _____ Take photographs and video footage of on-going activities and site conditions.
- _____ Prepare POLREPS and other reports.
- _____ Prepare or obtain maps.
- _____ Maintain OSC logbook.
- Perform cost tracking and coordinate with National Pollution Fund Center.
 - _____ Conduct administrative activities for Incident OSC.

DOCUMENTATION

RESOURCES:

Technical Assistance Team (TAT) USCG Strike Team Regional Response Center (RRC) other OSCs Government Services Administration (GSA)





SCOPE: Sections 300.155, 300.415, 300.430 and 300.435 of the NCP outline the requirements for providing accurate information to the public during an emergency response. Often the demand for information is overwhelming and it is critical that a system for distributing information be established immediately. This can be accomplished through the selection of a public information officer or an entire public information team. A brief overview of responsibilities is presented below. Procedures for public information activities are contained in Annex I.

- _____ Prepare, coordinate, and conduct press conferences.
- _____ Serve as the liaison between the Incident OSC and the Regional Administrator and other dignitaries. Ensure that such persons are kept informed of response activities and related issues.
- _____ Escort dignitaries that visit the response scene.
- _____ Prepare and distribute press releases and fact sheets.
- _____ Respond to inquiries from citizens, private groups, media, and any other concerned parties.
- _____ Prepare joint statements with State, dischargers, and other Federal agencies.
- _____ Assist the Incident OSC with any public issues that arise.

RESOURCES: USEPA Community Relations Coordinator USEPA Office of Public Affairs USEPA Office of Congressional Affairs Public Information Assist Team Joint Information Center

Additional Info Public Information Annex I Public Information Annex I Assist Team Joint Information Center Annex I Press Releases Annex I



SCIENTIFIC SUPPORT COORDINATOR:

SCOPE: When responding to an oil or hazardous substance release the Incident OSC and other responders must be able to draw upon the scientific and technical knowledge of experts in subjects such as chemistry, wildlife biology, hydrology, and engineering. Gathering such experts together and keeping them organized requires someone's full time attention. Due to the other demands placed upon the Incident OSC, it is often necessary to enlist the support of a Scientific Coordinator who will be the liaison between the responders and the scientific community. Annex J contains detailed procedures for conducting scientific support activities.

RESPONSIBILITIES:

- _____ Coordinate the activities of the scientific support team members.
- _____ Review and recommend response strategies and technologies.
- _____ Assist with determining response priorities.
- ____ Coordinate response activities with research studies.
- _____ Develop trajectory models and impact predictions.
- Assist with natural resource damage assessments by working with Natural Resource Trustees and resource managers.
- Review new product information and serve as the point of contact for product sales representatives.
- Prepare and implement sampling and monitoring plans to determine the extent of contamination and the effectiveness of cleanup actions.
- _____ Assist the Incident OSC with any technical issues that arise.

RESOURCES: USEPA Emergency Response Team NOAA Scientific Support Coordinator USCG Strike Team Technical Assistance Team USEPA Environmental Services Division

PUBLIC HEALTH:

SCOPE: Concerns over the effect of the release on human health often arise during a response. Typically, the Incident OSC is not technically qualified to address specific public health questions and must defer to a more qualified person, such as an industrial hygienist or toxicologist. Section 300.175 of the NCP discusses the agencies that provide public health assistance. Annex J of this Plan also discusses the role of a public health advisor during a response.

RESPONSIBILITIES:

- _____ Assist in providing alternate water supplies and address water treatment issues.
- _____ Make health assessment and prepare health advisories.
- _____ Assist in air monitoring, if necessary.
- Provide advice to the Incident OSC on health issues, evacuations, toxicology, risk assessments and any other public health problems that may arise.

RESOURCES: Agency for Toxic Substances and Disease Registry USEPA Emergency Response Team (ERT) USEPA Region IV Toxicologist USEPA Region IV Water Division through the RICT USEPA Region IV Air Division through the RICT Local Health Department

NATURAL RESOURCES:

SCOPE: Subpart G of the NCP discusses in detail Natural Resource Trustees: designated agencies and their responsibilities. During a response, the Trustees and the Incident OSC should closely coordinate their activities to facilitate the fulfillment of each others responsibilities. Often times the Incident OSC requires assistance from the Department of the Interior's US Fish and Wildlife Service in determining what natural resources should be given protection priority and how to handle wildlife rescue efforts.

RESPONSIBILITIES:

_____ Assess impacts on natural resources and environment.

_____ Ensure coordination with US Fish and Wildlife Service.

_____ Advise field teams and oversee activities involving the following: * wildlife rehabilitation;

- * sensitive environments;
- * protection strategies.

RESOURCES: Department of Interior - US Fish and Wildlife Service State Agencies NOAA Annex F - Sensitive Environments



SCOPE: The success of a spill often is hampered by the inability to effectively coordinate personnel and equipment. When a response is initiated, it is imperative that the Logistics function be one of the first activated to ensure smooth coordination of resources. The Logistics Coordinator, typically an OSC, serves as an assistant to the Incident OSC; handling any problems associated with the effective utilization of personnel, equipment and resources in the field. To facilitate coordination, the Logistics Coordinator operates out of the Incident Command Center and maintains very close contact with the Forward Command Center and field operations. The Logistics Coordinator is also responsible for overseeing the Cleanup Teams and Advance Teams.

LOGISTICS COORDINATOR:

Responsibilities:

	Immediately identifies equipment and personnel needs and sources for meeting those needs. Also obtains such needed items and arranges for their delivery to the response.			
	Coordinates deployment and utilization of resources.			
	Coordinates the activities of the Advance Teams and Cleanup Teams. Works closely with Team Leaders.			
	Ensures that activities follow response priorities established in Annex C of this plan.			
	Consults with the Incident OSC on all activities that are considered to be significant to the effectiveness of the response. Also provides the Incident OSC with accurate reports discussing response activities, problems encountered, cost and other pertinent information.			
	Assists the Incident OSC in ensuring that proper health and safety requirements are followed.			
	Works with contractors, facilities and the State to arrange for the temporary storage, transport and final disposal of recovered material, debris and refuse.			
	Oversees the work conducted by the response contractors. Also ensures that costs are properly tracked and that the Incident OSC is kept informed of costs and expenses. Coordinates with contracting officers on contracting issues.			
	Arranges for the proper lodging, feeding, training, transporting, and safety of personnel working at the response.			
Coordination: The Logistics Coordinator has responsibility for the coordination of, but not limited to, the following items:				

Volunteers	Field Communication	Vehicles	Boats
Overflights	Additional Contractors	Labor Pools	Lodging
Distribution	Navigation/flow control	Disposal	Training
Mobilization	Equip/Materials/Supplies	Staging Areas	Personnel
	Equipping Workers	Industrial Assistance	
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Resources: On-Scene Coordinators

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ADVANCE TEAMS: During a response, the Advance Teams are responsible for going downstream or downwind of the spill to take preventative measures to mitigate any potential damage. Teams can be made up of contractors, USCG Strike Team members, or any other trained personnel that is available. Teams will be lead by an OSC.

Responsibilities:

- Identify areas downstream or downwind that may be adversely impacted by the release, especially sensitive environments and drinking water intakes. Assess the potential impacts.
- _____ Notify and coordinate with appropriate parties downstream or downwind (i.e. Resource managers, city officials, water managers).
- _____ Prioritize areas for protection.
- _____ Develop and implement protection strategies based on response priorities (refer to Annex C).
- Put in place physical barriers to deter spread of oil or to protect natural resources, water intakes, or any other areas that may be adversely impacted.
- _____ Coordinate with scientific team to obtain information from trajectory models.
- Find and clear areas to facilitate the access of personnel and equipment to the areas that require protection or cleanup.
- _____ Identify and prepare areas for temporary storage of recovered materials and debris.

CLEANUP TEAMS: conduct activities to mitigate or remove the spilled material from the environment. Actual removal activities will be conducted by contractors with OSC oversight.

Responsibilities:

- _____ Coordinate personnel and equipment deployment.
- _____ Control the source of discharge and minimize the spread of the spill.
- _____ Conduct salvage operations, if necessary.
- If possible, use chemicals or other materials to enhance collection or remediation of spilled material. Consult with Subpart J of the NCP, the Incident OSC and/or the RRT before using such chemicals or materials.
- _____ Coordinate activities with Advance Teams, keep them informed of on-going and planned activities.
- Work with Scientific Support Coordinator or Team to collect samples of water and spilled material and arrange for their analysis.
- _____ Monitor activities to ensure compliance with health and safety requirements.
- ____ Arrange for temporary storage and disposal of recovered materials, debris and refuse.

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SCOPE: TO BE DEVELOPED

- _____ Monitor and regulate bilge discharges from ships not associated with the spill response.
- _____ Collect samples of spilled oil for fingerprinting analysis.
- _____ Coordinate with documentation team to collect information to support future cost recovery or enforcement actions.
- _____ Prepare Notice of Federal Interest Letter.
- _____ Prepare Administrative Order.
- _____ Coordinate with USCG National Pollution Fund Center for cost recovery.
- **RESOURCES:** USEPA Region IV ERRB Enforcement Specialist USEPA Region IV Office of Regional Counsel USCG National Pollution Fund Center Department of Justice Technical Assistance Team



SCOPE: When a spill occurs it often disrupts the lives and livelihood of many individuals, not only those responding to the emergency. These individuals may file claims against the responsible party to receive compensation for any losses suffered due to the spill. Damages caused by the cleanup effort are submitted to the responding agencies. To limit the amount of confusion and disorder that is created as claims are submitted, a representative should be designated with the following responsibilities.

- Place an advertisements various media (i.e. radio, television, newspaper) telling where claims should be sent.
- _____ Process paperwork.
- Ensure the responsible party is in the position to handle claims.
- _____ Coordinate with Joint Information Center or Community Relations Coordinator to facilitate the distribution of correct information and limit the number of rumors.
- _____ Keep Incident OSC informed of all claims activities that may impact response efforts.



SCOPE: In every response to a release there comes a point where the ability remove the material becomes more difficult and costly than in the beginning. When such a point is reached, decision makers must evaluate if the material remaining still has the potential to cause a significant impact and if the impact justifies the increased effort and cost. To facilitate the decision, the Incident OSC, State Trustees, and associated RRT members should meet early in the response to determine cleanup standards for the spill. All response activities should be geared towards meeting these standards.

- _____ Decide upon cleanup standards.
- _____ Determine when enough is enough.
- Conduct long-term monitoring of structures that are put in place to recover or divert material (i.e. interceptor trenches, passive recovery systems, underflow dams). Determine when these structures can be removed.

FACTORS TO CONSIDER: Because the decision to end cleanup activities and all natural degradation of remaining oil must be made on a case-by-case basis, the following factors should be considered:

- 1. Is the irreversible environmental damage from cleanup operations greater than the environmental damage from leaving oil in place?
- 2. Are cleanup costs increasing while oil removal is significantly decreasing?
- 3. Does the Incident OSC and the other decision makers feel that response efforts are becoming more difficult without showing substantial improvement to the environment?
- 4. Do only patchy areas of material remain?

RESOURCES: Incident OSC State Representative NOAA Representative DOI Representative Scientific Support Coordinator Natural Resource Trustees

ANNEX B NOTIFICATION, COMMUNICATION, REPORTS

PURPOSE: Notification concerning an oil or hazardous substance release or discharge is the foundation for all response operations and is required under Federal Law (CWA, OPA and CERCLA). Timely and accurate information must be provided to the proper agency to begin any protective action.

SCOPE: This Annex provides guidance on the initial actions to activate a response, provide coordination among the members of the response organization, and keep those members informed of the latest developments in the response.

RESPONSIBILITIES: It is the spiller's responsibility to report all spills. If U.S. EPA or USCG is the first to be notified of a release or discharge, U.S. EPA or USCG will notify, as appropriate, the State and the National Response Center (NRC), the appropriate trustees for natural resources, and other RRT members. If the State or another agency is the first to be notified, they shall notify the NRC.

Any person may undertake a response action to reduce or remove a release of a hazardous substance, pollutant, or contaminant. Such participation in response action by persons other than the first Federal official is discussed in the NCP, Subpart H, and remains unchanged in this plan.

I. NOTIFICATION AND ACTIVATION PROCEDURES:

- A. It is the spiller's responsibility to report all spills in accordance with 40 CFR 300.300(b) for oil discharges and 40 CFR 300.405(b) for hazardous substance releases.
- B. Spill reports are forwarded to the Region IV Telephone duty OSC (TEL). The TEL will confirm the report, gather additional information as necessary, and make a decision on the appropriate federal response. Procedures for determining release classification and appropriate notification actions are contained in Appendix B-1.

All contact names and phone numbers for organizations discussed in this plan are contained in EPA ERRB's Blue Book. Each EPA designated OSC has been issued an official copy. One additional copy is kept in the RRC for reference.

- C. The TEL will ensure that the state environmental agency and the natural resource trustees are notified of the incident, as appropriate. Appendix B-2 outlines special notification procedures.
- D. For all major spills and other spills which, because of their location or other circumstances are likely to generate a great deal of media attention, the TEL will notify section or branch management who will in turn inform senior regional management.
- E. For major spills, or natural disaster responses under the FRP, the following actions should be considered:
 - 1. Activate Regional Response Center
 - 2. Determine the availability of additional OSCs
 - 3. For oil spills, obtain Federal Project Number and Project Ceiling; For hazardous substance spills, obtain ????
 - 4. Coordinate with responder and dispatch resources such as TAT, USCG Strike Team, and Cleanup Contractor(s)
 - 5. Activate Regional Incident Coordination Team (RICT) and Regional Response Team (RRT). Activation procedures are explained in Appendix B-2.
 - 6. Notify Backup Regions
 - 7. Activate Helicopter Contract
 - 8. For spills into water, ensure that downstream users are notified
 - 9. Notify EPA Headquarters and update National Response Center

II. COMMUNICATION PROCEDURES:

The key to success on any response operation is clear and open communications. Information on communications hardware and frequencies is detailed in Annex E, Communications. This annex will outline general information flow and communications policy for a response.

A. Establishing On-Scene Communications:

The Responding OSC should take immediate steps to establish at least a temporary means of communicating with local responders, the RRC, and field teams. As the response develops the OSC should work toward installation of a more permanent and more reliable system. In setting up the communications network, the OSC should consider the following:

- 1. Establish communication with the local fire and police departments.
- 2. Assess local communications systems and capabilities.

- 3. Mobilize and set up Mobile Command Post.
- 4. Set up communications network.
- 5. Locate and mobilize communications devices.
- 6. Provide field teams with appropriate communications equipment.
- 7. Set up Joint Information Center to coordinate all press releases.

B. Communication During Incident:

Generally, all conference calls will be conducted through the NRC conference bridge which has up to 100 telephone lines available. With the NRC conference bridge, each participant is assigned a unique telephone number for the call. Arrangements for a conference call should be made in advance by the NRC. Because time during a response is extremely valuable, calls should begin on time and conversation should be tightly controlled by the RRT chair.

 RRT Conference Calls: RRT conference calls will be conducted as needed to provide information on the incident to RRT members, coordinate the supply of response resources, provide advice to the OSC, or to make response decisions. The RRT Chair will determine the frequency of these calls. NOTE: The need for information should not in any way interfere with the ongoing response action.

2. Incident Management Calls:

a. <u>Intra-regional Conference Calls</u>: It is important that all EPA responders be kept aware of ongoing developments and concerns. As a means of conveying this information to responders in the field, the region will attempt to have conference calls daily through the RRC.

b. <u>Operational Communications</u>: Operational communications for incidents responded to under this Plan will be set up in a step down approach so that each decisions making or informational level of the response organization is aware of a sufficient degree of detail on issues to make informed decisions. Members of the response organization should not bypass this communication structure since such actions can lead to unsubstantiated rumors, misdirected assignments or repeated conveyance of information.

(1). Field Components to Contractors or Other Agencies: All response resources will be dispatched through a staging area under the control of the Logistics OSC to be set up in the earliest stages of response. Each organization will be assigned a task, given a health and safety briefing, and provided with a means of communication back to the Task Leader (OSC) or Logistics staff. RRT member agencies acting under their own statutory authorities should inform the Incident OSC of their activities and findings.

(2). Field Components to Incident Command Post: Field components overseeing the various tasks will maintain contact with the Logistics staff. They will not normally be expected to participate in RRT Conference Calls.

(3). Incident Command Post to RRC: The RRC will contact and coordinate with field components through the Incident Command Post on an as needed basis.

(4). RRC to EPA Headquarters: The RRC will provide EPA HQ with updates on the incident. HQ should not contact field components directly.

- 3. Regional Response Center: The RRC will be the Incident's primary means of information management and resource coordination. RRC responsibilities are summarized below:
 - a. Information Management
 - (1). Briefings for RRT, RICT, Senior Management, and Headquarters
 - (2). POLREP distribution
 - (3). Maps
 - (4). GIS applications
 - b. Resource Coordination
 - (1). Status Boards
 - (2). RICT resources
 - (3). RRT resources
 - (4). Resources from other EPA regions
 - (5). Contracting coordination/documentation
- 4. Joint Information Center: It is extremely important to keep the JIC informed of all ongoing activities. Accordingly, a JIC representative will be included in all incident-related conference calls. Additional details on the role of the JIC are discussed in Annex I, Public/Community Information.

The high degree of media interest to an emergency response often promotes the use of scanners to monitor radio and cellular telephone communications. Conversations should be kept on a strictly professional level at all times.

III. REPORTS PROCEDURES:

Information to be included in each report and the format are presented in Appendix B-4.

- A. Damage Assessment/Response Tracking Forms: These will be used to ensure that reports of damage are investigated and properly resolved. They are also designed to aid in the preparation of an after action report.
- **B.** Incident Logs: The Incident OSC shall maintain an accurate Incident Logbook. The RRC will also maintain a logbook of the Incident to document information not likely to be captured in the field.
- C. POLREPs and SITREPs: Each incident will have an Initial and Final POLREP or SITREP. POLREPs are prepared by the Incident OSC and are used for discharges of oil or releases of hazardous substances. SITREPs are prepared by the Branch Chief for any other type of incident. The frequency of progress POLREPs will be determined by the Incident OSC. The frequency of SITREPs will be determined by the Branch Chief. In no case will POLREPs or SITREPs be issued less frequently than weekly. Distribution of these documents will vary by the type of incident and will be determined by the preparing official. These documents will either be hand delivered or faxed to the addressees.
- **D.** Cost Documentation: Appropriate cost documentation procedures are detailed in the Oil Spill Response Checklist.
- E. Enforcement Documentation: Enforcement documentation requirements are outlined in Attachment VI of the Oil Spill Response Checklist.
- F. OSC Report/After Action Report: The After Action report should be prepared in accordance with 40 CFR 300.165.
- G. Debriefing/Critique: After completion of response actions at each major incident, the region will conduct a debriefing or critique of the response. A session consisting of the EPA participants, at a minimum, will be held to discuss both the positive and negative aspects of the response in an effort to improve future responses. Lessons learned during the incident will be incorporated into future modifications to the RCP, as appropriate.

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APPENDIX B-1

CLASSIFICATION OF OIL AND HAZARDOUS SUBSTANCE RELEASES

I. OIL RELEASES

A. MINOR

For minor oil spills (those under 1,000 gallons) the OSC will, if circumstances warrant, send (via FAX, E-Mail, or other means) incident notification reports or POLREPs to the appropriate Regional Response Center (RRC), the appropriate State(s), and appropriate Federal and State natural resources trustees. These reports will be reviewed by the RRT Co-Chairs or their designees, who will notify other Federal and State RRT members, if circumstances warrant. (Note: Very small spills, i.e. less than I 00 gallons, will usually not require action or notification of RRT Co-Chairs.)

B. MEDIUM

Actual or potential medium oil spills (those between 1,000 and 10,000 gallons), will be treated the same as minor spills unless response requirements exceed the capabilities of the OSCs and local contractors, or when there is a likelihood of strong public or political interest in the response, or of major environmental damage. Under these circumstances, the required notifications for a major spill will be initiated.

C. MAJOR

Upon first learning of an actual or potential major oil spill situation (in excess of 10,000 gallons), the OSC, if not already in the RRC, shall immediately notify the RRC by the most rapid means available. The OSC shall provide the RRC with all known information, even if it has not been confirmed by personnel on-scene. Upon notification, the RRT Co-Chair(s) shall determine whether to activate the RRT for information purposes. RRT activation will be by telephone, followed by RRC POLREPs.

D. WORST CASE

Follow the same procedures for a major spill. It will be up to the RRC and the RRT Co-Chair(s) to determine if the spill is a worst case. Further response actions shall follow the procedures presented in this plan.

II. HAZARDOUS SUBSTANCES RELEASES

A. MINOR

For minor releases, those in an amount of less than the reportable quantity (RQ, established in 40 CFR 300 and 355) that poses minimal threat to human health or welfare or the environment, the OSC will, if circumstances warrant, send routine (in lieu of Priority) incident notification reports or POLREP message reports to the RRC and appropriate trustees for natural resources. These reports will be reviewed by the RRT Co-Chairs or their designees, who will notify other Federal and State RRT members if circumstances warrant.

B. MEDIUM

Actual or potential medium releases (those amounts exceeding the RQ which do not meet the criteria for classification as a minor or major release) will be treated the same as minor spills, unless response requirements exceed the capabilities of the OSC and local contractors, or when there is a likelihood of strong public or political interest in the response. Under these circumstances the required notifications for a major spill will be initiated.

C. MAJOR

Upon first learning of an actual or potential major hazardous substance release in an amount that poses a substantial threat to human health, welfare, or the environment, or results in significant public concern, the OSC, if not already in the RRC, shall immediately notify the RRC by the most rapid means available. The OSC shall provide the RRC with all known information, even if it has not been confirmed by on-scene personnel.

Upon notification of an actual or potential major hazardous substance release, the RRT Co-Chairs shall determine whether to activate the RRT for information purposes. RRT activation will be by telephone, followed by RRC POLREPS.

APPENDIX B-2

SPECIAL NOTIFICATION SITUATIONS

In some situations, the TEL (Telephone Duty-OSC) will have to notify organizations other than the States or members of the RRT. Listed below are those organizations involved in special notification situations and the procedures for handling them.

- A. State Natural Resource Trustee: The State pollution response agency notified of a release by the OSC will in turn alert the State natural resource trustee.
- B. Federal Land Manager: When a release impacts Federal property, such as a National Forest, the OSC will notify the local office of the managing agency. If he/she is unable to promptly make this notification, he/she will alert the RRT representative for the managing agency.
- C. National Response Center (NRC): OSCs are not required to notify the NRC of releases. However, in that very rare circumstance where an OSC receives a report from the responsible party and the responsible party is unable to contact the NRC, the OSC will relay the report to the NRC. USCG OSCs may accomplish this by entering the NRC Port Code in the notify slot which follows the MPIR screen of the MSIS Marine Pollution Product Set.
- D. Ohio River: Ohio River Valley Water Sanitation Commission's (ORSANCO) Emergency Response Resource Manual includes a spill notification plan for use by ORSANCO and by State and Federal agencies. The ORSANCO plan's spill response procedures, kept in the EPA RRC, apply to spills into the Ohio River and its tributaries. It specifies that U.S. EPA, State water pollution control agencies, USCG, and ORSANCO will notify each other of spills, but allows for ORSANCO to assist in notifying the appropriate agencies of "adjacent and downstream States". Under the plan, the State water supply agencies carry the responsibility for alerting water users.
- E. Local Notifications: It will be up to the State RRT representative to notify local community officials in the area affected by the release.

APPENDIX B-3

ACTIVATION OF THE RRT

The incident-specific RRT may be activated by any member agency when a discharge or release:

- 1. Exceeds the response capabilities available to the OSC in the place where it occurs;
- 2. Transects State, Regional and/or international boundaries;
- 3. Poses a substantial threat to public health, welfare, or to the environment, or to Regionally significant amounts of property.

The Co-Chair will activate the RRT during any discharge or release upon request from the OSC or from any RRT representative. Requests for RRT activation shall subsequently be confirmed in writing. Local requests for RRT activation must be made through the State RRT member.

During a prolonged removal action, activation of the RRT may be unnecessary or it may be activated in only a limited sense, or have available only those members who are affected or can provide direct response assistance. When the RRT is activated, affected States may participate in all RRT deliberations. When the RRT is assembled, the RRT shall meet at a time and location specified by the Chair.

Levels of activation are listed below. Activation may occur by phone or by assembly.

- Alert: Notification of RRT members that an incident has occurred.
- Standby: Notice to some or all RRT members that their services may be needed and that they are to assume a readiness posture and await further instructions. Notice may be given by phone.
- **Partial:** Notice to selected RRT members that their services are required in response to a pollution incident. The activation notice will specify the services that will be required. Although the services of only selected members are being requested, partial activation will be documented in a POLREP which will be distributed to all RRT members. The initial activation notice may be provided by telephone, but will be confirmed in writing.

Full: Notice to all RRT members (with the exception of representatives of non-affected States) that their services are requested in response to a pollution incident. The activation notice will specify the services being requested from each RRT member. The services of some members may be limited to advising the OSC on general matters. The initial activation notice may be provided by telephone, but shall be confirmed in writing.

The RRT can be deactivated by the Chair, when the Chair determines that the OSC no longer requires RRT assistance. The time of deactivation shall be included in a POLREP.
APPENDIX B-4

POLLUTION REPORTS

The following are examples of the information to include and the format to use for the reports discussed in Part III of Annex B - Reporting Procedures. Tabs are listed below.

TABS

- B4-A. DAMAGE ASSESSMENT/TRACKING FORM
- B4-B. POLREPS
- B4-C. COST DOCUMENTATION
- B4-D. OSC REPORT/AFTER ACTION REPORT
- B4-E. DEBRIEFING/CRITIQUE

TAB B4-A.

DAMAGE ASSESSMENT/RESPONSE TRACKING FORM

PRIORI	TY:
RECORDED BY:	ASSIGNED TO:
DATE: TIME:	COMPLETE: PENDING:
INCIDENT NAME:	
DESCRIPTION OF REPORTED CONC	CERN :
LOCATION:	
CONTACT NAME/AFFILIATION/PHO	ONE NUMBER:
INSTRUCTIONS TO RESPONDER:	<u> </u>
*****	******
RESPONDER'S OBSERVATIONS:	
·····	
	<u> </u>
RECOMMENDED ACTION:	
ACTION TAKEN:	

.

TAB B4-B.

POLLUTION REPORTS (POLREPS)

The following is a sample format for an OSC Report or After Action Report. Comments are provided in boxes to assist with writing the report.

U.S. ENVIRONMENTAL PROTECTION AGENCY POLLUTION REPORT

I. HEADING

Date: From: To:

Site Name and Location:

POLREP #____

II. BACKGROUND

Site No: Response Authority: State Notification: Demobilization Date: Delivery Order No or FPN: NPL Status: Start Date: Completion Date:

Status of Action Memorandum:

FOR PROGRESS POLREPS: If you do not wish to repeat the basic site description from the initial Polrep, you may delete Section II "Site Information" up to Section IV "Response Information". You may wish to add a note referring the reader to POLREP #1 for further site background.

III. SITE INFORMATION

A. <u>Incident Category</u>:

B. <u>Site Description</u>:

For Progress, Special, and Final POLREPS: If this is not also an initial POLREP, the entire Site Information Section (III) should be a short summary and/or a sentence referring the reader to POLREP #1.

For Initial POLREPS: Include acreage and ownership in a description of the setting. Describe the area (e.g., residential, urban, commercial) and estimate the number of people threatened (i.e., population within a one-mile radius of the site).

1. Site description:

Discuss past and present site activities.

Describe the threat to human health or the environment posed by the site. If the threat stemmed from a discrete incident or release, include the date and what ensued.

2. Description of threat:

Briefly discuss the results of the preliminary assessment (PA).

C. Preliminary Assessment Results:

IV. RESPONSE INFORMATION

A. <u>Situation</u>

For initial POLREP: Describe what response actions have already been initiated, including the preparation of an Action Memorandum, whether OSC invoked the \$50K response authority, any actual site mobilization and response actions taken, and community relations.

For progress or final POLREPS: Describe response activities undertaken since the last POLREP, including mobilization, sampling and analysis, waste containment and cleanup activities, and community relations activities.

For special POLREPS: Describe the incident or change in circumstances which necessitated a special POLREP. Indicate what actions have been taken in response to the incident or change in circumstances.

1. Current situation:

For initial POLREP: Describe what response actions have already been initiated, including the preparation of an Action Memorandum, whether OSC invoked the \$50K response authority, any actual site mobilization and response actions taken, and community relations.

For progress or final POLREPS: Describe response activities undertaken since the last POLREP, including mobilization, sampling and analysis, waste containment and cleanup activities, and community relations activities.

For special POLREPS: Describe the incident or change in circumstances which necessitated a special POLREP. Indicate what actions have been taken in response to the incident or change in circumstances.

2. Response actions to date:

Discuss State and/or other local agency involvement. Include any request for EPA assistance; any State or local agency cooperation in assessing the incident and threats; and any "first responder" or other actions taken by State or other agencies to protect public health and the environment. Include whether State or other agency personnel remain at the site.

Appendix B-4-4

Indicate what enforcement actions (including PRP search, notification letters, administrative orders, etc.) have been initiated by EPA or the State.

3. Enforcement:

Discuss the overall planned response actions.

B. <u>Planned Response Actions</u>

C. <u>Next Steps</u>

For initial POLREP: Describe plans for response activities. Include site mobilization, sampling and other cleanup activities. Also describe any planned enforcement activities including PRP searches.

For progress and final POLREPS: Describe plans for ongoing response activity. Include waste analysis, containment, and cleanup. Also describe any planned enforcement activities.

D. <u>Key Issues</u>

For all POLREPS: Identify any problem areas or issues of concern.

For final POLREP: <u>Results</u> <u>Achieved</u>: State how you achieved the objectives set forth for the response action. Specifically address any wastes remaining on the site, including those which are contained. Document how threats to human health and the environment have been reduced or eliminated.

Discuss the status of the OSC Report and the expected completion date. If applicable, indicate any future site actions (e.g., RP, remedial, state).

V. COSTS

Provide detailed, current cost information from the site's cost documentation. Note ceiling for contractors, if such ceilings are maintained. Cost information may be entered in the table below.

Appendix B-4-5

Extramural Costs:

Regional Allowance Costs: Total Cleanup Contractor Costs IAGs Cooperative Agreements Other Extramural Costs not Funded From the Regional Allowance: TAT NCLP REAC Subtotal, Extramural Costs TOTAL, EXTRAMURAL COSTS

<u>Intramural Costs</u>: Direct Costs (Region, HQ, ERT) Intramural Indirect Costs

TOTAL, INTRAMURAL COSTS <u>TOTAL SITE COST</u> **Project Ceiling** Project Funds Remaining (percentage)

VI. DISPOSITION OF WASTES

Using the matrix below, list the waste streams identified, and note the medium and quantity. For each waste stream, indicate the disposition (containment, treatment, disposal).

Wastestream	Medium	<u>Quantity</u>	<u>Containment</u>	Treatment	<u>Disposal</u>

ANNEX C RESPONSE STRATEGIES (for Releases of Oil)

PURPOSE and SCOPE: The purpose of this annex is to outline strategies for responding to spills within the Region IV area. The diversity of spill scenarios makes it impossible to predict specific actions for every release. This annex will not identify an optimum spill response option, but provide options for selection to satisfy the existing situation. Unexpected factors occur in every response which complicate even the best of strategies. Therefore, it is the responsibility of the Incident OSC to continually assess a spill situation so that the Agency's priorities are met and resources used effectively. The information contained within this Annex is designed to assist the Incident OSC in making response decisions that are consistent with the following priorities:



RESPONSIBILITIES: It is up to the Incident OSC to assess the incident situation and determine what strategy to undertake to comply with the Region's strategies. The Incident OSC must also coordinate all activities with the Logistics OSC, the Cleanup Teams and the Advanced Teams to ensure that the priorities are fully understood and are being followed.

PROCEDURES FOR DEVELOPING A STRATEGY:

STEP 1. C	GATHER INFORMATION
* As a	sk the following types of questions before developing response strategy.
* What is the * How much oi * Where is oi * What are th	exact spill location? 1 was released? What type? 1 going? How fast? e dissipation characteristics?
	<pre>* What resources are at risk? * What are the on-scene weather conditions? * What are future weather conditions?</pre>
* What circum * Is there a * What are th	stances require special attention? fire or explosion threat? e public safety hazards?
- what action	<pre>* What other actions need to be taken immediately? * What equipment is available? * How long will it take to get to spill site? * What approval is needed for a proposed</pre>
* Is there ad * Where can c * How can the	response method? equate access for equipment? ollected material be stored and disposed? available resources be utilized to meet the agency's priorities
STEP 2. F	RE-RESPONSE ASSESSMENT
* De * Be * Fo	etermine the level of response needed. Egin filling positions to support the chosen level. Form the cleanup and advance teams, and arrange for
* De fu	eploy the teams to gather information needed to make inther decisions.
	ontact appropriate persons to arrange for funding of he response.

Steps 3, 4 and 5 continued on next page.

STEP 3. INITIAL ON-SITE ASSESSMENT * Determine priorities and specific strategies for each area at risk. * Coordinate between the Incident Operations Center and the field teams. Communication is vital. * Determine the Public Health issues. * Notify the necessary officials of any impact to drinking water or industrial intakes. * Locate provisions for an alternate water supply. * Review Response Operations Guidelines in this Annex.

STEP 4. MOBILIZATION LOGISTICS

Identify sources for additional personnel and equipment. Mobilize to the site as needed. Ensure that personnel are properly trained, and health

- and safety issues are addressed.
- Contact the Natural Resources Trustees.

STEP 5. ON-SITE LOGISTICS

Arrange additional resources as needed. (i.e. food, lodging, additional clothing, transportation, communications, air support).

* Develop and Implement Site Safety Plan.

GUIDELINES FOR RESPONSE OPERATIONS

GENERAL GUIDELINES Obtain all necessary concurrence from RRT and any other relevant

agencies before using any treatment/response method.

Become familiar and comply with approved methods, work plans, advisories and special instructions prior to implementation.

Minimize the potential to recontaminate areas or attract wildlife by removing oil trapped in booms and trash around site on a daily basis.

Notify appropriate resource agencies of any reports of dead fish, mammals, and birds found during the response.

Do not approach, feed or harass any wild animals or birds. Only trained personnel should conduct wildlife rescues. Report all incidents of oiled or stranded birds and animals to the appropriate agencies.

BIOLOGICAL RESOURCES

Contact Natural Resource Trustees.

Avoid treatment methods that removal large numbers of indigenous vegetation, invertebrates or microorganisms from shorelines and marshes.

Boom off sensitive areas (wetlands, marshes, creeks) adjacent to areas where response operations are taking place.

Remove all signs of human activity when operations are over.

CULTURAL RESOURCES

IMMEDIATELY take the following steps if cultural materials (fossils, archaeological, or historical) are discovered during response operations:

Do not disturb, remove or alter archaeological or historical sites, facilities or artifacts. Mark off area with flagging tape.

Stop cleanup activities in the surrounding area.

Inform the State representative to the RRT.

If a significant site or burial grounds are uncovered, contact the landowner and immediately notify the state archaeological society representative or state historic preservation officer.

APPENDIX C-1.

TYPES OF OIL

There are many complicating factors during an oil response. Oils have different physical properties depending upon where it comes from and whether it has been processed into a useable end product. These physical and chemical differences mean that teams planning for or responding to a release of oil must use the approach that is specifically tailored to the particular properties of the kind of oil released. For example, some types of spilled oil may respond well to the introduction of nutrients to stimulate biodegradation by indigenous microorganisms; other spilled products may require the introduction of new biodegrading species

CRUDE OIL

CHARACTERISTICS

OIL

CLASS A: Light, volatile

CLASS B: Non-sticky oils

CLASS C: Heavy, sticky oils

(medium fuel oils and

(residual fuel oils and

medium to heavy crude)

CLASS D: Non-fluid oils

(residual oils, heavy crude

oils, paraffin oils, weathered oils)

OL

GASOLINE

KEROSENE

No. 2 Fuel Oil

No. 4 FUEL OIL

No. 5 FUEL OIL

No. 6 FUEL OIL

(Bunker B)

(Bunker C)

paraffm based oils)

(highest quality

light crudes)

- Highly fluid
 Spreads rapidly
 Strong odor
 High evaporation rate
- Waxy/oily feel
- Viscous, sticky
- Brown/black color
- Density near water - Sinks as volatizes
- Stills as volatizes
- Black/dark brown

REFINED OIL PRODUCTS

CHARACTERISTICS

- Lightweight, flows easily, may evaporate completely
- Lightweight, flows/spreads rapidly, evaporates quickly
- Lightweight, flows/spreads rapidly, relatively non-volatile
- Medium weight, flows easily
- Medium to heavy weight
- Heavy weight, difficult to pump, requires heat heavier than water

SPECIAL FEATURES

- FLAMMABLE
- Non-adhesive
- Flushes with water - Highly toxic
- mguy war
- Adhesive to surfaces
- Removes w/ vigorous flushing
- Less toxic than Class A
- Flushing does not remove
- Does not penetrate surfaces
- Low toxicity
- Can smother/drown wildlife
- Relatively non-toxic
- Does not penetrate surfaces
- If heated, may melt and coat
- surface

SPECIAL FEATURES

- FIRE & EXPLOSIVE RISK
- Highly volatile
- More toxic than crude oil - Amenable to biodegradation
- Easily dispersed - Persistent in the environment
- Easily dispersed
- Non-persistent in environment
- Does not form emulsions
- Easily dispersed w/ prompt treatment
- Low volatilization
- Moderate flash point
- Persist partially in environment
- Low volatilization
- Moderate flash point
- Difficult to disperse
- Not prone to dissolve
- Difficult to disperse - Forms tar balls, lumps, & emulsion
- Low volatilization
- Low flash point, > 150°F

SPECIAL OILS

GAS OIL: A liquid petroleum distillate derived in the refining process that is composed mainly of volatile hydrocarbons and hydrogen. Gas oils are used as components for domestic heating fuels, are blended with residual fractions to reduce their viscosity to make acceptable heavy fuel oils, and can refined further to make gasoline. Gas oil, which has a viscosity and boiling range between kerosene and hubricating oil, ranges from a light to heavy weight material and may vary in terms of its volatility, flash point, and persistence in the environment.

LUBRICATING OIL: A medium weight material that flows easily and is easily dispersed if treated promptly. It has a low volatility and moderate flash point, but is fairly persistent in the environment.

APPENDIX C-2.

TYPES OF ENVIRONMENTS IMPACTED

Freshwater Marshes/Swamps

Description:

- Marshes characterized by soft-bodied, non-persistent, herbaceous vegetation, such as grasses. Swamps have dense stands of water tolerant shrubs and trees.
- High degree of species diversity. May harbor sensitive or endangered species.
- * Breeding and nursery areas for many species.
- * Sediments usually consist of organic soils with a soupy consistency.
- * Foot travel very difficult.

Predicted Impact:

- Minimal flushing and organic soils allow oil to remain in environment.
- Season is important dormant vegetation least sensitive; blooming and budding plants most sensitive.
- High mortality rate especially for reptiles, amphibians and crustaceans.
- * Trace contamination can impact water supplies.

Suggested Actions:

- High-priority areas require the use of spill protection devices to minimize impact (i.e. deflection booms, skimmers) Allow lightly covered areas to recover naturally.
- Avoid activities that mix oil into organic soils and sediments.
- * Conduct manual pickup from boats and floating platforms.
- * Use the least intrusive cleanup methods. A no-action alternative may be appropriate to minimize the environmental impact.
- * Quick flushing and removal of oil while still fresh can reduce longterm impacts.

Vegetated Bank

Description:

- Low banks with grasses or steeper banks with trees.
- * Located in fresh or brackish water.
- * Contain a variety of plant species.

Predicted Impact:

- Heavy oil concentrations penetrate areas and coat plant and ground surfaces. Impact can be severe.
- Oil can persist for months.
- Water supplies can be impacted through trace contamination.

Suggested Actions:

- * Use caution when cleaning. Supervise and minimize plant cutting, if conducted.
- A no-action alternative may be appropriate to minimize environmental impact.
- Cleanup usually unnecessary for light coatings; heavier accumulations may require sediment surface removal to allow new growth.
- * Low-pressure spraying may aid removal.

Description:

- Fine/coarse sand and gravel beaches. Typically found along coastal areas and along sandbars in inland rivers. Sloping profiles vary from gentle to steep.
- ?Species density and diversity low along coarse sand or gravel beaches?.

Sand Beaches

Predicted Impact:

- Heavy accumulations of oil can cover entire beach surface.
- Oil can penetrate from 15 cm to 60 cm deep.
- * Organisms living along beach killed through smothering or by oil in the water column. Reduces food sources for birds and other animals.
- * Birds and animals may become oil coated.

Suggested Actions:

- * Fine sand beaches are easier to clean.
- * Remove oil above the ?swash? zone after all oil has come ashore. * Minimize sand removal to prevent erosion. Manual cleanup more
- efficient. Heavy equipment may remove excess sand.
- * Limit activity around sensitive areas such as dunes.
- * Prevent grinding of oil deeper into beach by limiting activity in heavily contaminated areas.

Riprap Structures

Description:

- Cobble to boulder-sized rocks used for shoreline protection.
- * Organisms and plant life can be plentiful and varied.

Predicted Impact:

- Deep penetration of oil between boulders. If left, oil can asphaltize.
- Fauna and flora may be killed by oil.

Suggested Actions:

- Remove all oiled debris.
- Use sorbents to remove oil in crevices.
- May remove and replace heavily oiled riprap to prevent chronic. sheening.



Description:

- Usually found along eroding river banks.
- Composed of mixed grain sizes (from silt to gravel).
- Biological activity usually low.

Predicted Impact:

- Oil forms band along top of water line. Can penetrate into sandy sediments.
- Wave or current action can flush off oil within days or weeks.

Suggested Actions:

- Cleanup usually not necessary due to short residence time.
- Manual labor can be used to scrap oil from surfaces.
- Avoid removing sediments.
- Avoid mechanical cleanup (limited access and steep slopes).

Wall, Piers, and Docks

Description:

- * Common in developed areas to protect or facilitate access in residential and industrial locations.
- * Constructed of concrete, stone, wood or metal.
- * Mussels, shellfish, and algae often found attached to structures.

Predicted Impact:

- * Oil percolates between joints and coats surfaces.
- * Biota damaged or killed under heavy accumulations.

Suggested Actions:

 * High-pressure spraying may remove oil, prepare substrate for recolonization of fauna/flora, minimize aesthetic damage and chronic leaching of oil from structure.

APPENDIX C-3.

METHODS TO REDUCE OVERALL IMPACT

TAB C-3a. PHYSICAL CONTAINMENT

Includes booms, by-pass dams, overflow and underflow dams, diversion berms, permeable barriers

ADVANTAGES:

- * Physically deflects movement of spill; collects slick for recovery/burning.
- * Can be constructed of on-site materials: barriers or berms.
- * Can be used to protect economic or ecologically sensitive areas.
- * Pre-spill booming strategies can be developed, equipment pre-staged.

DISADVANTAGES:

- * Requires significant time to put in place.
- * There is not one universal boom or barrier (use depends on type of pollutant, wind, current, shore topography).
- * Use limited by availability of deployment/recovery areas and anchoring conditions.
- * Link-up compatibility may be difficult with different types of booms.
- * Currents in excess of 0.7 knots perpendicular to boom will result in ?entrainment?. Effect independent of depth of skirt.
- * Wave height and frequency must be taken into account when selecting boom flexibility. Incorrect matching may result in splash over.
- * Barriers/ dams time consuming to build; equipment dependent.

TAB C-3b. PHYSICAL REMOVAL:

Skimmers (suction, floating weirs, oleophillic disks, drums or belts, hydrodynamic planes, and vortex or cyclonic skimmers)

ADVANTAGES:

- * Physically removes oil from the environment.
- * Works with all kinds of oil states; even emulsified.
- * Higher recovery rate than sorbents.

DISADVANTAGES:

- * Vortex or cyclonic skimmers and oleophillic disks not effective on highly viscous oil.
- * Works on principle that oil floats on water. High water uptake on very thin oil layers increases volume of waste stream.
- * Loss of efficiency in high tidal or current environments.
- * Limited by storage.
- * High amount of monitoring required during operation.
- * Low tow speeds; effectiveness limited by amount of debris present in water.

Common types of skimmers:

Band (or Rope) Skimmer:

Uses oleophilic material such as polypropylene. Oil collected by drawing a continuous rotating band of material through the slick. Adhered oil is wrung from the band by a squeeze roller and collected in an oil sump. High efficiency in calm waters.

Belt Skimmer:

Use an oleophilic material belt mounted on the front of a small vessel. The belt pushes the oil below the waterline. Oil carried up the belt is recovered at the top of the system by a squeeze belt or scraper blade and then pumped into a storage container. Not good in shallow waters or tight areas.

TAB C-3c. CHEMICAL OIL STABILIZERS

Solid Forming Agent (solidify or gelatinize oil to keep it from spreading or escaping and causing re-oiling elsewhere. Elastol is an example of an oil stabilizing agent.)

ADVANTAGES:

- * Causes oil to change from a liquid state to a "jelly" like substance that does not react with the environment.
- * Lowers explosion vapors.
- * Enhances polymerization of hydrocarbon molecules when applied by liquid spray or sprinkling of dry chemical in the proper dosage.
- * May reduce solubility of the more toxic short chain and cyclic hydrocarbons by locking them into the polymer.
- * May enhance recovery.

DISADVANTAGES:

- * MAY TAKE TIME TO GET RRT CONCURRENCE PRIOR TO APPLICATION
- * Reacts with any hydrocarbon; oil, containment boom, weeds, etc.
- * Unknown consequences when in contact with animal oil.
- * Not suitable for vegetated shorelines, seawalls or riprap. Congealed oil sticks to vegetation and remains in crevices making removal extremely difficult.
- * Do not use if marine mammals, birds or other wildlife may come into contact with congealed oil.
- * Increases smothering of sessile and interstitial organisms.
- * May increase residence time of oil in environment by decreasing evaporation, dissipation and biodegradation rates.

Tab C-3d. DE-EMULSIFYING AGENTS:

De-watering agent {used to break up or prevent water-in-oil emulsions (generally a surfacant) }

ADVANTAGES:

- * Separates oil and water from recovered emulsions (50% water to oil)
- * Potential use in field to make emulsions burnable in place

DISADVANTAGES:

* NONE on NCP Product Schedule. Cannot be used in U.S. waters

TAB C-3e. DISPERSANTS

Chemical agents that emulsify, disperse or solubilize oil into the water column or promote the surface spreading of oil slick to facilitate dispersal of the oil into the water column and enhance biodegradation. (consult NCP Product Schedule)

ADVANTAGES:

- * Reduces amount of slick able to reach the shoreline.
- * Most effective if applied to slick within first 24 hours after spill.
- * Removal/disposal reduced.
- * Dispersants have been improved to be less toxic than in past.

DISADVANTAGES:

- * NOT USED IN INLAND WATERS.
- * MAY REQUIRE TIME TO GET RRT CONCURRENCE. CONSULT REGION IV DISPERSENT USE PLAN.
- * Water column must be at least 30 feet deep.
- * Toxicity problems may result from increasing uptake of oil in biota.
- * Little field data on effectiveness and toxicity impacts.
- * Lots of unknowns.
- * Difficulties tracking the underwater plume.
- * Difficulties obtaining equipment.

TAB C-3f. SURFACE COLLECTING AGENTS (or Surface Washing Agents):

Land or shoreline dispersant

ADVANTAGES:

- * Acts as a detergent to reduce adhesion of oil to substrate.
- * Enhances removal of oil.
- * Lowers water temperatures needed for washing.

DISADVANTAGES:

- * Washing agents remove the oil from the surface of shoreline, but allow it to coalesce on the water surface.
- * Method may drive oil into sediment pores.
- * Potential toxicity problems when adding chemicals and making oil more available to the biota (surface weathering may require a "potent" product).

TAB C-3g. IN-SITU BURNING

Removal by fire (disposal of oil on the water through ignition)

ADVANTAGES:

- * Works on thin films (down to 2 mm.)
- * On films of 100 mm (4 inches) or more, burning is 98-99% effective.
- * Disposal rates of 100 30,000 gals/min (10,000 ft² to 1 square mile burn).
- * Easy to ignite if oil is a proper thickness (must be at least 2 mm thick).

DISADVANTAGES:

- * MAY TAKE TIME TO GET RRT CONCURRENCE, (Consult Region IV In-Situ Burn Plan).
- * Can have a highly negative impact in small rivers and inland lakes.
- * Requires specialized booming.
- * 3M boom (\$250 \$300 per foot, good to -40°F to +2,000°F).
- * Smoke plume can be visually disturbing. May create a public outcry.
- * Potential toxicity of plume still being investigated, contains polycyclic aromatic hydrocarbons (PAHs); (A 100,000 gallon spill when burned equals the amount of smoke from 50,000 wood stoves).
- * Air quality permits may be required.
- * Modeling and pre-burn weather data needed.
- * Combustion products may travel great distances before falling to earth.

TAB C-3h. BIOREMEDIATION

A. Nutrient Enhancement:

Enhancement of microbial metabolism of organic contaminants through addition of nutrients and oxygen to the contaminated environment. Results in breakdown and detoxification of contaminants. (Consult NCP Product Schedule) Also, contact RRT to determine if concurrence is necessary before application.

ADVANTAGES:

- * Does not require addition of non-native microorganisms. Works with natural populations.
- * Works on a wide variety of contaminants.
- * Fertilizers are not typically harmful to nearshore environments.
- * Can be used for both surface oil and subsurface oil spills.

DISADVANTAGES:

- * Potential for algae blooms, however little evidence to support this.
- * Soils with low permeability difficult to treat. Increases time for nutrients to reach microorganisms.
- * Contaminant degradation impaired by nutrient overloading, toxicity of nutrients and oxygen depletion.
- * May take weeks or years to completely degrade contaminants.

B. Bacterial Addition:

Deliberate introduction of non-indigenous microbiological cultures or enzymes into an oil discharge for the specific purpose of enhancing biodegradation to mitigate the effects of the discharge. (consult NCP Product Schedule)

ADVANTAGES:

- * Have the potential to begin degrading materials right away without an acclimation time.
- * Can work with natural populations of microorganisms.

DISADVANTAGES:

- * MAY TAKE TIME TO GET RRT CONCURRENCE.
- * Still highly experimental. No solid evidence to support effectiveness.
- * Carrier may be highly toxic.
- * Granular forms are viewed by some as a problem.
- * Natural species may be just as effective at a much lower cost.

Apper C-3-6

CLEAN UP TECHNOLOGIES

The following table presents a number of alternatives for cleaning up oil in the environment, primarily along shorelines. Before undertaking any of the these methods, the Incident OSC should consult with the Region IV Regional Response Team along with State and Local officials. The information listed was adapted from EPA's Region III Shoreline Countermeasures Manual and the American Petroleum Institute's Inland Oil Spill Manual.

ACTION	DESCRIPTION	WHEN TO USE	BIOLOGICAL CONSTRAINTS	ENVIRONMENTAL EFFECTS
No Action	No Action is taken.	When shoreline extremely remote, inaccessible, or cleanup will do more damage or an effective method is not available.	Not for areas with high number of mobile animals.	Same impact as oil.
Manual Removal	Remove surface oil by manual means and placed in containers for disposal. No mechanized equipment used.	For areas where oil can be easily removed.	None.	Minimal if surface disturbance and work force movement is limited.
Passive Collection Sorbents	Sorbent material placed on oil surface.	When oil is viscous and thick enough to be absorbed.	None. Method can be slow allowing oil to remain in critical habitats.	No major effects except if soaked sorbent materials are left in environment.
Debris Removal	Manual or mechanical removal of debris, including cutting an removal of oiled logs.	Use on any accessible area. Especially important when contaminated debris could contaminate other organisms.	None .	None .
Trenching	Dig wells or trenches to the depth of oil and pump oil out of well. Best with lighter oils.	Fine grain sand beaches, coarse sand and gravel beaches where oil has seeped in and cannot be removed by manual cleaning.	None .	None .

ACTION	DESCRIPTION	WHEN TO USE	BIOLOGICAL CONSTRAINTS	ENVIRONMENTAL
Sediment Removal	Mechanical or manual removal of sediments. Material disposed of off-site.	Used on sand, pebble and cobble beaches where limited amounts of oiled material have to be removed. Do not use in areas with erosion potential. Do not removal sediments past the depth of oil penetration.	Mechanized equipment should not be used in areas adjacent to endangered or sensitive species.	Maybe detrimental if too much sediment removed without replacement.
Cold Water Flooding	Wash oil from surfaces and crevices to water's edge for collection.	Boulder, cobble, gravel, coarse sand mixed with sediment and rock. Not applicable to mud, vegetated upland or steep rocky shorelines. Frequently used with low or high pressure washing.	Not appropriate at creek mouths.	Habitats may be physically disturbed as sand and gravel are mixed. Organisms may be flushed away.
Cold Water/ Low Pressure Washing	Remove oil that has adhered to rocks or man- made structures. Oil floated to shoreline for pickup by a skimmer.	Boulder, cobble and rock/ seawall shorelines heavily oiled. Not appropriate for sedimentary habitats. Best where adhered oil must be removed to prevent continuous release into environment.	Not appropriate for sand, gravel, mud beaches, marshes or shorelines where destruction of biological communities must be avoided.	May flush contamination into other areas. Increases turbidity in water.
Cold Water/ High Pressure Washing	Better for removing adhered oil. Water pressure up to 100 psi.	Riprap, rock and seawalls. Can be used to float oil out of crevices.	Not appropriate for sand, gravel, mud beaches, marshes or shorelines where destruction of biological communities must be avoided.	Removes many organisms on surface. May drive oil deeper or flush into other environments. Increases turbidity.
Warm Water/ Moderate to High Pressure Washing	Mobilize thick and weathered oil adhered to rock surfaces prior to flushing it down shore for pickup.	Boulder, cobble, and rock/ seawall shorelines that are heavily oiled. Not appropriate for sedimentary habitats. Good for weathered or difficult to remove oil.	Tradeoff between damage to the biological community versus damage from leaving oil in place.	Can kill or remove most organisms. May flush oil into other environments. Increases turbidity.

ACTION	DESCRIPTION	WHEN TO USE	BIOLOGICAL CONSTRAINTS	ENVIRONMENTAL Effects
Hot Water Pressure Washing	Dislodge trapped oil from inaccessible locations and surfaces not amenable to mechanical removal. Requires extensive equipment (water heat - 170°F). Vacuuming necessary to remove oil flowing from rocks and soil.	Not applicable to sandy beaches, marshes or where difficult to place equipment.	Must be careful not remove all attached organisms from surfaces. Decreases biodegredation potential.	Has a highly negative impact on most environments. Possibility of driving oil further into substrate.
Slurry Sand Blasting	Use sandblasting equipment to remove heavy residual oil from solid substrates.	Seawalls and riprap. Equipment can be operated from boat or land.	Not to be used in areas with high biological abundance on the shoreline.	Possible destruction or smothering of organisms.
Vacuun	Use suction head, hose, pump and storage tank to recover free oil from the water surface.	Use for large volumes of free oil. Can be used on any shoreline if accessible.	Do not use in areas where foot traffic and equipment may harm organisms.	Minimal impact if done correctly.
Shoreline Removal, Cleansing and Replacement	Remove and clean oiled substrata before returning it to the excavated area. Cleansing includes hot water wash or physical agitation with a cleansing solution.	Sand, pebble, gravel, etc. Applicable where permanent removal of sediment is undesired. Equipment must be close to excavation area to reduce transport problems. Cleaning solutions must be properly disposed.	Typically unacceptable in spawning areas. Almost all life will be removed from area. Replaced material must be free of oil and toxic substances.	May be detrimental if excessive substrate is not replaced. Very large equipment causes environmental disruption. Could be negative impact if cleaning solution not properly disposed.
Cutting Vegetation	Manual cutting of oiled vegetation using weed eaters and removal of cut material with rakes. Cut vegetation is immediately bagged for disposal.	When risk of oiled vegetation contaminating wildlife is greater than the value of the vegetation that is to be cut, and there isn't a less destructive method.	Prevent forcing of oil into sediments and contaminating the root structures.	Can be a total loss of habitat for some animals. Erosion may occur if vegetation does not grow back.

APPENDIX C-5.

NATIONAL PRODUCT SCHEDULE

Section 300.905, Subpart J of the NCP establishes the NCP Product Schedule which contains those dispersants, other chemicals and biological products that may be authorized for use on oil spills. Also, presented in Section 300.905 are the procedures for obtaining authorization for the use of items on the NCP Product Schedule. A copy of the NCP Product Schedule is located in the EPA Region IV Response Center located in Atlanta, Georgia.

ANNEX D REGIONAL RESPONSE RESOURCES

PURPOSE: Immediate action to a release is critical for minimizing the impacts to people and the environment. A key part of any action is having the appropriate response resources (i.e. personnel, equipment) available and at the scene as quickly as possible. Pre-planning and identification of response needs and resources facilitates the response and saves valuable time that would normally be lost by hunting around for the required resources. The information contained in this Annex is intended to be used to direct cleanup operations so that the necessary resources reach the scene of a response in a quick and timely manner. The Incident OSC, with assistance from the Logistics OSC, should use the information to locate and arrange for the necessary response resources prior to their use. It is the goal of this Annex to allow the Incident OSC to bring to bare all the necessary response materials and equipment to a spill response to ensure an efficient and effective cleanup operation.

SCOPE: The purpose of this Annex is to provide the Incident OSC with a listing of the resources found through out Region IV which can be applied when responding to an oil spill. The list provide in this Annex are to be used by the Incident OSC to direct the proper personnel and materials to a spill in a efficient and effective manner. This listing provides the best listing of available information. Other information sources which are known and available to the Incident OSC should also be utilized to ensure the prompt and successful outcome of a response.

In addition, this Annex covers response contractors which operate in Region IV. Some of these contractors are based within the Region, and some are based outside but operate in the Region. The tabs and appendixes lists BOA contractors, ERCS contractors, and other competent and capable firms known to the EPA and other response authorities of Region IV. Also included are a listing of their particular types of material and equipment and the areas which they operate. The contact names and phone numbers are contained in EPA ERRB's Blue Book.

RESPONSIBILITIES:

A. INCIDENT OSC: It is the responsibility of the Incident OSC to ensure that arrangements for the procurement of all necessary equipment and the deployment of the equipment occurs in an appropriate timeframe and in such a manner that harmfull effects of the spill are minimized. The Incident OSC can oversee the procurement of the equipment personally or may designate a qualified person, primarily the Logistics OSC, to complete this task. The Incident OSC shall use the information contained in this Annex to locate and secure all necessary equipment that might be needed to cleanup the spill. This is not limited to the emergency response equipment, but also includes containment and transport equipment which might be needed in later stages of the response. Finally, it is the responsibility of the Incident OSC to oversee the cleanup operations and make the final decisions on the types of equipment employed in the response and to ensure their proper deployment.

B. LOGISTICS OSC: The Logistics OSC coordinates with the Incident OSC and the Clean up Teams and Advance Teams. When tasked by the Incident OSC, the Logistics OSC shall conduct the activities necessary to identify, obtain and deploy the resources that are needed by the field teams. The Logistics OSC is also responsible for ensuring that problems with resources are solved quickly and effectively.

1. CLEANUP TEAM LEADER(S): The Cleanup Team Leader(s) coordinates with the Logistics OSC or Incident OSC to correctly and effectively identify needs and deploy response equipment. Activities include but are not limited to the following tasks:

- * Monitor contractor's personnel and equipment;
- Oversee cleanup operations to ensure that all the appropriate cleanup measures are being taken and implemented properly;
- * Maintaining documentation of equipment use and manhours for cost tracking and recovery;
- Manage and oversee the necessary supply and logistics of the needed equipment on a daily basis; and,
- * Supervise response crews on their cleanup tasks and goals.

It is the responsibility of the Cleanup Team Leader to oversee, organize, manage, and deploy the cleanup teams on a day by day basis. It will be necessary that this individual prioritize and assign the tasks of the cleanup crews. The Cleanup Teams Leader will handle the day by day details of the cleanup operation and will need to have an accurate and reliable assessment of the spill situation. The Cleanup Team leader shall be familiar with all the equipment at hand and should refer to the information in this Annex to requisition any additional equipment.

2. ADVANCE TEAM LEADER: It is the responsibility of Advance Team Leader(s) to correctly and effectively survey the areas downstream from the spill and any other

potentially effected areas so as to provide the Logistics OSC or Incident OSC, depending upon the command structure, with accurate information to plan and stage additional equipment. From the survey, the Advance Team Leader(s) should determine resources needed to contain any breakouts of spilled material and to identify any sensitive areas which may needed additional protection measures. As with the Cleanup Team Leader, the Advance Team Leader shall communicate and coordinate with the appropriate OSC to ensure that all resources and materials are obtained and deployed. The Advance Team Leader is also responsible for locating suitable locations for the staging of equipment at advance locations.

C. MANAGEMENT SUPPORT: Management shall assist in the coordination of obtaining contractors and equipment, as requested by the Incident OSC. Management shall work in conjunction with the contracting officers of the ERCSs contract and other resources to provide the Incident OSC with requested and required material.

PROCEDURES: The Incident OSC shall, upon arrival, undertake the necessary actions to assess the extent and severity of the spill. This thorough investigation of the spill shall be conducted immediately upon arrival at the scene so that valuable time is not wasted and the effects of the spill are not worsened. From this investigation, the Incident OSC, with assistance from the Logistics OSC, should determine what resources are needed to control, contain, and remediate the spill. Some of the factors which should be taken into account are the type of waterway the spill has occurred on and the speed and volume of the spill. The Incident OSC shall also make determinations on the accessibility of the spill to heavy equipment and/or recovery vessels. Once the initial spill assessment is completed, the Incident OSC shall ensure that the necessary equipment is located and deployed to the appropriate locations along the spill site.

If a cleanup response is already underway when the Incident OSC arrives on-scene, either conducted by the discharger and/or State and Local officials, an initial situation assessment shall be conducted to determine the size and severity of the spill and determine the adequateness of the spill response. If necessary, the Incident OSC can augment the resources of the ongoing response with Agency and RRT resources or, if necessary in very

For specific contracting procedures refer to Annex H on Funding and Contracting.

rare cases, assume the lead in conducting the response. If the Incident OSC determines that the response undertaken either by the discharger or other agencies is inadequate, then federal moneys shall be released and contractors shall be deployed to the scene to begin cleanup operations.

The Incident OSC shall review the information outlined in this Annex to select the appropriate contractors and resources needed to remediate the effects of the spill. The Incident OSC shall examine the firms listed in the appendices and select those firms which have the resources and capabilities needed to confront the spill. Once the firm or firms have been selected, the Incident OSC will provide the contractor with the necessary information to respond to the spill and begin operations.

The information provided in this Annex is contained in Appendices and Tabs, which are outlined in a chart located on the following page.

TITLE	SUBJECT	
Appendix D-1	Aviation Support	
Appendix D-2	Basic Ordering Agreements (BOA), USCG	
Tab 1	USCG, Second District	
Tab 2	USCG, Fifth District	
Tab 3	USCG, Seventh District	
Tab 4	USCG, Eighth District	
Appendix D-3	Federal Region IV, ERCS Contractors	
Appendix D-4	USCG Marine Safety Offices, Region IV	
Appendix D-5	Nongovernment and Private Organizations	
Appendix D-6	Supplemental Response Firms	

{The information was lasted updated on 25 August, 1993}

ANNEX E COMMUNICATIONS

PURPOSE: This annex outlines operational procedures for establishing communications for pollution responses. It is designed to develop a communication system capable of rapid expansion to meet the needs of the response. Sources of communication support are listed which are available to the responders.

SCOPE: To provide the appropriate level of communications support, this annex presents capabilities available for planning, coordination, and management of communications assets. The different methods of communication will be listed with location and support requirements for optimum results. The Annex provides information and mechanisms for supporting agencies to enter the response communications network. At the time of publication of this plan, communications equipment continues to be added to the inventory. Equipment currently on-hand is not fully operational. More equipment is under contract for procurement and installation. Therefore, no inventory listing is presented.

RESPONSIBILITIES:

A. Emergency Response and Removal Branch (ERRB).

- * Provide OSCs and ERRB Staff with communications equipment capable of performing emergency response deployment tasks.
- * Obtain primary radio frequencies for ERRB operations. Arrange for shared or temporary frequency allocations with Federal/State agencies and state/local governments.
- Arrange for support from appropriate agencies when communications requirements exceed in-house equipment capabilities. Options are be: Federal Emergency Management Agency (FEMA), General Services Administration (GSA), Department of Defense (DOD), or U. S. Coast Guard (USCG) Strike Team(s).
- * Provide communications equipment training for personnel capable of maintaining proficiency of using the equipment and knowledge of procedures.
- * Initiate administrative action for Interagency Agreements or Memorandums of Understanding with supporting agencies for communication equipment and/or assistance.

B. Regional Response Center (RRC).

- * Ensure communications equipment is operational prior to issuing to the On-Scene Coordinator (OSC) or field teams.
- * Assign and record frequencies allocated to a particular response effort. Program frequencies into radio(s) before releasing equipment for deployment.
- * Maintain a file of agency, state, and local government radio frequencies available for EPA use and reference.
- Maintain communications log books or journals throughout each response event. Documents will become part of the After Action Report and files.

C. Technical Assistance Team (TAT).

- * Ensure communications equipment is operational for emergency response deployment.
- * Coordinate with the RRC on frequency assignment and ensure TAT radios are calibrated properly for deployment.
- Provide communications training and maintain proficiency on the use of equipment and knowledge of procedures.

D. On-Scene Coordinator (OSC).

- * Properly utilize assigned communications assets.
- * Advise the RRC when frequency overlap or interference requires changing frequency assignment.
- * Ensure adequate communications equipment is available and operational for the response event.

PROCEDURES:

1. Communication Flow. Responsibility for providing communication linkage flows from the highest supervisor level to the lower operating elements or supporting activities of the response.

Example: ERRB arranges for equipment and establishes procedures for the Incident OSC; who, in turn passes the overall responsibility to the Logistics OSC; the Logistics OSC arranges and assigns equipment to the Advance and Cleanup Teams. The Logistics OSC provides operational communication information to outside support agencies (active radio frequencies and telecommunication network numbers).

2. External Communications Support. There are sources for augmentation of communications available for the response effort. These sources are FEMA, GSA, DOD, or USCG. Request for support to the controlling agency will be initiated by the Chief, ERRB directly to the agency or through routine procedures of the Regional Response Team (RRT). 3. Federal Emergency Management Agency (FEMA). The FEMA Emergency Support Capability (FESC) can provide a Mobile Emergency Response Support (MERS) detachment or a Mobile Air Transportable Telecommunications System (MATTS) unit for response efforts. The initial request to FESC will be by ERRB.

4. General Services Administration (GSA). A Memorandum of

Understanding exists between EPA and GSA providing procedures for telecommunications support by GSA. Support available is radio equipment, antennas, generators, etc. and is listed in the <u>Other</u> <u>Services</u> portion of the MOU. The MOU is presented in Annex N of this plan.

5. Miscellaneous.

* Department of Defense and U. S. Army Corps of Engineers. Viable sources of communications support when "first hours" or immediate support is not required. The most probable support would be as an augmentation to existing capabilities for a response effort. In support of a response to this plan, the request would be through the Regional Response Team. In support of a Federal Response Plan (Emergency Support Function #10) response will be requested through the Disaster Field Office staff. For either type response the limiting factor will be the response time, generally 72 hours or longer.

CAPABILITIES/EQUIPMENT AVAILABLE:

1. MRV System: The Multi-Radio Van (MRV) is the major component of MERS. The van is designed to provide communications with Federal, State, and local emergency response elements. Capabilities include:

- * Connection with public telephone networks (wire or microwave),
- * Line-of-Sight radio and commercial KuBand Satillite operations,
- * Radio and telephone "patching" equipment,
- * Full range of high, very high, and ultra-high radio equipment,
- * A 24 line telephone access panel for commercial operations.

The vehicle is capable of off-road operations, contains two 27 kilowatt generators, and has an eight foot satellite dish antenna for KuBand operations. The microwave link is capable of connecting with commercial telephone office's 14 miles from the operations site. The MRV has been adapted for an airlift option of deployment.

2. Radio Frequencies: The following options are provided for planning and operational considerations.

- Headquarters, EPA have been requested to allocate and assign frequencies to ERRB for response and administrative purposes. These frequencies will constitute the basis for all communications capabilities for ERRB activities. As of the publication of this plan, frequencies have not been allocated or assigned.
- * Temporary radio frequencies can be obtained from FEMA. Normally, frequencies would be assigned to support FRP activities. Operational rules and restrictions imposed by FEMA will have to be adhered too when using their frequencies.
- * Sharing of frequencies with State/local governments during response operations within their area can be arranged.
 Operation rules and restrictions of the governments must be adhered too when using their frequencies. An extensive listing of the government entity and frequencies is available in the RRC.
- * Sharing of frequencies with USCG units is a viable option. Primary entry into the system will be through the USCG Strike Team.

3. Frequency Changes: The RRC is able to computer program frequencies into all radios in the ERRB. Each response will be allocated frequency(s) for a particular response event. When there are operations difficulties with frequencies changes can be accomplished.

4. Repeaters: Repeaters aid in getting more distance between radio stations. Where available, they can be rented. Another option is to use repeaters mounted in aircraft.

ANNEX F SENSITIVE ENVIRONMENTAL & ECONOMIC AREAS

PURPOSE: Response actions require extra care to protect the natural environment in and around the spill location. Different eco-systems have varying levels of resistance and resilience to spill contaminants. There are areas around waterways which contain critical habitats and endangered species which may require more specialized consideration and protection than other areas. Deployment of protection devices such as booms and weirs along the river will serve to protect the overall environment but quick and accurate identification of sensitive areas is crucial to reducing the overall impact of the spill.

Contained in this annex is an outline of factors which can be used to identify sensitive environmental areas as well as economic areas.

SCOPE: The purpose of this annex is to provide the Incident OSC with relevant information to assist in the identification and determination of sensitive environments. Outlined within this Annex is information which can be utilized to distinguish sensitive areas found throughout the Region. It is not the intent of this annex to provide a complete and total listing of every sensitive area; a thorough listing of all these areas would be to large to be useful. Provided are a list of factors which should be taken into account when assessing potentially sensitive areas. Also included as an Appendix, is a catalogue of lists which provides information on environmentally susceptible areas, such as National Parks, Wilderness areas, and undeveloped sections of rivers. The goal of this annex is to increase awareness of sensitive areas as a whole and to provide the Incident OSC with sufficient information to facilitate the identification process.

There is no way to outline a regimented and systematic approach to protecting all sensitive environments for every spill. Each spill is unique in the manner and volume of the material spilled as well as in the location along the waterway. These dynamic factors prevent the drafting of a concrete response plan. Rather, the information contained in this Annex should be used to provide insights into the types of environments effected by a spill and what areas warrant greater and or immediate concern. It is an unfortunate fact that eco-systems will be impacted by a spill, and that some of the eco-system may have to be sacrificed in the cleanup effort. However, it is the goal of this Annex to provide information which will help the Incident OSC to identify sensitive areas and take the appropriate measures to minimize the impact of the spill.

F-1

RESPONSIBILITIES: The following is a description of the roles and responsibilities of Agency personnel during a spill response.

- Α. **INCIDENT OSC:** As prescribed in the NCP, the Incident OSC's role is to facilitate cleanup activities and to insure proper measures are taken to remediate the incident. The OSC's function is to work in cooperation with the responsible party and state agencies to provide a quick and effective cleanup. It is preferable for the responsible party and the state to take the lead in a cleanup operation, however the EPA may have to step to the forefront of a response action to protect threatened habitat or species. The OSC should work with other agencies to ensure that information about the environment affected by the spill is gathered and distributed. Outlined in this annex are various sources of information which the OSC may consult to assist in determining and protecting sensitive environments endangered by the spill.
- B. STATE AGENCIES: Each state in Region IV has a department or office charged with protecting the natural resources of that state. Many of these state agencies catalog and monitor sensitive environments. These personnel should have more detailed information about the environments effected by a spill. Agency contact names and phone numbers are in the EPA ERRB's Blue Book.
- C. CLEANUP TEAMS: Lead by an OSC or a representative of the OSC, it is the clean teams responsibility to minimize the overall impact the response action inflicts on the natural environment. Efforts to cleanup the spill should be carefully planned to prevent additional damage. Cleanup teams should be directed to address the most sensitive areas first when ever possible.
- D. ADVANCE TEAM LEADERS: Advance teams are the forward units in a response action. It is their role to evaluate and identify sensitive areas prior to spill contact. The advance teams should be deployed far enough ahead of the spill to take protective measures to preserve sensitive environments. Examples of protective measures include, but are not limited to, booms, dams, or other diversion measures to lessen the impact of the spill.

E. NATURAL RESOURCES TRUSTEES

1) Department of Interior - U.S. Fish and Wildlife Service This Agency is charged with monitoring and protecting the natural resources found in the United States. Fish and Wildlife maintains lists of endangered species and will be called out to the scene to monitor the environmental impact of the spill and response actions. The Fish and Wildlife can provide additional information concerning natural resources issues, endangered species, sensitive habitats, and wildlife rescue.

2) National Oceanic and Atmospheric Administration

F. PRIVATE ORGANIZATIONS

1) State Natural Heritage Programs

All states in this Region have State Heritage Programs to locate and monitor bio-diversity in their state. These programs have been setup in joint cooperation with The Nature Conservancy and the states of the Region. Individual agreements are being setup between the Agency and the states to provide incident specific information concerning threatened and endangered species in the event of a spill. No date has been established as to when these agreements will be in place.

2) Conservation Groups

Many natural areas are monitored by local and national conservation groups, such as local fishing clubs like Trout Unlimited and member organization such as The Nature Conservancy. Local groups can be contacted at the time of the spill to obtain information on waterways they monitor and are potential sources of information on the local natural resources. Many national groups often maintain wilderness preserves. A listing of these holdings is provided in Appendix 2.

{MORE TO BE ADDED LATER}

PROCEDURES:

INITIAL PROCEDURES

On arrival at a spill, the Incident OSC must make an initial assessment to determine the material and volume of the spill. As a part of this initial assessment, it is necessary for the Incident OSC to determine the geographical and environmental factors of the area surrounding the spill in order to plan the proper protective and remedial measures. Guidelines for determining whether an environment is sensitive are presented in the next section. The steps for the ascertaining the environmental impact of the spill are as follows:

Spill site: Investigate the spill location and the natural areas already impacted to determine the extent of damage. Determine if
any immediate actions at the scene can lessen further damage. At the spill site, the Incident OSC should determine the direction and rate of the flow. Immediate steps should be taken to stop the additional release of material and to contain the spill.

Areas of immediate danger: Following the assessment of the spill site, the OSC or representative should examine the areas immediately downstream or adjacent to the spill, which although may not have been effected by the spill, are in immediate danger of contact with the spill. (Immediate danger can be defined as impact occurring in a matter of hours.) If sensitive areas are located, then preemptive measures should be taken to minimize the spill's impact prior to contact. This includes, but not limited to, booms, dams, or other diversion measures to lessen the impact of the spill. Preservation of a sensitive area depends on actions taken prior to spill contact.

Areas of potential danger: While steps are being taken to control the spread of the spill, the Advance Teams shall conduct a reconnaissance to determine what other sensitive areas might be impacted if the spill flows further downstream. If sensitive areas are located, provisions shall be made to protect these areas in the event of further release. Preparation should be made for the deployment of additional cleanup teams, in the event of a breakthrough of previously contained material.

SECONDARY PROCEDURES

Once a sensitive area has been identified and protective measures have been taken, the Incident OSC shall monitor the integrity and effectiveness of these measures. A minimum daily inspection will be carried out to ensure that the protective measures are holding in place and no additional measures are needed. The Incident OSC will also designate a qualified person, such as wildlife biologist, to monitor the ecological health of the threatened area.

{IS THERE A VOLUME DEFINITION OF MINOR, MEDIUM, MAJOR, OR WORST CASE SPILL?}

DESCRIPTION OF SENSITIVE AREAS

1. GENERIC CRITERIA

The following is a partial listing of the area types which might be considered sensitive, either environmentally or economically.

ENVIRONMENTAL

A. <u>Wetlands</u>: Marshes, swamps, and other areas where water flow is usually slow and has a high occurrence of vegetation. These areas support a large amount of species diversity and can be used by these species for breeding.

- B. <u>Endangered species</u>: Areas which contain endangered species, both flora and fauna, exist throughout the Region. These species are often found in well defined preserves, but they may also exist in small remote populations. For example, in the State of Georgia, a species of river lily exists in only one location, a sand bar in the middle of a particular river.
- C. <u>Critical habitat</u>: These areas support communities of animals and plants which although might not come into direct contact with the spill, rely on the waterway for food, habitat, or breeding grounds. If a river becomes contaminated, this may reduce the source of drinking water and food for upland species.
- D. <u>Natural Areas</u>: These are areas which posses value as a whole eco-system. They may not contain endangered species, but are representative of the eco-system in its most natural state. Examples of these areas are outlined in the Outstanding Rivers List or the List of Wild and Scenic Rivers, which are presented in Appendix 2.

2. CHARACTERISTICS TO DETERMINE AND IDENTIFY SENSITIVITY

The following factors are to be utilized in determining sensitivity of an area. These factors are not the only criteria for determining sensitivity, but are presented here to provide a general formula.

ENVIRONMENTAL FACTORS

A. <u>Geography</u>: Examine the position of the river or waterway. River and lake characteristics differ whether they are positioned in the Piedmont or Coastal Zone. Refer to a map of the state to determine in what zone the waterway is located. The Piedmont Zone lies above the fall line and it's waterways are distinguished by shallow, fast-flowing rivers which usually have many changes in direction. The forest surrounding a Piedmont Zone river predominately consist of hardwoods and the land slopes sharply to the river. Below the fall line, in the Coastal Zone, the rivers straighten and widen with a steady flow. The land around the river has a more gradual slope.

Many of the larger lakes in the Region have been developed by the construction of dams along rivers. These areas are widely used by communities for recreation and a spill can impact these activities. Conditions vary whether a water way is a tributary stream or major river. Tributaries not usually not as fast-flowing as major rivers and are often used as breeding grounds for aquatic wildlife. Also, tributaries do not "flush out" as fast as major rivers and spill material may collect in pools or eddies.

- B. <u>Season</u>: Water flow and the dispersion of flora and fauna varies widely with the season. Determine what species and habitats are more susceptible at different times of the year. In the winter time, vegetation is dormant and less vulnerable than in the summer growth seasons. The animal communities found in and around a waterway also differ in members and numbers throughout the year.
- C. <u>Habitat</u>: The types of habitat that may support endangered species are not uniformly distributed on rivers, even those rivers which are similar. Evaluate the potential for sensitive habitats by the amount of development present on the river, the impact of past spills or whether the location could be considered pristine.
- D. Lists/Maps: Consult Ecologic Information Catalog, contained in Appendix F1 & F2 for a listing of potential environmental and ecologic areas found in the Region. This listing outlines areas such as protected sections of rivers, public and privately held conservation areas, and State and National Wildlife areas. Also, included is a listing of endangered species by county for each state in the Region along with a state map. Consult these resources for information on areas immediately effected by a spill and areas which might be impacted as the spill progresses. In the future, the Region hopes to develop a Geographical Information System program which will incorporate all relevant data onto a computer based system.
- E. <u>Local Resources</u>: Determine what local sources of information are available for the area of the spill. Consult State Heritage Programs or local conservation groups for detailed information concerning impacts a spill might have on the areas biologic systems.
- F. <u>On-Scene Conditions</u>: Use own observation and the information gathered by advance teams concerning the factors are present at the spill and the areas likely to be impacted. Conduct reconnaissance of waterways to determine what areas are likely to be sensitive and then verify or deny. All spills have different components, as do all eco-systems and natural habitats. Use all information possible to determine the best method for determining the most effective strategy for protecting sensitive environments.

ECONOMIC

Economic sensitive areas have been determined by the Oil Pollution Act of 1990 as public drinking water intakes. These facilities are located on the shores of streams or rivers used as a municipal water source. These intake points can be located by contacting the local agencies concerned with local water supply. These agencies should be notified of the spill as soon as possible and advised to prepare for the protection of the municipal water intakes. Additional protection measures may have to be undertaken to prevent the contamination of the local drinking water supply.

APPENDICES

Information concerning sensitive areas are attached to this annex in two appendices outlined below.

{THIS INFORMATION IS STILL BEING PREPARED}

APPENDIX F-1 - Endangered Species Information

Appendix F-1 provides a listing of endangered species, presented for each state by county, found throughout the Region. Provided is a map of each state, showing the county boundaries and the watersheds. When a spill occurs along a particular waterway or body of water, the spill site is located by the county in which it occurs. Once the county is known, its location is determined on the map by using a directory provided with the map. The *responder* then turns to the list for endangered species in that county. Adjacent counties can also be located on the map to identify species that might be threatened downstream from the spill.

Also provide in Appendix F-1 are contacts for additional sources of information. Included are contacts with the U.S. Fish and Wildlife Service, the State's Natural Resources Departments, the State's Natural Heritage Programs, and other relevant agencies and services which might provide information on endangered species.

APPENDIX F-2 - Critical Habitat Catalog

Appendix F-2 provides information on the critical and endangered habitats found throughout the Region. Information is provided on parks, preserves, refugees, and protected areas. The information is presented in a category by category format and maps are provided to aid in the location of the habitats.

ADDITIONAL INFORMATION SOURCES:

AGENCY RESOURCES

* Regional Response Center

Located in the Region IV Headquarters; Response Center contains sources of information and resources developed in this Annex. Included in this information is the identified sensitive environments for Region IV.

- * National Response Center
- * Regional Response Team
- * National Response Team

ADDITIONAL RESOURCES

* U.S. Fish and Wildlife Service

This agency monitors and protects the endangered species found throughout the United States

* State Natural Heritage Programs

These programs monitor bio-diversity in the individual states. They have been described above and contact sheets are included in Appendix 1.

RESPONSIBLE FEDERAL AGENCIES FOR SPECIFIC ENVIRONMENTAL RESOURCES CON'T

AREAS	RESPONSIBLE AGENCY
National River Reach designated as recreational	EPA
Federal or State designated scenic or wild river	Dept. of Interior
National Conservation areas	Dept. of Interior Bureau of Land Management
Hatcheries	U.S. Fish and Wildlife Service
Waterfowl management areas	U.S. Fish and Wildlife Service

(Taken from Attachment D-I, Appendix D)

NOTE:

WHERE EPA IS DESIGNATED AS THE RESPONSIBLE AGENCY, THE INFORMATION WILL BE PROVIDED BY THE APPROPRIATE REGIONAL OFFICE.

PLEASE CONTACT STATE AND LOCAL AGENCIES FOR INFORMATION ON RESOURCES THEY MANAGE.

SUMMARY OF 40 CFR PART 112, APPENDIX D

The following has been compiled from Appendix D of 40 CFR 112, which is concerned with the *Oil Pollution Act*. The information summarized below covers sensitive environments and critical habitats. For detailed information on this topic refer the Appendix.

AREAS	RESPONSIBLE AGENCY
WETLANDS, as defined in 40 CFR 230.3	EPA
CRITICAL HABITAT for endangered/threatened species	NOAA U.S. Fish and Wildlife Service
HABITAT used by endangered/threatened species	NOAA U.S. Fish and Wildlife Service
MARINE SANCTUARIES	NOAA
NATIONAL PARKS	Dept. of Interior National Park Service
FEDERAL WILDERNESS AREAS	U.S. Department of Agriculture
COAST ZONE MANAGEMENT ACT designated areas	NOAA
NATIONAL ESTUARY PROGRAM	NOAA
NEAR COASTAL WATERS PROGRAMS areas	EPA
CLEAN LAKES PROGRAM critical areas	EPA
NATIONAL MONUMENTS	Department of Transportation
NATIONAL SEASHORES RECREATIONAL AREAS	Department of Interior National Park Service
NATIONAL LAKESHORE RECREATIONAL AREAS	Department of Interior
NATIONAL PRESERVES	Department of Interior
NATIONAL WILDLIFE REFUGES	NOAA U.S. Fish and Wildlife Service
COASTAL BARRIER RESOURCES SYSTEM(units, undeveloped, partially developed)	U.S. Fish and Wildlife Service

RESPONSIBLE FEDERAL AGENCIES FOR SPECIFIC ENVIRONMENTAL RESOURCES

CONTINUED ON NEXT PAGE

ANNEX G WORKER HEALTH AND SAFETY

PURPOSE: When conducting a response, quick actions are needed to minimize the impact of the spill and to prevent further migration of the spill. Also crucial is the health and safety of workers, both contractors and volunteers, is crucial. A plan must be developed from the onset of response actions outlining the proper working conditions necessary to ensure the safety of cleanup personnel. No response can be considered effective if personnel are injured and the need for a swift cleanup is put ahead of health and safety concerns. The Incident OSC is responsible for inspecting and correcting poor or dangerous work conditions. The OSC needs to monitor all health related issues and dedicate specific Health and Safety oversight personnel when necessary. It is possible to prepare a generic safety plan which can be used in the event of an emergency spill response action. The plan must contain the appropriate attachments to cover the work required. Safety guidelines concerning worker health and safety are outlined in 29 CFR 1910.120 and should be consulted in the development of a response plan.

SCOPE: This Annex provides the necessary information for the Incident OSC to construct an emergency response oriented safety plan. The scope of a safety plan should provide the basic safety guidelines and attachments which cover the work anticipated onsite. Provided in the Appendix of this Annex are various guidelines and SOPs which can be used to construct a non site specific safety plan to be used in emergency situations. In the event of a release, the Incident OSC can refer to the index of attachments provided in the Appendix and select the relevant information. These files can then be used to form a safety plan covering the known hazards occurring at the spill.

RESPONSIBILITIES:

A. INCIDENT OSC: It is the overall responsibility of the Incident OSC to determine the appropriateness of the level of health and safety measures taken during the course of a response action. When the State or the responsible party have taken the lead in a response, the OSC should review the implemented safety procedures and determine if they are adequate for the given situation. If the level of safety does not meet the proper guidelines, an unaddressed health or safety concern exists, or the OSC determines that a threat to the health and safety of onsite worker exists, then the OSC may take measures to correct the situation. If the deficiency is not repaired, the Incident OSC has the authority of take over the response action. If the response actions are being conducted by the Agency, then the OSC has the final decision on health and safety protocols for the removal. It is the responsibility of the OSC designate a site health and safety official, either the OSC or other qualified representative, to insure that no unsafe work practices are conducted. If the clean up is large enough to warrant a cleanup team(s), then the team leader(s) will be responsible for the safety of each crew.

B. DESIGNATED HEALTH AND SAFETY OFFICERS: The Incident OSC shall assume the role of the site safety officer or designate a site health and safety officer upon arrival at the response scene. The function of the site safety officer is to coordinate all health and safety issues and to monitor site activities for safety concerns. The site safety officer role is to ensure that all workers are properly trained, to organize the training of volunteer workers, and to prevent untrained personnel from entering the work or contaminated areas. Additionally, the site safety officer performs morning safety meetings and monitors onsite activities, performing medical and heat/stress monitoring as necessary.

C. CLEANUP TEAMS: Cleanup teams are responsible for physically removing the spilled material from the effected areas. It is the responsibility of the team leader(s) to take the appropriate steps to insure that all safety regulation are followed and to ensure the health and well being of the crew. The leader should make sure that the crews have all the necessary equipment and materials needed to conduct cleanup operation in a safe, effective manner. Examples of these are as follows; life jackets for water work, waders and gloves for shore work, and where applicable, monitoring equipment to detect the buildup of dangerous fumes or vapors. Also, the leaders need to ensure that the crew have the appropriate amount of material support with such items as replenishing drinks, warm clothes and transport. Health and safety issues relate to all aspects of the cleanup operation, not just contact with the released material.

D. ADVANCED TEAMS: Advanced teams are responsible for reconnaissance of the river downstream from the spill site. Although these personnel will not, most likely, come into contact with the spill, travelling along the waterway posses dangers to the personnel. Investigating the shore of the waterway or lake often involves moving along rocky or slippery shorelines. Care must be taken that crew members do not slip and fall into the water. They might be taken downstream, or, in the case of a winter spill, be immersed and succumb to hypothermia. If reconnaissance is conducted by vehicles, care should be taken that the proper operation SOPs are followed. SOPs for boat and helicopter safety are to be found in Appendix G-1.

E. MANAGEMENT SUPPORT: The Incident OSC or the site health and safety officer can call on Agency management to obtain health and safety information from the Regional Response Team (RRT), the Regional Response Center (RRC), and from the Regional Incident Coordination Team (RICT). Branch management shall obtain assistance in health and safety issues through other agencies such as the Occupational Health and Safety Administration (OSHA). Management support can also assist in deploying further Agency resources to the spill scene as needed.

F. OCCUPATIONAL HEALTH AND SAFETY ADMINISTRATION (OSHA):

OSHA is a division of the Department of Labor which regulates work and health safety issues. OSHA's role and responsibilities are outlined in 29 CFR 1910.120 and these regulations cover hazardous material worker safety. Site safety plans and safety precautions are also mandated by these regulations. OSHA has the power to inspect response site to determine if all necessary safety precautions are being met. To insure that all health and safety issues are being addressed, select a qualified individual to be the site health and safety officer, this being a person with adequate experience and training, and consult an industrial hygienist or health and safety professional on any questions or concerns.

{MORE TO BE ADDED}

PROCEDURES:

PRE-RESPONSE PROCEDURES: Before responding to a spill, responders needed to identify the material in order to determine the associated health risks. If an exact determination of the spilled material can not be obtained, the most likely suspected material should be used to formulate a health and safety plan. The plan should be developed to provide sufficient safety information to cover all expected work and provide provisions for obtaining additional information as soon as possible. It is the responsibility of the Incident OSC to put the safety plan into effect upon arrival at the scene.

INITIAL ONSITE PROCEDURES: Upon arrival on site, the Incident OSC should initiate the safety measures outline the plan, if safety measures have not already been implemented by either the responsible party or State. If appropriate, the Incident OSC shall designate a site health and safety officer. If safety measures have been implemented, the Incident OSC should inspect these measures to determine if the are appropriate and if they should be expanded. The OSC should review all health and safety related issues to ensure they are no unaddressed dangers and clearly any unresolved topics.

CLEANUP PROCEDURES: Once response work begins, the Incident OSC or the health and safety officer should monitor and adjust health and safety procedures and practices to ensure they match the work being conducted. If the scope of work changes, the OSC should initiate the appropriate changes to the safety plan.

An overall safety protocol shall be implemented for extended response those lasting more than just a few days. This protocol shall include such things as daily meetings, air monitoring (if necessary), first aid and medical monitoring for heat and cold stress. Proper protocols for these concerns are found in Appendix G attachments (Refer to Index).

APPENDIX G-1

GENERIC SITE SAFETY PLAN

SECTIONS

Section A	Site Description	Section H	Decontamination
Section B	Entry Objectives	Section I	Sanitation
Section C	Site Organization	Section J	Emergency Procedures
Section D	Site Control	Section K	Communications
Section B	Hazard Evaluation	Section L	Safety Meetings
Section F	General Site Procedures	Section M	Safety Officers
Section G	Personnel Protective Equipment	Section N	Authorizations

ATTACHMENTS

 Generic Hazardous Substance Information (Site specific) 	13) Decon Layout
la) Oils containing Benzene	14) Decon for Oil
1b) Oil not containing Benzene	15) Briefing Log
1c) Hydrogen Sulfide	16) PPE Ensemble Sheets
2) Site Maps	17) Helicopter Safety
3) Toxic Exposure Information	18) Small Boat Safety
4) Heat Stress (Short Form)	<pre>19) On-Site Medical Monitoring</pre>
5) Heat Stress (Long Form)	20) Safety Plan Evaluation
6) Cold Stress (Short Form)	21) Site Organizations
7) Cold Stress (Long Form)	22) Safe Work Practices for Oily Bird Rehab
8) Sanitation Requirements	23) Products with Benzene
9) Confined Space Entry Checklist	24) Training Evaluation
10) Safe Manual Lifting Procedures	25) Motor Vehicle Safety
11) Simplified Work Plan	26) Bites, Stings, and Plants
12) Monitoring Report Sheets	27) Container handling and Spill Containment

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ANNEX H FUNDING AND CONTRACTING

PURPOSE: Under CERCLA and OPA, the party(ies) responsible for discharges or releases are liable for cost of the response and cleanup. If the party is unable or unwilling to act promptly to remove or mitigate the discharge, response actions may be intitiated by the Incident OSC. In order to carry through on such a decision there must be adequate funding along with support and documentation mechanisms.

SCOPE: This Annex provides the Incident OSC and response staff with the proper guidance to secure adequate response funding and adhere to applicable contracting requirements. In addition, this Annex describes the funding mechanisms available for response and outlines the procedures to follow to properly document expenditure of those funds.

RESPONSIBILITIES and PROCEDURES:

A. Funding

1. <u>Hazardous Substances Releases:</u> CERCLA funds are available to respond to and cleanup hazardous substance releases. Region IV is given funding on a quarterly basis. In the event that adequate funding is not available for the response, EPA Headquarters should be contacted immediately to obtain funding.

EPA OSCs have been delegated emergency procurement authority of up to \$50,000. If that amount is not adequate to fund the response, the Waste Management Division Director can approve a removal cost ceiling of up to \$2,000,000.

2. <u>Oil Discharges:</u> Funding for removal of oil discharges is available from the Oil Spill Liability Trust Fund, managed by the USCG National Pollution Funds Center. Procedures for accessing this fund are outlined in the Oil Spill Response Checklist.

EPA OSCs have been given ordering authority for BOA contracts of up to \$25,000.

1. Federal Project Number and Incident Ceiling

The Incident OSC is responsible for ensuring that adequate funding is available to conduct the response and that costs remain within established ceilings.

Applicable duties for the Incident OSC:

- a. Contact the appropriate USCG district to obtain a Federal Project Number (FPN) and a cost ceiling.
- b. Monitor costs daily to ensure that cost ceiling is not exceeded.
- c. Request ceiling increases from the USCG district when total project costs reach <u>eighty-five (?)</u> percent of the incident ceiling.
- d. <u>Documentation Requirements</u>: to be developed.

2. Reimbursable Account

A reimbursable account should be set up under the following conditions:

- a. When funds are needed for EPA employees to travel to the incident.
- b. When it becomes necessary for EPA Contracting Officers to apply their warrant authority to issue contracts for the response.

A reimbursable account may be set up with the EPA Financial Management Center, Cincinnati, OH using procedures outlined in the Oil Spill Response Checklist. In the event that there is no existing blanket Interagency Agreement (IAG) with the USCG, an incident-specific IAG may be used to set up a reimbursable account.

3. Natural Resource Damage Assessments

The responsibility for securing funds for Natural Resource Damage Assessments shall rest with the relevant trustee(s) for the incident.

B. Contracting

This section covers the mechanisms to secure both private and governmental services to assist the Incident OSC in carrying out the response action. The contracting function will reside in the Logistics section of the response organization.

1. Contracting Officers

a. <u>USCG Maintenance and Logistics Command</u>: Atlantic (MLCLANT): Located in Governors Island, NY, MLC is the primary contracting authority for oil spills. b. <u>EPA Contracting Officers</u>: EPA COs have the authority to obligate EPA funds. In order for an EPA CO to commit oil response resources on behalf of the federal government, a reimbursable account would first need to be set up (see Funding). EPA COs may be requested by the Incident OSC through the Regional Incident Coordination Team (RICT).

2. Cleanup Contractors

- a. <u>Basic Ordering Agreement (BOA) Contractors</u>: BOA contractors may be activated by contacting MLC. BOA contractors have pre-negotiated rates for labor, equipment, and materials. A current list of BOA contractors is maintained in the Blue Book.
- b. <u>EPA Emergency Response Cleanup Services (ERCS)</u> <u>Contractors</u>: In a worst case discharge EPA ERCS contractors may be called on to respond. Because their contracts and ceilings are tied to available CERCLA funding, the procedures outlined below for securing the services of a non-BOA contractor should be followed.
- c. <u>Non-BOA Contractors</u>: Securing the services of a non-BOA contractor will require negotiation of rates by a CO. These contractors may require some assistance in understanding documentation and invoicing procedures. The USCG Maintenance and Logistics Command publication will help the contractor understand this process.
- d. <u>TAT Contractor</u>: Though not a cleanup contractor, the EPA Technical Assistance Team is available to provide assistance with documentation, sampling and analytical requirements, and Mobile Command Post Operations. TAT assistance is provided through the issuance of a Technical Direction Document (TDD).
- e. <u>Oil Spill Response Organization (OSRO)</u>: The National Strike Force Coordination Center, Elizabeth City, NC rates contractors on their capabilities to handle various sized incidents based on where the spill occurs. A contractor rated "E" is the most qualified, and an "A" the least qualified.

3. Government Agency Services

a. <u>Federal</u>: Refer to the Base Plan for the specific services each agency can provide. Federal government agency services may be secured through the use of a Pollution Removal Funding Authorization. When time permits or where more detail is necessary, an IAG may be negotiated with the relevant agency. The Coast Guard Strike Teams do not require such documents for oil spill responses.

- b. <u>State</u>: A state agency may be contracted through a Letter Contract. The ceiling on this type of contract is \$10,000.
- c. Local: See b.

(Are instructions on PRFAs and Letter Contracts necessary?)

4. Subcontracted Procurements

Office space, equipment, materials, labor, and transportation and disposal will, in most cases, be provided through the various contract mechanisms and billed to the government as part of the incident specific costs.

5. Government Procurements

In the event that contractors cannot provide certain goods and services, they will be procured by the government, with Contracting Officers and procurement staff overseeing the purchases. The Agency maintains a Mastercard/Visa which is available for rapid, streamlined purchases. The per purchase limit for the Mastercard/Visa is \$2500. Purchases by EPA will require a reimbursable account to make the funds available.

6. **Procurement Constraints**

The following information is provided as general guidance on federal procurement regulations. A CO should be contacted for specific details and to ensure that these rules are adhered to throughout the incident.

a. The Federal Acquisition Regulations (FAR) §6.302-2 allow government purchases without full and open competition in situations of "unusual and compelling urgency". Federal response to a (major/ worst case?) discharge meets the FAR criteria for "unusual and compelling urgency". Some justification or certification must be provided after the fact at the following levels of approval:

Under \$100,000	Contracting Officer	
\$100,000 to \$1,000,000	Competition Advocate	
Over \$1,000,000	Director, Office of	
	Acquisition Management	(OAM)

ANNEX I PUBLIC INFORMATION

PURPOSE: When an incident occurs, it is imperative to give the public prompt, accurate information on the nature of the incident and the actions underway to mitigate the damage. Those in charge of the response and associated public relations personnel should ensure that all appropriate public and private interests are kept informed and that their concerns are considered throughout the response. Sections 300.155, 300.415, 300.430 and 300.435 of the NCP require the establishment of a means for coordinating, informing and updating the public during the response and removal activities. A prompt and full information flow is essential to getting cooperation from people and keeping them informed.

SCOPE: This Annex outlines the responsibilities responders, primarily the OSC, have to the public during a response and the resources available to fulfill those discusses It also provides a number of guidelines for responsibilities. handling media interaction, public relations and political interest. Often the success or failure of a response effort is not based upon what actually took place, but upon the information the media and the community received. The following guidelines will assist in the development of a successful public information system during a response.

GOALS OF A PUBLIC INFORMATION SYSTEM 1. Reach the affected public as soon as possible regardless of the time of day or night. Also provide updates on a routine basis or as incident conditions change. 2. Inform the public of the situation and all associated threats. 3. Tell the public what actions to take. 4. Give follow up information as to when the next update will be and who they can contact for additional information. 5. Clear all information through the OSC or Incident Commander prior to release to the public.

RESPONSIBILITIES:

A. OSC: According to the NCP, the OSC and designated public relations personnel are responsible for keeping both public and private interests informed of the nature of the incident and the actions being taken to mitigate the threat. The size of the OSC's public information staff depends upon the response situation. It is up to the Incident OSC to designate the media and community spokespeople for the incident and allow them to coordinate public relations activities. When necessary, the Incident OSC shall be available to meet with the media and local community members to answer questions and present technical information.

B. EPA Community Relations Coordinator (CRC): Primary resource for coordinating the preparation of fact sheets, public meetings, community interviews and any other activities to inform the community, residents and private interests, impacted by the incident.

C. EPA Office of Congressional Affairs (OCA): As a liaison for the responders in the field, EPA's OCA keeps dignitaries, State and Federal elected officials and local representatives fully informed of all response events. The OCA is also the official escort for prestigious site visitors.

D. EPA Office of Public Affairs (OPAff): Provides support in media relations tasks, such as developing press releases, processing information requests from the media, or acting as an Agency spokesperson. Assistance may be requested directly from the Incident OSC or from the CRC.

E. Public Information Assist Team (PIAT): If requested, the PAIT will provide personnel and expertise to the OSC needing additional assistance with the media. The PIAT, a highly specialized, self-contained, public affairs resource, is available through the National Response Center (NRC) or the USCG National Strike Force Coordination Center (NSFCC).

F. Joint Information Center (JIC): For major spills where media activity will last more than 2-3 days or a large number of agencies and organizations are involved, a JIC should be established to coordinate the Public Information activities of all participating agencies and parties. This allows journalists and spokespeople to coordinate media relations from a central location and ensures that accurate information is released rather than rumors and speculations. If a JIC is established, the spokesperson designated by the Incident OSC shall speak for all the agencies present at the response. Each agency can speak for itself about their specific activities, however not the activities of other agencies. Specific responsibilities and additional information for the JIC are presented in Appendix I-3.

PROCEDURES:

A. INITIAL PROCEDURES: The Incident OSC has primary responsibility for public relations during a response. For effective and accurate information distribution, the Incident OSC shall appoint spokespeople by using the following guidelines:

Minor spill: may only need one spokesperson who can coordinate information from the Regional Office. The Incident OSC is the only on-site spokesperson.

Medium or Major spill: both a media spokesperson (MS) and a CRC may be needed on-site. May establish a support and briefing center near the incident. In addition, a separate protocol officer (PO) may be needed to handle VIP visitors.

Worst case spill: a MS, a CRC and a PO shall be selected to conduct activities at the incident. A JIC shall be established as the primary public affairs center.

- B. MEDIA RELATIONS: conducted by the Media Spokesperson (MS)
 - 1. Prepare press releases and media statements from information gathered from the Incident OSC, POLREPS, fact sheets, etc. Update at least daily or as status of response changes.
 - 2. Brief the Incident OSC each morning on media coverage of the incident and specific public affairs goals for the day. The Incident OSC should update the press release at this time. If media interest is extremely high, the OSC should be briefed more often than once a day.
 - 3. Arrange for and coordinate press conferences as required by the response events. A media availability session with the Incident OSC should be conducted once a day during the critical days of the response effort or when media interest is great. For additional information on how to conduct a press briefing, refer to Appendix I-2.

All designated spokespeople report directly to the Incident OSC who should be continuously updated on all media and community activities. In addition the Incident OSC shall review all press releases, fact sheets, and any other items before being released to the media or community. All media and community inquiries should be directed to the appropriate spokesperson.

The primary purpose of the availability session is to put forth the Incident OSC's assessment of the progress of the response, its secondary purpose is to answer media questions.

C. COMMUNITY RELATIONS: conducted by the Community Relations Coordinator (CRC)

- 1. The CRC shall prepare fact sheets and distribute them to the impacted community. Fact sheets may be updated as response events change or as otherwise necessary. An example of the standard fact sheet format is presented in Appendix I-1 along with a generic fact sheet on oil spills.
- 2. If the threat to the community is significant or the interest is large, the CRC may go door-to-door to meet with individuals and discuss any concerns they may have. This is also an excellent opportunity for the CRC to collect from the community, information about the release, the responsible party(ies), etc.
- 3. Arrange for and coordinate a public meeting or public availability session to inform citizens of ongoing activities and to receive citizen feedback on the proposed course of action. The meeting is not a substitute for other communication methods, but instead should provide a technical presentation and the opportunity for a questionand-answer session. Refer to Appendix I-2 for guidelines for conducting public meetings.

D. INTERNAL INFORMATION: Internal information is the process of informing the response personnel of the status of all the response activities. At a minimum, all personnel assigned to response duties should be provided with access to the daily press releases and fact sheets. This will help ensure a consistent and accurate flow of information. For additional information on communication during a response refer to Annexes B and E.

E. VIP RELATIONS: conducted by the Protocol Officer (PO)

- 1. The PO can be selected from the OCA or another similar organization.
- 2. The PO shall be the liaison between the Incident OSC and all interested VIPs (i.e., Congressional Representatives, local officials, politicians, etc.). It will be up to the PO to gather information from the MS and CRC and distribute it to the appropriate VIPs. The PO shall also coordinate air and ground transportation for the VIPs when travelling to and around the site.
- 3. The PO shall also escort VIPs around the incident site. All tours must be coordinated through the Incident OSC, in advance, to determine which areas can be visited and which to avoid. The Health and Safety Coordinator must also determine where people can go based upon their 40-hour safety training status.

4. When VIPs visit or tour the site, the Incident OSC shall make an effort to meet and talk with them to answer questions and clarify information.

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F. ACADEMIC INTERESTS and PRODUCT SALES REPRESENTATIVES: All individuals and parties representing companies, schools and universities should be directed to the designated Scientific Support Coordinator. Refer to Annex J.

METHODS FOR INFORMING THE PUBLIC

The following discussion examines the various means of public involvement and information dissemination. It also shows the relative strengths and weaknesses of each strategy.

METHOD	STRENGTH	WEAKNESS
FACT SHEETS go to Appendix I-1	Can include details and graphics regarding technical activities; can include points of contact and phone numbers if people need more information.	Often time consuming to distribute to each community member; creates, possibly, more questions than answers.
PRESS RELEASES go to Appendix I-1	Can include details and graphics regarding technical activities; can include points of contact and phone numbers if media members need more information; can be faxed to media outlets.	Must make sure to distribute evenly to avoid giving one media representative an advantage over another; should be continuously updated on a regular basis until incident is concluded or no more media interest.
DOOR-TO-DOOR	High credibility; provides details; can target to a specific geographic area; reaches everyone; builds excellent public relations; adds a personal touch and provides an opportunity to address individual concerns.	Takes time; occupies personnel who may be needed in other aspects; cannot cover wide areas due to high personnel requirements; expensive in both money and time.
PUBLIC MEETINGS/ PRESS BRIEFINGS/ AVAILABILITY SESSIONS go to Appendix I-2	Best methods for providing detailed information in a brief amount of time.	Must notify people about meeting; public and media must be moderated to keep meeting from getting out of control; cannot be easily called whenever information needs to be updated; too many meetings will result in loss of interest.
TELEPHONE HOTLINE (1-800-NUMBER)	Manned 8-10 hours a day; gives public instant access to someone to answer questions; public feels less in-the-dark.	Can be overwhelmed with calls; often have to limit who has access to the phone number which reduces public's access to information; need one person dedicated to phone at all times.
RECORDED MESSAGES	Reduces the amount of time the MS, CRC, and PO must spend on individual phone calls; people can receive updates at their convenience; often is the most updated source of information.	Must ensure that people receive phone number; must keep updated; cannot use jargon or technical words that are not widely understood by the public; does not allow addressing of individual questions or concerns.

METHOD	STRENGTH	WEAKNESS
AM/FM RADIOS	Instant communication; provides detailed information and frequent updates; nearly universal access; portable and auto radios operate during power outages.	Users must be tuned in to receive information; stations give inconsistent priorities to news information; broad reach of the transmission means areas and people not affected by release receive the message.
TELEVISION	Gives event credibility; available in most households; gives up-to-date, detailed information; can show video footage, graphics, diagrams, etc.; can cut into regular broadcast to give emergency information.	Narrow window of opportunity since people work and sleep; broad reach goes out to people not impacted; affected by power outages; cable channels are only received by subscribers.
NEWSPAPER	Good for non-time critical information; inexpensive and widely distributed; detailed coverage; good for meeting announcements.	May only be published once a day or week; will not include up-to-the-minute information; may not reach a large portion of the affected community.
TOUR OF SITE	Provides direct information to a limited number of people.	Not useful for large numbers of people; some degree of physical risk.
POLREPS/SITREPS go to Annex B	Contain site details in a specific format; good for internal communications; can be edited for fact sheets and press releases.	May contain confidential information not releasable the public.
DIRECT MAILINGS	Useful to inform people in a specific geographic area of upcoming events or information that directly affects them.	May be time consuming and logistically difficult; often costly, especially if sending return receipt.

APPENDIX I-1. FACT SHEETS and PRESS RELEASES

A. FACT SHEETS: The following Sample Fact Sheet should be used as a template for the Incident Fact Sheets. The fact sheet is designed to provide the impacted community with important incident details. Fact sheet should be written in non-technical terms and updated as often as possible for distribution to the individual members of the community.

Sample Fact Sheet

U.S. ENVIRONMENTAL PROTECTION AGENCY FACT SHEET

"Name of Incident" "Date"

CONTACT

PHONE:

FAX:

SITUATION: summarize events to-date, explain how the responders got involved and explain their roles

WHAT HAPPENED (or is Happening now): describe the spill, any response efforts, future plans, etc.

WHEN: give timeframes, progress expected, etc.

WHERE: exact locations, where was oil, where is it now, where is it going?

WHO: who is responding, what are there plans, etc.

HOW: how much does it cost, how long will it go on, etc.

WHY: explain why the release occurred, why certain methods are being used, use this block to clarify any information from above that may confuse or mislead the readers

Graphics/Pictures:

Additional Information:

B. PRESS RELEASE: The following Sample Press Release should be used as a template. Press releases are designed to provide the media with important incident details. They should be updated as often as possible and distributed to the media points-of-contact via fax or over the wire.

Press releases are written in an inverted pyramid sequence. The most important information is in the first paragraph. Remaining facts are then included in the release in descending order of importance. Basic information for a press release <u>must include</u>: who; what; when; where; how; and why.

Sample Press Release

US ENVIRONMENTAL PROTECTION AGENCY Region IV

Office of Public Affairs

Name of Site Location

Date

Current Site Activities

Brief Site History

Future Activities

Any other pertinent information

APPENDIX I-2. MEETINGS and BRIEFINGS

Guidelines: Pollution incidents that generate significant media and community interest normally require press briefings and public meetings. Given the emergency situation and the dangerous nature of the incident, people want immediate answers and the assurance that life will quickly return to normal. It is not uncommon for such briefings and meetings to become shouting matches filled with citizens, politicians, private groups, environmental organizations, etc. each trying to express their concerns.

The following guidelines have been included to assist both the Incident OSC and the associated public information officials in preparing for such events. Through careful preplanning much of the tension can be removed from the actual meetings.

- _____ Quickly identify buildings that are large enough and available to handle the meetings during their scheduled times. Try to find a location near the incident site. Possible meeting sites include: fire stations, city halls, schools, police stations, or other state and local government buildings.
- ____ If meetings and/or briefings are to be on a routine basis, be sure to publish the times and locations well in advance.
- Provide a press release, statement or press packet to the media prior to holding a press briefing.
- ____ The CRC or MS should have a clear idea of the specific points to be discussed and anticipate questions that may be asked. Rehearse questions with everyone making a presentation at the meeting, especially the Incident OSC.
- Keep meeting structured but flexible. This flexibility is required to address community concerns which at times may be different from the scheduled agenda. If a meeting is overly structured many community concerns will not be heard or addressed.
- ____ Be sure to invite top officials and make sure that they are upto-speed on all special interest topics.
- _____ Facilitate presentations and clarify information by using charts, diagrams and any other available visual aides. This may require creativity due to the emergency situation and often remote location of the incident.
- ____ If the meeting does get out-of-hand, end it whether all presentations have been given or not. Do not become the victims for other peoples' pent up anger and frustration.

APPENDIX I-3. JOINT INFORMATION CENTER

As stated earlier, the JIC is established when the response is expected to last several days or there is overwhelming community and media interest.

RESPONSIBILITIES OF THE JIC INCLUDE:

- 1. Providing phone lines, manned by knowledgeable individuals, to answer incoming calls;
- 2. Ensuring state and Federal government information representatives are available;
- 3. Issuing press releases to the media and providing copies to response officials;
- Scheduling and coordinating news conferences and media briefings;
- 5. Providing the party responsible for the spill (RP) an opportunity to coordinate their media efforts with those of the OSC.

The JIC serves two purposes: to provide "one stop shopping" for journalists, and, to coordinate media relations by locating all spokespeople together. The size of the JIC will depend on the number of agencies involved and the level of media interest. A small JIC can be managed out of a one or two rooms. However, larger JICs may require an entire building.

For larger JICs, a Director is needed to keep things running smoothly. Because the EPA will be the lead federal agency for a spill requiring a JIC, the Incident OSC shall select an EPA spokesperson to serve as the JIC Director.

Specific sites for the JIC should be selected as soon as possible after responding to the release. Find a location near the incident but separate from the Incident Command Center. This allows for greater control over information flow without disturbing the response operations. A large JIC usually contains three sections: a large workroom with tables or desks for each represented agency; a separate room for journalists to write and file stories; and a room for press briefings. If such rooms are provided, they must contain enough phone lines to accommodate each agency's phone and fax machine.

1. <u>Workroom</u>: will be very busy and may be manned 24-hours a day. Figure on a space large enough to provide a two-person work area for each organization involved. The JIC will also need a room for the Director. Phone lines and fax machines are essential.

2. <u>Reporter's Room</u>: can be very simple to allow reporters to work in private. Be sure to provide phone lines to keep reporters from using the phone in the workroom. 3. <u>Briefing Room</u>: needs to be large enough to hold 20-30 reporters and several TV cameras. It should have a podium or tables for a panel to face the audience during question and answer sessions. Good to have two exits; one behind the podium to allow representatives to exit without wading through reporters.

Under most spill scenarios, a JIC of this magnitude will not be necessary, however careful preplanning can minimize the confusion created by a major or worst case discharge. Should such a situation occur, the National Strike Force's Public Information Assistance Team (PIAT) is always available to help. Contact names and phone numbers are located in the EPA Emergency Response and Removal Branch's Blue Book.

ANNEX J SCIENTIFIC SUPPORT

PURPOSE: Responding to an oil spill or hazardous substance release requires a special expertise to identify and mitigate the immediate problem and to prevent future damage. Given all the demands during a response, it is difficult for the Incident OSC to be the technical expert on all scientific issue. Often, it is even difficult to oversee those experts that show up at the spill site. To assist with such tasks, a Scientific Support Manager (SSM) and team are selected to advise the Incident OSC on scientific and technical matters.

SCOPE: The Scientific Support Team (SST) can provide a variety of services during a response. This Annex presents the most important, but often overlooked, roles required to effectively assist the Incident OSC in managing scientific and technical demands. The resources available for support are discussed along with specific responsibilities.

RESPONSIBILITIES:

The SST is managed by the designated SSM which acts as a liaison between the Incident OSC and the scientific community. The responsibilities of both the SSM and SST include:

- 1. act as the principal liaison for scientific information and will facilitate communications to and from the scientific community on response issues.
- Make recommendations to Incident OSC and Logistics Coordinator on response strategies, technologies and priorities;
- 3. Prepare trajectory models and impact predictions;
- 4. Work closely with Natural Resource Trustees and resource managers;
- 5. Prepare and implement sampling and monitoring plans to determine the extent of contamination and the effectiveness of cleanup actions;
- 6. Provide information regarding toxicology, health effects, etc. associated with the oil or hazardous substances released;
- 7. Provide guidance and information on water treatment;

- 8. Coordinate response activities with wildlife rescue and rehabilitation activities; and,
- 9. Act as the point-of-contact for research opportunists and product sales representatives.

PROCEDURES: TO BE DEVELOPED

PRIMARY AGENCY RESOURCES:

- 1. USEPA Environmental Response Team (ERT): ERT has expertise in treatment technologies, biology, chemistry, hydrology, geology and engineering. ERT's primary functions for a response include:
 - a. 24-hour emergency response capabilities and assistance;
 - b. consultation in water and air quality criteria, health and safety protocols, ecological risk assessment, interpretation and evaluation of analytical data, and engineering and scientific studies;
 - c. development and implementation of site-specific safety programs;
 - d. provide specialized equipment for monitoring, analytical support, waste treatment and containment and control;
 - e. technical expertise for enforcement issues;
 - f. training;
 - g. technical experts for presentations at public meetings;
 - h. design specialized computer software to assist in hazardous material cleanup and remediation;
 - i. operate and evaluate instrumentation and field response systems;
 - j. sample and analyze air, water, and soil and perform biological and ecological assessments; and,
 - 1. conduct on-site health and safety assistance.
- 2. NOAA Scientific Support Coordinators (SSC): SSCs are available, at the request of the OSC, to assist with actual or potential responses to discharges of oil or relapses of hazardous substances, pollutants or contaminants. Generally, SSCs are provided by the NOAA in coastal and marine areas. Typically, ERT acts as the EPA SSC during inland events, however NOAA SSCs can provide expertise in chemistry, plume trajectory modeling, natural resources at risk and data management.
- 3. Agency for Toxic Substances and Disease Registry (ATSDR): As part of the Public Health Service (PHS), ATSDR provides emergency response assistance, gives health consultations in public health emergencies, provides technical assistance and estimates health risks to humans from exposure to hazardous substances. Specific roles during an emergency include:

- a. Health Assessments: evaluate data and information on the release of hazardous substances into the environment in order to: assess current or future impact on public health, develop health advisories or other health recommendations, and identify studies or actions needed to evaluate and mitigate or prevent human health effects.
- b. Toxicological Profiles: summarize and interpret available data on the health effects of hazardous substances and to initiate toxicological and health effects research, where needed.
- c. Emergency Response: provide health-related support in public health emergencies, including public health advisories, involving exposure to hazardous substances.
- 4. USCG Strike Teams: USCG Strike Teams can provide technical support in communications, oil and hazardous substances removals, shipboard damage control, and are equipped with specialized containment and removal equipment. The Strike Teams also have rapid transportation capabilities.
- 5. Technical Assistance Team (TAT): As a contractor to the USEPA, the TAT provides personnel, materials and equipment to augment response activities. In a spill situation, TAT personnel are under the direction of and provide support to the Incident OSC, however they can serve as member on the SST. Specific science and technical related activities include, but are not limited to:
 - a. collecting samples;
 - providing analysis of samples at a USEPA contract lab or a non-contract lab, if necessary;
 - c. providing data to identify the existence and extent of a release, the source and nature of the release and the extent of danger to the public;
 - d. identifying personal safety requirements;
 - e. monitoring cleanup personnel;
 - f. evaluating disposal options;
 - g. assisting in the assessment of the feasibility and effectiveness of containment, on-site treatment and removal options; and,
 - h. performing surveillance activities.
- 6. Emergency Response Contracting Service (ERCS): ???? provide equipment, personnel, etc. serve in a support role rather than a advisory role although they can provide input to assist the IOSC in making a decisions.
- 7. USEPA Emergency Services Division: sampling???

SECONDARY AGENCY RESOURCES:

1. USEPA Office of Research and Development (ORD):

- 2. USCG National Strike Force Coordination Center (NSFCC): The USCG NSFCC, located in Elizabeth City, North Carolina, is the coordination center for the three USCG Strikes Teams (Atlantic, Gulf and Pacific). An OSC may call on the NSFCC for the following support during a spill response:
 - a. Technical assistance, equipment and other resources;
 - b. Coordination assistance for use of private and public resources; and,
 - c. Assistance in locating spill response resources, both nationally and internationally.
- 3. Radiological Assistance Teams (RATs): RATs have been established by EPA's Office of Radiation Programs (ORP) 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. RATs can provide on-site support including mobile monitoring laboratories.
- 4. USCG Public Information Team (PIAT): The Coast Guard PIAT is available to assist OSCs to meet public information and participation demands.
- 5. US Geological Survey (USGS): Although the USGS typically provides assistance with long-term remedial Superfund sites, they can provide information on surface- and groundwater resources and hydrogeological data around the area of a spill. Other, more specific services provided by the USGS include: well drilling, borehole geophysics, surface geophysics, data review and search, monitoring, and data on average flow for streams and rivers.

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APPENDIX J-1. OTHER RESOURCES

CURRENTLY BEING DEVELOPED.

APPENDIX J-2. COMPUTER RESOURCES

This appendix is intended to serve as a reference for chemical and response information available through several commonly used computer on-line systems. Each system is briefly discussed in order to give readers a very general idea of the type of information available. Instructions for logging into each system are contained in the USEPA Region IV ERRB's Field Operations Blue Book.

ATTIC - Alternative Treatment Technology Information Center: a comprehensive information network providing up-to-date information on innovative treatment technologies including biological and chemical treatment, solidification and stabilization, physical and thermal treatment. Available through the ATTIC System Operator or an easy to use on-line computer system.

CAMEO - Computer-Aided Management of Emergency Operations: designed to help emergency responders plan for, and safely handle, chemical incidents. Contains nomenclature and response information on more than 4,000 commonly transported hazardous chemicals. Also contains an air dispersion model to assist in evaluating release scenarios and evaluation options. Can also be used for: response information, mapping capability, information on fire and explosion hazards, first aid, health effects, fire fighting, spill cleanup procedures and air dispersion monitoring for 700 airborne chemicals.

ERTBB - Environmental Response Team Bulletin Board: method of communication between OSCs and ERT. The bulletin board contains several areas of specific information such under various conference titles. These conferences contain information OSCs can retrieve such as copies of ERT Standard Operating Procedures and various other software packages. Accessed via modem.

HMIX - Hazardous Materials Information Exchange:

OHMTADS - Oil and Hazardous Material Technology Assistance Data Systems: includes chemical identification information, such as chemical name, manufacturer's name for the chemical, Chemical Abstract Service (CAS) number and physical properties. Data pertinent to response efforts includes: toxicity information for humans, flora and fauna; flash point reactions with other substances; protective equipment necessary for cleanup operations; transportation information; disposal information; and, methods of evacuation.

VISITT - Vendor Information System for Innovative Treatment Technologies:

provides environmental professionals with rapid access to up-todate information on 155 innovative technologies and the companies which offer them. VISITT entries display the vendor name, address, phone number, technology descriptions, highlights and limitations, and the contaminants and waste/media treated. Many of the vendors also provide a summary of performance data, project names and contacts, unit price information, and literature references. VISITT is available on disk.
ANNEX K DISPOSAL

PURPOSE: In the early phase of a response all efforts are usually focused on stopping the release and preventing its further spread. As these activities are being completed, efforts suddenly shift towards the removal of the spilled material from the environment. Often times this raises a new set of problems. Before a major removal of the material can begin the following questions have to be answered. How to get the material out? Where to store it? Where to send it? How to transport it? State and local officials should be contacted during the early phases of the response to determine the location and availability of additional disposal facilities or disposal options. It is the responsibility of the Incident OSC for determining the best disposal options for the various waste streams. Provided in this Annex is a listing of the options available at the time of plan development and the Incident OSC should verify the compliance status of a facility prior to shipping waste for disposal. Additional disposal facilities and options may have become available since the drafting of the ACP and these should be investigated.

SCOPE: The scope of the information provided in Annex K is limited to the emergency phases of a response. It is intended to provide the Incident OSC with sufficient resource material to select options for the transport, storage, and disposal of spilled material as it is being removed from the effected waterway. It does not cover methods for treatment and disposal of low-level contaminated wastes, nor does it cover long-term mitigative measures. In-situ methods, such as inplace burning or bio-remediation, are also not covered in this Annex. For specific response and containment measures leading up to disposal, see Annex D, Response Strategies.

RESPONSIBILITIES: The following is a listing of the responsibilities of the Incident OSC and other possible participants in a response action. For low volume spill, the Incident OSC's duties may overlap into the other areas listed below.

INCIDENT OSC: It is the responsibility of the Incident OSC for determining the best disposal options for the various waste streams. In this decision, the Incident OSC shall consider the following factors; environmental tradeoffs, applicability and effectiveness of the technology, costs, the results of

K-1

consultation with State RRT representatives, and any other relevant information concerning the disposal of the waste material. The Incident OSC must approval all disposal actions and insure that the method chosen provides the best possible disposal solution of the waste stream. In addition, the Incident OSC will insure that the facility chosen is in current compliance nor has other issues which would interfere with proper disposal of the waste stream. The Incident OSC is responsible for signing all hazardous waste manifests and insuring that all material is transported in a safe and appropriate manner.

The Incident OSC shall contact members of the RRT and other agencies, such as the NRT, RICT, and Scientific Support personnel, to determine if there are new and more appropriate methods for treating the spilled material.

CLEANUP TEAM OSC: This responsibility can be covered by the Incident OSC on smaller spills or a qualified person can be appointed by the Incident OSC. It is the responsibility of this OSC, as leader of the cleanup teams, to monitor cleanup efforts on the scene and to ensure that the chosen recovery and disposal methods are being properly implemented. This individual shall monitor the pumping or skimming of oil off the water's surface to ensure that the water to oil ratio is kept at a minimum. Excess water in the oil will complicate disposal and can increase disposal cost and the decrease chances for the oil being recovered for later use.

ADVANCE TEAM LEADER: This responsibility can be covered by the Incident OSC on smaller spills or a qualified person can be appointed by the Incident OSC. It is the responsibility of the Advance Team leader to estimate the logistical demands of implementing the chosen disposal methods and notifying the Incident OSC of any obstructions or problems with this implementation. The Advance Team leader should identify potential staging areas for recovery equipment.

PROCEDURES: The following sections outlines the process which the Incident OSC should undertake to evaluate the proper disposal method for a spill.

WASTE STREAM IDENTIFICATION

The first disposal step which shall be undertaken by the Incident OSC is to identify the types of waste streams created by the particular release. The Incident OSC shall review the particular

circumstances of the response and identify the waste streams needing to be addressed. The following waste streams may expect to be generated during an oil spill removal:



DISPOSAL OPTIONS

TEMPORARY STORAGE:

One of the OSC's major goals will be the removal of the spill material and associated waste streams from the environment. On many responses, it may be necessary to arrange for the temporary storage of recovered material while waiting for waste profiling and the selection of a disposal facility. On a large spill, the amount of waste generated may exceed the capacity of available treatment and disposal facilities and waste streams may require temporary storage prior to disposal. The options available for temporary storage vary according to the size of the incident and the volume of waste recovered.

MINOR SPILLS (< 1,000 gallons)

- 1. Free product and contaminated water may be contained in tankers, portable pools or portable tanks.
- 2. Contaminated soil, debris, and clothing may be contained in drums or roll-off containers.

MAJOR SPILLS (> 10,000 gallons)

- 1. Free product may be contained in excavated, lined pits.
- 2. Contaminated soil and debris may be contained in lined and covered waste piles.
- 3. Contaminated water may be contained in portable pools.
- 4. Contaminated clothing may be contained in roll-off containers.

ULTIMATE TREATMENT AND DISPOSAL:

There are numerous options available to the Incident OSC for the treatment and disposal of the various waste streams collected from a spill response. These options vary according to the type of oil, the location of the spill, regulatory concerns, and proximity of treatment technologies to the incident.

TREATMENT OPTIONS

REREFINING/BLENDING:

If oil refineries, fuel blenders, or waste oil refineries are located near the incident, this may be a viable option. Factors influencing the acceptance of the product include water content, BTU value, debris content, the presence of any hazardous substances. This option may prove to be highly cost-effective, as some facilities may give a credit for the oil received or accept the oil for no charge for disposal.

OPEN BURNING:

Open burning may be a viable disposal option in remote locations under proper weather conditions. This treatment method is most applicable to contaminated debris or as a defensive measure for free product in the environment (see Annex d).

INCINERATION/CONTROLLED BURNING:

Incineration is a viable option when facilities are located nearby. A number of facilities or mobile units are available. However, this is one of the costliest and most controversial of the disposal options.

Types of Incinerators:

- a. Municipal Incinerators or waste-to-energy burners
- b. Mobile incinerators or soil burners
- c. Asphalt burners or cement kilns
- d. Commercial hazardous waste incinerators

SOIL WASHING:

Soil washing has not been proven on a large-scale operation in response to an oil spill. Detergents, acids or organic solvents may be used as a soil washing medium.

BIOREMEDIATION:

Bioremediation has been demonstrated as effective in treating soil contaminated by oil through enhancement of indigenous microbial populations by the addition of oxygen and nutrients. The OSC should be aware that bioremediation is a relatively long-term process that will likely require a great deal of contractor maintenance and periodic analysis.

LANDFARMING:

Contaminated soil may be spread in a thin layer to allow for volatilization, photodegradation, and biological degradation. Landfarming should be used in remote, open areas where groundwater contamination is not a concern.

LANDFILLING:

Landfilling is an option of last resort and is feasible only for marginally contaminated materials.

WASTEWATER TREATMENT;

Contaminated water will come from a variety of sources during a cleanup operation. The following treatment options are available to the OSC.

Options for wastewater:

- a. Decanting
- b. Physical or chemical separation
- c. Treatment at municipal or industrial wastewater treatment facility

ADDITIONAL CONSIDERATIONS

TRANSPORTATION:

Where applicable, transportation of wastes resulting from spills will comply with 40 CFR 263 and 49 CFR 171 through 179.

PERMITS AND APPROVALS:

Any concurrences needed to implement any of the disposal options discussed above or any other technology not detailed will be coordinated through the state representative to the RRT. Members of the Regional Incident Coordination Team (RICT) are also available to advise the OSC on any regulations in their program area and to work with their state counterparts to resolve any emergency treatment or disposal issues. All the fore mentioned disposal or treatment methods may require some form of approval or concurrence prior to implementation.

ANNEX L POTENTIAL SPILL SOURCES

THIS ANNEX IS CURRENTLY BEING DEVELOPED.

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ANNEX M MEMORANDUMS OF UNDERSTANDING FOR GEOGRAPHIC BOUNDARIES

PURPOSE and SCOPE: This Annex contains the existing and proposed geographical boundary Memorandums of Understanding (MOUs) between the U.S. EPA Region IV, the U.S. Coast Guard (USCG) districts, and adjacent U.S. EPA regions.

The listing below outlines the MOUs, attached as appendicies, between the EPA Region IV, the USCG, and other EPA Regions. The status of these MOUs are also given

APPENDIX	PARTICIPATING AGENCIES	STATUS	
M-1	Boundary Map for USCG Districts	CURRENT	
M-2	MOU, USCG Second District & U.S. EPA Region IV	CURRENT	
M- 3	MOU, USCG Fifth District & U.S. EPA Region IV	CURRENT	
M-4	MOU, USCG Seventh District & U.S. EPA Region IV	CURRENT	
M- 5	MOU, USCG Eighth District & U.S. EPA Region IV	DRAFT	
M- 6	Boundary Map for EPA Regions	CURRENT	
M- 7	MOU, U.S. EPA Region III & U.S. EPA Region IV	DRAFT	
M- 8	MOU, U.S. EPA Region V & U.S. EPA Region IV	DRAFT	
M-9	MOU, U.S. EPA Region VI & U.S. EPA Region IV	DRAFT	
M-10	MOU, U.S. EPA Region VII & U.S. EPA Region IV	DRAFT	
Status as of 21 December 1993			

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BOUNDARY MAP FOR U.S. COAST GUARD DISTRICTS

UNDER DEVELOPMENT

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MEMORANDUM OF UNDERSTANDING BETWEEN THE U. S. ENVIRONMENTAL PROTECTION AGENCY REGION IV, ATLANTA, GEORGIA AND THE U. S. COAST GUARD SECOND COAST GUARD DISTRICT, SAINT LOUIS, MISSOURI CONCERNING FEDERAL ON-SCENE COORDINATOR RESPONSIBILITIES IN THE INLAND ZONE WITHIN THE SECOND COAST GUARD DISTRICT

<u>PURPOSE</u>: The purpose of this document is to delineate the role and responsibilities of U. S. Coast Guard (USCG) personnel relative to pollution response activities on the Inland River System. Specifically, this document:

1. Eliminates previously designated "specified ports and harbors" on the Inland Rivers within the Second Coast Guard District, thereby redesignating the entirety of the Second Coast Guard District as Inland Zone wherein the U.S. Environmental Protection Agency (USEPA) is the predesignated Federal On-Scene Coordinator (OSC) agency.

2. Confirms the Second Coast Guard District's commitment to meeting the spirit as well as the letter of the National Contingency Plan (NCP) and assisting the USEPA predesignated Federal OSC to the fullest extent possible in all pollution response activities.

3. Identifies operational criteria under which the USCG will assist the USEPA with its OSC responsibilities by acting as the lead agency and providing personnel to fill the OSC role for actual or threatened pollution incidents involving commercial vessels or marine transportation-related facilities.

<u>BACKGROUND</u>: Under a previous agreement, the USEPA Region IV, and the Second Coast Guard District had identified certain geographic areas on the Inland River System for which the USCG would, under certain circumstances, provide a "predesignated" Federal OSC. In general, in the specified port and harbor areas, the USCG Captain of the Port (COTP) was predesignated as the OSC for oil and hazardous substance discharges resulting from vessel casualties or vessel-related transfer operations. The USEPA retained the OSC responsibilities for all other pollution incidents within the specified ports and harbors and for all incidents outside those limited geographic areas. The Oil Pollution Act of 1990 amended the Federal Water Pollution Control Act and imposed new pollution response preparedness and removal requirements on industry and government, including the predesignated Federal OSC. The requirements of the Oil Pollution Act prompted a complete review of agency responsibilities pursuant to the Act itself and the NCP. That review indicated that the division of agency OSC responsibilities along a combination of geographic and functional lines did not provide the best mechanism for planning and coordination of current National Response System activities.

This document redefines agency responsibilities along wholly functional lines that are consistent with traditional agency authorities. It also provides for effective integration of preparedness and removal activities in a manner consistent with the requirements of the NCP.

AGREEMENT:

The entirety of the Second Coast Guard District, including the Inland River System within the Second District, is included in the definition of Inland Zone wherein the USEPA is the predesignated Federal OSC agency. The previous agreement designating specified ports and harbors as portions of the Coastal Zone is cancelled.

The USCG, through the cognizant COTP, will assist the predesignated USEPA OSC to the fullest extent possible consistent with agency responsibilities and authorities. Specifically, for all pollution incidents where there is an actual discharge or release, or a substantial threat of such a discharge or release, of a pollutant into or on the navigable waters of the United States or the adjacent riverbank, the USCG will respond as follows:

1. If the incident involves a commercial vessel, a vessel transfer operation, or a marine transportation related facility, the USCG COTP will provide the OSC and carry out all of the OSC responsibilities, including the decision to direct any necessary removal activity or access the Oil Spill Liability Trust Fund. In such cases, the predesignated USEPA OSC will be advised of any response actions that the COTP takes via initial telephone notification and periodic pollution reports.

2. If the incident involves a source or threat other than a commercial vessel, vessel transfer operation, or marine transportation-related facility, or if the incident involves an unknown source of pollution:

a. The USCG COTP will carry out the USCG's agency responsibilities under the NCP, the Regional Contingency Plan (RCP), and, when developed the Area Contingency Plans, and will assist the USEPA OSC to the fullest extent possible.

b. Upon request by the predesignated USEPA OSC, the USCG COTP will act on behalf of the USEPA in any actions where the USCG personnel are both qualified and physically capable of responding. The type and extent of the USCG's actions in each case will be determined by consultation between the USEPA OSC and the USCG COTP.

c. If specifically requested by the predesignated USEPA OSC, the USCG COTP may assume the functional OSC role and carry out all of the OSC responsibilities for a particular incident. The final decision on acceptance of the functional OSC role will rest with the COTP on an incident-specific basis.

d. If the USCG is the first agency notified of such an incident, the USCG will notify the pressing asted USEPA OSC and assist in assessing the situation and the need for a Federal response.

e. If a USCG representative is the first Federal official arriving on-scene at such an incident, the USCG will notify the predesignated USEPA OSC and carry out the duties detailed in the NCP pending arrival of the predesignated OSC.

3. This agreement will be incorporated into the agency responsibilities section of the RCP.

<u>TERM OF AGREEMENT</u>: This agreement will be subject to review and amendment coincident with each periodic review of the RCP and at any other time at the request of either of the parties. It will remain in effect until modified or terminated by subsequent agreement.

Mr. Patrick M. Tobin	N. T. Saunders	
Acting Regional Administrator	Rear Admiral, USCG	
U. S. Environmental Protection	Commander	
Agency, Region IV	Second Coast Guard District	
345 Courtland Street N. E.	1222 Spruce Street	
Atlanta, GA 30365	St. Louis, MO 63103-2832	

/s/ Patrick M Tobin

/s/ N T Saunders

Date: /s/ April 8, 1993

Date: March 30, 1993

MEMORANDUM OF UNDERSTANDING BETWEEN THE FIFTH COAST GUARD DISTRICT AND THE ENVIRONMENTAL PROTECTION AGENCY, REGION IV

The purpose of this memorandum is to delineate the geographical areas of responsibility for the predesignated On-Scene Coordinator (OSC) for pollution response pursuant to the National Oil and Hazardous Substances Pollution Costingency Plan.

The OSC for the Fourth Federal Region within the State of North Carolina will be provided by the Commander, Fifth Coast Guard District to the east and by the Administrator, EPA, Region IV to the west of a line from:

The west bank of the Dismal Swamp Canal at the Virginia-North Carolina Border, south along the west bank of the Dismal Swamp Canal to US 17 at South Mills; hence south along US 17 to the west bank of Albemarle Sound to State Highway 45 (NC 45); hence south along NC 45 to US 64; hence south along US 64 to NC 94 at Columbia; hence south along NC 94 to its intersection with the ICW; hence west along US 264 to US 17 at Washington; hence south along US 17 to NC 33 at Chocowinity; hence south along NC 33 to NC 304; hence south along NC 304 to NC 55 at Bayboro; hence west along US 264 to US 17 at Washington; hence south along US 17 to NC 33 at Chocowinity; hence south along US 70 to NC 24; hence west along NC 35 to US 17 at Bridgeton; hence south along NC 132 to US 70 at James City; hence south along US 70 to NC 24; hence west along NC 34 to 17 at Jackboorville; hence south along US 17 to NC 132; hence south along NC 132 to US 421; hence north along US 421 to Shipyard Blvd; hence east along NC 133 to the Pender-New Hanover County line; hence west along NC 133 to the Pender-New Hanover County line; hence west along the Pender-New Hanover County line to the west bank of the Brunswick River; hence south along the south along the west bank of the Brunswick River; hence south along the Northeast Cape Fear River to US 17; hence south along US 17 to the Northeast Cape Fear River to US 17; hence south along US 17 to the Northeast Cape Fear River to US 17; hence south along US 17 to the Northeast Cape Fear River to US 17; hence south along US 17 to the Northeast Cape Fear River to US 17; hence south along US 17 to the Northeast Cape Fear River to US 17; hence south along US 17 to the Northeast Cape Fear River to US 17; hence south along US 17 to the North Carolina - South Carolina bender.

All spills originating from the above named highways will have EPA as the predesignated OSC. All spills originating from waterfront facilities within the city limits of Elizabeth City, New Bern, Jacksonville and Wilmington will have the USCG as the predesignated OSC. The proposed boundary lines do not preclude mutual assistance between the two agencies.

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MEMORANDUM OF UNDERSTANDING BETWEEN U. S. ENVIRONMENTAL PROTECTION AGENCY - REGION IV AND U. S. COAST GUARD - SEVENTH DISTRICT

The intent of this memorandum is to delimente changes in the geographical boundaries establishing responsibility for the predesignation of On-Scene Coordinators (OSC's) for pollution response pursuant to the National Oil and Hazardous Substances Costingency Plan.

Regional Contingency Plans of the signatory agencies will be amended to reflect the following geographical boundaries. All spills originating from designated highways will be the responsibility of EPA - Region IV. The proposed boundary lines do not preclude mutual assistance between the two agencies.

Charleston, South Carolina

The Commanding Officer, Marine Safety Office, Charleston, SC, will be the predesignated OSC in the following areas within Federal Region IV. When a roadway is used to delineate a boundary, that boundary shall be to, but shall not include, the roadway.

Constal areas on the eastern coast of South Carolina from the North Carolina - South Carolina state boundary southward to the southern tip of Bay Point, Edisto Island (near Edisto Beach), South Carolina:

From the North Carolina - South Carolina State boundary northwesterly along the boundary to US 17; thence southwesterly along US 17 to the eastern bank of the Edisto River; thence southerly along the eastern bank to the MSO Charleston - MSO Savannah boundary at 32*41 N latitude.

Included within this zone are Charleston Harbor areas, including waterfront facilities: specifically, Ashley River from the Memorial Bridge (SC 7) seaward; Wando River from State Hwy 41 (SC 41) Bridge seaward; and the Cooper River from General Dynamics Private Aids 339 and 340 seaward.

Also included are all portions of the Intraconstal Waterway not within the above defined area, and the Sampit River/Winyah Bay (near Georgetown) area, including waterfront facilities, from one mile west of US 17 Sampit River Bridge seaward.

Savannah, Georgia

The Commanding Officer, Marine Safety Office, Savannah, Georgia, will be the predesignated OSC in the following areas within Federal Region IV. When a roadway is used to delineate a boundary, that boundary shall be to, but shall not include, the roadway. Constal areas from the southern tip of Bay Point, Edisto Island (near Edisto Bench), South Carolina, south to 30°50'N initiate on the east coast of Georgia:

From the southern tip of Bay Point, Ediato Island, South Carolina, northerly along the eastern bank of the Ediato River to 32'41'N latitude; thence southwesterly in a straight line to the point where US 278 junctions with 1-95 near Ridgeland, SC; thence easterly along US 278 to SC 462 (at Old House); thence southwesterly (on US 278) to SC 46; thence westerly to SC 170; thence southwesterly to US 17 (at Limehouse); thence southerly to Georgin State Hwy 26 (Bay Street and President Street, Savannah); thence easterly to Pennsylvania Avenue; thence southerly to Islin interchange 12 (aer Richande Hills, Georgin); thence westerly to US 17 st interchange 12 (near South Newport, Georgin); thence southerly to US 17; thence northerly to 1-95 at interchange 14 (near Richande Hills, Georgin); thence southerly to US 17 at interchange 12 (near South Newport, Georgin); thence southerly to US 341; thence northerly to 1-95; thence southerly long 1-95 to interchange of Georgin); thence southerly to Soute South Newport, South Newport, Georgin); thence southerly to US 341; thence northerly to 1-95; thence southerly long 1-95 to interchange 19-95 to interchange); thence southerly to IS 341; thence northerly to 1-95; thence southerly long 1-95 to interchange); thence southerly long 1-95 to interchange); thence southerly long 1-95 to interchange); thence southerly long 1-95; thence

Jacksonville, Florida

The Commanding Officer, Marine Safety Office, Jacksonville, Florida, will be the predesignated On-Scene Coordinator in the following areas within Federal Region IV. When a readway is used to delineate a boundary, that boundary shall be to, but shall not include, the readway.

Coastal areas from 30°50'N istitude on the cast coast of Georgia southward to 28°N istitude on the cast coast of Florida. Latitude 30°50'N on the cast coast of Georgia due west to 1-95; thence southerly to US 17 interchange, Becker, Florida; thence southerly along US 17 to Tront River Drive, Jacknowville (Pannum Park), Florida; thence southerly to Stat: Hwy 115 (FL 115); thence casterly along FL 115 to Baffalo Avenue; thence southerly over the John Mathews Toll Bridge to University Blvd; thence northerly to Pt. Caroline Road; thence casterly to FL 101A; thence southerly to the intersection with the St. Johns County line; U.S. EPA - Region IV and U.S.C.G. - Seventh District thence south and west along the St. Johns County line to US 1; thence southerly to 1-95, Marineland interchange; thence southerly to US 1, Ormand By The Sea interchange; thence southerly.

Also included is the St. Johns River, including waterfront facilities, inland to the FL 17 Bridge, Palatics, Florida.

Minni, Florida

The Commanding Officer, Marine Safety Office, Minmi, Florida, will be the predesignated OSC in the following areas within Federal Region IV. When a roadway is used to delineate a boundary, that boundary shall be to, but shall not include, the roadway.

Constal areas from instance 28"N on the cast coast of Florida southward to the southern tip of Cape Romano, Florida, on the west coast of Florida, and the Florida Keys to and including Dry Tortngas:

Latitude 28*N on the cast coast of Florida (near Malibar) due west to US 1; thence southerly to South Bayshore Drive, Miami including the South Prong Sebastian Creek seaward to Tower, Florida, the St. Lucie River to Port St. Lucie on the north and Palm City on the south, the Lonahatchee River to the Martin and Palm Beach County lines, the Miami River to the N.W. 36th Street Bridge, Miami;

thence southwesterty along South Bayahore Drive, Miami to Cutler Road via McFarland Road Main Highway, Ingraham Highway and Le Jeune Road; thence southwesterty along Catler Road to Florida's Turupike; thence southerty to S.W. 107th Avenue, Miami (South Allapattah); thence due south along and beyond, S.W. 107th Avenue to initiale 2916'N longitude 80"22"W; thence westerty to initiale 25"13"N, longitude 80"48"W; thence northwesterty to the intersection of US 41 to the intersection of MSO Miami-MSO Tampa boundary at 81"33"W longitude.

Also included will be response to discharges or releases from commercial tags and/or barges in the Intraconstal Waterway (SL Lucie Canal, Lake Okeechobee and Okeechobee Waterway) from Staart, Florida to 81° 30'W longitude (near FL Hwy 29 Bridge, La Belle, Florida) and to waterfront facilities along the South Prong Sebastian Creek, the SL Lucie River, the Lozabatchee River and the Minumi River to points described above.

U.S. EPA - Region IV and U.S.C.G. - Seventh District

Tampa, Florida

The Commanding Officer, Marine Safety Office, Tampa, Florida will be the predesignated OSC in the following areas within Federal Region IV. When a roadway is used to delineate a boundary, that boundary shall be to, but shall not include the roadway.

Constal areas from the southern tip of Cape Romano, Florida, northerly to the intersection of the west const of Florida with longitude 83*50"W (mouth of the Fenholloway River):

From the intersection of the west coast of Florida with longitude 83*50 W (mouth of the Fenholloway River) due north to US 98 (intersection of MSO Tampa-MSO Mobile boundary); thence easterly to US 19 and Alternate 27; thence southerly to FL 361; thence southerly to FL 358; thence westerly to US 19 and Alternate 27; thence southerly to FL 697; thence southerly to FL 595; thence mortherly to FL 688; thence easterly to EL 690; thence easterly to 22nd Avenue South, St. Petersburg; thence easterly to FL 595; thence mortherly to FL 688; thence southerly to FL 686; thence mortherly to FL 687; thence southerly to FL 590; thence easterly to US 19; thence southerly to FL 580; thence easterly to FL 580; thence easterly to US 19; thence southerly to FL 580; thence easterly to FL 580; thence southerly to FL 589; thence southerly to FL 580; thence easterly to FL 589; thence southerly to FL 589; thence southerly to FL 589; thence southerly to FL 580; thence easterly to FL 587; thence southerly to FL 589; thence southerly to FL 685; thence used therly to FL 580; thence easterly to FL 587; thence southerly to FL 685; thence used therly to the Crossovan Expressival, Tampa; thence northeasterly to FL 78; thence southerly to FL 685; thence U.S. EPA - Region IV and U.S.C.G. - Seventh District westerly to US 41; thence southerly to FL 78; thence easterly to FL 80; thence westerly to FL 80; thence used therly to FL 78; thence easterly to FL 78; thence southerly to FL 80; thence westerly to US 41; thence southerly to FL 80; thence westerly to US 41; thence southerly to FL 78; thence southerly to FL 78; thence southerly to FL 78; thence southerly along US 41; to the intersection of MSO Tampa-MSO Mismi boundary at 81'33'W longitude.

Also included will be response to discharges or releases from commercial tags and/or barges in the Intracoastal Waterway (Okechobee Waterway) from 81°30 W longitude (near FL State Hwy 29 Bridge, La Belle, Florida) westerly to the Gulf of Mexico.

MEMORANDUM OF UNDERSTANDING BETWEEN THE U. S. ENVIRONMENTAL PROTECTION AGENCY, REGION IV AND THE U. S. COAST GUARD, EIGHTH DISTRICT

The purpose of this memorandum is to establish the geographical areas of responsibility for the predesignated On-Scene Coordinator (OSC) for pollution responses to oil and hazardous substance discharges pursuant to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and the Oil Pollution Act of 1990.

The Regional Contingency Plan (RCP) and Area Contingency Plan (ACP) of the signatory agencies will be amended to reflect the following geographical boundary.

1. The Coastal Zone boundary begins at the intersection of the southern limit of the Right-of-Way on US Highway 98 (US-98) with the Captain of the Port (COTP) Mobile - COTP Tampa boundary (83°50' West Longitude). The intersection is twelve (12) miles west of Hampton Springs, FL on US-98. Then, westerly on US-98 to St. Marks, FL, then southwesterly along US-98 to the junction of the John Gorrie Memorial Bridge and the north shore of the Gulf Intracoastal Waterway (GICW) at Apalachicola, FL, including Ochlockonee Bay, East Bay, navigable portions of East and West Bayou, Blounts Bay, Shoal Bayou, and Alligator Bayou.

Then, continuing from the junction of the southern limit of the Right-of-Way at the John Gorrie Memorial Bridge and the north shore of the GICW to its intersection with Alabama State Highway 59 (AL-59). Responsibilities include: East Bay, St. Andrews Bay, west Bay, Choctawhatchee Bay, Santa Rosa Sound, East Bay (Blackwater Bay), Escambia Bay, Pensacola Bay, Perdido Bay, and Wolf Bay.

Then, north on AL-59 to its intersection with Interstate Highway 65 (1-65). Then, west and southwesterly along I-65 to its intersection with US Highway 90 (US-90) near Theodore, AL.

Then, westerly along US-90 to midstream of the Pearl River, the boundary with the COTP New Orleans.

U. S. Coast Guard (USCG), Eighth District:

COTP Mobile is the predesignated OSC for pollution responses in the Coastal Zone. All discharges or releases, or a substantial threat of such a discharge or release of oil or hazardous substances originating south of the boundary line will be the responsibility of the USCG. Included are discharges or releases from unknown sources or those classified as "mystery spills".

Additionally, all discharges or releases originating from waterfront facilities within the city limits of Panama City, Fort Walton Beach, and Pensacola, Florida; Mobile, Alabama; and Pascagoula, Biloxi, and Gulfport, Mississippi are the responsibility of the COTP Mobile as the OSC.

U. S. Environmental Protection Agency (EPA), Region IV.

EPA Region IV is the predesignated OSC for pollution responses in the Inland Zone. All discharges or releases, or a substantial threat of such a discharge or release of a oil or hazardous substances originating north of the boundary line will be the responsibility of the EPA. Included are discharges or releases from unknown sources or those classified as "mystery spills".

2. General.

a. The EPA and USCG will accomplish their agency responsibilities under the NCP, RCP, and, when developed, the ACP. Each will assist the designated OSC to the fullest extent possible.

b. When requested by the designated OSC, the USCG or EPA will act on behalf of the other agency in any actions where personnel are both qualified and physically capable of responding. The type and extent of the actions in each case will be determined by consultation between the two agencies.

c. If specifically requested by the designated OSC, the USCG or EPA may assume the functional OSC role and carry out all OSC responsibilities for a particular incident. The final decision on acceptance of the OSC role will rest with the requested agency on an incident-specific basis.

d. The first agency notified of such an incident, will notify the designated OSC and assist in assessing the situation and determining the need for a Federal response.

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e. If a representative other than the designated OSC is the first Federal official arriving on scene at an incident, the representative will notify the designated OSC and carry out the duties detailed in the NCP pending arrival of the designated OSC.

3. Boundary lines and limits of responsibilities do not preclude assistance between the two agencies.

4. This agreement will be subject to review and amendment coincident with each periodic review of the regional, area, and COTP plans and any other time at the request of either of the parties. It will remain in effect until modified or terminated by mutual agreement.

Date:____

Date:

Patrick M. Tobin Acting Regional Administrator U. S. Environmental Protection Agency, Region IV Atlanta, Georgia James C. Card Rear Admiral, U. S. Coast Guard Commander Eighth Coast Guard District

BOUNDARY MAP FOR EPA REGIONS

UNDER DEVELOPMENT

MEMORANDUM OF UNDERSTANDING BETWEEN THE U.S. ENVIRONMENTAL PROTECTION AGENCY REGION IV AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY REGION III

The purpose of this memorandum is to establish the geographical areas and limits of responsibility for the predesignated On-Scene Coordinator (OSC) for pollution responses. Responses will be made to incidents involving oil and hazardous substances pursuant to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and the Oil Pollution Act of 1990.

Regional Contingency Plans (RCP) and Area Contingency Plans (ACP) of the signatory agencies will be amended to reflect the following geographical boundaries.

For the purpose of emergency response, a portion of the regional boundary is changed. The common state boundary of Kentucky, North Carolina, Tennessee, and Virginia remain unchanged. The state boundary of West Virginia and Kentucky will remain the same except for:

1. The boundary is delineated by the Big Sandy River and milage markers published by the U. S. Army Corps of Engineers. Beginning at the confluence of the Ohio River and the Big Sandy River, Mile 0 (Zero), hence southerly to Mile 10. From Mile 10 upstream, the normal boundary remains as the river centerline or as the geographic boundary.

U. S. Environmental Protection Agency (EPA), Region IV:

Beginning at the point of Mile 0 (zero) of the Big Sandy River, hence southerly to Mile 10. This section of the Big Sandy River will be the responsibility of EPA Region IV, to include all response action necessary and/or required to the water line on the Right Descending Bank (RDB) of the river. All discharges or releases, or a substantial threat of such a discharge or release of a pollutant originating west of the water line on the RDB will be the responsibility of EPA Region IV. Included are discharges or releases from unknown sources or those classified as "mystery spills". Additionally, EPA Region IV has responsibility for:

- a. Notification of downstream water users.
- b. Coordinating with the Ohio River Valley Water Sanitation Commission (ORSANCO) for other notifications and warnings.
- c. Notification of EPA Region V and U.S. Coast Guard (USCG) Second District.
- d. Assuring notification of downstream water users of a spill when properly notified of a spill by EPA Region III.

U. S. Environmental Protection Agency (EPA), Region III:

Beginning at the point of Mile 0 (Zero) of the Big Sandy River, hence southerly to Mile 10. EPA Region III has the responsibility of all discharges or releases, or a substantial threat of such a discharge or release originating east of the water line on the RDB. If a discharge or release reaches and/or enter the water, EPA Region III will be responsible for the response effort. Additionally, EPA Region III has the responsibility for:

- a. Notification of downstream water users.
- b. Notification of EPA Region IV of a spill when it has, or there is a threat of a spill crossing the water line on the RDB.
- c. Notification of EPA Region V and USCG Second District.
- d. Coordinating with ORSANCO for other notifications and warnings.
- 2. General.

a. If specifically requested by EPA Region IV, EPA Region III may assume the functional OSC role and carry out all OSC responsibilities for a particular incident. The final decision of acceptance of the functional OSC role will rest with EPA Region III on an incident specific basis.

b. If EPA Region III is the first agency notified of a spill west of the water line on the RDB, EPA Region III will notify EPA Region IV and assist in assessing the situation and determining the need for a Federal response.

c. If an EPA Region III representative is the first Federal official arriving on scene at an incident crossing the established boundaries, the representative will notify EPA Region IV and carry out the duties detailed in the NCP pending arrival of the predesignated OSC.

3. Boundary lines do not preclude mutual assistance between the two agencies.

4. Previous Memorandums of Understanding or agreements are replaced by this document.

5. This agreement will be subject to review and amendment coincident with each periodic review of RCP and ACP and any other time at the request of either of the parties. It will remain in effect until modified or terminated by mutual agreement.

Dated: _____

Patrick M. Tobin Acting Regional Administrator U. S. Environmental Protection Agency, Region IV Atlanta, Georgia Dated:

Stanley L. Laskowski Acting Regional Administrator U. S. Environmental Protection Agency, Region III Philadelphia, Pennsylvanis

MEMORANDUM OF UNDERSTANDING BETWEEN THE U. S. ENVIRONMENTAL PROTECTION AGENCY REGION IV AND THE U. S. ENVIRONMENTAL PROTECTION AGENCY REGION V

The purpose of this memorandum is to establish the geographical areas and limits of responsibility of the predesignated On-Scene Coordinator (OSC) for pollution responses. Responses will be made to incidents involving oil and hazardous substances pursuant to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and the Oil Pollution Act of 1990.

For the purpose of emergency response, the common regional boundary is the Ohio River, and is described as:

The boundary is delineated by the Ohio River and mileage markers published by the U. S. Army Corps of Engineers. Beginning at Mile 317.2 (confluence of the Ohio and Big Sandy Rivers), hence westerly to Mile 981.2 (confluence of the Ohio, Lower Mississippi, and Upper Mississippi Rivers).

U. S. Environmental Protection Agency (EPA), Region IV:

EPA Region IV is responsible for discharges or releases, or a substantial threat of discharges or releases of a pollutant from a source originating from EPA Region IV into the Ohio River. Responsibility begins at the water line on the Right Descending Bank (RDB), extending to the south. Included are discharges or releases from unknown sources or those classified a "mystery spills".

U. S. Environmental Protection Agency (EPA), Region V:

EPA Region V is responsible for discharges or releases, or a substantial threat of discharges or releases of a pollutant from a source originating from EPA Region V into the Ohio River. Responsibility begins at the water line on the RDB, extending to the north. If a discharge or release enters the water, EPA Region V will be responsible for the response effort.

General:

a. Both regions have additional responsibilities when performing duties as the OSC. Included are:

- 1) Notification of:
 - a) Downstream water users.
 - b) Ohio River Valley Water Sanitation Commission.
 - c) U. S. Coast Guard Second District.
 - d) U. S. Army Corps of Engineers.

2) Notification of each other when a response event has occurred or is anticipated.

b. Either Region, when requested by the other, may assume the functional OSC role for a particular incident. The decision to accept will rest with the Region being requested, on an incident specific basis.

c. When a Region is notified of a discharge or release, or a substantial threat of a discharge or release of a pollutant not in its area of responsibility, the Region will notify the responsible Region. The reporting Region should assist in assessing the situation and to determine the need for a Federal response.

d. When a representative of either Region is the first Federal official arriving on-scene of a discharge or release not in the area of response responsibility, the representative will notify the responsible Region. The representative will accomplish duties detailed in the NCP pending arrival of the predesignated OSC.

e. Boundary lines do not preclude mutual assistance between the two agencies.

f. Previous Memorandums of Understanding or agreements are replaced by this document. Regional and Area Contingency Plans of the signatory agencies will be amended to reflect the response boundary.

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g. This agreement is subject to review and amendment at any time, by request of either party. It will remain in effect until modified or terminated by mutual agreement.

Date:___

Date:_____

PATRICK M. TOBIN Acting Regional Administrator U. S. Environmental Protection Agency Atlanta, Georgia VALDAS V. ADAMKUS Regional Administrator U.S.Environmental Protection Agency Chicago, Illinois

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MEMORANDUM OF UNDERSTANDING BETWEEN THE U. S. ENVIRONMENTAL PROTECTION AGENCY REGION IV AND THE U. S. ENVIRONMENTAL PROTECTION AGENCY REGION VI

The purpose of this memorandum is to establish the geographical areas and limits of responsibility of the predesignated On-Scene Coordinator (OSC) for pollution responses. Responses include oil and hazardous substances pursuant to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and the Oil Pollution Act of 1990.

Regional Contingency Plans (RCP) and Area Contingency Plans (ACP) of the signatory agencies will be amended to reflect the following responses boundaries.

For the purpose of emergency response, portions of the regional boundaries are changed. The common boundaries of Arkansas, Louisiana, Mississippi, and Tennessee are established as shown in:

Section I. Lower Mississippi River (LMSRV), Mile 828 to Mile 504. Boundary common to the LMSRV, Arkansas, Mississippi, and Tennessee.

Section II. Lower Mississippi River (LMSRV), Mile 504 to Mile 305. Boundary common to the LMSRV, Louisiana, and Mississippi.

Section III. Boundary common to Louisiana, Mississippi, and the Pearl River.

Section IV. Boundary common to Louisiana, Mississippi, and the Pearl River.

<u>Section I</u>. The boundary is delineated by the LMSRV and mileage markers published by the U. S. Army Corps of Engineers (USACE). Beginning at the point of Mile 828 (intersection of the regional boundary between Environmental Protection Agency (EPA) Regions VI and VII on the LMSRV), hence southerly to Mile 504 (intersection of the state boundary between Arkansas and Louisiana on the LMSRV).

U. S. Environmental Protection Agency, Region IV:

This section of the LMSRV will be the responsibility of EPA Region IV, to include all response actions necessary and/or required to the water line on the Right Descending Bank (RDB) of the river or the levee of the RDB. All discharges or releases, or a substantial threat of such a discharge or release of a pollutant originating east of the water line or levee of the RDB will be the responsibility of EPA Region IV. Included are discharges or releases from unknown sources or those classified as "mystery spills". Additionally, EPA Region IV has responsibility for:

- a. Notification of downstream water users.
- b. Notification of EPA Region VI and U. S. Coast Guard (USCG) Eighth District.
- c. Coordinating with the USACE for other notifications and warnings.

U. S. Environmental Protection Agency, Region VI:

EPA Region VI has the responsibility for all discharges or releases, or a substantial threat of such a discharge or release originating west of the water line or levee on the RDB. If a discharge or release reach and/or enter the water, EPA Region VI will be responsible for the response effort. Additionally, EPA Region VI has the responsibility for:

- a. Notification of downstream water users.
- b. Notification of EPA Region IV and the USCG Eighth District.
- c. Coordinating with the USACE for other notifications and warnings.

Section II. Continuing southerly on the LMSRV, starting at Mile 504 to Mile 305 (intersection of the state boundary between Louisiana and Mississippi on the LMSRV).

U. S. Environmental Protection Agency, Region VI:

This section of the LMSRV will be the responsibility of EPA Region VI, to include all response actions necessary and/or required to the water line on the Left Descending Bank (LDB) of the river or to the levee of the LDB. All discharges or releases, or a substantial threat of such a discharge or release of a pollutant originating west of the water line or levee of the LDB will be the responsibility of EPA Region VI. Included are discharges or releases from unknown sources or

those classified as "mystery spills". Additionally, EPA Region VI has responsibility for:

- a. Notification of downstream water users.
- b. Notification of EPA Region IV and USCG Eighth District.
- c. Coordinating with the USACE for other notifications and warnings.

U. S. Environmental Protection Agency, Region IV:

EPA Region IV has the responsibility for all discharges of releases, or a substantial threat of such a discharge or release originating east of the water line or levee on the LDB. If a discharge or release reach and/or enter the water, EPA Region IV will be responsible for the response effort. Additionally, EPA Region IV has the responsibility for:

- a. Discharges and releases identified as the responsibility of EPA Region IV in Section I that may enter the Section II area.
- b. Notification of downstream water users.
- c. Notification of EPA Region VI and USCG Eighth District.
- d. Coordinating with the USACE for other notifications and warnings.

<u>Section III</u>. Continuing from the water line or levee at Mile 305, LMSRV, hence easterly to the Pearl River. This portion of the Louisiana and Mississippi boundary is changed only from the intersection of the boundary and center-line of the Pearl River to the intersection of the boundary and the water line on the RDB of the Pearl River.

<u>Section IV</u>. Continuing from the intersection of the Louisiana and Mississippi boundary and the water line on the RDB of the Pearl River, hence southerly to the southern limit of the Right-of-Way on U. S. Highway 90.

U. S. Environmental Protection Agency, Region IV:

This section of the Pearl River will be the responsibility of EPA Region IV, to include all response actions necessary and/or required to the water line on the RDB of the river. All discharges or releases, or substantial threat of such a discharge or release of a pollutant originating east of the water line on the RDB will be the responsibility of EPA Region IV. Included are discharges or releases from unknown sources or those classified as "mystery spills". Additional responsibilities are the same as for the LMSRV.

U. S. Environmental Protection Agency, Region VI:

This section of the Pearl River, EPA Region VI has the responsibility for all discharges or releases, or a substantial threat of such a discharge or release origination west of the water line on the RDB of the Pearl River. If a discharge or release reach and/or enter the water, EPA Region VI will be responsible for the response effort. Additional responsibilities are the same as for the LMSRV.

General.

a. Either Region, when specifically requested by the other Region, may assume the functional OSC role and carry out all OSC responsibilities for a particular incident. The decision for acceptance will rest with the Region being requested to perform the OSC role, on an incident specific basis.

b. When either Region is notified of a discharge or release, or a substantial threat of such a discharge or release of a pollutant not in its area of responsibility, will notify the responsible Region. The reporting Region will assist in assessing the situation and to determine the need for a Federal response. c. When a representative of either Region is the first Federal official arriving on-scene of a discharge or release crossing the response boundary, the representative will notify the responsible Region. The representative will accomplish the duties detailed in the NCP pending arrival of the predesignated OSC.

2. Boundary lines do not preclude mutual assistance between the two agencies.

3. Previous Memorandums of Understanding or agreements are replaced by this document.

4. This agreement will be subject to review and amendment coincident with each periodic review of the RCP and ACP and any other time at the request of either of the parties. It will remain in effect until modified or terminated by mutual agreement.

Date:

Date:

Patrick M. Tobin Acting Regional Administrator U. S. Environmental Protection Agency, Region IV Atlanta, Georgia Joe D. Winkle Acting Regional Administrator U. S. Environmental Protection Agency, Region VI Dallas, Texas

MEMORANDUM OF UNDERSTANDING BETWEEN THE U. S. ENVIRONMENTAL PROTECTION AGENCY REGION IV AND THE U. S. ENVIRONMENTAL PROTECTION AGENCY REGION VII

The purpose of this memorandum is to establish the geographical areas and limits of responsibility of the predesignated On-Scene Coordinator (OSC) for pollution responses. Responses include oil and hazardous substances pursuant to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and the Oil Pollution Act of 1990.

The common regional boundary is the center line of the Lower Mississippi River (LMSRV). For the purpose of emergency response, the boundary is described as:

The boundary is delineated by the LMSRV and mileage markers published by the U. S. Army Corps of Engineers (USACE). Beginning at Mile 953.8 (confluence of the LMSRV, Ohio River, and the Upper Mississippi River), hence southerly to Mile 828 (intersection of the regional boundary of Environmental Protection Agency (EPA) Regions VI and VII, and the LMSRV).

U. S. Environmental Protection Agency, Region IV:

EPA Region IV is responsible for discharges or releases, or the substantial threat of discharges or releases of a pollutant from a source originating from EPA Region IV into the LMSRV. Responsibility begins at the water line or levee on the Right Descending Bank (RDB), extending to the east. Included are discharges or releases from unknown sources or those classified as "mystery spills".

U. S. Environmental Protection Agency, Region VII:

EPA Region VII is responsible for discharges or releases, or a substantial threat of discharges or releases of a pollutant from a source originating from EPA Region VII into the LMSRV. Responsibility begins at the water line or levee on the RDB, extending to the west. If a discharge or release enters the water, EPA Region VII will be responsible for the response effort.

General:

a. Both regions have additional responsibilities when performing duties as the OSC. Included are:

1) Notification of:

- a) Downstream water users.
- b) U. S. Coast Guard Second District.
- c) USACE.

2) Notification of each other when a response event has occurred or is anticipated.

b. Either Region, when requested by the other, may assume the functional OSC role for a particular incident. The decision to accept will rest with the Region being requested, on an incident specific basis.

c. When a Region is notified of a discharge or release, or a substantial threat of a discharge or release of a pollutant not in its area of responsibility, it will notify the responsible Region. The reporting Region should assist in assessing the situation and to determine the need for a Federal response.

d. When a representative of either Region is the first Federal official arriving on-scene of a discharge or release not in the area of response responsibility, the representative will notify the responsible Region. The representative will accomplish duties detailed in the NCP pending arrival of the predesignated OSC.

e. Boundary lines do not preclude mutual assistance between the two agencies.

f. Previous Memorandums of Understanding or agreements are replaced by this document. Regional and Area Contingency Plans of the signatory agencies will be amended to reflect the response boundary.

M-10-1

g. This agreement is subject to review and amendment at any time, by request of either party. It will remain in effect until modified or terminated by mutual agreement.

Date:____

PATRICK M. TOBIN Acting Regional Administrator U. S. Environmental Protection Agency, Region IV Atlanta, Georgia Date:____

WILLIAM W. RICE Acting Regional Administrator U. S. Environmental Protection Agency, Region VII Kansas City, Kansas

M-10-2

ANNEX N

INTERAGENCY SUPPORT AGREEMENTS and MEMORANDUMS OF UNDERSTANDING

PURPOSE and SCOPE: This Annex contains the Interagency Support Agreements (IAGs) and Memorandums of Understanding (MOU) existing between the U. S. EPA Region IV and the various federal and state agencies found through out the Region.

Only the IAGs and MOUs most pertinent to response efforts are listed in this Annex. As other supporting IAGs and/or MOUs are developed, these will be incorporated into the Plan through this Annex.

The IAGs and MOUs contained in this Annex are presented as follows:

APPENDIX	AGENCIES	SUBJECT
N-1	USCG-EPA	Mitigating of Damage to the Public Health or Welfare Caused by a Discharge of Hazardous Substance.
N-2	USCG-EPA	Mechanism for Funding Vendor Costs Incurred by the USCG During Emergency Response.
N-3	DOT-EPA	Re-delegation of Certain Pollution Response Functions Under CERCLA.
N-4	DOT-EPA	Instrument of Re-delegation, Executive Order #12580.
N-5	USACE-EPA	USACE Support for CERCLA to EPA.
N-6	DOD-EPA	Responsibilities for Executive Order #12316.
N-7	ATSDR-EPA	Policies and Procedures for Health Activities Related to Hazardous Substances.
N-8	EPA-DOI	Preliminary Natural Resource Surveys.
N-9	EPA-GSA- USCG	Federal Response Under the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). Under Revision as of 12 November 1993.
N-10	BPA-USCG- FL	Authorization of Limited Use of Dispersants and Other Chemicals.
N-11	TVA-EPA	TVA support to BPA

MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES COAST GUARD AND THE ENVIRONMENTAL PROTECTION AGENCY

Mitigating of Damage to Public Health or Welfare

Memorundum of Understanding between the Environmental Protection Agency and the United States Coast Guard Concerning the Mitigating of Damage of the Public Health and Welfare caused by a Discharge of Hazardous Substance under Section 311 of the Clean Water Act. (33 USC 1321).

The U.S. Coast Guard (USCG) and the Environmental Protection Agency (EPA) agree that the responsibility for the mitigation of damage to the public health and welfare caused by the discharge of hazardous substances shall be shared by the USCG and EPA. This Memorandum establishes policy concerning the responsibilities of the EPA and USCG regarding mitigation actions.

SECTION I

GENERAL

Section 311(b) (6)(c) of the Clean Water Act, as amended, authorized the Administrator of EPA to act to mitigate the damage caused by the discharge of hazardous substances. The cost of mitigation shall be deemed a removal cost incurred under section 311(c) of the Clean Water Act.

Through Executive Order 11735 (or as amended), the authority of the President pursuant to Section 311()(1), (A), relating to the establishment of methods and procedures for the removal of discharged oil and hazardous substances, is delegated to both EPA and USCG.

The waters and areas for which each agency has responsibility are defined in the National Oil and Hazardous Substances Pollution contingency Plan (40 CFR Part 1510, Section 1510.36(b)).

According to the National Contingency Plan, EPA is responsible for inland waters and the USCG is responsible for coastal waters and the waters, ports and harbors of the Great Lakes. These geographical areas are further defined in applicable Regional Contingency Plans.

SECTION II

COORDINATION

In accordance with the predesignated geographical areas of responsibility, EPA and the USCG agree to undertake appropriate mitigation actions of discharges of hazardons substances within each agency's defined area of responsibility.

The cost of such mitigation actions shall be considered a cost of removal incurred under subsection (c) of the Clean Water Act and shall be reimbursable through the 311(k) revolving fund.

Mitigation efforts include, but are not limited to: activities such as containment measures; measures required to wara and protect the public of acute danger; activities necessary to provide and monitor the quality of temporary drinking water sources; monitoring the spread of the pollutant; biomonitoring to determine the extent of the contamination; physical measures to identify and contain substances contaminated by the discharge; providing navigational caution while response to the problem is underway; efforts to raise sunder vessels which are the source of the discharge; implementation of emergency treatment facilities; and any efforts necessary to locate the source of the discharge and identify properties of the pollutants discharged. The long term solution to many spills may be the construction of major capitol structures, including advanced treatments facilities. While such major construction may well mitigate the danger to public health or welfare, they are not appropriate mitigation actions under Section 311(b)(6)(C).

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MEMORANDUM OF UNDERSTANDING

Between

THE UNITED STATES COAST GUARD

THE ENVIRONMENTAL PROTECTION AGENCY

* * *

A Mechanism for Funding Vendor Costs Incurred by the U.S. Coast Guard During Emergency Response to Releases or Threats of Releases of Hazardous Substances

PURPOSE:

The U.S. Coast Guard (USCG) and the Environmental Protection Agency (EPA) agree that a mechanism is required to fund USCG costs incurred during emergency response to releases, or the threats of releases of hazardous substances or pollutants or contaminants. This Memorandum of Understanding established the accounting, contracting, and fund management control policies and procedures for USCG response actions.

AUTHORITY:

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA)(94 Stat. 2796;42USC 9615) authorizes the President to respond to releases or threats of releases into the environment of hazardous substances, or pollutants or contaminants which may present an imminent and substantial danger to the public health or welfare. The Executive Order 12316 delegates certain authority and responsibility for response to the Administrator of the EPA and to the Secretary of Transportation. The USCG and the EPA are entering into this agreement in order to carry out their joint responsibilities under CERCLA and the Executive Order.

SCOPE:

The USCG and the EPA agree that vendor costs are costs incurred by the USCG in response to a specific incident of a release, or threat of a release, of hazardous subtances.

The vendor costs are only those costs which qualify as allowable uses of the Hazardous Substance Response Trust Fund when the USCG undertakes response activities pursuant to CERCLA, Executive Order 12316, and the National Oil and Hazardous Substances Contingency Plan. Examples of vendor costs include, but are not limited to, the following:

- contractor and consulting costs;
- lease or rental of equipment; and
- supplies, materials, and equipment (including transportation costs) procured for the specific response activity and expended during a response.

Vendor costs do NOT include USCG out-of-pocket expenses which are:

- travel and per diem for military and civilian personnel, and overtime costs for civilian personnel;
- fuel for vessels, aircraft, or vehicles used in support of a response activity; and
- replacement or repair costs for non-expendable equipment.

Funding for out-of-pocket expenses and other non-vendor costs will be the subject of a separate agreement between the EPA and the USCG.

The Coast Guard will advise all of its District Commanders, predesignated On-Scene Coordinators (OSC), and Regional Response Team members of the terms of this Memorandum. The USCG will provide to EPA a current listing of District personnel who will serve as appropriate contact for EPA on matters relating to contracting and accounting for response activity.

CONTRACTING AND ACCOUNTING:

The USCG and the EPA agree that the EPA will perform all accounting for vendor costs.

The USCG and the EPA agree that the contracting system used by the USCG for responses to oil and hazardous substance discharges under the authority of Section 311 of the Clean Water Act, shall be used for USCG responses to all releases or throats of releases of hazardous substances or pollutants or contaminants as defined in CERCLA.

Any contracts for immediate removal actions in response to releases or threats of releases of lazardous substances or pollutants or contaminants entered into by the Coast Guard, where the USCG OSC is acting in the capacity of first responding Federal official, pursuant to the National Contingency Plan, shall remain in effect only during the period that the USCG is the OSC.

Any contract for immediate removal actions in response to releases, or threats of releases, of inzurdous substances or pollutants or contaminants, extered into by the Coast Guard pursuant to the authority delegated under Executive Order 12316, and retained by the USCG in Section (c) of the Instrument of Redelegation, executed 2 October 1981 by the Secretary of Transportation and consented to on 9 October 1981 by the Administrator of the Environmental Protection Agency, shall remain in effect only during the period that the USCG is acting under this authority.

The USCG and the EPA agree on the following procedures for coordinating the EPA accounting system and the USCG contracting system.

1. Obtain account number. For each incident where CERCLA funds are obligated, the USCG OSC must obtain a tea-digit account number from EPA Headquarters which identifies a specific site/spill incident. The number is obtained by calling:

Chief, Response Operations Branch Emergency Response Division Office of Emergency and Remedial Response Environmental Protoction Agency 401 M Street, SW Washington, DC 20460 (202)382-,1183 The USCG OSC will provide an estimate of the response costs concomitant with the request for an account mamber.

The ten-digit account number will not be issued unless CERCLA funds are available for the response actio

2. Accounting codes. Specific accounting information is required by the EPA Financial Management System in order to process response contract. There are five categories of accounting and control numbers which must be entered on each contract and financial document. The are:

- Appropriation Number: This number is permanently assigned to the trust fund. 68-20X8145

- Account Number: The test-digit account number obtained for each incident from EPA Headquarters (see #1). The R and SS portions will vary to identify each separate release incident.

ETEA728ESS Where: R = EPA Region where the release occurred SS = Site/spill identification number

- Document Control Number: The OSC will develop a set of document control numbers for a specific release incident in the following format:

RSSXXX

Where: R = EPA Region where the release occurred

SS = Site/spill identification member

XXX = Contract document mamber

Each contract entered into relative to each release must have a unique document control number issued in ascending numerical sequence beginning with XXX = 001 for the first contract issued for that release. The R and SS portions are obtained from the Account Number.

For Example: RSS001 for 1st contract and its modifications

RSS002 for 2nd contract and its modifications

- Object Class: This number is permanently assigned

2535

- Amount of Contract in Dollars \$

3. Transmit Contract to EPA. In order for EPA to process payments for response contracts, a legible certified true copy of the contract and modifications to the contract must be submitted by certified mail within 72 hours of sward by a USCG District Contracting Officer to the EPA paying office:

Financial Management Officer Accounting Operations Office (MD-32) Environmental Protection Agency Research Triangle Park Durham, NC 27711

The USCG will assure that the USCG contract number and the EPA accounting codes (appropriation number, account number, document control number, object class, and dollar amount) are clearly and legibly presented on the contract document. The USCG will assure that the EPA accounting codes and USCG contract number are made known to the contractor. The original contract will be retained by the USCG.

4. Process Contract Invoices.

4.1 Contractor Responsibilities: The contractor will:

- Send the original invoice to the EPA paying office. The address for the paying office is:

Financial Management Officer Accounting Operations Office (MB-32) Environmental Protection Agency **Research Triangle Park** Durbam, NC 27711

- Submit a duplicate copy of the invoice to the USCG OSC.

- Assure that the USCG contract mamber and the EPA accounting codes (appropriation number, account number, document control number, object class, and dollar nount) are clearly and legibly presented on the invoice and its copy. Contractors submitting invoices for work performed under a contract are to number each invoice sequentially beginning with one (1) and make a notation on the last invoice under the contract with the phrase "FINAL INVOICE".

4.2 USCG OSC Responsibilities:

- The USCG OSC must certify each correct and proper invoice. A correct and proper invoice is one in which the services performed are acceptable and are consistent with the services billed and the accounting data properly transcribed. The certification statement to be used by OSCs of both agencies for all CERCLA cases.

, certify to the best of my knowledge and belief that the services have bee performed and are accepted, and that applicable Pollution Incident ٩. Reporting System (PIRS) and EPA Spill Provession Control and Countermeasures (SPCC) information has been correctly and completely submitted."

_OSC Signature and date

- The OSC will forward by certified mail the accepted and certified invoice, within 72 hours of receipt of the invoice from the contractor, to the EPA paying office idress shown above).

- The USCG OSC shall NOT certify invoices which include discrepancies between services performed and services billed. In the event that there are discrepancies in the invoices, the USCG representative shall, immediately upon receipt of the invoice, take appropriate action to notify the contractor and to resolve the discrepancies.

Within 72 hours of receipt of an invoice containing unresolved discrepancies, the OSC shall forward the invoice by certified mail to the EPA paying office (address shown above). The invoice will be endorsed with the following statement:

"This invoice contains unresolved discrepancies. DO NOT PAY THIS INVOICE UNTIL YOU RECEIVE WRITTEN NOTIFICATION THAT THE DISCREPANCIES HAVE BEEN RESOLVED AND THE INVOICE IS REISSUED."

____OSC signature and date

4.3 EPA Responsibilities:

- The EPA has the responsibility to process contract invoices and to make contract payments in a timely manner. Contract payments are normally made with 30 days after invoice receipt.

- Payment will be contingent on the EPA paying office receipt of the original invoice from the contractor and the USCG OSC's certified copy of the invoice.

- The paying office will withhold payment for contractor services if the OSC has not certified the invoice. Payments will be made when the discrepancies are resolved and the invoice is reissued and received at the paying office.

- The paying office will not pay any response costs in excess of the dollar amount of the contract. In the event that a contractor's service exceeds the dollar amount of the contract, the EPA paying office will inform the USCG District Representative who will take appropriate action.

FINANCIAL MANAGEMENT:

The USCG and EPA agree that the USCG may obligate up to \$250,000 per release without prior approval from EPA. Approval to obligate amounts in excess of the \$250,000 ceiling must be obtained from:

Chief, Response Operations Branch Emergency Response Division Office of Emergency and Remedial Response Environmental Protection Agency 401 M Street, SW Washington, DC 20460 (2021382-2188

The USCG will modify, as necessary, any existing contracts to reflect each ceiling increase. Certified copies of the contract modification must be submitted to the EPA Paying office.

The USCG and EPA recognize that CERCLA requires that response actions cause when \$1 million is obligated or 6 months have elapsed from the date of initial response, except as authorized under Section 104(cX1), thereof.

REPORTING REQUIREMENTS: POLREPS

The USCG and the EPA agree that the EPA, acting in the capacity as manager of the Hazardous Substance Response Trust Fund, requires up-to-date information on CERCLA response actions and the related obligations of CERCLA funds for those actions. Pollution Reports (POLREPS) are submitted by USCG OSC's to USCG District Commanders. POLREPS provide factual operational data relating to a release and a current accounting of project costs. The USCG OSC will submit a duplicate copy of all POLREP's to the Director, Emergency Response Division, EPA, (TWX # 710-8229269) for the purpose of communicating CERCLA response and fund obligation data to EPA. The initial POLREP will be sent within 24 hours of initiating a response action, if information is available. Once the initial report is completed, progress POLREPS should be sent on a rotatine basis.

PERIOD OF AGREEMENT:

This Memorandum shall continue in effect until modified or amended by the assent of both parties or terminated by either party upon a thirty (30) days advance written notice to the other party.

Nothing in this agreement is intended to diminish or otherwise affect the statutory authority of the agencies involved.

This Memorandum will become effective at noon on the date of the last signature below.

//S// W. E. Caldwell W. E. CALDWELL Rear Admiral U.S. Coast Guard Chief, Office of Marine Environment and Systems

//D// 12/10/81 DATE

//S// Christopher J. Capper CHRISTOPHER J. CAPPER Acting Assistant Administrator Office of Solid Wante and Emergency Response

//D// 1/4/82 DATE

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INTERAGENCY AGREEMENT BETWEEN THE DEPARTMENT OF TRANSPORTATION AND THE ENVIRONMENTAL PROTECTION AGENCY

Redelegation

In accordance with Section 8(F) of Executive Order 12316 of August 14, 1981, the Secretary of the Department in which the Coast Guard is operating hereby redelegates to the Administrator, Environmental Protection Agency (EPA), subject to the Administrator's consent, all function specified in Section 2(D), 2(F) < 2(G), 3(A) and 4(B) of the Executive Order with the exception of the following:

A. Functions related to responses to releases or threats of releases from vessels;

.

B. Functions related to immediate removal action concerning releases or threats of releases at facilities other than active or inactive "Hazardous Waste Management Facilities" (as defined in 40 CFR 122.3); and

C. Functions related to immediate removal action concerning releases or threats of releases at active or inactive "Hazardous Waste Management Facilities" when the U. S. Coast Guard (USCG) On-Scene Coordinator (OSC) determines that such action must be taken pending the arrival on-scene of an EPA On-Scene Coordinator. Unless otherwise agreed by EPA and USCG this authority will not be exercised unless the EPA OSC is scheduled to arrive on-scene within 48 hours of notification of the release or threat.

For purposes of this instrument: the term "immediate removal action" includes any removal action which, in view of the USCG OSC, must be taken immediately to prevent or mitigate immediate and significant harm to human life or health, to the environment, or to real or personal off-site property. Situations in which such action may be taken include, but are not limited to, fire, explosions, and other sudden releases, human, animal, or food chain exposure to acutely toxic substances; and the contamination of drinking water supply.

All functions described in this instrument, whether redelegated or retained, include the authority to contact for, obligate monies for, and otherwise arrange for and coordinate the responses included within such functions.

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INSTRUMENT OF REDELEGATION

1. Except as provided in paragraph 2 below, in accordance with Section 11(g) of Executive Order 12580 of January 23, 1987, the Secretary of the Department in which the Coast Guard is operating hereby delegates to the Administrator, Environmental Protection Agency (EPA), subject to the Administrator's consent:

a. all functions specified in Sections 2(f), 4(C), and 5(b) of that Executive Order; and

b. the functions specified in Sections 2(1), 2()(2), 2(k), and 6(c) of that Executive Order to the extent that those functions relate to the functions specified in Section 2(f) of that Executive Order.

2. The functions redelegated under this Instrument of Redelegation do not include;

a. functions related to responses to releases or threats of releases from vessels;

b. functions related to emergency action concerning releases or threats of releases at facilities other than active or inactive "hazardous waste management facilities" (as defined in 40 CFR 270.2); and

c. functions related to emergency action concerning releases or threats of releases at active or inactive "hazardous waste management facilities" when the Coast Guard On-Scene Coordinator (OSC) determines that such action must be taken pending the arrival on scene of an EPA OSC. Unless otherwise agreed upon by the EPA and Coast Guard, this authority will not be exercised unless the EPA OSC is scheduled to arrive on scene within 48 hours of notification of the release or threat of release.

3. For purposes of this instrument, the term "emergency action" includes a removal action which, in the view of the Coast Guard OSC, must be taken immediately to prevent or mitigate immediate and significant danger to the public health, welfare or the environment. Situations in which such actions may be taken include, but are not limited to, fire, explosions, and other sudden releases; human, animal, or food chain exposure to acutely toxic substance, and the contamination of a drinking water supply.

4. All functions described in this document, whether redelegated or retained, include the authority to contract for, obligate for, and otherwise arrange for and coordinate the responses included within such functions.

//S// Jim Brumley //D// 11/29/87 (Acting)

Secretary of Transportation

I hereby consent to the redelegation as set forth in this instrument.

//S// Lee M. Thomas //D// 5/27/88

Administrator, Environmental Protection Agency

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INTERAGENCY AGREEMENT BETWEEN THE U.S. ARMY CORPS OF ENGINEERS AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY IN EXECUTING P.L. 96-510, THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980 (CERCLA)

PURPOSE

The Environmental Protection Agency (EPA) has overall statutory responsibility for implementing the Comprehensive Environmental Response, Compensation and Linblity Act of 1980 (CERCLA), also known as Superfund. This agreement defines the management and technical assistance the U.S. Army Corps of Engineers (Corps) will provide to EPA to assist in implementing the Superfund Program.

BACKGROUND

1. CERCLA provides authority and funding to respond to releases of hazardous substances, pollutants, and contaminants into the environment. The statute and Executive Order 12316 assign primary responsibility for implementation to EPA. The Superfund program includes emergency response (removal) to hazardous substance spills and sites and longer term (remedial) action at sites. This agreement primarily addresses aspects of the remedial response program.

2. For purposes of this agreement, remodual response at uncontrolled inzurdous sites consists of the following: investigation to define the problem; feasibility study to evaluate the problem and select a cost-effective remodual action; final design; and implementation (construction and related tasks).

3. States may perform all or past of the remedial response program activities at sites. EPA is responsible for remedial response where a State does not elect to so perform.

4. The authorities under which this agreement is being implemented are the Comprehensive Environmental Response, Compensation and Limbility Act of 1980, 42 USC 9601 et seq., and Section 219 of the Flood Control Act of 1965, P.L. 89-296, Title 2, 79 Stat. 1073, 1092.

EPA'S RESPONSIBILITIES UNDER THIS AGREEMENT

1. EPA will manage all activities undertaken at a site before

the Corps accepts a project and all remedial program activities except those performed by the Corps under this agreement.

2. EPA will provide the Corps with sufficient funding to execute the activities covered by this agreement. The Corps and EPA will enter into a subsequent financial agreement which, at a minimum will include: (a) procedures for project audits; (b) overhead costs; and (c) cost control mechanisms relating to Corps managed contracts.

3. EPA will manage relationships with States and will have primary responsibility for hisison with other interested groups.

CORP'S RESPONSIBILITIES UNDER THIS AGREEMENT

1. The Corps will manage design, construction and related tasks for remedial actions assigned by EPA and accepted by the Corps. In carrying out its management role, the Corps will use private contractors for all design, construction and related tasks. EPA and the Department of the Army may, with the concurrence of Office of Management and Budget, later agree that minimal design work should be done by the Corps.

2. The Corps will provide technical assistance to EPA during the remedial investigation and feasibility study phases. This assistance will be limited to work required to astisfy the Corps that the remedial action selected by EPA will be reasonable to design, construct and operate. The Corps also will assist EPA in review of State-managed projects as to their suitability for bidding and construction.

3. The Corps may provide other technical assistance to EPA in support of response actions, as agreed upon by the agencies.

4. The Corps will provide EPA with financial and program information consistent with, and easily integrated into, EPA's management and financial accounting systems.

QUALIFICATIONS AND LIMITATIONS

1. EPA and the Corps will easure that any remedial action selected by EPA for Corps management is reasonable to design, construct and operate. EPA will not assign a remedial action to the Corps for management if the Corps determines that the action is not reasonable to design, construct and operate.

2. EPA maintains statutory responsibility for implementing the Superfund program. The Corps will maintain consistency with EPA's overall program requirements. The Corps will use its own internal procedures in the performance of its responsibilities under this agreement, including the use of its own procurement regulations. However, small business set-asides will be in accordance with the criteria set out in the Federal Procurement Regulations at FPR 1-1-706-5(a).

3. Corps Division Engineers and EPA Regional Administrators will operate under the provisions of this agreement. There will be no separate regional agreements.

4. This agreement shall be effective for a term of two years. It may be modified, extended or terminated by mutual consent of the parties. In cases of war or national consergency or in the interest of the national defense this agreement may be terminated unilaterally.

5. The Corps and EPA will issue instructions implementing this agreement.

AUTHENTICATION

This agreement will become effective upon signature by both parties.

Anne M. Gorsuch Administrator Environmental Protection Agency //D// Date Illegible //S//Anne M. Gorsuch

William R. Gianelli Assistant Socretary of the Army (Civil Works) //D// 2/3/82 //S// William R. Gianelli

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MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF DEFENSE AND THE ENVIRONMENTAL PROTECTION AGENCY FOR THE IMPLEMENTATION OF P.L. 96-510 THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980 (CERCLA)

1. PURPOSE

The Department of Defense (DOD) and the Environmental Protection Agency (EPA) are estering into this agreement to clarify each Agency's responsibilities and commitments for conducting and financing response actions authorized by the Comprehensive Environmental Response, Comprehension, and Liability Act of 1980 (CERCLA) and specifically delegated by Executive Order 12316.

This agreement does not redelegate any responsibilities set out in Executive Order 12316. Rather, it clarifies respective operational roles, responsibilities, and procedures, consistent with the applicable provisions of Executive Order 12316 and Executive Order 12088. This agreement does not create any substantive or procedural rights in other parties, does not affect enforcement rights and remedies with regard to any party, and is intended only for Federal administrative purposes of EPA and DOD.

These responsibilities and procedures are guided by the following:

- DOD facilities are defined as government-owned, government-operated facilities controlled by DOD; and government-owned land controlled by DOD that is either contractor-operated or leased to other parties.

- DOD is generally responsible for financing actions taken in response to releases from DOD facilities, or assuring that another party finances such actions.

- DOD and EPA will conduct response actions consistent with response procedures established by the National Oil and Hazardous Substances Pollution Contingency Plan (NCP).
- At DOD's request and in its discretion, EPA will provide DOD with technical assistance to support the response actions conducted by DOD.

- Civil works activities of the Department of Army Corps of Engineers are not subject to the terms of this agreement.

DOD will consult with EPA concerning the best techniques and methods available for the prevention, control, and abatement of environmental pollution.

2. BASIS OF AGREEMENT

CERCLA provides a comprehensive framework for response to the release or potential release of hazardous substances, pollutants, and contaminants.

. .

Section 104 of CERCLA and Executive Order 12316 place authority for responding to releases from DOD facilities with the Secretary of Defense. These response actions must be conducted in accordance with the NCP as amended by EPA under section 105 of CERCLA.

3. RESPONSIBILITIES AND RESPONSE PROCEDURES

For purposes of this agreement, releases of hazardous substances are divided into three categories:

- Releases from current DOD facilities;
- Releases from former DOD facilities; and
- Other releases for which DOD is a responsible party.

For each category, section 3 describes procedures to be followed by DOD and EPA in determining which Agency will conduct and/or finance the response action consistent with CERCLA, the requirements of Executive Order 12316, and the NCP. At DOD's request and in its discretion, EPA will provide technical assistance or serve in an advisory role when DOD conducts a response.

3.1 Releases from Current DOD Facilities

a. Current DOD facilities with on-facility contamination and no off-facility contamination.

When there is contamination on a current DOD facility and no off-facility contamination, DOD will conduct and finance the response actions or assure that another party does so. At DOD's request, EPA will provide technical assistance or serve in an advisory role. This section does not apply to releases for which DOD is not a responsible party under section 107(b) of CERCLA (e.g., "midnight dumping").

b. Current DOD facilities with off-facility contamination.

When there is off-facility contamination and clear evidence that a current DOD facility is the sole source, DOD will conduct and finance the response action or assure that another party does so. At DOD's request, EPA will provide technical assistance to DOD or serve in an advisory role.

When there is off-facility contamination and no clear evidence that a DOD facility is the sole source, EPA will finance and conduct investigations and studies off-facility to determine the source and extent of the contamination and recommended response action. DOD will finance and conduct investigations and studies on the DOD facility to determine the source and extent of the contamination and the recommended response action. DOD and EPA will coordinate these efforts and resulting decisions to minimize costs and duplication of activities, and will exchange all reports, studies, and other relevant site information.

If, after DOD and EPA review these investigations, it is determined that the current DOD facility is the sole source of the contamination, DOD will conduct and finance the response action or assure that another party does so and will reimburse EPA for costs EPA expended at the site.

If, after DOD and EPA review these investigations, it is determined that the current DOD facility is one of two or more sources of the contamination, EPA and DOD will jointly determine the most appropriate response and financing methods.

3.2 Releases From Former DOD Facilities.
a. Releases from former DOD Facilities, when DOD is the sole responsible party.

If EPA, in consultation with DOD, determines that a former DOD facility is the sole source of the contamination, DOD will finance any response action, including off-facility response actions, or will assure that another party does so. If EPA agrees, DOD may choose to conduct the response action. If EPA conducts the response action, DOD will reimburse the Hazardons Substance Response Trust Fund (Fund) for the Action. EPA concurrence is required before DOD conducts a response action.

In cases where DOD disagrees with the determination of responsibility, proposed action, or its cost, DOD may use the dispute resolution section of this agreement.

b. Releases from Former DOD facilities, when DOD is one of two or more responsible parties.

If EPA, in consultation with DOD, determines that DOD is one of two or more parties responsible for the contamination EPA will conduct and fine ace the response action and EPA, in consultation with DOD, will determine the appropriate response costs. DOD will reimburse EPA that amount.

If EPA agrees, DOD may choose to conduct the response action. If EPA conducts the response action, DOD will reimburse the Fund for the Action. EPA concurrence is required before DOD conducts a response action.

In cases where DOD disagrees with the determination of responsibility, proposed action, or its cost, DOD may use the disposel solution section of this agreement.

3.3 Other Releases for Which DOD is a Responsible Party.

When there is a release for which DOD is a responsible party, and which does not involve a current or former DOD facility, EPA will investigate the need for a response action, and the extent of responsibility of different parties for the release, including DOD's responsibility. EPA, in consultation with DOD, will determine the appropriate response costs and DOD will reimburse EPA that amount. If EPA agrees, DOD may choose to conduct the response action for the portion of the release for which it is responsible. EPA concurrence is required before DOD conducts a response action.

For releases from DOD vessels, including vessels owned or bareboat chartered and operated, DOD and EPA will jointly determine the most appropriate response.

In cases where DOD disagrees with the determination of responsibility, proposed action, or its cost, DOD may use the dispute resolution section of this agreement.

4. FUNDING OF RESPONSE

DOD will request sufficient funds in its budget to pay for response actions programmed by the Department under this agreement. DOD will ensure that projects in this budget program are listed in the same manner as other environmental projects under OMB Circular A-106.

When EPA undertakes a response for which DOD is responsible under CERCLA, DOD will reimburse the Fund for its share. Where funds are not immediately available for reimbursement, DOD's next fiscal year budget request will include a request for Fund reimbursement. Provisions of this agreement for payment by DOD shall not be construed as affecting the particular source of appropriations for payment by the government, including special appropriations or 31 U.S.C. 724a.

Any commitment of funds is subject to the availability of appropriations.

Each Agency will maintain records of all costs incurred which may involve payments to of from the Fund and will provide documentation of those costs at the other Agency's request.

5. COMMUNITY RELATIONS

When EPA undertakes a response action, EPA will be responsible for establishing a community relations program for the site, as specified in the Guidance for Implementing the Superfund Program (Part III, Section 4).

When DOD undertakes a response action, DOD will be responsible for providing information to the local community.

For EPA and DOD actions at the same site, EPA and DOD will conduct a joint community relations program.

6. EXCHANGE OF INFORMATION

DOD and EPA will exchange information on a regular basis. EPA and DOD will inform each other at the earliest possible stage of any evidence of contamination, types of contamination, and potential actions. EPA and DOD will keep each other informed regarding the type and availability of data or information. Such data or information will be made available upon request, subject to Agency technical or peer review. Upon request and following Agency technical or peer review, DOD and EPA will submit drafts of specific technical reports to each other for review. Review comments will be addressed in final reports.

Agency technical or poer review will be expedited when information is requested. All requests for dats or information will be responded to within ten working days of the request.

EPA and DOD will notify each other prior to providing the other Agency's information or data to another party. All confidential business information exchanged under this agreement is subject to procedures set forth at 40 CFR Part 2.

This section applies to information related to all releases under section 3 of this agreement, including releases under section 3.1.

7. RESOLUTION OF INTERAGENCY CONFLICTS

Any conflict arising under this agreement will be resolved at successive levels of Agency docision making until agreement is reached. The EPA Regional Administrator and the Commanding Officer of the Defense Component Major Command in question will first attempt to resolve any disputes. Failing resolution, the EPA Assistant Administrator for Solid Waste and Emergency Response and the appropriate Military Department Assistant Secretary will attempt to reach agreement. If this is unsuccessful, the matter will be referred to the EPA Administrator and the Secretary of Defense.

The dispute resolution process is not a substitute for necessary and timely removal actions, and each Agency reserved rights otherwise provided by law to parsue any response or enforcement actions.

8. MULTIPARTY AGREEMENTS

Where appropriate, EPA Regional Offices and DOD installations may ester into agreements with State and local authorities regarding response actions. Such agreements must be consistent with this agreement, except that dispute resolution sections of such agreements may supersede section 7 of this MOU.

9. AMENDMENTS

This agreement may be amended at any time by mutual agreement of EPA and DOD. Amendments will be in writing, and will be signed by appropriate DOD and EPA officials.

10. PERIOD OF AGREEMENT

Usless ended or extended by mutual agreement, this MOU will continue in effect until December 1, 1985. This agreement may be terminated upon notification by either DOD or EPA to the other party. A minimum of minety days' advance written notice of termination is required.

11. EFFECTIVE DATE

This agreement will become effective upon signature of both parties.

//S// Lawrence J. Korb LAWRENCE J. KORB Assistant Secretary of Defense (Mampower, Reserve Affairs and Logistics) Date: //D// 8/12/83

//S// Lee M. Thomas LEE M. THOMAS Assistant Administrator Office of Solid Waste and Emergency Response Date: //D// 8/12/83

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THE U. S. ENVIRONMENTAL PROTECTION AGENCY anv THE AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY BELMEEN MEMORANDUM OF UNDERSTANDING

1. PURPOSE

and response responsibilities under the Comprehensive Euriconmental Response, Compensation, and justility Act (Public Law 96-510, 94 Star. 2796, 42 USC 9601 et acq. CERCLA), Executive Order 12316 (Responses to Euriconmental Response), and the Massudous Substances Commercery Plan (MCP; 40 CFR Part 300), This Memorandum of Understanding (MOU) establishes policies and procedures for conducting response and non-response health activities related to refeated to refeated at acquestances. The Agency for Toxic Substances and Dissues Registry (ATSDR) and the Environmental Protection Agency (EPA) agree that guidance is required to define and coordinate joint

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of lasardous substance, pollutants, or contaminates, and determination of the presence of an imminent and substantial danger to the public health or welfare of the environment. Exceptions to this substance, ports, include responses to releases from Department of Defense (DOD) facilities or vessels (delegate to DOD) and releases involving the countral sone, Great Lates waters, ports, and harbors (delegated to the U.S. Coast Guard). to iterate, disease or complement thereof. Executive Order 12316 delegates to EPA the primary response authority under CERCLA section 101 release or extent of release the Socretary of HHS ocertain investigatory authorities vested in the President mater CERCLA socion 104 for conducting activities with the cooperation of other specacios, relating or contaminants. CERCLA also catabilishes the Hazardous Substance Response Trust Fund. CERCLA section 104(i) substrates ATSDR (part of the Department of Health and Human Services (HHS) to effectuate and implement specific hasher-thated activities with the cooperation of EPA and other agreecies. Executive Order 12316 further delegates to CERCLA section 104 authorizes the President to respond to releases or authorizable threads of releases into the environment of hazardous statements and environment of parameters and environment of parameters

3. SCOPE OF RESPONSIBILITIES

mente, and for determination of the extent of danger to public health, welfare or the environment, as well as, other responsibilities related to response actions. to response actions. EA has statutory authority under CERCLA and Excentive Order 12316 for activities related to release or threat of release of hazardous substances, pollutauts The MOU covers the coordination of health-related activities by ATSDR and EPA as authorized by CERCLA and delegated by Executive Order 12316. ATSDR has matatory responsibilities related to illinois, disease, or completing indeced activities and other responsibilities related to illinois, disease, or completing indeced. For activities related to activities related to illinois, disease, or completing indeced.

Medicine to establish and maintain the needed data bases on health effects of toxic substances; and with the Harional Toxicology Program to conduct standard toxicological assays. of the Public Health Service through conserver agreements with State health departments, and through contractual arrangements whenever appropriate. Such interactory agreements of the Public Health Service through conserver appropriate. Such interactory the Library of interactory and provide maintance on worker locality insure, with the Library of interactory and provide maintance on worker locality insure, with the Library of Submances Response Track Fund. If the successorate are not available ATGCR will conduct some of its activities through interactions agreements with other participating agreecies effocts and will adapt DPA's raik assessments at a rate or rates. ATSDR will not perform raik assessments as defined herein, suing the funds made available from the Hazardous major responsibility in the braith area will be risk assessment and risk management as defined herein. Health advisories will be based on ATSDR's evaluations of current health of populations with current or potential exponent to wante sizes, development of health advisories, and the follow up on populations for the evaluation of future health effects. EPA's ATSDR and EPA will carry our their responsibilities according to CERCLA, Executive Order 12316, the NCP, and this MOU. ATSDR's major responsibility will be the evaluation

Definitions for the key terms used in this section follow:

- Health Consultations: Immediate or short-term consultation by ATSDR to provide health advice and/or health effects information regarding a specific size.

and evaluation of existing caviromocatal data, pilot samples, testing for food chain contamination, and similar activities. These evaluations and may include the second statement of the characterizations of polential harment attement at a rate or rates, and may include becauter scarcings, information scarmanization - Health Assessment: Initial multi-discriptionary reviews by ATSDR of all readily available date to evaluate the materie and magnitude of any threat to human health at a rise.

COL BE & BEC OF BROKE. - Pablic Health Advisory: An advisory issued by ATSDR based on the results of its health assessment. - Epidemiologic Station: Long-form epidemiologic stady by ATSDR involving a comprehensive protocol designed to add harvelete of the health effects of a specific substance

persons exposed to toxic substances. - Hoalth Registry: A site specific or adverte bashib efforts reprisery early and an antimizer of the second and second

- Pilot Study: a preliminary or abort torm modical, jaboratory, or epidemiologic analy on a fimited human population to decide if additional, large scale analies are warmated.

recordination and supports LPA's risk management process. The study populations can include those brane at or near, a site and those not resting at, or near, a site (control or reference population). - Risk Assessment: A qualitative process conducted by EPA to characterize the nature and magnitude of potential risk from exposure to hazardous and the to public health from exposure to hazardous and the to public health from exposure to hazardous of the statement, and risk magnitudes, dose-response assessment, exporter assessment, and risk and the to public health from exposure to hazardous and the statement of control of the statement of the statement

- Risk Managerances: The process conducted by EPA to determine the mature and extend of remody for a site, including alternative selection.

A. Removal Actions

generally are limited by CERCLA to \$1 million in cost and air months in duration. Removal sobors are Superiard response activities involving the short-term cleansp or removal or releases harandous salvances that pose an immediate harand. These actions

100800 mbA lancings AGE such, the State, or the EPA Regional Adm are more and an in the OSC's opinion there is no need for further public health input into the removal action. Alternatively, the recommendation for ATSDR involvement and be removal action. The On-Scene Coordinator (SCO) shall recommend that ATSOR be called in at any time during the removal action, at the time that the criteria mater Scenica B.3 a he source and any provide community relations assistance to EPA. ATCR may become involved in removal actions through a variety of mechanisms and at variety of a ATSDR activities in support of specific removal actions involve leash activities and leash advisories. In addition, ATSDR may monitor the leash activities in apport of specific removal actions involve leash and safety advisories. In addition, ATSDR may monitor the leash and safety during the capacity in the set of action and safety during the capacity in the set of action and safety during the capacity in the set of action and safety during the capacity advisories and safety during the set of action and safety during the capacity during the set of the set of action and safety during the capacity of the set of

B. Remedial Response

Remedial actions are those response actions consistent with a permanent remody at a site. Remedial action is preceded by detailed planning This section discusses coordination of ATSDR and EPA efforts during the remedial response process, which involves five major stages:

- Site discovery, preliminary assessment, and site inspection;
- Site ranking and NPL hating;
- Remedial Investigation (RI);
- Feasibility Study (FS); and
- Remodial design and construction.

The roles of ATSDR and EPA during these stages are discussed in the subsections below.

B.1 Site Discovery, Preliminary Assessment, and Site Inspection

There are different methods for identifying sites for potential remodial remodial remotiant remotion program. CERCLA section 103 requires certain parties to notify the National Response Center when they have knowledge of a rolesse of a hazardous substance equal to or in excess of the reportable quantity for that substance. Notification is forwarded to EPA and the affected State. In addition to this formal notification process, EPA may receive notification of a potential release from a local, State, or Federal agency that discovers the release in the performance of its responsibilities. Following notification of a potential or actual release, EPA conducts a preliminary assessment of the site to determine whether investigation and Hazard Ranking System (HRS) scoring is warranted.

Site discovery, preliminary assessment, and site inspection are primarily the responsibility of EPA. If ATSDR discovers a potential or actual release during the performance of its responsibilities, ATSDR will notify EPA of this release. EPA may perform preliminary assessments and site inspections of such releases, as warranted, and will determine whether further investigation is necessary.

B.2 Site Ranking and NPL Listing

CERCLA section 105(8) requires the President to develop criteria for determining priorities among releases or threatened releases of hazardous substances and, based upon those criteria, publish and amend the NPL. Executive Order 12316, section 1(c) delegates to EPA "[1] he responsibility for. . . all of the . . . , functions vested in section 105" of CERCLA.

Decisions regarding specific site scoring and listing of sites on the NPL are the responsibility of EPA. If ATSDR discovers any information about potential candidates for the NPL during the performance of its responsibilities, ATSDR will submit that information to EPA. To facilitate this, EPA Headquarters will notify ATSDR prior to each amendment of the NPL to allow ATSDR to recommend sites to be considered for the NPL, and EPA will consider such recommendations, based upon the data used by ATSDR to make the recommendation, before publishing the amended NPL. EPA may decide to rank sites identified by ATSDR, retain the site information on EPA files for future reference, or seek further information about such sites, and will notify ATSDR of its decision.

B.3 Remedial Investigation

CERCLA section 104(b) suborizes the President to undertake "such investigations, monitoring, surveys, testing, and other information gathering" necessary to "identify the existence and extent of the release or threat thereof, the source and mature of hazardous substances, pollutants or contaminants involved, and the extent of danger to public health or welfare of the environments." Section 2(a) of Executive Order 12316 delegates to the Secretary of HHS in cooperation with other agencies, those functions of Section 104(b) "relating to illness, disease, or complaints thereof." HHS's responsibilities are performed by ATSDR. Section 2(a) delegates to EFA most of the remaining authorities under section 104, including those functions under section 104(b) listed above as they relate to the occurrence of a release.

The EPA Regional Administrator, or his designee, will determine as early as possible in the RI/FS process for a site whether concurrent ATSDR involvement in the RI/FS is necessary. In deciding whether to request concurrent ATSDR involvement, the Regional Administrator, or his designee, will consider the following criteria:

- Whether the presence of toxic substances has been confirmed at the site;

- Whether pathways of human exposure to toxic substances have been demonstrated to exist at the site, especially if such pathways involve direct contact with toxic substances; and

- Whether a human population has been exposed to toxic substances via the identified pathways, and whether there exists a threat of current or future health effects to the population being so exposed, after considering EPA's risk assessments or health effects information from other sources.

If these criteria are met, the EPA Regional Administrator, or his designee, shall request concurrent ATSDR involvement, unless in his opinion there is no need for further public health input into the RI/FS. Alternatively, the recommendation for ATSDR involvement may be initiated by ATSDR itself, or the State.

Elements of the remodial investigation in which ATSDR participates may include review of site sampling plans and analysis protocols, site sampling, data analysis and interpretation, worker health and safety, community relations, and the remodial investigation report. The division of responsibilities and coordination between EPA and ATSDR in conducting these activities is described in the following paragraphs. EPA and ATSDR will agree to strict time schedules on a site-specific basis for all activities to be performed by ATSDR, to ensure that the response process is not delayed. Any changes in the time schedule will be mutually agreed upon by EPA and ATSDR.

Site Sampling. Where EPA has requested concurrent ATSDR involvement, ATSDR will advise EPA during the proparation of sampling and analysis protocols to ensure collection of data useful to ATSDR for health assessments and epidemiological studies. EPA will be responsible for the development and conduct of any environmental and biological (other than human) sampling, and developing the tests therefor. ATSDR will consult with appropriate health agencies and will summarize recommendations regarding the necessity for testing of human subjects. If human subject testing is determined to be necessary, ATSDR will be responsible for any such testing. EPA shall review the protocols or sampling plans for such testing to ensure collection of data useful to EPA in performing subsequent risk assessment and risk management.

Sampling Protocol. Where EPA has requested concurrent ATSDR involvement, EPA and ATSDR will submit a draft of all protocols to each other for review prior to institution of any site sampling or monitoring. Any changes in the sampling protocols will also be provided to ATSDR for review. With regard to the review of Non-site specific protocols, (e.g., protocols for standard Contract Laboratory Program analysis) EPA will provide these to ATSDR for review as early as possible to avoid the necessity of ATSDR review of these protocols on a site specific basis. Data Analysis and Interpretation. At sites where EPA has requested concurrent ATSDR involvement, EPA will provide its data from environmental, toxicological and other biological sampling and testing to ATSDR. ATSDR will review all available data for a site, including EPA's lazard identification, dose-response assessment, exposure assessment, and risk characterization information, drawing conclusions about any threats to public health associated with the site. Based on its interpretation of the site data, ATSDR will characterize the health threats based on its evaluation of current health effects and in consultation with EPA concerning the magnitude and timing of potential future health effects. ATSDR will communicate all health concerns to regional EPA staff and will provide copies of health assessments and advisories to EPA.

Worker Health and Safety. EPA may request assistance from ATSDR on worker health and safety issues during a remodial investigation, including consultation on the desigh of worker health and safety plans and monitoring of plan implementation. ATSDR will make arrangements for laboratory and field testing related to worked health and safety and worker surveillance.

Community Relations. ATSDR may provide, at EPA's request, assistance in conducting community relations activities during the remedial investigation. Such assistance may include:

- Preparation of technical and non-technical information material for the public describing human health threats posed by substances at a site;
- Reviewing and commenting on human health-related documents prepared and submitted by citizens (e.g., citizen generated health survey protocols);
- Participation in public meetings, small group meetings, and workshops; and
- Preparing responses to specific public inquiries regarding human health impacts of site problems.

Remodial Investigation Report. At the conclusion of the remodial investigation at sizes where ATSDR is involved, EPA will send a copy of the remedial investigation report to ATSDR. ATSDR will review health-related data and interpretations of such data in the report and provide comments to EPA within a mutually agreed upon time frame.

If EPA and ATSDR agree that ATSDR involvement is not required at a site, ATSDR will not participate in the remedial planning process at that site. ATSDR may undertake other statutory activities, such as epidemiological studies or disease registries, at a site or sites. ATSDR will coordinate all such activities with EPA and will advise EPA of imminent threats to human health at any site and at any time during EPA's remedial process. In addition, EPA may request ATSDR assistance in disseminating health information to the public and in responding to health concorns of local citizens.

B.4 Feasibility Study

EPA has the final authority for determining the extent of remedy at a site and selecting a specific remedy during the feasibility study. In conducting feasibility studies, EPA will develop, evaluate, and select remedial options using the approach described in its feasibility study quidance. For those sites where there has been concurrent ATSDR involvement, EPA staff will consult ATSDR for its assessment of any human health data (e.g., clinical, epidemiologic) and EPA's risk assessment resulting from the remedial investigation. EPA will be responsible for performing qualitative/quantitative risk assessments evaluating long-term risks to the public that may result from exposure to bazardous substances from Superfund size.

It is the responsibility of EPA (Office of Solid Waste And Emergency Response) to incorporate the results of the risk assessment process and of health assessments by ATSDR into risk management determinations of the extent of remody for a site. The goal of this process is to ensure that the remodual action is adequate with regard to eliminating or mitigating the existing and future public health threats. EPA may consider and incorporate applicable information provided by ATSDR on the current status of public health at the site into the selection of the preferred remody. At the discretion of the appropriate Regional Administrator, EPA staff may also consult with ATSDR staff for any interpretation of human health data at sites where ATSDR is not concurrently involved. In addition, EPA may request ATSDR assistance at any site in disseminating health information to the public and in responding to health concerns of local citizens. In the course of performing its health activities, should ATSDR which, in its opinion, poses an imminent threat to public health. ATSDR will immediately solify the relevant EPA Regional AFA headquarters of this finding.

For each remodual response site where ATSDR involvement is requested, EPA will provide ATSDR with a copy of the draft feasibility study, and where appropriate with rough draft sections of the feasibility study relating to human health and interpretation, prior to the public comment period if possible. ATSDR will review the interpretation of the human health data in the draft feasibility study and provide comments to EPA during the public comment period. ATSDR will also provide to EPA any health information it possesses on the site during the public comment period.

B.5 Remedial Design and Construction

The design and construction of the selected remody at Superfund sites is EPA's responsibility. The Regional Administrator may, at his discretion, request a health assessment from ATSDR with regard to certain elements of the remodul design. At the conclusion of the design stage, EPA should provide advance copies of the Remedial Design and Construction Plans to ATSDR whenever possible if they wish review and comment by ATSDR. ATSDR will notify EPA if the remedial design does not, in its opinion, eliminate or mitigate the public health threat.

C. Cost Recovery

Under CERCLA, EPA is authorized to recover from responsible parties all government costs incurred during a response action. ATSDR agrees to conform with all procedures and requirements for documenting costs that are to be recovered.

D. Funding

All costs incurred by ATSDR in performing its CERCLA responsibilities are funded by ATSDR through funds provided for this purpose. Funding for ATSDR activities performed under CERCLA is from the Hazardous Substances Response Trust Fund and is provided by EPA through the badget task force required by Section 7 of Executive Order 12316 or through separate interagency agreements for specific health studies. ATSDR will comply with the financial and reporting requirements outlined in the Interagency Agreements that transfer Fund monios to ATSDR.

4. PERIOD OF AGREEMENT

This Memorandum of Understanding will continue in effect until modified or amended by the assest of both parties of terminated by either party apon a thirty (30) day advance written notice of the other party. Nothing in the Memorandum is intended to diminish or otherwise alter statutory authority of the agencies involved.

5. AMENDMENTS

This Memorandum may be amended at any time by the agreement of both parties. Each amendment must be in writing and signed by the appropriate ATSDR and EPA officials.

6. EFFECTIVE DATE

This Memorandum will become effective at noon on the date of the last signature below.

//S// Domid R. (Illegible) Date: May 28 1985 For the Agency for Toxic Substances and Disease Registry

//S// Jack W. McGraw Date: //D// 4-25-85 For the United States Environmental Protection Agency

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MEMORANDUM OF UNDERSTANDING BETWEEN THE ENVIRONMENTAL PROTECTION AGENCY AND THE DEPARTMENT OF THE INTERIOR

PRELIMINARY NATURAL RESOURCE SURVEYS

1. PURPOSE

The Department of the Interior (DOI) and the Environmental Protection Agency (EPA) agree that this memorandum of understanding is necessary to support federal enforcement actions parsumt to the Comprehensive Environmental Response, Compensation and Linkity Act of 1980, as amended (CERCLA), 42 USC Section 9601, et seq. , DOI will assist the United States in reaching comprehensive settlements of all Federal claims under CERCLA by conducting surveys at hazardous waste sites of natural resources for which DOI acts as trustee.

2. AUTHORITY

CERCLA Section 104(b) and Executive Order 12580, Section 2(g), authorized EPA to conduct investigations of releases or threats of releases of hazardous substances into the environment and other necessary information gathering to enforce the provisions of CERCLA.

CERCLA Section 107(1)(2)(A) authorizes the President to designate Federal officials to act as natural resource trustees on behalf of the public. Executive Order 12480, Section 1(c)(4), and the National Oil and Hazardona Substances Pollution Contingency Plan (NC), Subpart G (40 CFR Part 300), designate the Secretary of the laterior as among those Federal officials who shall act as trustee.

3. RELATED PROVISIONS

Sections 104 and 122 of CERCLA require EPA to notify trustees of potential damages to natural resources resulting from releases under investigation; to coordinate EPA's assessments, investigations and planning with trustees; and to actify trustees of, and to encourage trustees to participate in, negotiations of settlements at sites where there is the potential for damages to natural resources. EPA agrees to implement these coordination provisions with DOI. The parties will address the coordination provisions subsequent to the signing of this agreement.

4. SCOPE

Under the authority of Sections 106, 107, and 122 of CERCLA, the United States may actively pursue the settlement of claims against persons responsible for releases of hazardous substances into the environment. Such settlement may include covenants not to sue responsible parties under CERCLA with respect to the release of a hazardous substance that is the subject of the settlement. The United States may provide a covenant not to sue for damages to natural resources if the Federal trustee of the affected resources fives written consent. DOI is responsible for determining whether to grant responsible parties a covenant not to sue for damages to natural resources for which it acts as trustee or co-trustee.

Under this memorandum, DOI will conduct preliminary natural resource surveys of sizes under investigation or negotiation by EPA and will notify EPA whether or not resources under its trustceship may be damaged or threatened. The Department of Justice (DOJ) would not include in any settlement agreement(s) a covenant not to sue for natural resource damages unless DOI so authorizes in writing.

EPA agrees to reimburse DOI for the EPA approved costs of assembling data regarding potentially affected natural resources, if any, and providing such information to EPA in a format appropriate for the enforcement action. None of the funds provided under this agreement shall be used to plan or conduct natural resource damage assessments or restorations.

5. PRIORITIES

EPA's Office of Waste Programs Enforcement (OWPE) will identify to DOI's Office of Environmental Project Review (OEPR), as early as possible, any sites under investigation for enforcement of subject to negotistion, whether planned of ongoing, where there may be damages to natural resources under DOI's trustceship. EPA's Regional Project Officers (RPOs) will work with the appropriate DOI Regional Environmental Officers (REOs) to determine which hazardous waste sizes so identified may require preliminary natural resources surveys. EPA's RPO's, working with DOI's REO's, will establish a priority list of size needing such surveys. EPA's RPO's may amend the priority into for the sizes in the order of priority identified in the regional lists. The EPA regional Officers (new), may propose changes in the priority of sizes within that regional lists. The EPA regional Officer (REO), may propose changes in the priority of sizes within that regional, OEPR will notify the OWPE of easy propose changes in the priority of sizes within that region, OEPR will notify the OWPE of easy propose changes in the priority of sizes within that region, OEPR will notify the OWPE of easy propose changes in the priority of sizes within that region, OEPR will notify the OWPE of easy propose changes.

6. WORK PLANS

OEPR will submit a work plan to the appropriate EPA RPO and to OWPE detailing the scope of activity to be performed, the schedule for such activity, and the cost of each survey. The plan will be submitted no inter than thirty (30) days after the establishment of the priority list for preliminary surveys. If the 30-day limit cannot be not, OEPR will notify OWPE, in writing, of the cause of delay and the estimated additional time necessary for completion.

OEPR will not commence any activity in the work plan until the EPA RPO has notified OEPR in writing that the work plan is acceptable, unless and emergency arises and either party seeks initiation as soon as feasible. EPA's notification will state a maximum amount of reimbursement that will be allowed for each survey included in the work plan. The EPA RPO will make this notification within (30) days of receiving the work plan. OEPR may propose a revised work plan on the basis of the RPO-approved reimbursement. DOI will be estitled to reimbursement from EPA beyond the maximum specified in the approved work plan, if an amendment to the work plan is agreed upon, in writing, by the EPA RPO and OWPE.

7. SCHEDULE

OEPR will normally complete a preliminary natural resource survey within sixty (60) days of the scheduled starting date established in the work plan. If the schedule cannot be met, OEPR will notify the EPA RPO, in writing, of the cause of delay and the estimated additional time necessary for completion. OEPR should contact the EPA RPO at least fifteen (15) days before the end of the initial 60-day period if additional time is necessary. By mutual agreement, EPA may request, and DOI may conduct, a preliminary survey on an expedited schedule.

8. SURVEY PROCEDURES

OEPR will conduct preliminary natural resource surveys according to its own procedures and the approved work plan. OWPE will identify EPA's RPOs who will, apon request, provide DOI's REOs with relevant technical documents, draft and final endangerment assessments, remedial investigations and fea. bility studies (RI/FS) and remedial designs, covering all project segments, whether proposed by EPA or by responsible parties. Surveys will be locally directed, whenever feasible, by DOI's REOS. OEPR may also coordinate with other trustees in conducting preliminary surveys when appropriate.

9. REPORTS AND DOCUMENTATION OF COVENANTS NOT TO SUE

Within thirty (30) days of completion of each preliminary matural resource survey, OEPR shall submit to the EPA and to OWPE a summary report that includes a determination of the potential for damages to natural resources under DOI trusteeship, the basis for that conclusion, and a clear indication of any condition DOI might request prior to agreeing to a covenant not to sue for natural resource damages. OEPR will provide this information to the extent possible based on information available at the time of the survey. OEPR may request additional information if necessary to emable DOI to respond to OWPE.

Information on DOI's position concerning potential natural resource damages shall remain confidential. DOI will maintain a file of fundings of fact in support of this summary report. The summary report shall be protected under the principles of deliberative process, attorney-client, and work-product. DOJ or DOI may represent DOI's position in negotiations with responsible parties.

DOI may agree to a written coverant not to sue for natural resource damages, when requested. DOI may propose modifications of the proposed remedial measure or Record of Decision as a term or condition before agreeing to a covenant not to sue. Each DOI report will contain the EPA site identification number and site name. Where modifications of a proposed remedial measure are required, EPA will consult DOI throughout the actual implementation of such measures. OWPE and OEPR will serve as the contacts for insues related to this agreement. DOI's agreement with the terms of sottlement or agreement to grant a release from natural resource damages, or decision not to grant such a release, will be conveyed by letter from the Solicitor of the Department of the Interior to the Assistant Attorney General for Natural Resources of the Department of Justice.

10. REIMBURSEMENT

Survey costs will be reimbarsed on a site-specific basis through an Inter-Agency Agreement (IAG). The allocations will be based on OEPR's approved work plans and cost estimates, and will serve as OEPR's budget for preliminary surveys.

OEPR will be reinsbursed for allowable preliminary survey costs when they are incurred in accordance with an EPA approved work plan. The following is a list of allowable costs which are reinsbursable by the Fund:

- a) Contractors and consulting costs;
- b) lease or rental equipment;
- c) supplies, materials, and equipment (including transportation costs) procured for a specific survey and expended during a survey;
- d) use of DOI equipment including vehicles and fuel;
- e) DOI salaries, travel and per diem expresses directly related to a survey and not otherwise reimbursable by Superfund under any other agreement between DOI and EPA.

Reimbursement will be made within forty-five (45) days after a survey is completed and the EPA RPO has received the report referred to in paragraph 9 of this agreement. EPA may allow a follow-up survey under this agreement for those sites where the findings of the initial preliminary survey are insufficient for DOI to determine whether to agree to a covenant not to sue. A follow-up survey would typically occur during the Remedial Design/Remedial Action (RD/RA) negotiations and include a review of the RI/FS. The costs for the follow-up survey would be incremental to those incrementation.

11. ACCOUNTING REQUIREMENTS

EPA, acting as manager of the Hazardous Substance Superfund, requires current information on CERCLA response actions and the related obligations of CERCLA funds for these actions. DOI will submit to EPA a request for reimbursement as specified in the IAG. Such a request will include itemized accounting of all reimbursable costs incurred while conducting each survey.

DOI is required to keep detailed financial accounts of all costs incurred. These accounts should include, but are not limited to: employee hours spent; receipts for materials, equipment or supplies; travel and per diem expresses; and contract fees. All accounts shall be <u>maintained</u> on a site-specific basis. Detailed documentation on all preliminary survey costs must also be available for audit, verification, or request of EPA's Inspector General.

12. COORDINATION OF INVESTIGATIONS AND NEGOTIATIONS

By other means the parties will specify how OWPE and OEPR will notify each other of and coordinate their assessments, investigations, and planning. In addition, EPA and DOI will agree how OWPE will provide DOI notice of, and opportunity to participate in, negotiations with responsible parties at identified sites to facilitate resolution of resource-related concerns through further investigations, governmental requests for relief and the development of negotiating positions.

13. PERIOD OF AGREEMENT

This memorandum shall take effect immediately upon signature of the parties and shall apply to all sizes regardless of their status as planned or pending. It shall continue in effect until modified or amended by the assent of both parties or terminated by either party upon a 30-day written notice. This agreement will be reviewed by the parties every two years from its effective date or whenever CERCLA may be further amended. //S// Elegible J. Winston Porter Assistant Administrator for Solid Waste and Emergency Response Environmental Protection Agency //D// 11/6/87

//S// Joseph W. Gorrell Joseph W. Gorrell Principal Deputy Assistant Secretary Policy Budget and Administration Department of the Interior //D// 12/4/87

//S// Gene Lucero Gene Lucero Director, Office of Waste Programs Enforcement Environmental Protection Agency (No Date)

//S// Bruce Blanchard Bruce Blanchard Director, Office of Environmental Project Review Department of the Interior (No Date)

* Document Copied For Reference Only *

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MEMORANDUM OF UNDERSTANDING BETWEEN THE ENVIRONMENTAL PROTECTION AGENCY THE UNITED STATES COAST GUARD AND THE GENERAL SERVICES ADMINISTRATION PERTAINING TO THE Federal Response Under The National Oil and Hazardous Substances Pollution Contingency Plan (NCP)

I. GENERAL. This Memorandum of Understanding (MOU) recognizes the general mission of the General Services Administration (GSA) to provide logistical and telecommunications support to the Federal establishment. The MOU specifically delineates the responsibility of GSA to provide assistance to the Environmental Protection Agency (EPA), the United States Coast Guard (USCG) and other member agencies of the NRT to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) who would be tasked by the (EPA/USCG) Federal On-Scene Coordinator (FOSC) in a response situation to implement the NCP. It sets for the procedures to be followed by EPA, the USCG, member agencies of the NRT, and GSA when such assistance is requested to support those plans. The MOU also recognizes that the agency providing the FOSC and/or member agencies of the NRT must reimbure GSA for its activities in providing such assistance.

I. BACKGROUND.

A. The Federal Response. The Federal response to oil discharges and hazardous substance releases are conducted in accordance with the National Oil and Hazardous Substances Pollution Costingency Plan (NCP). The NCP effectuates the response posers and responsibilities created by the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), and the authorities of the Oil Pollution Act (OPA). Under the NCP, a Federal On-Scene Coordinator (FOSC), designated by the U.S. EPA, USCG, the Department of Defense (DOD), or the Department of Energy (DOE), is responsible for directing the response efforts and coordinating all other efforts at the scene of an oil or bazardous substance release. The USCG provides FOSCs for oil and hazardous substance releases into or threatening the inland zone. DOD and DOE provides FOSCs for releases from any facility or vessel operated under their respective jurisdiction or control.

B. The National Response Team. The National Response Team (NRT), composed of 15 Federal agencies with major environmental and public health responsibilities for oil and hazardous substance releases, is the primary vehicle for coordinating Federal agency activities under the NCP. EPA chairs the NRT while the USCG serve as vice-chair. The Regional Response Teams (RRTs) are made up of regional representatives from each State within the Region and are co-chaired by EPA and USCG. The RRTs serve as planning and preparedness bodies before a response, marshal their respective agency response resources and provide coordination and advice to the FOSC during response actions.

III. PRINCIPAL EPA/USCG STAFF

A. EPA Central Office. The principal point of contact in EPA Headquarters for the purpose of this MOU is the Director of the Emergency Response Division, Office of Emergency and Remodual Response. The principal point of contact in the USCG Headquarters is Commandant (G-MEP).

B. Regional Offices. The principal points of contact in the field are Regional Response Team (RRT) Co-Chairs (EPA/USCG).

IV. PRINCIPAL GSA STAFF

A. GSA Emergency Coordinator. The principal point of contact and the coordinating official in GSA Central Office is the GSA Emergency Coordinator.

B. Regional Emergency Coordinator. For a region where a potential or actual emergency has occurred, the GSA Regional Emergency Coordinator (REC) or a designated alternate is the regional point of constact for Regional Response Team (RRT) Co-Chair alerts and requests for assistance. Once the emergency response is underway the FOSC will direct the GSA REC as to what support is meeded.

C. Federal Emergency Support Coordinator. Upon an alert or request for assistance from the RRT Co-Chair (EPA or USCG), the GSA Regional Administrator or a delegated representative shall appoint a Federal Emergency Support Coordinator (FESC) > The FESC shall serve as the principal point of contact between GSA and FOSC for the establishment of logistical support priorities, allocation of GSA resources, and coordination of the delivery of all GSA services, equipment, and materials except that pertaining to telecommunications. The FESC, with appropriate GSA support staff as determined by the FESC, shall normally be located at the Field Office. The FESC will serve until released by the FOSC.

D. Zone Emergency Communications Planner. In accordance with the National Plan for Telecommunications Support in Non-Wartime Emergencies, the GSA Assistant Regional Administrator for Information Resources Management (IRM) or equivalent will appoint a GSA staff person with experience in communications as the Zone Emergency Communications Planner (ZECP) > The ZECP in coordination with the RRT will prepare and maintain a Zone Telecommunications Support Plan for the regions in the zone.

E. Federal Emergency Communications Manager. When responding under the NCP, RRT Co-Chair may request that GSA designate a Federal Emergency Communications Manager (FECM) to serve on the staff of the FOSC. The FEMC will function as described in the National Plan for Telecommunications Support in Non-Wartime Emergencies. The FECM will continue to serve in that capacity until such time as the FOSC determines that telecommunications requirements have been fulfilled. The FECM, with appropriate GSA support as determined by the FECM, will normally be located in the Field Office.

V. EMERGENCY CIRCUMSTANCES. It is understood by the agencies who would provide the FOSC that the implementation of agreements made herein requires prompt action to establish the Field Office in order to assist the affected State and local communities in responding to an environmental emergency. Timeliness is especially critical when responding to a lanzardous substance release/oil spill emergency or when one is imminent. However, it is also understood that continuing to invoke the "situation of an unsural or compelling regency" clause of the Competition in Contracting Act of 1984 without substantisting documentation can be questioned during a post emergency andit. For these reasons, the provisions of acction VI.A.3 of this MOU will be followed to ensure compliance with all relevant legal requirements. Decisions as to the degree of

timeliness of urgency required for GSA support will be made by the FOSC, with the advice of the FESC. Verbal requests will be followed up in writing in a timely manner.

VI. GSA RESPONSIBILITIES. Upon request or tasking by the FOSC GSA shall provide a full range of timely logistical and telecommunications support to the Federal response effort in accordance with Federal Acquisition Regulations (FAR), the GSA Acquisition Regulations (GSAR), as amended, and relevant public laws so that the Field Office may be operational no later than 48 hours after the request is received by GSA.

A. Space

1. After the FOSC has determined specific space requirements and operational facility needs for the Field Office)s) and other required support locations, GSA will expeditionally arrange for the use of such space. In order to provide GSA with documentation to support is contractual obligations, the FOSC will provide to GSA, within 48 hours of any verbal request, a written justification for the size, type, approximate duration, and location of the requested space. GSA will use all available sources, including State and local governments, to obtain appropriate space.

2. It is understood that space requirements may change during the emergency period. If the FOSC determines that an increase in space for the Field Office is required, it will provide GSA with 14 days prior notice to acquire the new space. In such cases, because the "situation of an unusual or compelling urgency" continues to exist and market survey requirements may still be weived, GSA will expedite the search for the requested new space.

B. Office Furniture and Equipment. To allow for the timely opening of the Field Office)s) or other locations, the required office furniture and equipment will be provided from sources that will be timely and provide the least cost to the Government. Sources used can be excess or surplus investories of the Federal Government, if available, or by lease or purchase from commercial sources determined by GSA to be in the Government's best interest.

C. Office supplies. Office supplies and other expendeble items will be provided from either GSA or commercial sources. If from commercial sources, blanket purchase agreements (BPS's) about the utilized with local vendors unless another method is determined to be more advantageous by the contracting officer.

A BPA should be used with local vendors for purchases under \$25,000. The FOSC or his designated representative, will provide the FESC with the names of people authorized to approve orders to BPA vendors, and the FESC will appropriately notify the vendors,

D. Transportation. All transportation requirements including motor pool management, necessary for the movement of personnel, equipment, and supplies shall be provided by GSA through Government-owned vehicles or established vehicle leasing contracts. Government credit cards will be furnished with Government-owned vehicles. Accountability for credit cards and expenses incurred from their use will be the responsibility of the agency using them. For the movement of emergency supplies, water, food, medicine, personnel, etc., all required land, see, and air transportation services will be provided in a timely manner, these services will be served through local contracts in accordance with procedures outlined in FAR \$-1102-11.

E. Communications, Telecommunications services shall be provided in accordance with the National Plan for Communications Support in Non-Wartime Emergencies. When a FECM has been activated, GSA will provide any or all of the following services as requested: trunk lines and other circuits; installation; incilities invost of telephone, switchboard, and teletype services; equipment maintenance; and consultation and technical assistance regarding the establishment or relocation of ADP services. When activated, the FECM will coordinate the use of the communications assets and the fulfilment of communications requirements of all agencies operating in the Field Office, in accordance with priorities established by the communications services. Any declaration of a telecommunications emergency will be done by the FECM, after communications with the FOSC, in accordance with the National Communications System (NCS) NSEP Telecommunications Procedures Mannal. Neither the FOSC more the FECM will request implementation of the NSEP Telecommunications Procedures, except in very unusual circumstances. The FECM is authorized to act as a designated agency representative (DAR) for the purposes of ordering FTS 2000 services.

F. Printing/Graphic and Reproduction Services. The GSA Regional Emergency Coordinator will make prior standing arrangements with the GSA Regional Printing and Distribution Branch to easure "rapid tarmaround" of printing, photographic reproduction, layouts, blacprints, forms, and other graphics as ordered by the FESC.

G. Advisory Personnel. GSA will make technical advisors available to the FOSC in the areas of acquisition, storage, and transportation. Engineering assistance will also be made available for help in damage surveys, appraisals of buildings for demokition or repair, etc.

H. Procurement of Staff Quarters. It is generally agreed that each Federal agency will remain responsible for the location and assignment of housing for its staff. However, it is understood that GSA may be tasked by the FOSC to secure accommodations directly or to coordinate all or part of the Federal staff housing requirements,

I. Other Services. GSA shall provide other logistical support as requested or tasked by the FOSC which may include, but is not limited to: mobile home acquisition; assistance in the restoration of interrupted public utility service to Federal agencies; the loan of excess Federal personal property and its return to the holding agency after use; domation of Federal surplus personal property for use and utimate disposition by State government in accordance with current procedures; preliminary damage assessment; clean-up contractor services; specialized technical support; and other support not necessarily common to all operations.

VII. FOSC RESPONSIBILITIES

A. Notification

1. Potential Emergency. The FOSC will alert the GSA Emergency Coordinator or Regional Emergency Coordinator of conditions which could result in a most for emergency support. The FOSC alert shall include a fund citation, logistical requirements, and the potential area of the operation to easible GSA to take the appropriate actions to allow for the expeditions opening of the field office as soon as possible after the notification.

2. Emergency Operations. Upon implementation of emergency response operations, the FOSC will request the GSA Administrator or Regional Administrator to provide specific logistical support and include a fand citation authorizing GSA to contract on behalf of the FOSC for those goods and services requested, up to any funding limit which may be imposed. If the initial request is issued verbally, it will be confirmed in writing within 24 hours, as in attachment (1). The writes confirmation will include as indicate of the degree of argency and the intellinear required for provision of GSA support. It will also include, if needed, the basis for a justification for anonemptitiveness acquisition to be made by the GSA contracting Officer(s) in accordance with FAS 6.302-2(c)(1), which authorizes other than "full and open competition" in cases of "unastand and competing argency." The FOSC after consulting with the FESC will determine the date after which mesoampetitive acquisition can no longer be justified. All GSA contracts encented on FOSCs behalf will be in accordance with the Federal and GSA sequents.

3. Documentation. The FOSC will indicate concurrence with any acquisition made by GSA for goods or services. Verbal requests for such acquisitions will be followed by written concurrence within 72 hours. The FOSC will also provide GSA with proof of receipt of goods or services ordered by GSA on its behalf. The proof of receipt shall be signed by the FOSC or his/her authorized representative.

B. Coordination of GSA Services

1. To assure full GSA support to the FOSC and the entire Federal establishment involved in a specific emergency response effort and avoid duplication of requests for services, equipment, or materials, the FOSC will request each supporting agency to appoint a logistics coordinator if appropriate. All specific agency requirements for logistical support will be submitted to the FOSC, through its logistics coordinator, then to the GSA FESC.

2. To increase the effectiveness of GSAs response capability, RRT Co-Chairs will easure that GSA headquarters and GSA regional offices, as appropriate, are invited to participate with members of the RRT in planning and operational meetings that involve or impact on the GSA designated areas of responsibility. Such meeting include, but are not limited to, planning meetings, operational meetings, and post-emergency craiques. Copies of reports reflecting on the services of GSA in support of agreements of this MOU will be forwarded to the GSA Emergency Coordinator.

3. The agency providing the FOSC and GSA headquarters agree to work to resolve outstanding logistical support issues that are referred to the headquarters level. It is expected that the FOSC, the FESC or other appropriate regional agency officials and GSA regional officials will make every attempt to resolve issues at the Field Office and Regional Office levels prior to forwarding such issues to headquarters for resolution.

4. FOSC will assume accountability for all furniture, office equipment, and other equipment and materials leased or reated by GSA for response under the NCP. The FOSC will assume responsibility for the maintenance and repair of the aforementioned equipment and furniture. The FOSC must ensure that a signed receipt is obtained for such farmiture and equipment upon return to the vendor.

5. For the purpose of monitoring the authorized expenditures and facilitating timely documentation of procurement support records, the FOSC agrees to review periodically with the FESC the order values placed under BPAs.

C. Closing the Field Office

1. At the time the Field Office is established, the FOSC or his/her designated representative will give the FESC and the FECM an estimate of how long the Field Office will remain open, and will notify them in a timely manner of any change in that estimate. The FOSC will provide written notice to the REC at least three workdays before closing the Field Office. Except as indicated in V1.C.2 below, GSA support to the Federal emergency response will normally cease upon closure of the Field Office, at which time all further logistical and financial support will be provided by the FOSC through its normal operating procedures. Any active contractual agreements and/or arrangements for service required by the FOSC after the closing of the Field Office will become the full responsibility of the FOSC or other member agencies of the NRT, miles GSA is specifically requested to provide continuing services. GSA Federal Supply

Service support may continue until completion of utilization and donation actions, if any.

2. If a FECM was activated to coordinate the initial installation of the telecommunications services, and it is anticipated that some other NRT member agencies may continue field operations after the FOSC has officially closed its Field Office, the FECM will arrange in advance for continuation of communications support to the other agencies once the FOSC has determined a close out date. In this situation, the FOSC will provide reasonable advance notice to the FECM before closing the Field Office.

Barring an explicit, written agreement to the contrary, the agency of the FOSC or GSA is not responsible for any costs associated with the operation of an office in the area of the emergency after the Field Office has officially closed.

VII. ADMINISTRATION

A. Billing and Reimbursement

1. Direct Billing. GSA will instruct all vendors providing goods and services parsant to contract executed by GSA on behalf of the FOSC and in accordance with paragraphs VI.A.3 or VI.A.4 of this agreement to bill the FOSC directly. Unless the FOSC directs otherwise in specific cases, all such requests for reimbursement should be sent to the FOSCs Regional Office in the region where the emergency occurred. Bills should be the received by the FOSC not later than 60 days after the goods or services were delivered and final bills about be marked "FINAL." Any procedures or coordination considered accessary will be agreed upon by GSA and the FOSC and applied uniformly to each agency's response offices to allow GSA to complete any contract administration required.

2. GSA Reimbursement. For reimbursable expenses it incurs in supporting any activities covered by this MOU, GSA will obtain reimbursement from the FOSC through the Department of the Treasury's On-Line Payment and Collections System (OPAC). GSA will submit OPAC bills quarterly and comply with the provisions of 44 CFR, Part 205, Subpart I, Reimbursement of Other Federal Agencies, to the extent that they are applicable. GSA will also provide copies of the billed work authorization report or similar backup documentation to clarify the OPAC charges. Bills will specify the request for assistance to which they apply, and the backup documentation will list items by object class and cost element and will indicate (a) previously billed, (b) current billing, and (c) cumulative amount billed to date.

3. Reporting. The agency providing the FOSC agrees to minimize any special reporting requirement for support provided by GSA. Any record keeping and reporting requirements that are over and above those specified in 44 CFR, Part 205, Subpart I, will be concurred upon by GSA and the agency providing the FOSC at the headquarters level and applied uniformly to each agency's respective regional offices.

B. Audits. When requested to do so by the agency providing the FOSC the GSA inspector General (IG) will, on a reimbursable basis, test controls used by GSA in its billing procedures and will sudit selected bills that GSA has submitted to the FOSC to determine whether they are properly supported. The GSA IG will consult with the FOSCs agency on the limitations of the scope of each review, the selection of controls to be tested, and the bills to be audited. Audit reports will be provided to the FOSCs agency IG for subsequent distribution to appropriate agencies internal offices.

IX. COORDINATION AND REVIEW

To ensure ongoing coordination and implementation of the MOU, the following procedures will be established,

A. The responding member agencies of the RRT shall meet, as required, after an emergency operation to review the FOSC and GSA coordination and cooperation at the regional and field levels and will provide input to the FOSC for inclusion to the after action report. Copies of the FOSC after action report should be submitted to the GSA Emergency Coordinator for his review. B. The emergency coordinator of the agency providing the FOSC or other designated representative and the GSA Emergency Coordinator shall meet as necessary, to review agreements described herein and to consider changes and/or additions and review recurring problems identified in FOSC after action reports.

(Datc)

(Date)

RICHARD G. AUSTIN ADMINISTRATOR GENERAL SERVICES ADMINISTRATION DON R.CLAY ASSISTANT ADMINISTRATOR, OSWER, ENVIRONMENTAL PROTECTION AGENCY

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(Date)

RADM ARTHUR E. HENN OFFICE OF MARITIME SAFETY, SECURITY & ENVIRONMENTAL PROTECTION UNITED STATES COAST GUARD

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LETTER OF AGREEMENT BETWEEN U. S. ENVIRONMENTAL PROTECTION AGENCY - REGION IV AND U. S. COAST GUARD - SEVENTH DISTRICT AND

STATE OF FLORIDA - DEPARTMENT OF ENVIRONMENTAL REGULATION

PURPOSE

The purpose of this Letter of Agreement is to provide pre-consultation and concurrence for the authorization of finited use of dispersents and other chemicals on oil spills by pre-designated USCG On-Scene Coordinators.

AUTHORITY

Subpart H of the National Oil and Hazardous Substances Contingency Plan provides that the On-Scene Coordinator with the concurrence of the USEPA representative to the Regional Response Team and in consultation with the States, may authorize the use of dispersants and other chemicals on oil spills; provided, however, that such dispersants and other chemicals must be on the list of accepted dispersants prepared by USEPA. Commander, Seventh Coast Guard District has pre-designated the USCG Oxptains of the Port under his jariadiction as On-Scene Coordinators for oil spills, and has delegated authority and responsibility for compliance with Section 311 of the Federal Water Pollution Coatrol Act (FWPCA), as amended, to them. The Governor of the State of Florida has delegated responsibility and authority and esthority under Subpart H of the National Oil and Hazardous Substances Control of oil spills to the Department of Environmental Regulation. The USEPA has been delegated authority under Subpart H of the National Oil and Hazardous Substances Control of oil spills to suborize use of dispersants and other chemicals for control of oil spills, and the chemicals for control of oil spills, and other chemicals for control of oil spills, and other chemicals for control of oil spills, and other chemicals for control of oil spills, bother Departments and other chemicals for control of spills, and, to ist which dispersants and other chemicals which may be used for this purpose.

SCOPE

The USCG, USEPA and the State of Florida agree that the physical removal of discharged or spilled oil from the water surface is the primary method of control. However, it is also recognized that in some instances the physical combinances and collection of oil is infeasible, and, the effective use of dispersents or other chemicals must be considered to minimize serious environmental damage or to prevent loss of human life. Therefore, this Letter of Agreement sets criteria under which dispersants or other chemicals can be used by USCG On-Scene Coordinators on or in waters off the const of the State of Florida which are also within the boundaries of the Seventh Const Guard District.

PROTOCOLS

As attented to by the signatures set forth below, the USEPA and the Sante of Florida agree with the USCG that pro-designated USCG On-Scene Coordinators have pro-approval to use dispersants on oil discharges, as defined in the National Oil and Hazardous Substances Contingency Plan, in accordance with the following. The USEPA and the Sante of Florida further agree with the USCG that the decision to use dispersants or other chemicals within these guidelines rests solely with the pro-designated USCG On-Scene Coordinator, and, that no further agree with the USCG that the decision to use dispersants or other chemicals within these guidelines rests solely with the pro-designated USCG On-Scene Coordinator, and, that no further approval, concurrence or consultation on the part of the USCG or the USCG On-Scene Coordinator with USEPA or the Sante of Florida is required. The USCG agrees with the USEPA and the Sante of Florida is indication is made to use dispersants or other chemicals under the provisions of this agreement, the USCG will immediately notify both USEPA and the Sante of that decision. This notification will include, but is not limited to, the following information: (1) Type of dispersants or chemical to be used. (2) Area affected, (3) Application rate and method of application, (4) Reason why mechanical or physical removal of the oil is not feasible. (5) The projected area of impact of the oil if the oil is not feasible. (5) The projected area of impact of the oil if the oil is not feasible.

1. Dispersants or other chemicals may be used on all discharges when their use will save human life. The following additional conditions assume risk to human life is not a factor.

2. The authority to use dispersants or other chemicals on oil discharges in accordance with this Agreement is vested solely in the individual who is the pre-designated USCG On-Scene Coordinator. This authority may not be delegated.

3. Dispersents or other chemicals shall not be used in fresh water.

4. Only dispersents or other chemicals which have been accepted for use by USEPA shall be used.

5. The use of dispersents or other chemicals will be authorized only after all methods of physical or mechanical removal have been found to be infeasible, or, dispersent use will greatly minimize the adverse environmental impact of the spilled oil.

6. The decision to use dispersents or other chemicals shall be made only after consulting the State of Florida Oil Spill Sensitivity Atlas and the State of Florida Oil Spill Dispersant Atlas to insure an environmentally sound decision is made.

7. Disponents may be used in open waters that are at least three miles from any shoreline where the water depth is a minimum of twenty meters (65 feet).

8. Dispersents may be used in marshore waters greater that ten meters (32 feet) depth, where the economic/sosthetic value, and the use of dispersent has a high probability of preventing the oil discharge being stranded on the shoreline.

9. The use of dispersants or other chemicals shall be considered as an adjunctive oil spill control for all major oil discharge (100,000 gallous or more) in marine waters. 10. Simking agents are not dispersants or chemicals. Use of such agents is expressly prohibited by this Agreement and the National Oil and Hazardous Substances Contingency Plan.

OTHER CONSIDERATIONS

1. Dispersents or other chemicals shall not be used in, on or over shellfish propagation or hervesting waters, waters over reefs, waters designated as aquatic preserves, waters over marsery areas of indigenous aquatic species, waters designated as Outstanding Florida Waters, waters in coastal marches, or waters in mangrove forests except with the prior and express authorization of the State of Florida and the USEPA.

2. Prior and express approval of the State of Florida and the USEPA is required for use of dispersants in nearthore areas where informed judgment as to the relative value of the recreational economic/aesthetic value versus the environmental concerns cannot be made, and, only when the tarbaient mixing and current flow are sufficient to rapidly dilute the oil-dispersant mixture to innocuous levels.

AMENDMENTS

This Letter of Agreement may be amended in whole or in part as is mutually agreeable to all parties thereto.

CANCELLATION

This Letter of Agreement may be cancelled in whole or in part, singularly, by any party thereto.

//S// John A. Little, Deputy for Charles R. Jeter Regional Administrator U.S. Environmental Protection Agency Region IV //D// 9/5/84

//S// Illegible Victoria Technikel Scoretary, Florida Department of Environmental Protection //D// 9/12/84

//S// Richard P. Caeroni Richard P. Caeroni Rear Admiral, U.S. Coast Guard Commander Seventh Coast Guard District //D// 9/17/84

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MEMORANDUM OF AGREEMENT BETWEEN THE TENNESSEE VALLEY AUTHORITY AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY

THIS MEMORANDUM OF AGREEMENT (MOA) is entered into between the Tennessee Valley Authority (TVA) under authority of the Tennessee Valley Authority Act of 1933, 16 U.S.C. \$\$ 831-831dd (1982 & Supp. V 1987), and the United States Environmental Protection Agency (EPA) in accordance with the obligations and authority delegated to it under various Federal pollution control laws.

WITNESSETH:

WHEREAS the combined expertise and efforts of TVA and EPA will assist in achieving their joint goals at a lower overall cost to the United States and the public than if work were performed separately or through contracts with private organizations; and

WHEREAS TVA and EPA wish to extend the termination date of this MOA from December 14, 1989 to December 14, 1994, and to make other minor changes; and

WHEREAS TVA and EPA wish to incorporate the extended term and minor changes into the MOA and to reexecute it in its entirety thereby reaffirming their commitment to the goals and provisions of the MOA;

NOW, THEREFORE, the parties agree as follows:

1.0 PURPOSE AND SCOPE

1.1 <u>Purpose</u>: This MOA sets forth the basic principles and guidelines under which the parties intend to cooperate in environmental program areas including research, development, and demonstration projects; the exchange of ideas, information, and data; the utilization of laboratories, equipment, and research facilities; emergency preparedness; compliance reporting; environmental auditing; training and education; and other efforts to further the advancement of knowledge in the general area of environmental policy, regulation, compliance, research, development, and demonstration. The MOA establishes: (1) the method for development, incorporation, and administration of various subagreements; (2) reporting requirements; (3) mechanisms for fund transfer and accountability; (4) procedures for publication and release of information; (5) procedures for modifying or terminating this MOA and/or any subagreements issued hereunder; and (6) procedures for determining rights to inventions made in the course of, or under, the research, development, or demonstration work effected through this MOA.

1.2 <u>Scope</u>: This MOA deals with environmental programs and does not involve other activities of EPA or TVA. The specific nature and details of work hereunder will be defined and provided for in subagreements executed in accordance with the provisions of this MOA.

2.0 SUBAGREEMENTS

2.1 <u>Definition</u>: The subagreements issued under this MOA will be jointly developed by TVA and EPA. The subagreements will identify the lead party, the project objective(s), approach, use of the other party's facilities or personnel, cost(s) to each party, milestones(s), approximate duration, responsibilities of the parties, appropriate patent provisions, and similar detailed information for each effort or set of efforts undertaken.

2.2 <u>Approval</u>: Approval of subagreements requires the mutual agreement of TVA and EPA and is subject to the availability of funds. For TVA, the Project Manager or Program Coordinator will negotiate the terms of individual subagreements and obtain TVA approvals therefor in accordance with existing TVA policy and procedure. For EPA, the appropriate EPA official will negotiate the terms of individual subagreements (including funding), and obtain EPA approvals for them in accordance with existing EPA policy and procedure. Subagreements so approved shall be subject to the terms and conditions of this MOA.

2.3 Justification: In subagreements involving disbursement of funds, a strong justification must be included in the decision memorandum to EPA's decisionmaking personnel which explains why the project is being included through this mechanism and not a contract or cooperative agreement. One or more of the following items should be explained in the justification: (1) the unique capability of the other party that places it in a preeminent position; (2) the confidential nature of the work precludes use of other sources; (3) the continuation of a previous effort performed by the other party that cannot be continued by other sources; (4) the other party has personnel who are considered the foremost experts in fields necessary to perform the work; (5) the other party has facilities, equipment, or data which are specialized or vital to the effort and which no one else can provide; or (6) a situation exists where no other source provides the goods or services in the time allowed.

3.0 ADMINISTRATION

3.1 <u>TVA-EPA Administration Groups</u>: To implement this cooperative agreement at policymaking, program coordination, and project operation levels, the following will be established by the parties as appropriate: (a) An Interagency Coordination Committee, (b) Project Managers, (c) Program Coordinators, and (d) Agency Coordinators.

3.1.1 <u>Intersegency Coordination Committee</u>: An Interagency Coordination Committee will be established to provide executive-level interaction and to function as a management board or informal board of directors in considering fiscal matters and program planning under this MOA.

This committee will be jointly chaired by the Agency Coordinators and will meet annually. Membership on the committee will be composed of representatives from mutual interest areas from each party. The committee will have the authority to establish and direct subcommittees and working groups to conduct specific activities necessary to carry out the following committee functions:

- (1) Provide a coordination mechanism for exchanging appropriate budgets and programs and multiyear plans of the two parties;
- (2) Provide effective ways for technology transfer and exchange of data, information, and program results of mutual interest; and
- (3) Arrange for cooperation and support in the conduct of programs of mutual responsibility and interest.

3.1.2 <u>Project Managers</u>: Project Managers will be designated for all individual projects undertaken pursuant to this MOA. The Project Managers will be responsible for the technical and managerial oversight of the projects.

3.1.3 <u>Program Coordinators</u>: Program Coordinators may be established to develop, coordinate, and oversee projects to be undertaken in program areas of mutual interest such as land, air, water, or waste. The Program Coordinator either shall oversee the activities of Project Managers who are responsible for projects in selected program areas or shall act as and be the Project Manager.

3.1.4 Agency Coordinators: Each party shall have an Agency Coordinator to provide the day-today coordination and liaison between the parties during the implementation and performance of this MOA and to oversee the activities of their agencies' respective Project Managers and Program Coordinators. For TVA, the Manager of the Environmental Quality Staff shall be the Agency Coordinator for all activities under this MOA. For EPA, the Director of the Office of Federal Activities shall be responsible for administration of this MOA and the Regional Administrator for the EPA Region in which activities under this MOA are proposed shall be the Agency Coordinator and shall be responsible for implementing MOA activities in the region.

The Agency Coordinators shall have the following authority and responsibilities:

(1) To serve as the principal and official points of communication between the two parties relating to management and/or policy matters for this MOA;

(2) To ensure that subagreements prepared for approval are in accordance with the terms and conditions of this MOA;

(3) Respecting each EPA Region, to ensure that a complete inventory list of all subagreements entered into under this MOA is accurately and currently maintained. The list should include the duration, funds transferred, contingent obligations, if any, reports, and other relevant information for each subagreement; and

(4) To assist in the resolution of any dispute that may arise in the implementation of this MOA or any subagreement.

3.2 <u>Program Planning and Budget Coordination</u>: Each party desires to keep the other informed of its annual program and fiscal planning, so that the environmental activities of both including research, development, and demonstration in areas of mutual interest are coordinated in such a manner as to be complementary and to avoid unnecessary and counterproductive duplication of expenditures in terms of monstary, physical, and manpower resources. While each party is responsible for its own annual budget and program planning, the parties will consult with each other and exchange information to the extent appropriate, including preliminary drafts of budgets and program planning documents, so that each party will know what the other is planning and budgeting for in areas of mutual interest.

3.3 <u>Stationing of Personnel</u>: TVA and EPA agree that it may be mutually beneficial in achieving the objectives of this MOA for personnel of one party to be stationed at facilities of the other party for a period of time.

Stationed employees shall not be considered to be employees, agents, or representatives of the host party, but shall remain for all purposes employees of their regular employers, which shall continue to be responsible for the employees' salary, benefits, and other compensation, including any relocation or per diem costs, in accordance with their employer's established policies and procedures. Employees stationed, and security regulations of the host party.

3.4 Liability:

A. TVA Facilities:

(1) In the event EPA, its employees, agents, or contractors utilize TVA facilities or equipment in the performance of work covered by a subagreement issued under this MOA, EPA will notify TVA's Program or Project Manager for the particular subagreement in advance of each visit to the TVA facility and will furnish TVA a list of all personnel who personnel will be envolved in the work.

(2) The installation of any equipment by EPA on TVA premises is at the sole risk of EPA, and TVA makes no representation as to the condition or suitability of its facilities for the purpose(s) intended by EPA.

(3) As between TVA and EPA, EPA assumes full responsibility for any and all liability and claims arising out of or in any way connected with the presence of its employees or agents on TVA facilities or with the actions or nonactions of its agents and employees under this MOA and any subagreement.

(4) EPA agrees that its employees, contractors, or agents will conform to all applicable TVA hazard control and safety regulations at TVA facilities.

(5) TVA assumes no liability to EPA, its agents, employees, or contractors, or any third person for any damages to, or theft of, property or for personal injuries, including death, which might arise out of or in any way be connected with any activity undertaken through this MOA or any related subagreement. It is expressly understood that EPA shall have no responsibility or liability for claims arising out of the sole negligence of TVA, or TVA's employees, contractors, or agents.

(6) The Federal Tort Claims Act (FTCA) is the exclusive remedy for tort claims against EPA and its employees. Under the FTCA, EPA is not responsible for the negligence of its independent contractors. EPA agrees that its contractors who perform work under the terms of this MOA or any related subagreements shall carry adequate liability insurance.

B. EPA Facilities:

(1) In the event TVA utilizes EPA facilities or equipment in the performance of work covered by a subagreement issued under this MOA, TVA will notify EPA's Program or Project Manager for the particular subagreement in advance of each visit to the EPA facilities and will furnish EPA a list of all personnel who will be involved in the work.

(2) The installation of any equipment by TVA on EPA facilities is at the sole risk of TVA, and EPA makes no representation as to the condition or suitability of its premises for the purpose(s) intended by TVA.

(3) As between EPA and TVA, TVA assumes full responsibility for any and all liability and claims arising out of or in any way connected with the presence of its employees, contractors, or agents on EPA premises or with the actions or nonactions of its employees, contractors, or agents under this MOA and any subagreement.

(4) TVA agrees that its employees, contractors, or agents will conform to all applicable EPA hazard control and safety regulations at EPA facilities.

(5) EPA assumes no liability to TVA, its agents, employees, or contractors, or any third person for any damages to, or theft of, property or for personal injuries, including death, which might arise out of or in any way be connected with any activity undertaken through this MOA or any related subagreements. It is expressly understood that TVA shall have no responsibility or liability for claims arising out of the sole negligence of EPA, or EPA's employees, contractors, or agents.

3.5 <u>Third Persons</u>: TVA and EPA expressly assent that by this MOA they make no promises to any other person; and nothing in this MOA should be construed to give rise to a third-person claim in contract, tort, or otherwise. The parties expressly assent that no third person is an intended beneficiary of this MOA and the benefits, if any, of this MOA are merely incidental with respect to third persons.

4.0 DURATION AND CHANGES

4.1 <u>Term of Memorandum Agreement</u>: The term of this MOA shall expire on December 14, 1994, except as otherwise renewed, modified, or terminated in accordance with the provisions herein. Paragraphs 3.4 and 3.5 will remain in force even when the agreement is terminated with respect to any activities conducted by the parties prior to termination.

4.2 <u>Modifications</u>: This MOA and any subagreement issued hereunder may be modified at any time by the mutual written agreement of TVA and EPA, obtained in accordance with paragraphs 2.2 and 3.1.4.

4.3 <u>Termination</u>: This MOA, or any subagreement issued hereunder, may be terminated by ninety (90) days' written notice, at any time, by either party with or without cause; provided, however, that such notice and termination shall not relieve the party funding any work under any such subagreement from its obligations to reimburse the other party for costs or expenditures incurred by the nonterminating party in accordance with an applicable subagreement prior to receipt of the termination notice. In the event of termination, the parties shall take reasonable steps to preserve the work or results of any ongoing

5.0 DOCUMENTATION AND REPORTING REQUIREMENTS

5.1 <u>Milestone Reports</u>: Milestone reports shall be prepared for those milestones for which such a report has been specified in the subagreement. The substance, format, and due date of this report shall be delineated in the subagreement.

5.2 Final Reports: A final report shall be prepared for each subagreement (or for each distinct project within a subagreement where several projects are activities included). A mutually suitable due date for final report(s) shall be specified in each subagreement. The final report shall contain all useful information acquired in the performance of the work accomplished and shall present all significant results with conclusions and recommendations derived therefrom.

6.0 PUBLICATION AND RELEASE OF INFORMATION

6.1 In General: Subject only to the conditions and restrictions set forth below, either party may publish or release information about any MOA activities. Appropriate credit shall be given to the role of each agency in such information and reports.

6.2 <u>Confidential and Proprietary Information</u>: In order (1) to prevent the disclosure of information requested to be kept confidential or proprietary by third parties or the parties or prohibited from disclosure by Federal law and (2) to protect possible patent and invention rights of the parties or third persons, potentially sensitive information shall be reviewed by Project or Program Managers who shall seek advice of their respective legal counsels as appropriate. The initial receiver of potentially sensitive information shall notify in writing the other party's Agency Coordinator so that inadvertent disclosure will not be made by the other party or its agents. Each party shall use its best efforts to secure and prevent the release of confidential or proprietary information consistent with its policies and procedures and Federal law; provided, however, that each party may disclose such information to the other if necessary to conduct activities under this MOA or a subagreement. In no event shall either party or their respective employees or agents be liable to the other or any third party for the disclosure of any such information.</u>

6.3 <u>Advance Conies:</u> Copies of any publications prepared or contributed to by a party utilizing the results of research under a subagreement and all press releases prepared by a party regarding this MOA or any subagreement will be forwarded to the other party for review prior to public release or presentation.

6.4 <u>Right to Dissent</u>: In the event the parties fail to agree as to the interpretation of research results, either party may publish its data and conclusions, after due notice and forwarding of advance copies as provided in paragraph 6.3 hereof. In such instances, the party publishing such differing viewpoints will duly credit the cooperation of the other party, but will assume full responsibility for any statements on which there is a difference of opinion.

7.0 FUNDING AND ACCOUNTABILITY

7.1 <u>Payments Under Subagreements</u>: Unless otherwise provided in individual subagreements, each party will fund its own projects. In the event of joint funding of a project(s), the amount and timing of funding shall be as specified in the individual subagreements. Funding for projects to be performed by one party at the expense of the other will be on a cost-reimbursable basis.

7.2 Final Accounting: In the event of jointly funded project(s), or project(s) performed by one party at the expense of the other party, the expending party shall furnish the other such accounting information for funds expended as it routinely generates or requires of others. Upon request, each party shall furnish the other interim accounting information, as it routinely generates or requires of others, for budget purposes. Charges by the performing party will be on the basis of actual direct and indirect cost.

8.0 GENERAL PROVISIONS

8.1 <u>Environmental Review</u>: TVA and EPA will review each subagreement to determine how any activity may affect the environment. Where preparation of any environmental impact statement or assessment is mutually agreed to be necessary, the lead party in accordance with its procedures shall prepare any required document. Any costs to be borne by the nonlead party related to environmental reviews under this paragraph shall be delinested in each interagency agreement and shall be considered expenditures for accounting purposes under provision 7.0.

8.2 <u>Patents</u>: It is recognized that TVA and EPA each have patent policies regarding the ownership of inventions, and the application of these policies will depend on the nature of the cooperative effort being undertaken including the source of funding and the relative importance of the effort to the statutory obligations of TVA and EPA. Accordingly, appropriate patent provisions will be included in each specific subagreement in a manner which takes into consideration each party's responsibilities.

8.3 <u>Capital Equipment, Real Property, and Facilities</u>: Each subagreement shall delineate where appropriate, the responsible party, the applicable procedures and policies, and the final disposition for all capital equipment, real property, and facilities required to be purchased to carry out the interagency agreement.

8.4 <u>Congressional Interest</u>: No member of or delegate to Congress or Resident Commissioner, or any officer, employee, special Government employee, or agent of TVA or EPA shall be admitted to any share or part of this agreement or to any benefit that may arise therefrom unless the agreement be made with a corporation for its general benefit or a unit of Government contracting for the public's general benefit, nor shall EPA offer or give, directly or indirectly, to any officer, employee, special Government employee, or agency of TVA, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, except as provided in 1B C.F.R. s 1300.735-12 or -34. Breach of this provision shall constitute a material breach of this agreement.

8.5 Funding: Neither TVA nor EPA is in any way obligated to expend funds in excess of those authorized or available and determined by each in its sole judgment to be sufficient to finance any undertaking.

8.6 <u>Technical Assistance</u>: TVA and EPA will provide advice and technical assistance as requested by the other as each determines in its sole judgment that it is in a position to provide.

8.7 Agency: Neither TVA nor EPA will be deemed the agent for the other for any purpose unless otherwise expressly agreed in writing.

8.8 <u>Permits</u>: Unless otherwise specified in the subagreement, the lead party has responsibility for securing all applicable licenses, permits, or approvals.

IN WITNESS WHEREOF, the parties have hereto subscribed their names as of the day and year written below.

U.S. ENVIRONMENTAL PROTECTION AGENCY TENNESSEE VALLEY AUTHORITY //S//

William K. Reilly Administrator Marvin Runyon Chairman

Dated: Jan 19, 1990

Dated: Jan 9, 1990