

# Federal Region 5 Regional Contingency Plan

To report spills, call the  
**National Response Center**  
United States Coast Guard Headquarters  
Washington, D.C.  
24 hour phone number: 800-424-8802

## Regional Response Centers:



**US Environmental Protection Agency, Region 5**  
Chicago, IL  
(312) 353-2318



**United States Coast Guard, District 9**  
Cleveland, OH  
(216) 522-3984



**United States Coast Guard, District 8**  
New Orleans, LA  
(504) 589-6225

**State Emergency Contact Information:**

**Illinois: 800-782-7860** (in Illinois)

Illinois Emergency Management Agency

Alternate number (out-of-state): 217-782-7860

**Indiana: 888-233-7745**

State of Indiana Department of Environmental Management

24-Hour Environmental Emergency Notification

Alternate number (outside U.S.): 317-233-7745

**Michigan: 800-292-4706** (in Michigan)

Michigan Department of Environmental Quality

Pollution Emergency Alerting System

Alternate number (out-of-state): 517-373-7660

**Minnesota: 800-422-0798**

Minnesota Pollution Control Agency

520 Lafayette Rd

Saint Paul, MN 55155

Alternate number: 651-296-6300

**Ohio: 800-282-9378**

State of Ohio Environmental Protection Agency

401 E Fifth St

Dayton, OH 45402-2911

**Wisconsin: 800-943-0003**

State of Wisconsin Emergency Management

## Letter of Promulgation

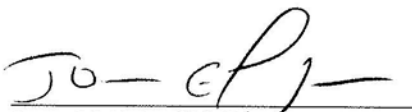
### Region 5 Regional Contingency Plan/Area Contingency Plan (RCP/ACP) Letter of Promulgation

In accordance with the provisions of the Federal Water Pollution Control Act of 1972 as amended by the Clean Water Act of 1977, and Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, the National Oil and Hazardous Substances Contingency Plan (NCP) was developed by the United States Environmental Protection Agency (U.S. EPA). Section 300.210 of the NCP states that a Regional Contingency Plan shall be prepared for each standard Federal region. The Region 5 Oil and Hazardous Materials Contingency Plan has been developed with cooperation of all designated Federal Agencies and State governments. This plan provides a mechanism for coordinating responses to releases of oil or hazardous materials within the States of Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin and with the Tribal lands of the federally recognized Native American Tribes in Region 5.

This plan is effective upon receipt and supersedes the previous plan. Comments and recommendations regarding this plan should be addressed to U.S. EPA Region 5. Requests for amendments and changes will be addressed during regularly scheduled RRT Meetings.

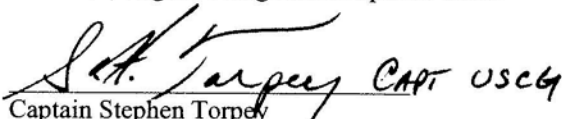
Copies of this plan may be obtained from:

Superfund Division  
U.S Environmental Protection Agency  
Mail Code: SE-5J  
77 West Jackson Boulevard  
Chicago, IL 60604



Jason El-Zein, Chief  
Emergency Response Branch #1  
U.S. Environmental Protection Agency  
Region 5  
Co-Chair, Region 5 Regional Response Team

11-16-2009  
Date



Captain Stephen Torpey  
Chief, Incident Management Branch  
U.S. Coast Guard  
Ninth Coast Guard District  
Co-Chair, Region 5 Regional Response Team

TABLE OF CONTENTS

1.	INTRODUCTION.....	8
1.1	PURPOSE AND OBJECTIVES .....	8
1.2	AUTHORITY .....	9
1.3	SCOPE AND PROVISIONS.....	9
1.4	JURISDICTIONS.....	10
1.4.1.	US EPA OSC Boundaries .....	12
1.4.1.1.	US EPA Region 3 OSC Boundaries.....	12
1.4.1.2.	US EPA Region 4 OSC Boundaries.....	12
1.4.1.3.	US EPA Region 7 OSC Boundaries.....	13
1.4.1.4.	US EPA Region 8 OSC Boundaries.....	13
1.4.2.	Ninth Coast Guard District OSC Boundaries .....	13
1.4.2.1.	Sector Buffalo, NY (Former MSO Cleveland Zone).....	14
1.4.2.2.	Sector Detroit, MI (Former MSO Detroit Zone plus former MSO Toledo Zone) .....	14
1.4.2.3.	Sector Lake Michigan (Former MSO Milwaukee Zone plus former MSO Chicago Zone) .....	15
1.4.2.4.	Sector Sault Ste. Marie, MI (Former MSO Sault Ste. Marie Office Zone) .....	16
1.4.2.5.	Sector Sault Ste. Marie, Marine Safety Unit, Duluth, MN (Former MSO Duluth Zone) .....	17
1.4.2.6.	Ninth Coast Guard District Responses in the Inland Zone.....	17
1.4.3.	Eighth Coast Guard District OSC Boundaries .....	17
1.5	UPDATING .....	18
1.6	CROSSWALK WITH NCP.....	18
2.	COMMAND.....	19
2.1	RESPONSE ORGANIZATION.....	19
2.1.1.	Response to Public Safety and Property Threats Caused by Spills.....	19
2.1.2.	Response to Environmental and Health Threats Caused by Spills .....	19
2.2	FEDERAL RESPONSE .....	20
2.2.1.	Federal OSC Responsibilities.....	20
2.2.2.	Regional Response Team (RRT) .....	22
2.2.3.	Federal Agency Responsibilities.....	23
2.2.3.1.	Department of Agriculture.....	23
2.2.3.2.	Department of Commerce.....	24
2.2.3.3.	Department of Defense.....	26
2.2.3.4.	Department of Energy.....	27
2.2.3.5.	Federal Emergency Management Agency.....	27
2.2.3.6.	General Services Administration.....	28
2.2.3.7.	Department of Health and Human Services .....	29
2.2.3.8.	Department of Homeland Security .....	30
2.2.3.9.	Department of the Interior.....	30
2.2.3.10.	Department of Justice .....	32
2.2.3.11.	Department of Labor.....	33
2.2.3.12.	Nuclear Regulatory Commission.....	33
2.2.3.13.	Department of State.....	33
2.2.3.14.	Department of Transportation .....	33
2.2.3.15.	Environmental Protection Agency .....	34
2.3	STATE RESPONSE .....	34
2.3.1	Illinois .....	34
2.3.1.1	Illinois Environmental Protection Agency Responsibilities .....	35
2.3.1.2	Other Agencies - Illinois .....	35
2.3.2	Indiana .....	36
2.3.2.1	Indiana Department of Environmental Management Responsibilities .....	36
2.3.2.2	Other Agencies - Indiana .....	37
2.3.3	Michigan .....	38
2.3.3.1	Michigan Department of Environmental Quality Responsibilities .....	38
2.3.3.2	Other Agencies – Michigan .....	38
2.3.4	Minnesota.....	39
2.3.4.1	Minnesota Pollution Control Agency Responsibilities .....	39

Region 5 Regional Contingency Plan – Rev. date Nov. 10, 2009

2.3.4.2	Other Agencies – Minnesota .....	40
2.3.5	Ohio .....	40
2.3.5.1	Ohio Environmental Protection Agency Responsibilities .....	40
2.3.5.2	Other Agencies – Ohio .....	40
2.3.6	Wisconsin .....	41
2.3.6.1	Emergency Response to Oil Spills and Hazardous Materials Incidents .....	41
2.3.6.2	Other Agencies – Wisconsin .....	41
2.4	TRIBAL RESPONSE .....	42
2.4.1	Little Traverse Bay Band of Odawa Indians .....	43
2.4.2	1855 Mille Lacs Reservation .....	43
2.5	MULTIREGIONAL RESPONSIBILITIES .....	44
2.5.1.	Great Lakes Commission .....	45
2.5.2.	Ohio River Valley Water Sanitation Commission .....	45
2.5.3.	Upper Mississippi River Basin Association .....	45
2.6	INTERNATIONAL RESPONSE .....	46
2.6.1.	International Joint Commission .....	46
2.6.2.	Joint Contingency Plans .....	46
2.6.3.	Subarea Contingency Plans .....	46
2.7	COMMUNICATION .....	47
2.7.1.	Discovery .....	47
2.7.2.	Public Information .....	47
2.7.2.1.	Public Information Assist Team (PIAT) .....	47
2.7.2.2.	Crisis Communication Plan .....	48
2.7.2.3.	Emergency Support Function 15 – External Affairs (ESF 15) .....	48
2.8	SAFETY .....	48
2.8.1.	Worker Health and Safety .....	48
2.8.2.	Volunteer Worker Health and Safety .....	48
2.8.3.	Safety and Environmental Health Officers .....	49
2.8.4.	Emotional Health Services .....	49
3.	OPERATIONS .....	50
3.1	ASSESSMENT/CLASSIFICATION OF DISCHARGE .....	50
3.1.1.	Spill of National Significance .....	51
3.1.2.	Worst Case Discharge .....	51
3.2	DISCHARGE OR RELEASE CONTROL .....	51
3.2.1.	General Guidelines for Oil Spills .....	51
3.2.2.	Actions to Lessen Impact .....	52
3.2.3.	Use of Chemical Agents .....	52
3.2.3.1.	Application Steps for Use of Chemical Spill Control Agent .....	53
3.2.3.2.	Chemical Use Checklist .....	54
3.2.4.	Use of In Situ Burning in US EPA Region 5 .....	54
3.3	EVIDENCE COLLECTION .....	54
3.3.1.	Sample Collection Procedures .....	54
3.3.2.	Chain-of-Custody Record .....	55
3.3.3.	Photographic Records .....	55
3.4	WASTE MANAGEMENT .....	55
3.4.1.	State Disposal and Management .....	55
3.4.2.	Federal Disposal—Hazardous Materials .....	55
3.4.3.	Federal Management—Oil .....	55
4.	PLANNING .....	56
4.1	RESOURCE PROTECTION .....	56
4.1.1.	Environmentally and Economically Sensitive Areas .....	56
4.1.1.1.	Cultural Sites .....	56
4.1.1.2.	Fish, Wildlife and Plants .....	57
4.1.1.3.	Protected Habitat .....	57
4.1.2.	Trustees for Natural Resources .....	58

Region 5 Regional Contingency Plan – Rev. date Nov. 10, 2009

4.1.2.1.	Federal Trustees.....	59
4.1.2.2.	State Trustees.....	59
4.1.2.3.	Native American Tribal Trustees .....	59
4.2	TECHNICAL SUPPORT SERVICES.....	60
4.2.1.	Field Services Section.....	60
4.2.2.	Underwater Response.....	60
4.2.2.1.	Underwater Survey Equipment.....	60
4.2.2.2.	Diving Capabilities.....	61
4.2.3.	Remote Sensing.....	61
4.2.4.	Models.....	61
4.2.4.1.	Water.....	61
4.2.4.2.	Air Dispersion Models.....	62
4.2.4.3.	Weather and ___ Observations.....	62
4.3	REFERENCE LINKS.....	62
4.3.1.	ARTES.....	62
4.3.2.	NOAA API.....	62
5.	LOGISTICS.....	63
5.1	GENERAL LOGISTICAL SUPPORT.....	63
5.2	SITE SECURITY.....	63
5.3	COMMUNICATIONS.....	63
5.3.1.	NRC Teleconference Services.....	63
5.3.2.	WebEOC.....	63
5.3.3.	Satellite Phones.....	63
5.3.4.	Satellite Dishes.....	63
5.3.5.	Mobile Command Post.....	63
5.3.6.	GETS Cards.....	63
5.3.7.	Videoconferencing.....	63
5.4	TRANSPORTATION (AIR, LAND, WATER).....	64
5.4.1.	Short Term Vehicle Rentals – Including Specialty Type Vehicles.....	64
6.	FINANCE.....	65
6.1	CERCLA-FUNDED RESPONSES.....	65
6.2	OPA-FUNDED RESPONSES.....	65
6.2.1.	National Pollution Fund Center.....	65
6.2.2.	US EPA Access to OSLTF.....	65
6.2.3.	State Access to OSLTF.....	66
6.2.4.	Trustee Access to OSLTF.....	67
6.2.5.	Reimbursable Expenses.....	67
6.2.6.	Procedures for Reimbursement.....	68
6.2.7.	Cost Recovery Action.....	68
6.2.8.	Recoverable Costs.....	68
6.2.9.	Liability Limits.....	69
6.3	REIMBURSEMENT TO LOCAL GOVERNMENTS FOR EMERGENCY RESPONSE TO SUBSTANCE RELEASES.....	69
6.4	DOCUMENTATION FOR ENFORCEMENT AND COST RECOVERY.....	70
6.4.1.	Introduction.....	70
6.4.2.	Notification.....	70
6.4.3.	Legal Notice to Suspected Releaser.....	71
6.4.4.	Oil or Hazardous Materials Release Report.....	71

APPENDIX I:       **CONTACTS**

APPENDIX II:      **WORST-CASE DISCHARGES IN REGION 5**

APPENDIX III:     **SHORELINE CLEANUP GUIDELINE MATRICES**

APPENDIX IV:	OPTIONS FOR MINIMIZING ENVIRONMENTAL IMPACTS OF FRESHWATER SPILL RESPONSE ACTIONS
APPENDIX V:	CHEMICAL USE CHECKLIST
APPENDIX VI:	AIR MONITORING GUIDELINES
APPENDIX VII:	IN SITU BURNING OF OIL
APPENDIX VIII:	FISH AND WILDLIFE ANNEX
APPENDIX IX:	STATE EMERGENCY INFORMATION
APPENDIX X:	ACRONYMS AND DEFINITIONS

## 1. INTRODUCTION

### 1.1 Purpose and Objectives

Releases of oil and hazardous materials are regulated separately under the [Oil Pollution Act of 1990 \(OPA\)](#) and the [Comprehensive Environmental Response, Compensation, and Liability Act of 1980 \(CERCLA\)](#). However, both mandate the development of contingency plans, and there is significant overlap in the type and scope of information required to do so. In order to minimize confusion and maximize resources, the two contingency plans are combined in this document as an Integrated Contingency Plan (ICP). In order to meet some of the requirements of OPA, subarea plans are being developed separately, but will be referenced in this ICP.

This ICP fulfills the requirements of Sections 300.210(b) and (c) of the [National Oil and Hazardous Substances Pollution Contingency Plan \(NCP\)](#) and Section 311(j)(4) of the [Clean Water Act \(CWA\)](#), as well as relevant portions of the [National Response Framework](#), particularly [Emergency Support Function #10 – Hazardous Materials \(ESF #10\)](#). The ICP is designed to coordinate timely and effective response among

- local, Tribal, and State officials;
- private industry;
- On-Scene Coordinators (OSCs);
- Remedial Project Managers (RPMs);
- various Federal Agencies; and
- other organizations

to minimize damage resulting from releases of oil or hazardous substances, pollutants or contaminants.

The plan describes response protocols and assists in providing a coordinated response capability in the event of a release or spill that poses a threat to the environment or to human health and welfare.

The initial actions taken by the OSC and/or other appropriate personnel should be to determine whether proper response actions have already been initiated. In general, if the party or parties responsible for the release or spill do not take appropriate actions, or if the party or parties responsible for the release or spill are unknown, the local response community or State agencies will become involved. If Federal assistance is requested or required, the OSC shall respond, implement provisions of the NCP and applicable agency guidance, and coordinate activities as outlined in this ICP.



## 1.2 Authority

The RCP is developed pursuant to Section 300.210 of the NCP. The NCP is required by Section 105 of CERCLA, as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), by Section 311(d) of CWA, as amended by OPA. The ESF 10 components of this plan are required by the [Robert T. Stafford Disaster Relief and Emergency Act \(Public Law 93-288\)](#), as amended. The RCP is applicable to response actions taken pursuant to the authorities under CERCLA, Section 311 of CWA, and OPA. The NCP requires establishment of RRTs, which are responsible for Regional planning and preparedness activities before response actions, and for providing advice and support to the RRT when activated during a response.

The ACP is required by Section 311(j)(4) of CWA and is written in conjunction with the NCP and CERCLA.

To accomplish the coordinated planning structure envisioned under OPA, Section 4202(a) of OPA requires the President to designate specific Areas for which Area Committees are established. Each Area Committee, under the direction of an OSC, must prepare and submit to the President for approval an ACP that, in conjunction with the NCP, is adequate to remove a worst case discharge from a vessel or facility operating in or near that Area.

Through Executive Order 12777, the President delegated to the Administrator of the United States Environmental Protection Agency (US EPA) responsibility for designating the Areas and appointing the committees for the inland zone as designated in the NCP. The Administrator further delegated this authority to the US EPA Regional Administrators, and designated the 10 pre-existing RRT areas as the Areas for OPA planning purposes. US EPA Region 5, which consists of Illinois, Indiana, Minnesota, Michigan, Ohio, and Wisconsin, is one Area. Establishment of the Area Committee is required by Section 311(j)(4) of CWA.

## 1.3 Scope and Provisions

It is the policy of the RRT that response actions on non-Federal lands should be monitored or implemented by the most immediate level of government with authority and capability to conduct such activities. The first level of response will generally be the responsible party (RP), followed by local government agencies, followed by State agencies when local capabilities are exceeded. When incident response is beyond the capability of the State response, US EPA or USCG is authorized to take response 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. The need for Federal response is based on evaluation by the Federal OSC

The US EPA Region 5 RCP/ACP has been developed in accordance with the NCP and takes into consideration relevant United States Coast Guard (USCG) area contingency plans. The Ninth Coast Guard District is covered by eight area contingency plans, seven of which are in Region 5. Each plan covers the coastal zone of the corresponding Marine Safety Office (MSO). Each USCG area contingency plan is developed by an area committee chaired by the respective Coast Guard Captain-of-the-Port.

USCG has seven Area Contingency Plans (ACP) that cover, in part, how to respond to an oil or hazardous substance spill in the coastal zone of the Great Lakes and their connecting channels. This includes the identification, prioritization and cleanup strategies for sensitive areas; and identification of contractors and equipment.

While US EPA has chosen to combine its Area Contingency Plan for Region 5 into the existing Regional Contingency Plan to produce this joint document, the USCG's seven area contingency plans are separate documents, which are compatible with and may be used in conjunction with this ICP for spills which impact both the inland and coastal zones.

The ACP referred to in this Plan is the US EPA Inland Plan unless otherwise stated. This plan applies to the Region 5 RRT (RRT5) member agencies (see [Appendix I](#)).

The ICP, when implemented in conjunction with other provisions of the NCP, shall be adequate to remove a worst case discharge and to mitigate or prevent a substantial threat of such a discharge.

The RCP portion of this plan covers response for all of Region 5. The ACP portion of this plan covers the inland portion only. Thus, when reading the plan, if the jurisdiction falls in the coastal zone, the spill will fall under the responsibility of the Coast Guard and will only be subject to the RCP components of this plan. If a jurisdiction is in the inland zone, both ACP and RCP components of this plan apply.

Certain groups of counties have been or will be designated as sub areas of the ACP and will be appended to the plan. They are chosen based on certain criteria for threat:

- proximity to large bodies of fresh water
- number of facilities
- need for greater jurisdictional coordination

They may also contain portions of other adjacent areas to provide for a coordinated plan for spills affecting certain boundary locations.

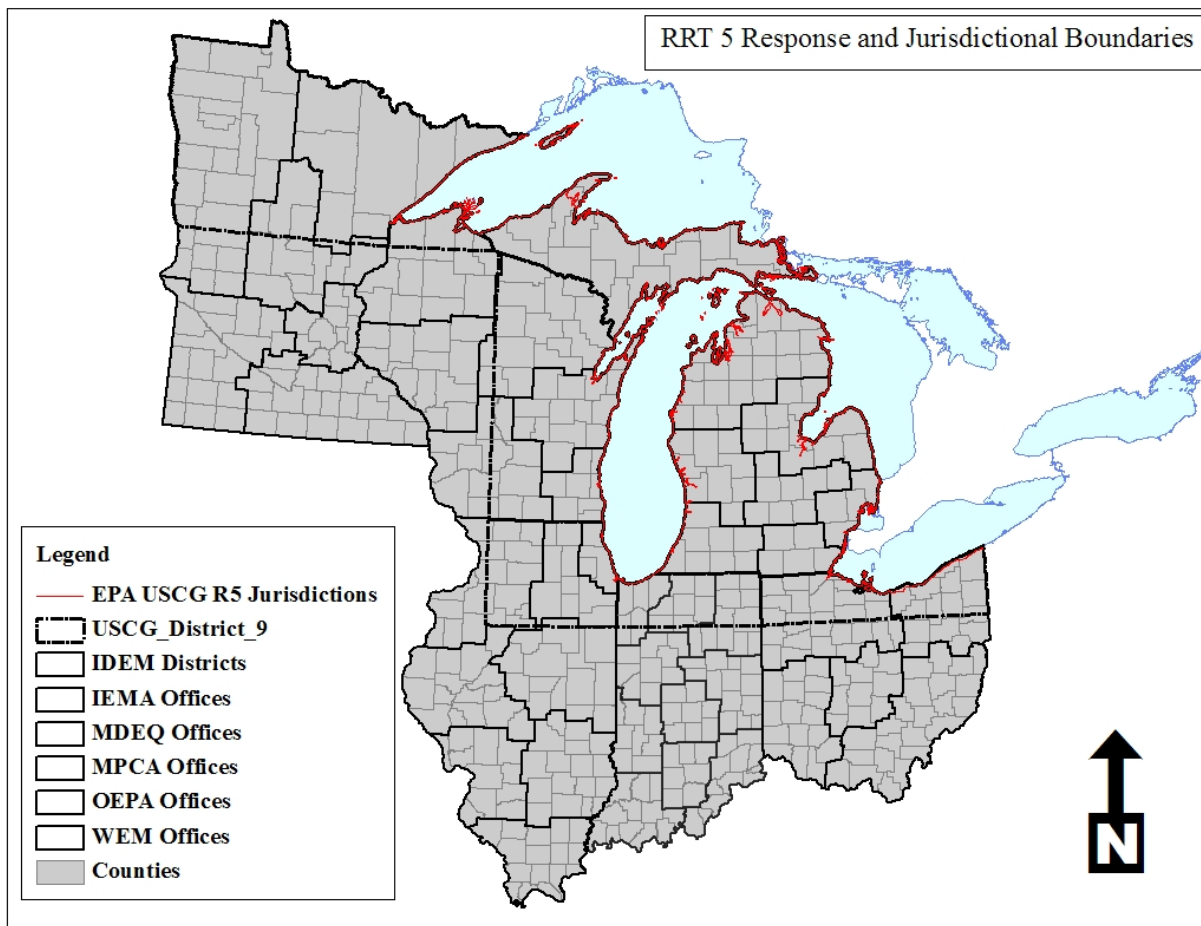
#### **1.4 Jurisdictions**

Region 5 has been divided into two operational areas, inland and coastal, which correspond to the areas in which US EPA and USCG are responsible for providing OSCs. The coastal operational area consists of the open waters of the Great Lakes, including Lake St. Clair, the interconnecting rivers, major bays, ports and harbors of the Region 5 States, and the land surface, land substrata, ground water and ambient air proximal to those waters. The inland operational area includes all other land territory of the six States of Region 5, including each State's inland lakes and rivers. Numerous Native American community reservations and treaty rights areas are also delineated within Region 5.

Two Coast Guard Districts share Federal Region 5. The Ninth Coast Guard District, headquartered in Cleveland, serves the Great Lakes drainage basin. The Eighth Coast Guard District, headquartered in New Orleans, serves the drainage basins of the upper Mississippi and the Ohio Rivers.

Within the Great Lakes coastal zone, the appropriate Captain of the Port (COTP) functions as the predesignated OSC for all oil and hazardous substance releases, subject to a DOT/US EPA redelegation of certain CERCLA response authorities. US EPA performs the following two categories of response actions within the coastal zone: 1) remedial actions for releases originating from facilities, and 2) all response actions for releases originating from hazardous waste management facilities.

The scope of the Eighth Coast Guard District response role is defined by a revised Memorandum of Understanding (MOU) between that District and US EPA Region 5, signed by the Regional Administrator on April 12, 1993. The revised MOU assigned US EPA as the predesignated OSC for the entire inland zone, including the inland river system within the Eighth Coast Guard District, for responding to all discharges of oil and hazardous substances. The USCG would respond for spills from commercial vessels only.



DOD or DOE provides OSCs for all response actions for releases of hazardous substances, pollutants or contaminants which originate on any facility or vessel under the jurisdiction, custody or control of DOD or DOE. In the case of a Federal agency other than US EPA, USCG, DOD or DOE, such agency shall provide OSCs for removal actions necessitated by releases originating on any facility or vessel under its jurisdiction that are not emergencies.

US EPA or USCG OSCs may be requested to provide technical assistance to the lead agency OSC who is responding to the release or threatened release. In the event of an emergency on Federal agency property other than DOD or DOE, US EPA or USCG retains response authority and US EPA OSCs may respond and later initiate cost recovery actions against the potentially responsible party.

Definitions of the boundaries of OSC jurisdictions for Region 5 are provided in the following subsections. Where highways are used to delineate the boundary, the roadbed right-of-ways of the highway are included in the inland (US EPA) zone.

#### **1.4.1. US EPA OSC Boundaries**

##### **1.4.1.1. US EPA Region 3 OSC Boundaries**

US EPA Region 3 will provide OSCs for investigating and responding to releases to the main stem of the Ohio River from the Ohio-Pennsylvania boundary, mile 40.1, to the Kentucky-West Virginia boundary, mile 317.2. All releases in the above-named stretch of the Ohio River emanating from sources in West Virginia will be handled by US EPA Region 3 personnel; those from sources in Region 5 will be handled by personnel from Region 5. If either RRT is activated, the Eighth USCG District would be involved along the entire stretch of the Ohio River.

##### **1.4.1.2. US EPA Region 4 OSC Boundaries**

US EPA Region 4 will provide OSCs for investigating and responding to releases of oil or hazardous materials to the main stem of the Ohio River from the Kentucky-West Virginia boundary, mile 317.2, to its junction with the Mississippi River, mile 981.2. Releases in the above-named stretch of the Ohio River emanating from shoreline sources in US EPA Region 4 will be handled by personnel of Region 4; those spills from shoreline sources in Ohio, Indiana, and Illinois will be handled by personnel from Region 5.

Region 4 will have the responsibility for ensuring notification of water users downstream of the location of the release, including coordination with ORSANCO, the USCG Eighth District and COE, when a release occurs on the south shoreline or in the main stream of the Ohio River. Region 5 has a like responsibility, including coordination with ORSANCO, the USCG Eighth District, and COE when a release occurs on the north shoreline of the river. Either Region, when requested by the other, may assume the functional OSC role for a particular incident. The decision to accept this responsibility will rest with the Region being requested on an incident-specific basis. Boundary lines do not preclude mutual assistance between the two agencies.

#### **1.4.1.3. US EPA Region 7 OSC Boundaries**

US EPA Region 7 will provide OSCs for investigating and responding to releases to the main stem of the Upper Mississippi River (UMR) when either Iowa or Missouri is the principal first responding State. US EPA Region 5 will have jurisdiction for such releases within the State of Minnesota and where Minnesota, Wisconsin, or Illinois is the first principal responding State. When releases to the UMR main stem will result in significant response by more than one State, or when there is uncertainty as to the responding States, Region 7 will provide OSCs for such releases occurring between Cairo, Illinois, and Keokuk, Iowa (miles 0.0 to 354.5). Region 5 will provide OSCs for such releases above that point.

For spills from shore facilities and non-waterborne sources, OSCs will be provided by the Region in which the source is located.

#### **1.4.1.4. US EPA Region 8 OSC Boundaries**

US EPA Region 5 will provide OSCs for investigating and responding to releases to the main stem of the Red River of the North from its origin in Lake Traverse near Browns Valley, Minnesota, to the Canadian border. All spills to the above-named stretch of the Red River emanating from sources in North Dakota and South Dakota will be handled by Region 8 personnel.

South of the Browns Valley area, the boundary between South Dakota and Minnesota involves the headwaters of the Minnesota River flowing southward. Region 5 Spill Response personnel will respond to releases to the main stem of the Little Minnesota River and Big Stone Lake southward to Ortonville, Minnesota.

All releases to the above-named headwaters of the Minnesota River emanating from sources in South Dakota will be handled by Region 8 personnel; releases from sources in Minnesota will be handled by Region 5 personnel.

US EPA Region 8 will provide communications as necessary with the Canadian Province of Manitoba concerning all releases occurring in waters flowing into Canada, including those emanating from Region 5.

#### **1.4.2. Ninth Coast Guard District OSC Boundaries**

Four USCG Sectors and one marine Safety Unit (MSU) provide an FOSC for releases occurring within the coastal zone of Federal Region 5, each serving a specific geographic area. These geographic areas are defined as: the international boundary with Canada, the boundaries between the units (described at 33 CFR 3.45), and the boundary between the inland zone and the coastal zone. In most locations, the boundary between inland and coastal zones follows the near shore areas adjoining the Great Lakes and the interconnecting rivers.

The following subsections detail, for each of the five units, which tributaries fall within the coastal zone and where a geographic feature, such as a highway, serves as the boundary.

**1.4.2.1. Sector Buffalo, NY (Former Marine Safety Office Cleveland Zone)**

1. Ashtabula River (Ashtabula, Ohio): Upstream to East 5th Street.
2. Black River (Lorain, Ohio): Upstream to the turning basin at the National Tube Division of U.S. Steel (river mile 3.0).
3. Conneaut River (Conneaut, Ohio): Upstream to the Bessemer and Lake Erie Railroad Swing Bridge at Pittsburg & Conneaut Dock Comp. (river mile 0.75).
4. Cuyahoga River (Cleveland, Ohio): Upstream to the mouth of Big Creek in the Metropolitan Parks (river mile 7.5).
5. Grand River (Fairport Harbor, Ohio): Upstream to the turning basin at Osborn Concrete and Tank Company.

In addition to the river miles mentioned above, the coastal/inland zone demarcation shall be defined by the boundary on the highway created by State Route 2 from Vermilion to North Perry and then U.S. Route 20 from North Perry to the Ohio/Pennsylvania border. The coastal zone being all waters and adjacent shoreline north of this boundary, any incident on the above-mentioned highways will be the responsibility of U.S. EPA but it should be noted that the COTP may be requested to respond as First Federal Official on scene until a U.S. EPA OSC can respond.

**1.4.2.2. Sector Detroit, MI (Former Marine Safety Office Detroit Zone plus former Marine Safety Office Toledo Zone)**

1. Lake Huron: From Latitude 44-43' south and east to international boundary.
2. Saginaw Bay: The entire Saginaw Bay.
3. St. Clair River: East to international boundary.
4. Lake St. Clair: East to international boundary.
5. Detroit River: South to Detroit River Light and east to international boundary.
6. Au Gres River (Au Gres, Michigan): Upstream to U.S. 23 Bridge.
7. Au Sable River (Oscoda, Michigan): Upstream to Mill Street Bridge.
8. Bird Creek (Port Austin, Michigan): Upstream to Spring Street Bridge.
9. Belle River (Port Huron, Michigan): Upstream to M-29 Broadway Bridge.
10. Black River (Port Huron, Michigan): Upstream to and including Black River Canal.
11. Clinton River (Harrison Township, Michigan): Up to and including Clinton River Spillway.
12. Ecorse River (Ecorse, Michigan): Upstream to Jefferson Avenue Bridge.
13. Huron River (Rockwood, Michigan): Dixie Highway Bridge 1.8 miles above mouth of river.
14. Milk River (St. Clair Shores, Michigan): Up to Jefferson Avenue Bridge.
15. Pigeon River (Caseville, Michigan): Upstream to M-25 Bridge.
16. Pine River (St. Clair, Michigan): Upstream to CSX Railroad Bridge.
17. River Rouge (Saginaw and Bay City, Michigan): Upstream to .5 mile above Center Street Bridge in Saginaw.
18. Salt River (Chesterfield Township, Michigan): Upstream to Callens Road Bridge.
19. Sebawaing River (Sebawaing, Michigan): Upstream to M-25 Bridge.
20. River Raisin (Monroe, Michigan): Upstream to the turning basin (river mile 1.5).



21. Maumee River (Toledo, Ohio): Upstream to the I-75 Bridge.
22. Portage River (Port Clinton, Ohio): Upstream to Highway 163.
23. Sandusky Bay (Sandusky, Ohio): Upstream to Highway 2.
24. Huron River (Huron, Ohio): Upstream to turning basin (mile .5).
25. Lake Erie: The open waters, bays, harbors, and mouths of tributaries within the COTP Detroit zone.

**1.4.2.3. Sector Lake Michigan (Former Marine Safety Office Milwaukee Zone plus former Marine Safety Office Chicago Zone)**

1. All waters of Lake Michigan within COTP Sector Lake Michigan's zone.
2. Pike Creek (Kenosha): To the Sixth Avenue Bridge.
3. Root River (Racine): To the Main Street Bridge.
4. Oak Creek (Milwaukee): To its mouth.
5. Kinnickinnic River (Milwaukee): To the South Kinnickinnic Avenue Bridge.
6. Menominee River (Milwaukee): To mile 2 (25th Street Bridge)
7. Milwaukee River (Milwaukee): To the North Humboldt Avenue Bridge.
8. Sauk Creek (Port Washington ): To the Wisconsin Street Bridge.
9. Sheboygan River (Sheboygan): To the Pennsylvania Avenue Bridge.
10. Manitowac River (Manitowac): To the C&NW Railroad Bridge.
11. West Twin River (Two Rivers): To the 16th and Madison Streets Bridge.
12. East Twin River (Two Rivers): To the 22nd Street Bridge.
13. Kewaunee River (Kewaunee): To the Park Street Bridge.
14. Ahnapee River (Algoma): To the 2nd Street Bridge.
15. Fox River (Green Bay): To the State Route 172 Bridge.
16. East River (Green Bay): To the Monroe Avenue Bridge.
17. Oconto River (Oconto): To the turning basin.
18. Menominee River (Marinette, Wisconsin to Menominee, Michigan): To the Dunlap Avenue (Highway 41) Bridge.
19. Lake Michigan: within limits of COTP Chicago.
20. North Point Marina (Winthrop Harbor, Illinois): Entire marina.
21. Waukegan Harbor: Entire harbor.
22. Wilmette Harbor: From the entrance to the sluice gate.
23. Montrose Harbor (Chicago, Illinois): Entire harbor.
24. Belmont Harbor (Chicago, Illinois): Entire harbor.
25. Diversey Harbor (Chicago, Illinois): Entire harbor.
26. Chicago River: The outer harbor, limited to the waters outside the Chicago Lock and retaining walls, including the waters inside the lock gates.
27. Burnham Park Harbor (Chicago, Illinois): Entire harbor.
28. 59th Street Harbor (Chicago, Illinois): Entire harbor.
29. Jackson Park Harbor (Chicago, Illinois): Entire harbor.
30. Calumet Harbor and River (Chicago, Illinois): From the mouth of the Calumet River south to the north side of O'Brien Lock and Dam, including the waters inside the lock gates. From "The Forks" west to the temporary dike at the south boundary of Lake Calumet.
31. Hammond Marina: Entire marina.

32. Indiana Harbor (East Chicago, Indiana): Upstream to Conrail Railroad Bridge.
33. Pastrick Marina (East Chicago, Indiana): Entire marina.
34. Buffington Harbor (Gary, Indiana): Entire harbor.
35. Gary Harbor (Gary, Indiana): Entire harbor.
36. Burns Harbor (Burns Harbor, Indiana): From the entrance to the south end of deep draft slip.
37. Michigan City Harbor: Entrance to Bascule Bridge.
38. Betsie Lake (Frankfort): Entire lake throughout up to and including the mouth of the Betsie River to Highway M-22 bridge.
39. Arcadia Lake: Entire lake.
40. Portage Lake: Entire lake.
41. Manistee Lake (Manistee): Entire lake throughout up to and including the mouth of the Manistee River to Highway M-55 bridge.
42. Pere Marquette Lake (Ludington): Entire lake throughout up to and including the mouth of the Pere Marquette River to Old U.S. 31 bridge.
43. Pentwater Lake: Entire lake.
44. White Lake: Entire lake.
45. Muskegon/Bear Lake (Muskegon, Michigan): Entire lake throughout up to and including the Muskegon River to the U.S. 31 bridges.
46. Mona Lake: Entire lake.
47. Spring Lake: Entire lake.
48. Grand River: From the mouth to the end of the dredged channel at Buoy #78 (in Ottawa County approximately 17 miles upstream).
49. Pigeon Lake: Entire lake up to the fixed bridge in the intake channel of the J.H. Campbell power plant and on the eastern end up to the fixed bridge of Lakeshore Avenue.
50. Lake Macatawa: Entire lake to the end of the dredged channel marked by buoys #25 and #26 (eastern end of the lake in Holland).
51. Kalamazoo Lake (Douglas/Saugatuck): Entire lake up to and including the Kalamazoo River to the CSX Railroad bridge, approximately 11 miles upstream.
52. Black River (South Haven): From the mouth to the U.S. 31 bridge, approximately 2.6 miles upstream.
53. St. Joseph River (St. Joseph): From the mouth to the Somerleyton bridge, approximately 6.6 miles upstream.
54. Paw Paw River (Benton Harbor): From the mouth to the CSX Railroad bridge, approximately 3.2 miles upstream.
55. Galien River: from the mouth to the Highway 12 bridge, approximately 2 miles upstream.

**1.4.2.4. Sector Sault Ste. Marie, MI (Former Marine Safety Sault Ste. Marie Office Zone)**

1. Lake Superior: The waters, bays, tributaries, and adjoining shoreline of Lake Superior within U.S. territory, eastward from the westernmost boundary of the Area of Operations (AOR) to a line between Point Iroquois running northeast to Gros Cap Reef Light on the International Boundary.
2. St. Mary's River: The waters, bays, tributaries, and adjoining shoreline of the St. Mary's River within U.S. territory, from a line between Point Iroquois and Gros Cap Reef Light



southward to a line between Detour Reef Light and Crab Island Shoal Light, including the waters of Potagannissing Bay.

3. Lake Huron: The waters, bays, tributaries, and adjoining shoreline of Lake Huron within U.S. territory, northward from the southernmost boundary of the AOR, west to the Straits of Mackinaw Bridge.
4. Lake Michigan: The waters, bays, tributaries, and adjoining shoreline of Lake Michigan, eastward from the westernmost boundary of the AOR, to the Straits of Mackinaw Bridge.

#### **1.4.2.5. Sector Sault Ste. Marie, Marine Safety Unit, Duluth, MN (Former Marine Safety Office Duluth Zone)**

Within Duluth/Superior Harbor, COTP Duluth will assume the responsibility for providing FOSCs in Duluth/Superior Harbor to the mouths of all small tributary rivers and creeks entering into the harbor, plus the St. Louis River serviced by existing patrols and aids to navigation up to the Highway Bridge on Route 23 at Fond du Lac, Minnesota, and the waters of Lake Superior within COTP Duluth.

#### **1.4.2.6. Ninth Coast Guard District Responses in the Inland Zone**

Ordinarily, the Ninth Coast Guard District will not provide the OSC for a release occurring in the inland zone. However, where a Marine Safety Officer responds in the inland zone to a marine casualty or other incident pursuant to USCG port safety and commercial vessel safety responsibilities, that officer will serve as the First Federal Official On Scene, pending arrival of the predesignated U.S. EPA OSC. In this capacity, that officer will manage any cleanup actions performed by the responsible party and, if necessary, will initiate a Federal removal.

The U.S. EPA Region 5 office may request that the Ninth Coast Guard District provide the OSC for a release in the inland zone, regardless of source, because of the particular circumstances of the incident.

#### **1.4.3. Eighth Coast Guard District OSC Boundaries**

If the incident involves a commercial vessel, a transfer operation, or a marine transportation related facility, the USCG will provide the OSC. The Eighth District will assist the predesignated US EPA OSC where there is a discharge or release of oil or hazardous substances, or a threat of such a discharge or release, into or on navigable waters. Upon request by the US EPA OSC, the USCG may act on behalf of US EPA, assuming the functional role and responsibilities of the OSC. If the USCG is the first Federal official on-scene, the USCG will notify the US EPA OSC and act as the OSC until such time as the US EPA OSC arrives.

## **1.5 Updating**

Section 311(j)(4)(C)(viii) of CWA requires that the ACP be updated periodically by the Area Committee. For national consistency, it has been determined that the ACP will be updated annually for 5 years, starting January 1, 1995, and once every 5 years thereafter. The document may be updated more frequently, as policy changes require.

## **1.6 Crosswalk with NCP**

[Pending]

## **2. COMMAND**

### **2.1 Response Organization**

#### **2.1.1. Response to Public Safety and Property Threats Caused by Spills**

When a spill poses public safety and property threats via potential fires, explosions, toxic clouds, or other means, local officials are usually in command of the incident. The party responsible for the incident is required to cooperate with and aid the local police and fire agencies. At some facilities, the responsible party conducts the response; at other facilities and in transportation incidents where the responsible party may not have the specialized capability to address an incident, public agencies direct the response. If highly specialized activities such as off-loading tank cars or repackaging hazardous chemicals are required, the responsible party may implement the actions under the general direction of the local public safety commander.

In most States, the role of State agencies in public safety response during the early stages of an incident is to provide technical advice to local commanders as soon as possible. For spills occurring within an Indian reservation, the Tribe may be the primary responder for incidents at which an RP fails to act, or the Tribe may rely on local or State responders by prior agreement. During major incidents, State and Federal authorities may be able to provide additional assistance to the local commander at the spill scene by:

- conducting sampling and analysis of chemicals,
- providing specialized contractors or equipment, or
- providing detailed advice or other supporting functions.

Seldom will State or Federal authorities assume command from a local fire or police commander for short-term, on-site, public-safety-related issues.

#### **2.1.2. Response to Environmental and Health Threats Caused by Spills**

A number of State and Federal programs require parties who are responsible for a spill to investigate and remedy all related environmental and health threats. Often these actions include activities on properties owned by third parties or public agencies. The actions usually begin somewhat later than the public safety protection response, but can continue for a much longer period. The actions may include, but are not limited to:

- placing containment and recovery booms and pads,
- sampling runoff and rivers,
- excavating soil,
- sampling smoke,
- performing hydrogeological investigations,
- wildlife rescue and rehabilitation,
- closing drinking water intakes, and
- providing an alternate water supply.

Sometimes a responsible party is unable or unwilling to undertake adequately or quickly the environmental and health protection actions required by State or Federal authorities. In those cases, State or Federal authorities can assume a more direct role. Usually this is done through investigation or cleanup contractors using governmental funds, such as State or Federal Superfunds or the [Oil Spill Liability Trust Fund \(OSLTF\)](#). The costs of these direct government actions will usually be recovered later from the responsible party. The decision to assume governmental control of environmental and health followup of an incident is dependent on:

- the ability and willingness of the responsible party to respond effectively,
- the severity of the incident,
- the cost and duration of required actions, and
- the resources available to the various levels of government.

## **2.2 Federal Response**

### **2.2.1. Federal OSC Responsibilities.**

The Federal OSC directs Federal response efforts and coordinates all other Federal efforts at the scene of a discharge or release. The OSC may monitor local, Tribal, State, or private actions to remove a discharge, and may provide technical assistance to local, Tribal, State, or responsible party response personnel.

If a response action is being conducted through local, Tribal, State, or responsible party efforts, the OSC will ensure adequate oversight. If local, Tribal, or State agencies or the responsible party cannot or will not initiate action to eliminate the threat, or if the removal is not being conducted properly, the OSC should advise the government agency or responsible party and take appropriate actions to mitigate or remove the threat or discharge.

When the OSC has determined that a discharge poses or may present a substantial threat to public health or welfare, he/she is authorized by the NCP to direct all private, State, or Federal actions to remove the discharge or to mitigate or prevent the threat of such a discharge. In addition, the OSC may remove or arrange for the removal of the discharge or mitigate or prevent the substantial threat of the discharge; and may remove and, if necessary, destroy by whatever means available a vessel discharging, or threatening to discharge, without regard for any other provision of law governing contracting procedures or employment of personnel by the Federal Government (40 CFR 300.322).

Upon receipt of notification of a discharge or release, the OSC is responsible for conducting a preliminary assessment to determine:

- (a) threat to human health and the environment;
- (b) the responsible party and its capability to conduct the removal; and
- (c) feasibility of removal or the mitigation of impact.

OSC responsibilities in the event of a discharge or release include the following:

- (a) Coordinate with appropriate Federal Agencies.
- (b) Notify the appropriate State and Federal Agencies. OSC notification responsibilities are discussed in further detail in subsection 2.10 of this plan (p. 31).
- (c) Determine whether proper response actions have been initiated. If the party responsible for the release or spill does not act promptly in accordance with the directions of the OSC or does not take appropriate actions, or if the party is unknown, the OSC shall respond in accordance with provisions of the NCP and agency guidance, and coordinate activities as outlined in this ICP.
- (d) Collect information concerning the discharge or release:
  - its source and cause;
  - 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) Coordinate his/her efforts with other appropriate Federal, State, and local agencies.
- (f) Consult with and inform the RRT members of reported discharges and releases through Pollution Reports in Message Format (POLREPs). (See Figure 2-1, p. 34)
- (g) Consult with the appropriate Regional or District office regarding situations potentially requiring temporary or permanent relocation. In the event of a declared Federal disaster, coordinate with the Federal Emergency Management Agency (FEMA) Federal Coordinating Officer (FCO) as appropriate.
- (h) Implement appropriate community relations activities.
- (i) Address worker health and safety issues prior to and during a response operation, and comply with all worker health and safety regulations.
- (j) Coordinate with the Agency for Toxic Substances and Disease Registry (ATSDR), as deemed necessary, regarding possible public health threats.
- (k) Coordinate with the US EPA Office of Radiation and Indoor Air (ORIA) and the Department of Energy (DOE) in emergencies involving radiological hazards.

As requested by the NRT or RRT, the OSC shall submit to the RRT a complete report on the removal operation and the actions taken. The report shall record:

- the situation as it develops,
- the actions taken,
- the resources committed, and
- the problems encountered.

### **2.2.2. Regional Response Team (RRT)**

The RRT is responsible for regional planning and preparedness activities, as well as for coordination of assistance and advice to the OSC during site-specific incidents. The Co-Chairs of the Region 5 RRT are the Chief of the Emergency Response Branch, US EPA Region 5 and the Chief of the Marine Safety Division, Ninth Coast Guard District. The RRT membership includes representatives from each State appointed by the Governor, representatives from each Tribe appointed by the Tribal Chair, and the designated regional representatives of the following Federal Agencies:

- Department of Agriculture (USDA)
- Department of Commerce (DOC)
- Department of Defense (DOD)
- Department of Energy (DOE)
- Federal Emergency Management Agency (FEMA)
- General Services Administration (GSA)
- Department of Health and Human Services (HHS)
- Department of Homeland Security (DHS)
- Department of the Interior (DOI)
- Department of Justice (DOJ)
- Department of Labor (DOL)
- Nuclear Regulatory Commission
- Department of State (DOS)
- Department of Transportation (DOT)
- Coast Guard (USCG)
- Environmental Protection Agency (EPA)

Federal RRT member agencies have duties established by Statute or Executive Order that may apply to Federal response actions following or in prevention of a discharge of oil or a release or threat of release of a hazardous substance, pollutant, or contaminant. The RRT also functions as the Area Committee for Inland Region 5.

The principal components of the RRT are a standing RRT and incident-specific RRTs. The standing RRT consists of designated representatives from each participating Federal Agency listed above and each State. Each incident-specific RRT is formed from the standing team when the RRT is activated for a response, and consists of representatives of appropriate local governments, State agencies, and Federal Agencies.

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 Native American Tribal governments may arrange for representation on the RRT. Other interested parties may attend and observe RRT meetings. The usual process by which the RRT reaches its decisions is by consensus. However, in instances where a decision is reached by means of a vote, the voting capacity of each Federal member agency and other RRT member organizations is limited to one vote per member agency or organization.

The first Federal official affiliated with an RRT agency to arrive at the scene of a discharge or release, provided they have the proper training, should coordinate activities under the NCP, this RCP/ACP, 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.

### **2.2.3. Federal Agency Responsibilities**

The Federal Agencies listed in this section have duties established by statute, executive order, or Presidential directive which may apply to Federal response actions following, or in prevention of, the discharge of oil or release of a hazardous substance, pollutant, or contaminant. Some of these agencies also have duties relating to the rehabilitation, restoration, or replacement of natural resources injured or lost as a result of such discharge or release. It is recognized that Native American authorities, responders, and communities are entitled to the same cooperation and protection arrangements as the States.

Following is a list of Federal Agencies and their responsibilities and functions.

#### **2.2.3.1. Department of Agriculture**

The U.S. Forest Service is the designated USDA representative to the RRT. USDA maintains a Regional Emergency Team in each of the 10 Standard Federal Regions to provide liaison and coordination with Federal Agencies operating on a Regional basis. Regional Emergency Teams are composed of representatives of USDA agencies having essential emergency functions at the Regional level. These are:

- (1) Forest Services (FS): Responsible for prevention and control of fires in rural areas, in cooperation with State Foresters and appropriate Federal Agencies; and emergency production, availability, and utilization of timber and timber products in cooperation with the Department of Commerce. The agency has capabilities to provide emergency communications systems, specialized aircraft, and human support facilities for large groups of people, and has specially trained incident management teams.
- (2) 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.

- (3) Food Safety and Inspection Service (FSIS): Tests meat and poultry products for the presence of violative drugs, chemical residues and other adulterants.
- (4) Agricultural Stabilization and Conservation Service (ASCS): In cooperation with the Forest Service, Soil Conservation Service, and the U.S. Army Corps of Engineers, is responsible for emergency plans and preparedness programs for food processing, storage and distribution through the wholesale level.
- (5) Animal and Plant Health Inspection Service (APHIS): Provides expertise on plant and animal diseases and health.
- (6) National Agricultural Statistics Service: 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.

#### **2.2.3.2. Department of Commerce**

DOC, through the National Oceanic and Atmospheric Administration (NOAA), has three roles within Region 5:

- (1) Scientific Support Coordinator (SSC): In accordance with the NCP, the SSC provides scientific advice to support the Federal OSC in operational decisions that will protect the environment effectively, mitigate collateral harm, and facilitate environmental recovery. The SSC advises on other technical issues (as requested by the OSC) after consulting with the appropriate NOAA hazardous materials (HAZMAT) resources or other Federal, State, or academic networks. This includes considering advice from the trustee agencies (including the NOAA HAZMAT RRT member), and any divergent opinions.
- (2) National Resource Trustee: The Secretary of Commerce acts as trustee for natural resources managed or controlled by DOC, including their supporting ecosystems. 40 CFR 300.600(b), (b)(1). Pursuant to the Great Lakes Critical Programs Act of 1990, 33 USC 1268 (Great Lakes Act), and the Great Lakes Water Quality Agreement of 1978, as amended by the Water Quality Agreement of 1987 (Great Lakes Water Quality Agreement), the United States, in part through DOC, manages and/or controls the water and sediments of the Great Lakes System.



The Secretary of Commerce also acts as trustee for natural resources managed or controlled by other federal agencies that are found in, under, or using waters navigable by deep draft vessels, tidally influenced waters, or waters of the contiguous zone, the exclusive economic zone, and the outer continental shelf. Therefore, all federally managed or controlled resources that are found in those waters, such as water and sediments that form navigation channels and that are managed, controlled, and maintained by the Army Corps of Engineers, and the fisheries that are controlled by the Food and Drug Administration through derivation of action levels, fall within DOC trusteeship. Similarly, the water and sediment of the Great Lakes System are within the administrative jurisdiction of the United States, and are federally managed or controlled pursuant to the Great Lakes Act and the Great Lakes Water Quality Agreement.

The Secretary has delegated his authority to act as trustee to the Administrator of NOAA. Pursuant to these delegations, NOAA has trusteeship for the water, sediment, and the biological resources, of the Great Lakes and their supporting ecosystems. The NCP also cites as examples of DOC trusteeship the following natural resources and their supporting ecosystems: migratory birds, anadromous fish, and endangered species and marine mammals. 40 CFR 300.600(b)(1), (b)(2).

Under OPA and the NCP, NOAA has specific responsibilities as a natural resource trustee that include:

- (a) Receiving notification of potential or actual spills threatening NOAA resources
- (b) Being consulted on the preparation of the fish and wildlife and sensitive environments annex (this includes concurring on specific countermeasures or removal actions during the contingency planning phase)
- (c) Being consulted on removal actions during an incident
- (d) Implementing damage assessment activities

All of these activities are intended to minimize impacts and to restore the environment.

(3) RRT Member: Has the primary goal to support the appropriate RRT Co-Chair who supports the Federal OSC by providing advice and resources that will protect the environment effectively, mitigate collateral harm, and facilitate environmental recovery. Carries out this goal by:

- (a) serving as an access point to other DOC resources and expertise, usually outside NOAA HAZMAT, that have primary roles in carrying out NOAA's trusteeship role during spills;
- (b) representing DOC in carrying out its policy responsibilities (such as trusteeship);
- (c) helping the NOAA SSC provide technical assistance, if needed; and
- (d) representing NOAA HAZMAT at meetings where the SSC cannot be present.

This member can provide:

- scientific expertise on living aquatic resources for which DOC is responsible
- current and predicted meteorological, hydrologic, ice, and limnologic conditions
- charts and maps
- communication services to the general public, various levels of government, and the media via its NOAA weather wire and NOAA weather radio systems

These roles are the responsibility of all DOC representatives, whether from NOAA HAZMAT, NOAA National Marine Fisheries Service (NMFS), or NOAA National Weather Service (NWS).

### **2.2.3.3. Department of Defense**

DOD, consistent with its operational requirements, may provide assistance in critical oil and hazardous materials incidents, in the maintenance of navigation channels, and in removal and salvage of navigation obstructions. DOD will provide the OSC and RRT Chair for releases occurring on DOD property or facilities and for all incidents involving DOD hazardous substances.

(1) U.S. Army Corps of Engineers (USACE): Has specialized equipment and personnel for maintaining navigation channels, for removing navigational obstructions, for accomplishing structural repairs, and for performing maintenance to hydropower electric generating equipment. USACE can also provide design services, perform construction, and provide contract writing and contract administration services for other Federal Agencies.

- (2) U. S. Navy – Navy Region Midwest: The Commander, Navy Region Midwest is designated as the Navy On-Scene Coordinator for planning, preparedness and response to Navy oil and hazardous substance incidents occurring in Region 5. Navy Region Midwest has near-shore response vessels and equipment to support Navy incidents and for designated Civilian Support roles. Support to non-Navy spills requires Presidential tasking, Regional Response Team/National Response Team tasking, or request for support through Memorandum of Agreement with the USCG. The Navy maintains on-water response assets (utility and boom handling boats, rapid response skimmer, and containment boom) and trained Oil Spill Operations Teams at Naval Station Great Lakes, Illinois that can be deployed throughout Region 5. The Navy also has on-shore response equipment and trained staffs at Naval Support Activity Crane, Indiana and Naval Support Activity Mid-South, Tennessee. The Navy also has response capability for unexploded ordnance/ munitions response below the waterline at NSA Crane, Indiana.
- (3) U.S. Navy Supervisor of Salvage (SUPSALV): Is knowledgeable and experienced in ship salvage, shipboard damage control, diving, and has equipment for salvage-related and open-sea pollution incidents.

#### **2.2.3.4. Department of Energy**

DOE provides the designated OSC/RPM for responses to releases on or from any facility or vessel under its jurisdiction. DOE administers, implements, and coordinates the Federal Radiological Monitoring and Assessment Center (FRMAC). Under the Federal Radiological Emergency Response Plan (FRERP), DOE provides advice and assistance to the RRT regarding the identification of the source and extent of radioactive contamination, and removal and disposal of radioactive releases.

#### **2.2.3.5. Federal Emergency Management Agency**

FEMA requires the development, evaluation, and exercise of all-hazard contingency plans for all FEMA-funded jurisdictions at the State and local levels. SARA Title III plans are often annexes of the all-hazard plan. FEMA monitors and provides technical assistance regarding public sector emergency response training and planning for incidents involving hazardous materials. In a response, FEMA provides advice and assistance to the lead agency on coordinating relocation assistance and mitigation efforts with other Federal Agencies, State and local governments, and the private sector.

If the President declares a disaster or emergency, FEMA coordinates all Federal assistance, including temporary housing. The OSC coordinates with the Federal Coordinating Officer in situations where both authorities are active.

FEMA's National Emergency Support Team and Regional Emergency Response Teams provide coordination of Federal response in situations of unique national significance, such as commercial nuclear power plant or nuclear weapons accidents and catastrophic natural disasters.

### **2.2.3.6. General Services Administration**

The U.S. General Services Administration leverages the buying power of the federal government to acquire best value for taxpayers and its federal customers. GSA exercises responsible asset management. GSA delivers superior workplaces, quality acquisition services, and expert business solutions. GSA develops innovative and effective management policies.

In emergencies—as in everyday operations—GSA provides other federal agencies with what they need to do their jobs. GSA can go to the site of an incident and find suitable space for the response team to set up operations, furnish and equip the space, and set up telecommunications.

GSA is capable of providing:

- Emergency relief supplies;
- Facility space: GSA will ensure that a suitable operating facility, using pre-identified locations where applicable, is acquired and ready to occupy within 72 hours of receiving RRT requirements and/or RRT acceptance of the space.;
- Office equipment: All required office furniture and equipment is provided from Federal inventories or commercial sources;
- Office supplies: Office supplies and other expendables are provided from inventory or other government and commercial sources. Small businesses and vendors in the affected area are used whenever possible;
- Telecommunications (in accordance with the Office of Science and Technology Policy (OSTP) National Plan for Telecommunications Support in Non-Wartime Emergencies);
- Contracting services: Support is provided as required to augment RRT and other agency procurement functions on a case-by-case basis, using GSA contracting resources;
- Transportation services including short term leasing arrangements and ;
- Personnel required to support immediate response activities: GSA makes available technical advisors (e.g., procurement, storage, transportation, and engineering advisory services specialists) in connection with damage surveys, appraisals, and building demolitions or repairs;
- Support for requirements not specifically identified by other supporting agencies including excess and surplus property.

The GSA Regional Emergency Coordinator (REC) provides a team that may consist of one or more of the following: a REC and/or team leader, contracting officer, telecommunications specialist, and real estate/leasing specialist, if needed, to coordinate the provision of support at the incident site or operating location. Support may be furnished through GSA employees and contractor personnel who are located at the scene of the oil or hazardous material release, or at their regular duty stations, depending on the specific requirements of the emergency situation.

All acquisition and procurement activities by GSA are supported by written justification in accordance with current Federal laws and regulations (e.g., Federal Acquisition Regulations), which, when necessary, authorize other than "full and open competition." All procurement actions, including those for multimodal transportation services, are made in accordance with GSA's statutory and administrative requirements, and use the appropriate fund citation/reimbursement procedures. Expenses incurred by GSA in providing requested assistance to other agencies must be reimbursed.

### **2.2.3.7. Department of Health and Human Services**

HHS assists with the assessment, preservation, and protection of human health and helps ensure the availability of essential human services. HHS provides technical and nontechnical assistance in the form of advice, guidance, and resources to other Federal Agencies, as well as to State and local governments.

The principal HHS response comes from the U.S. Public Health Service (PHS). Within PHS, the primary response to hazardous materials emergencies comes from ATSDR and the Centers for Disease Control (CDC). Both ATSDR and CDC have 24-hour emergency response capability whereby scientific and technical personnel are available to 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 in situations requiring evacuation of affected areas, dealing with human exposure to hazardous materials, or advice on mitigation and prevention.

- (1) Agency for Toxic Substances and Disease Registry: ATSDR is the lead Federal public health agency for hazardous material incidents under CERCLA. Two ATSDR representatives are assigned to each US EPA Region to assist in US EPA/ATSDR communications. Regional representatives can also assist in emergency response events that involve RRT issues by coordinating with ATSDR headquarters Emergency Response and Consultation Branch and with the CDC RRT representative. Under CERCLA Section 104(i), ATSDR is required to:
  - (a) establish appropriate disease/exposure registries
  - (b) provide medical care and testing of exposed individuals in public emergencies
  - (c) develop, maintain, and provide information on health effects of toxic substances
  - (d) conduct research to determine relationships between exposure to toxic substances and illness
  - (e) develop guidelines, with US EPA, for toxicological profiles for hazardous substances
  - (f) develop educational materials for health professionals related to health effects of toxic substances

Additionally, ATSDR operates a 24-hour phone line to address public health issues.

- (2) Centers for Disease Control and Prevention: CDC takes the lead during oil releases regulated under CWA and OPA. PHS has designated the CDC representative to the RRT. This person is responsible for coordinating all public health responses on the Federal level and for coordinating all responses with State and local health agencies.

Other PHS agencies involved in support during hazardous materials incidents, either directly or through ATSDR/CDC, include the Food and Drug Administration (FDA), the Health Resources and Services Administration, the Indian Health Service, and the National Institutes of Health (NIH).

#### **2.2.3.8. Department of Homeland Security**

DHS, through USCG, provides the Co-Chair of RRT5 and predesignated OSCs for the Great Lakes Coastal Zone and specified ports and harbors in Region 5, based on an MOU signed in 1992. Through USCG, DHS:

- (1) supplies expertise in the domestic/international fields of
  - port safety and security
  - marine law enforcement, navigation, and construction
  - manning, operation, and safety of vessels and marine facilities
- (2) maintains continuously manned facilities that are capable of command, control, and surveillance for oil or hazardous substances releases occurring on the waters of the United States, and may provide these services to the OSC

[further edits pending]

#### **2.2.3.9. Department of the Interior**

DOI 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 designated by the NCP as a Federal Trustee for Natural Resources.

DOI has direct jurisdiction for 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/threatened species and their critical habitat.

Bureaus may provide assistance in investigations to evaluate the magnitude and severity of discharges on or affecting facilities or resources under their jurisdiction, and may conduct activities as natural resource trustees as set forth in Subpart G of the NCP.

Bureaus may also provide:

- advice to the OSC/RPM when response operations are being performed that affect land, facilities, or natural resources under their management authority
- technical assistance in disposal activities; however, lands under the jurisdiction of DOI (including certain municipal landfills) may not be utilized as disposal sites
- air and ground transportation support, and maintenance of communications support

Within the Department, individual bureaus and offices have specific responsibilities and capabilities as follows:

- (1) Office of Environmental Policy and Compliance (OEPC): The Regional Environmental Officer (REO) represents DOI on the RRT, and is responsible for coordinating RRT/DOI activities. The Regional Environmental Assistant (REA) provides support to the REO in planning and emergency response and acts for the REO when unavailable. The Regional Coordinator (RC) provides planning and natural resource damage assessment (NRDA) coordination. OEPC provides a number of services, including:
  - presenting the DOI position on chemical countermeasure and in situ burn decisions
  - facilitating technical assistance requests from the OSC
  - supplying administrative details to secure response cost reimbursement approval from the OSC
  - initiation of natural resource damage assessments (NRDAs)
  - coordinating response between DOI Bureaus
- (2) U.S. Fish and Wildlife Service (USFWS): Can provide responders with information concerning migratory birds, Federally listed threatened and endangered species and their designated critical habitat, certain anadromous fish, and certain Federal lands (National Wildlife Refuges, Waterfowl Production Areas, and National Fish Hatcheries), as well as technical assistance concerning the effects of oil on these resources. In addition, it will help coordinate wildlife rescue and rehabilitation efforts in conjunction with State natural resource trustee(s). The Service is responsible for assessing damages to natural resources as a result of releases of oil or hazardous substances into the environment, and issues Federal Migratory Bird and Eagle Permits to qualified individuals and/or organizations conducting wildlife collection, rescue, and rehabilitation operations related to oil spill incidents
- (3) National Park Service (NPS): Provides expertise on historic, cultural, archeological, architectural, and recreational resources and sites on the National Register of Historic Places. NPS can also provide information on National Parks, National Recreation Areas, National Historic Sites, National Trails, Lake Shores, National Monuments, and Wild and Scenic Rivers listed on the Nationwide Rivers Inventory (NRI).
- (4) U.S. Geological Survey (USGS): Provides advice and information concerning geohydrologic, geologic, and geochemical data; ground and surface water data; and maps. USGS maintains stream flow gauges in every State and can provide historical stream flow information, assist in predicting the time/travel/trajjectory of spills, and can collect and analyze surface and groundwater samples.



The Biological Resources Division performs research in support of biological resource management; inventories, monitors, and reports on the status and trends in the nation's biologic resources; and transfers the information gained to resource managers and others concerned with the care, use, and conservation of the nation's natural resources.

- (5) Bureau of Indian Affairs (BIA): Responsible for protecting and improving the trust resources of Native American Tribes and facilitating an active role in planning and response for Tribal governments as requested. BIA coordinates activities affecting Native American Tribal lands, and can provide assistance to the OSC in identifying Native American Tribal government officials. BIA can also assist in obtaining access to Tribal land areas as needed for response action and will coordinate with the incident Public Information Office Director to ensure pertinent information is made available to appropriate Tribal authorities on a timely basis.
- (6) Bureau of Land Management (BLM): Has expertise in minerals, soils, vegetation, archeology, and wildlife habitat, and may provide advice on response affecting lands or minerals administered by BLM. May also provide advice in the field of oil and gas drilling, production, handling, and transportation by pipeline.

All bureaus of the Department of the Interior may be contacted through the Regional Environmental Officer, the designated member of the RRT.

#### **2.2.3.10. Department of Justice**

DOJ members of the RRT serve as representatives of the Department of Justice 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 RRT's long-term planning and incident-specific functions.

As a consequence of DOJ's primary role as litigation counsel for the Federal Government and as legal counsel on enforcement and interagency matters, its participation in RRT activities will ordinarily focus on litigation concerns regarding response activities and interagency coordination. The DOJ representative might provide:

- general legal advice
- review and comment on regional planning and procedural documents
- incident-specific assistance, including assigning staff attorneys when an incident may result in litigation or raise difficult issues of interagency coordination



#### **2.2.3.11. Department of Labor**

DOL, through the Occupational Safety and Health Administration (OSHA):

- (1) conducts safety and health inspections at hazardous waste sites and during emergencies to ensure that employees are being protected and to determine compliance with its regulations, and
- (2) provides the OSC/RPM with advice, guidance, and assistance regarding hazards to persons involved in removal or control of oil or chemical spills, and the precautions necessary to protect such persons' health and safety.

#### **2.2.3.12. Nuclear Regulatory Commission**

The Nuclear Regulatory Commission (NRC) will:

- (1) respond, as appropriate, to releases of radioactive materials by its licensees, in accordance with the NRC Incident Response Plan to monitor the actions of those licensees and assure that the public health and environment are protected and adequate recovery operations are instituted;
- (2) keep US EPA informed of any significant actual or potential releases in accordance with procedural agreements; and
- (3) provide advice to the OSC/RPM when assistance is required in identifying the source or character of other hazardous substance releases where the NRC has licensing authority for activities utilizing radioactive materials.

#### **2.2.3.13. Department of State**

DOS will:

- (1) lead in developing joint international contingency plans
- (2) provide assistance in coordination when a pollution release crosses international boundaries or involves foreign flag vessels
- (3) coordinate requests for assistance from the Government of Canada and U.S. proposals for conducting research at incidents that occur in Canadian waters

#### **2.2.3.14. Department of Transportation**

DOT, through the [Pipeline and Hazardous Materials Safety Administration](#) (PHMSA), establishes oil discharge contingency planning requirements for pipelines, transport by rail and containers, or bulk transport of oil.

### **2.2.3.15. Environmental Protection Agency**

EPA provides the Co-Chair of RRT5 and provides OSCs for all inland areas for which an ACP is required. EPA also generally provides the Scientific Support Center for responses in the inland zone.

EPA is responsible for providing expertise regarding environmental effects of pollution and environmental pollution control techniques. US EPA will also:

- assist USCG in hazardous materials incidents
- advise the RRT and the OSC of the degree of hazard a particular release poses to public health and safety
- coordinate scientific support, including environmental assessment, in inland regions

## **2.3 State Response**

The Governor of each State in Region 5 is requested to designate a lead agency that will direct State-led response operations. This agency is responsible for leading State response actions and coordinating/communicating with any other State agencies as appropriate (NCP 300.180). Each Governor will also designate a representative for the State on the RRT. Each State representative may participate fully in all activities of the RRT. The State RRT representatives are expected to coordinate with the State Emergency Response Commission (SERC) or State Emergency Response Board (SERB) in their 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 with:

- State contingency planning efforts for response to oil and hazardous material events
- this plan
- requirements of SARA Title III.

Section 311(j)(4) of CWA calls for inclusion of local, Tribal, and State representatives on the Area Committee. In US EPA Region 5, this has been partially accomplished through the designation of the RRT as the Area Committee.

Each State in Region 5 has a State disaster plan and laws that specify that State's authority and organization for a technical response to environmental emergencies. All States can provide technical expertise to assess environmental and public health threats and damage, as well as to advise local responders. In specific circumstances, States may provide additional response capabilities in the form of contractors and funding.

The following are summaries of emergency preparedness measures for lead agencies in each of the States in Region 5.

### **2.3.1 Illinois**

The Illinois 24-hour spill notification number is to the Illinois Emergency Management Agency, 217-782-7860 (800-782-7860 in Illinois). The phone number during office hours is 217-782-7860. After office hours, call IEMA to speak with the Duty Officer.

### **2.3.1.1 Illinois Environmental Protection Agency Responsibilities**

The Illinois Environmental Protection Agency (IEPA) provides the designated RRT member for Illinois. To prevent and abate environmental pollution, IEPA has various responsibilities for responding to environmental emergencies within the State or its adjoining waters. IEPA is the State's lead agency for developing plans and coordinating action before, during, and after certain emergency situations, including:

- emergencies involving waste management
- emergencies involving public water supplies
- spills of oil or hazardous materials upon waters or lands of the State
- releases of harmful quantities of toxic substances to the atmosphere

Within IEPA, the Emergency Response Unit (ERU) of the Office of Chemical Safety is responsible for coordinating the agency's response and ensuring appropriate cleanup of any subsequent environmental contamination. ERU collects information about environmental emergencies and responds directly and/or notifies other divisions within IEPA of needed action. Technical expertise is provided to first responders and public officials, addressing such issues as:

- physical, chemical, and toxicological characteristics of the materials involved
- effective response and treatment actions
- precautions to be taken to prevent further injury or damage to public health or the environment

### **2.3.1.2 Other Agencies - Illinois**

Illinois Emergency Management Agency (IEMA): Serves as coordination and communications center for Illinois State agencies and is in overall command of emergency government efforts during major multijurisdictional disaster responses. IEMA is also the SERC, designated pursuant to SARA Title III.

Illinois Department of Nuclear Safety: Responds to incidents involving radioactivity, whether in transport or at nuclear power plants or other facilities.

Illinois Department of Mines and Minerals: Carries out initial investigation of incidents involving crude oil and natural gas production sites, unless waters of the state are being impacted (in which case the role is assumed by IEPA).

Illinois State Fire Marshal: Responds to incidents involving underground storage tanks (USTs); this responsibility is shared with IEPA. Has the authority to require equipment inspection and testing.

Illinois Commerce Commission: Investigates incidents involving railroad transport, has authority over the use, movement, and compliance of railroad equipment with U.S. Department of Transportation (DOT) regulations.

Illinois State Police: Responds to transportation incidents involving DOT Hazardous Materials, responsible for enforcement of DOT shipping regulations, traffic control, and security.

Illinois Department of Conservation: Responsible for assessment of natural resource damage in incidents involving serious environmental injury, such as fish kills and oiled waterfowl.

Other agencies serve a secondary role and provide technical support and resources as needed. However, they do not generally maintain an emergency response capability for on-scene response. These agencies include the Departments of Agriculture, Public Health, and Energy and Natural Resources; the Office of the Attorney General; and other human service agencies that might be involved with evacuees, should a prolonged incident occur requiring relocation of the general public.

### **2.3.2 Indiana**

Spills can be reported to the Indiana Department of Environmental Management 24 hours a day at 888-233-7745.

#### **2.3.2.1 Indiana Department of Environmental Management Responsibilities**

The Indiana Department of Environmental Management (IDEM) provides the designated member of the RRT for Indiana and is the lead agency for the State in addressing spills, providing a 24-hour response capability. IDEM must provide technical assistance to the responsible party and the responding personnel and ensure compliance with Indiana spill regulations and other pertinent State and Federal rules and regulations. Technical assistance takes the form of:

- chemical identification, handling, and hazard information
- evaluation of the threat to environmental and public safety
- personal protection recommendations
- containment and cleanup methods
- resource identification and location

On large spills, or where the spiller fails to respond adequately, IDEM staff respond onsite to assist in the response effort, assuming the role of State OSC if necessary.

During a response, staff of the Emergency Response Section (ERS) of IDEM assume the role of technical advisors and provide on-scene assistance to the responsible party, and to individuals or agencies involved in the response. On occasion, ERS staff have assumed a role that would appropriately be called OSC. However, if a structure (e.g., ICS) that exists within a local or County jurisdiction provides an OSC and that OSC is being utilized, ERS staff will provide assistance to that OSC.

Once the immediate threat to public health and the environment has been dealt with, the incident is further stabilized and cleaned up under ERS supervision. Rule 327 IAC 26.1, Spills: Reporting, Containment, and Response, requires that the spiller report to IDEM and perform a spill response. A spill response means that a spill is contained and free material is removed or neutralized. Disposal of recovered material that is classified as waste is referred by ERS staff to appropriate personnel in the Office of Solid and Hazardous Waste Management. ERS staff may then conduct a follow-up investigation to ensure that material has been disposed of properly and the cleanup is acceptable.

### **2.3.2.2 Other Agencies - Indiana**

The role of liaison between a spiller and the different program areas of IDEM is perhaps the greatest benefit that ERS can provide to those involved in a spill. This role can also extend to other State agencies and other response organizations. State agencies include:

State Emergency Management Agency (SEMA): SEMA is the lead planning agency for coordinating man-made and natural disasters. SEMA also provides an alternate member for the RRT.

Office of the State Fire Marshal (OSFM): OSFM responds to fire and explosion hazards from hazardous materials incidents.

Office of the Indiana State Chemist (OISC): OISC provides technical guidance regarding agricultural chemical incidents including fertilizers and pesticides. It also conducts investigations of improper application of regulated agricultural chemicals.

Department of Natural Resources (DNR), Fish and Wildlife Division: DNR Conservation Officers conduct investigations to assess damages to natural resources, such as fish kills.

DNR, Oil and Gas Division (O & G): DNR O & G regulates oil production facilities, including operation, maintenance, construction and abandonment of oil wells and associated equipment.

Indiana State Police (ISP): ISP investigates transportation incidents involving DOT hazardous materials, enforces DOT shipping regulations, and provides traffic control and site security.

Indiana State Department of Health (ISDH): ISDH is the lead agency for releases of radiological and etiological materials. It also provides technical guidance to IDEM regarding health issues and advisories.

Indiana Department of Transportation (INDOT): INDOT usually provides traffic control for major transportation incidents involving releases of petroleum and hazardous materials. ERS also coordinates with other program areas within IDEM, as well as local response agencies such as fire departments, hazardous materials teams, sheriffs' departments, local emergency planning committees (LEPCs), emergency management agencies, county health departments, and county highway departments.

### **2.3.3 Michigan**

Spill emergencies can be reported to the Michigan Department of Environmental Quality's Pollution Emergency Alerting System. 24-hour in-state number: 800-292-4706. Alternate/out-of-state number: 517-373-7660

#### **2.3.3.1 Michigan Department of Environmental Quality Responsibilities**

Michigan's representation on RRT5 comes from the Michigan Department of Environmental Quality (MDEQ). MDEQ is the primary environmental emergency response agency in the State in all non-agricultural-related spills. Recent legislation has designated the Michigan Department of Agriculture (MDA) as the primary response organization, in close association with MDEQ, in spills involving agricultural chemicals.

Staff of MDEQ can be notified of oil and hazardous materials incidents via the Pollution Emergency Alert System (PEAS) at (800) 292-4706 (in-state) or (517) 373-7660.

MDEQ has approximately 19 full-time equivalent field positions available to respond to complaints and environmental emergencies. Most of these positions are located in the nine Field Operations Districts operated by MDEQ, which are situated throughout the State. The primary response role of MDEQ is one of technical advisor. These personnel are responsible for complaint investigation and emergency spill response and generally oversee the environmental aspects of spill containment, control, and mitigation. Appropriately trained staff within MDEQ can provide hands-on response with absorbents and skirt boom if the situation requires this type of response. It is anticipated, however, that all "first responder" response will be conducted by local units of government and the various Hazardous Material Response Teams located throughout the State, although predominantly in the lower third of the peninsula.

Environmental mitigation associated with material spills will generally be conducted by the RP. If the RP cannot be identified or is reluctant to adequately address mitigation needs, the State can hire contractors to perform the mitigation. A limited amount of money is available through funds administered by the MDEQ Environmental Response Division. The State can also access the Federal fund administered under OPA in accordance with Federal guidelines and regulations.

Michigan has a responder immunity act.

MDEQ, in conjunction with the Department of Attorney General, is the designated Natural Resources Trustee for the State.

#### **2.3.3.2 Other Agencies – Michigan**

Michigan State Police (MSP): The MSP Emergency Management Division (EMD) serves as the designated emergency/disaster response coordination agency for the State and as the primary State contact point in the event of a declared disaster resulting in the activation of the State Emergency Management Plan.

Michigan Department of Agriculture (MDA): MDA is the lead agency in spill responses involving agricultural chemicals and/or fertilizers.

Michigan Emergency Response Commission (MERC): MERC is the primary coordination agency and liaison with the local Emergency Planning Commissions throughout the state. MERC is co-chaired by MSP-EMD and MDEQ.

Michigan Department of Natural Resources (MDNR): MDNR is the lead agency for the State in decisions involving fish and wildlife issues during a spill response working cooperatively with the MDEQ State OSC.

### **2.3.4 Minnesota**

Spills can be reported to the Minnesota Pollution Control Agency 24 hours a day at 800-422-0798. Alternate contact number during business hours: 651-296-6300

#### **2.3.4.1 Minnesota Pollution Control Agency Responsibilities**

The Minnesota Pollution Control Agency (MPCA) provides the designated member of RRT5 for Minnesota. MPCA is the primary State responder to spills and other emergencies involving hazardous materials (with the exception of incidents involving pesticides and fertilizers, which are under the jurisdiction of the Minnesota Department of Agriculture). All of the following information describing State emergency response therefore assumes MPCA actions for general hazardous materials incidents, but applies to the Department of Agriculture for all pesticide and fertilizer incidents. The State Department of Public Safety Division of Homeland Security and Emergency Management has 11 local hazardous materials teams under state contract to provide for chemical assessment and mitigation when requested by a local incident commander.

MPCA's Emergency Response Team (ERT) includes 12 full-time ERT members whose primary duty is to monitor the cleanup of spills and other emergency situations that pollute or threaten to pollute surface or ground water. By default, they also respond to reports of other environmental emergencies (e.g., air releases, illegal hazardous waste disposal, tire dump fires). In addition to receiving release reports, the ERT may perform field inspections at spill sites, provide technical assistance to responsible parties, or carry out enforcement actions for violation of State laws and rules.

If necessary, ERT staff will proceed to the site to provide coordination and assistance in handling the emergency. This may include taking charge of the response if the responsible party is unknown or unavailable. In situations where public safety is the primary consideration, the ERT member does not take charge of the incident, but assists the fire chief or other public safety officials at the scene. This assistance may include emergency waiver or suspension of State laws and rules (e.g., allowing emergency wastewater discharges or burning of a spilled product in order to minimize overall environmental damage). The assistance may also include activation of contractors using State funds.



Minnesota Statute Chapter 115E requires companies handling oil and hazardous substances to act to prevent releases and to be prepared for releases they may have. Chapter 115E requirements are similar to OPA but cover protection of the public's safety and the environment, and pollution of the land, air, and waters of the State. A facility operator is to notify the Department of Public Safety when their plan is completed, and must supply a copy upon request. ERT staff actively inspect the prevention capabilities and preparedness of major facilities and will assist facility owners if requested. They conduct enforcement if the preparedness of a facility is found to be inadequate, especially if it contributed to a release or poor response.

Both Minnesota Statute Chapter 115E and State Superfund Chapter 115B contain language providing immunity to those responding to oil or hazardous substance discharges.

#### **2.3.4.2 Other Agencies – Minnesota**

Department of Public Safety – Bureau of Criminal Apprehension: Operates the 24-hour-per-day Duty Officer System to take incident reports for all State agencies.

Homeland Security and Emergency Management (HSEM): HSEM coordinates the actions of State agencies, including MPCA, Natural Resources, Transportation, Public Safety, and Health. HSEM conducts training for State and local responders, and reviews County emergency plans. HSEM conducts the Right-to-Know programs in the State.

#### **2.3.5 Ohio**

Spills in Ohio can be reported to the Ohio Environmental Protection Agency at 800-282-9378.

##### **2.3.5.1 Ohio Environmental Protection Agency Responsibilities**

The Ohio Environmental Protection Agency (OEPA) is the designated representative of RRT5 for Ohio. OEPA is also the State agency charged with investigating releases of oil and hazardous substances from both fixed and mobile facilities. Ohio's spill response program is housed in the Emergency Response Unit (ERU), which is a part of the Division of Emergency and Remedial Response. This unit, which is responsible for receiving reports of releases to all environmental media, uses 15 spill responders to aid in chemical identification, containment, cleanup, public safety, and the identification of responsible parties. If a responsible party cannot be identified or is recalcitrant, the ERU can activate a level-of-effort contractor to initiate actions to contain or clean up the spill.

Spills can be reported 24-hours-a-day at 800-282-9378.

Ohio has enacted no laws specifically related to responder immunity in environmental emergencies but it has enacted both a Good Samaritan Statute and a "General Duty Clause" that applies to State employees.

##### **2.3.5.2 Other Agencies – Ohio**



Several different State agencies have areas of expertise to contribute during a spill, and in the case of such an event, operate under a cooperative agreement that outlines the activities of the signatory agencies when a spill occurs. These agencies are:

- Ohio Emergency Management Agency
- State Fire Marshal
- Department of Highway Safety
- Public Utilities Commission
- Department of Transportation
- Department of Health
- Department of Agriculture
- Department of Natural Resources
- OEPA

### **2.3.6 Wisconsin**

Spills can be reported to the Wisconsin Emergency Management 24-hour emergency hotline at 1-800-943-0003.

#### **2.3.6.1 Emergency Response to Oil Spills and Hazardous Materials Incidents**

The primary agency representative to the RRT for Wisconsin is the Wisconsin Department of Natural Resources (WDNR) with alternate representation from Wisconsin Emergency Management (WEM). WDNR is responsible for developing and updating a State Contingency Plan addressing spill response. The agency is responsible for

- Receiving notifications of releases
- Identifying the responsible party
- Ensuring that appropriate measures are being taken by the responsible party to address public safety
- Containment, clean up, and remediation a release. When a responsible party is unknown, or unable or unwilling to take appropriate actions, a WDNR representative may activate a Zone Contractor to take necessary actions.

WEM administers the Emergency Planning and Community Right-To-Know Act (EPCRA) in the State, and also administers eight Level A Regional Hazardous Materials Response Teams. This agency also coordinates resources for overall emergency management and provides hazardous materials training classes for all levels of responders. WEM operates a 24-hour emergency hotline that has a voice prompt directing spill calls to WDNR. WEM also serves as the lead State agency for consequence management of terrorism events.

#### **2.3.6.2 Other Agencies – Wisconsin**

Department of Health and Family Services (DHFS): DHFS is responsible for monitoring the effects of chemical spills on public health and for providing assistance to local public health authorities.

Department of Agriculture, Trade, and Consumer Protection (DATCP): DATCP responds to spills of agrichemicals and coordinates with WDNR on remediation issues.

Wisconsin State Patrol (WSP): WSP enforces State hazardous materials transportation regulations and can be involved in the initial response to transportation-related spills.

## **2.4 Tribal Response**

The initial focus of tribal responders in an incident may be similar to that of local responders, that is, directed toward abating immediate public safety threats. The degree of tribal response will depend upon the training and capabilities of tribal responders relative to the needs of the specific emergency. In some cases this may be using hazard awareness training knowledge to identify the nature and scope of the hazard. This information is then passed on to other responders who are activated to address the situation with specific expertise and/or capabilities. Tribal agencies may take mitigating actions of a defensive nature to contain the incident and protect the public.

A major role of tribal government agencies during emergency incidents on a reservation is providing security for on-scene forces and equipment. For large incidents, help may be requested through Federal or State emergency management agencies. This includes establishing local liaison with reservation hospital, emergency services, and police personnel, as well as restricting entrance to hazardous areas to only essential personnel.

Response capabilities of Tribes in Region 5 vary. Some tribes may be able to provide technical expertise to assess environmental and public health threats and damage, as well as to advise local responders. Summaries of emergency preparedness capabilities for individual Tribes in Region 5 are included in sections following as information becomes available. Omission of a tribe here should not be taken as an indication of lack of response capability or readiness. Contact names for individual tribes are included in the appendices to this plan.

Tribes are natural resource trustees for resources on tribal reservations and resources protected by treaties (including ceded territories). Tribes designate contacts for notification purposes. Federal OSCs should note these may be different individuals than those shown as the contact for spill notification for other than natural resource impacts.

Tribal Historic Preservation Officers (THPOs) are available to advise responders when response actions may impact tribal historical or cultural resources. If impacts on such resources are identified, the response should be adjusted to protect those resources where feasible and if time is available.

Responses by Federal OSCs to environmental emergencies within a reservation are conducted in consultation with the Tribe. Notification of tribal natural resource trustees about a spill or notification of THPOs about a proposed response action does not meet obligations to consult with the Tribe. Consultation is defined by U.S. EPA or USCG policy, and responders and decision-makers from each agency will adhere to their agency's policy.

The Chair of each Tribe in Region 5 is requested to designate a lead staff person who will direct Tribal response operations. [This tribal lead is responsible for coordinating and communicating with any other Tribal agencies, as appropriate (NCP 300.180).] Tribes may form a Tribal Emergency Response Commission (TERC) or the Tribal Chair may serve as a one-person TERC under SARA Title III. Individual Tribes also may choose to coordinate with a SERC (or SERB in Minnesota) and/or with LEPCs. Each Tribal Chair may also designate a representative for the Tribe on the RRT. Each Tribal representative may participate fully in all activities of the RRT.

#### **2.4.1 Little Traverse Bay Bands of Odawa Indians**

LTBB has a signed Memorandum of Understanding (MOU) with the Emmet County Emergency Management Agency, which also covers Cheboygan and Charlevoix Counties, and with Northwest Michigan Community Health Agency. The Tribe is a member of the Counties Emergency Center. The Tribe has five first responders trained in the 40-hour Haz-Mat training certification course. They are the only trained and certified Haz-Mat responders in a three-county area.

#### **2.4.2 1855 Mille Lacs Reservation**

Responsible parties (RPs) for spills occurring within the reservation and on off-reservation Band properties shall report the incident to the Mille Lacs Band Department of Public Safety, Emergency Management Coordinator on cell phone 763-360-2729 (available 24/7) or on pager 320-202-4123 (available 24/7).

Non-tribal RPs may also choose to report the spill by contacting the State of Minnesota Duty Officer at 651-649-5451 and 800-422-0798 (in-State long distance), who will notify the Mille Lacs Band Department of Public Safety, Emergency Management Coordinator. This reporting option does not waive any jurisdictional claims that may be made by the 1855 Mille Lacs Reservation government.

The 1855 Mille Lacs Reservation tribal government has an established Tribal Emergency Response Committee (TERC). The Emergency Management Coordinator (EMC) under the Director of Public Safety is responsible for providing information to the TERC, which has overall direction and control of Reservation government resources involved in the response to an emergency within the reservation. The EMC also serves as primary liaison with the Mille Lacs County, Aitkin County and Pine County Emergency Management Directors. The 1855 Mille Lacs Reservation tribal government has regional Emergency Management mutual aid agreements in place with the above three counties as well as Tribal Police agreements with Mille Lacs and Pine Counties. During a major disaster, the Reservation's Emergency Operating Center (EOC) will be activated to direct and control the Reservation's response.

The 1855 Mille Lacs Reservation government has approximately 36 full-time staff available to respond to or monitor response to spills and environmental emergencies. These positions are in the Department of Public Safety and Department of Natural Resources and Environment.

The primary response role of the 1855 Mille Lacs Reservation government is intergovernmental coordination, oversight and advice. The above personnel are responsible for complaint investigation and emergency spill response and generally oversee the environmental aspects of spill containment, control, and mitigation, in conjunction with other nontribal responders. If necessary, ERT staff will proceed to the site to provide coordination and assistance in handling the emergency. Appropriately trained staff within the 1855 Mille Lacs Reservation government can provide hands-on response with air, water, soil collections and testing. It is anticipated, however, that all initial spill response will be conducted by emergency responders from local units of government and/or the RP. Environmental mitigation (after the initial response) associated with material spills will generally be conducted by the RP.

Under the authority granted by U.S. Presidential Executive Order 13084, signed in 2000, the 1855 Mille Lacs Reservation tribal government implemented an Emergency Operations Response Program to coordinate initial response efforts for releases. All response and cleanup conducted within the reservation and on off-reservation Band properties must be done in accordance with Mille Lacs Band statutes 11 MLBSA §§ 11 and 101-128.

The Commissioner of Natural Resources is the designated Natural Resources Trustee for the Tribe in accordance with Mille Lacs Band statute 11 MLBSA §2002 and the Chief Executive is the trustee for all Reservation Resources in accordance with Mille Lacs Band statute 4 MLBSA §6.

Overall direction from an oil or hazardous materials spill comes from the unified command system used by the TERC. The reservation has its own Tribal Police Department and fire response comes from off-reservation fire departments.

Since tribal ownership of land inside and outside the Reservation is very checker-boarded, the tribe follows the NIMS incident command system in which response starts with Reservation first. If the tribe expends all of its resources and staff, the tribe may choose to request assistance from federal, state, and local authorities and resources.

## **2.5 Multiregional Responsibilities**

The Federal OSC for a given incident is determined by the point of origin of the release. However, if a discharge or release affects areas covered by two or more RCPs/ACPs, 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 at any time during the course of a specific response operation. Should a discharge or release affect two or more areas, US EPA, USCG, DOD, DOE, or other lead agency, as appropriate, shall give prime consideration to the area vulnerable to the greatest threat, in determining which agency should provide the OSC. The RRT shall designate the OSC 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 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 a release of hazardous materials located in the coastal zone, responsibility for response shall shift to US EPA or another Federal Agency, as appropriate.

The OSC shall be provided by the Region within which the release occurs, or according to preestablished protocols described in the interregional contingency plans and Section 3 of this ICP.

Several interregional agencies have been established that have interests within Region 5 and have roles in response and planning. The agencies vary considerably in their concerns and capabilities. The following is a list of these interregional organizations.

### **2.5.1. Great Lakes Commission**

The Great Lakes Commission (GLC) is an interstate compact commission consisting of gubernatorially appointed and legislatively mandated representatives of the eight Great Lakes States (Minnesota, Wisconsin, Illinois, Michigan, Indiana, Ohio, Pennsylvania, and New York). The Commission was formed to promote the informed use, development, and protection of Great Lakes Basin land and water resources through regional coordination, policy development, and advocacy.

### **2.5.2. Ohio River Valley Water Sanitation Commission**

The Ohio River Valley Water Sanitation Commission (ORSANCO) is an interstate water pollution control agency established in 1948, with membership consisting of representatives from the eight States in the Ohio River Valley (Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, Virginia, and West Virginia), and a representative from US EPA. The Commission is responsible for operating several programs:

- water quality monitoring of the Ohio River and its major tributaries
- regulation of wastewater discharge to the Ohio River
- investigation of particular water pollution problems

In addition, ORSANCO assists State environmental agencies, US EPA, and USCG in emergency spill response and notification. ORSANCO maintains a spill notification database on the Ohio River and its tributaries. Specifically, in the event of a spill on the Ohio River or a major tributary, ORSANCO's role is to serve as an interstate communications center, assisting in emergency notification procedures and to coordinate emergency stream monitoring.

### **2.5.3. Upper Mississippi River Basin Association**

The Upper Mississippi River Basin Association (UMRBA) is an interstate organization formed by the Governors of Illinois, Iowa, Minnesota, Missouri, and Wisconsin to maintain communication and cooperation among the States on matters related to water resources planning and management in the Upper Mississippi Basin. The five States are represented through gubernatorial appointees, and five Federal Agencies have advisory status. As part of its efforts to facilitate cooperative planning, the Association provides support to an ad-hoc Upper Mississippi

Spills Coordination Group, which includes representatives of the five State response agencies, as well as US EPA Regions 5 and 7, USCG, USFWS, NOAA, and USACE. The group meets periodically to discuss common problems and coordinate activities to respond to spills on the Upper Mississippi. This group also maintains a [Response Plan and Resource Manual](#) that defines spill response policy on the main stem of the Upper Mississippi River.

## **2.6 International Response**

### **2.6.1. International Joint Commission**

The [International Joint Commission](#) (IJC) is a bi-national organization that was created under the Boundary Waters Treaty of 1909 to advise the governments of the United States and Canada on issues concerning water quality and quantity in the boundary waters between the two nations. The IJC monitors and assesses cleanup progress under the Treaty and advises governments on matters related to the quality of the boundary waters of the Great Lakes system. The Commission consists of six members, three appointed by the President of the United States, and three appointed by the Prime Minister of Canada.

### **2.6.2. Joint Contingency Plans**

There are three Joint Contingency Plans with Canada that affect Region 5, CANUSCENT and CANUSPLAIN in the Inland Zone, and CANUSLAK on the waters of the Great Lakes and upper St. Lawrence River. All three plans provide instruction for dealing with accidental and unauthorized releases of pollutants that cause or may cause damage to the environment along the shared inland boundary and that may constitute a threat to the public health, property, or welfare. The links below will lead you to these plans.

CANUSCENT: <http://www.epa.gov/emergencies/docs/chem/canuscent.pdf>

CANUSPLAIN: <http://www.epa.gov/oem/docs/chem/canusplain.pdf>

CANUSLAK: <http://www.epa.gov/emergencies/docs/chem/jcpcan.pdf>

### **2.6.3. Subarea Contingency Plans**

These plans help to coordinate timely and effective responses by private industry, local and state officials and various federal agencies to minimize damage resulting from releases of oil or hazardous materials in the Subareas.

They include:

- [Minneapolis-St. Paul](#)
- [Greater St. Louis](#)
- [Northern Michigan](#)
- [Quad Cities](#)
- [Upper Mississippi](#)
- [Peoria, IL](#)
- [Duluth \(Western Lake Superior\)](#)
- [Red River](#)

- Siouxland
- Milwaukee (WI portion of Lake Michigan)
- Chicago
- Western Michigan
- Detroit
- Toledo (western Lake Erie)
- Cleveland (central Lake Erie)
- Cincinnati
- Upper Ohio River

## **2.7 Communications**

### **2.7.1. Discovery**

It is the spiller's responsibility to report all spills. The spiller or responsible party is required to immediately report all releases of oil and hazardous substances into or on navigable water, adjoining shorelines, or the contiguous zone, to the National Response Center (NRC). The NRC will notify the appropriate OSC. If NRC notification is not practicable, the responsible party should notify the US EPA or USCG predesignated OSC and the appropriate State environmental agency.

If US EPA or USCG is the first to be notified of a release or discharge, US EPA or USCG will notify the State and the NRC, the appropriate trustees for natural resources and other RRT members, as stated in Subsection 2.10.2 of this plan. OSC notification of trustees is accomplished through protocols developed via trustee-specific agreements. For spills of significance, if the State or other agency is the first to be notified, they shall notify the appropriate Federal Agencies.

### **2.7.2. Public Information**

All news releases or statements made by participating agencies shall be jointly coordinated and released through a public information office. The spokesperson shall notify, at a minimum, immediately affected citizens, local and State officials and, when appropriate, emergency management agencies. OSCs may consider use of the RRT to assist in media relations and other community involvement activities. Also, responsible parties may implement community involvement activities.

#### **2.7.2.1. Public Information Assist Team (PIAT)**

PIAT is one of the special forces mandated in the National Contingency Plan. The team provides emergency public information services to Federal On-Scene Coordinators, primarily during oil spills and hazardous material releases. The team also provides these services for natural disasters, domestic terrorism events and weapons of mass destruction events.

Access to PIAT resources is available at <http://www.uscg.mil/hq/nsfweb/piat/piatdefault.asp>



### **2.7.2.2. Crisis Communication Plan**

The Crisis Communication Plan identifies the responsibilities of those gathering, organizing and releasing this information and establishes the process for coordinating efforts and meeting these demands through a well-defined dissemination process.

### **2.7.2.3. Emergency Support Function 15 – External Affairs (ESF 15)**

ESF 15 ensures that sufficient Federal assets are deployed to the field during a potential or actual Incident of National Significance to provide accurate, coordinated, and timely information to affected audiences, including governments, media, the private sector, and the local populace. This annex details the establishment of support positions to coordinate communications to various audiences.

A description of ESF 15 can be found at <http://www.nmfi.org/natlresp/files/ESF15.pdf>

The Standard Operating Procedures for ESF 15 can be found at [http://www.fema.gov/pdf/emergency/esf15\\_071806.pdf](http://www.fema.gov/pdf/emergency/esf15_071806.pdf)

## **2.8 Safety**

### **2.8.1. Worker Health and Safety**

The Hazardous Waste Operations and Emergency Response Standard (29 CFR 1910.120) can be found at:

[http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=STANDARDS&p\\_id=9765](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9765)

The US EPA Health and Safety Manual can be found at:

[http://www.epaosc.net/\\_HealthSafetyManual/index.htm](http://www.epaosc.net/_HealthSafetyManual/index.htm)

### **2.8.2. Volunteer Worker Health and Safety**

For job duties and responsibilities with a low magnitude of risk, fewer than 24 hours of training may be appropriate for post-emergency cleanup workers. It is the expectation of OSHA that though the number of hours of training may vary, a minimum of 4 hours would be appropriate in most situations. Moreover, petroleum spills are unique in that many people who assist in the cleanup may not engage in this activity on a recurring basis. In addition, for maximum protection of the environment, petroleum spills dictate that cleanup must be completed as soon as possible (OSHA Instruction CPL 2-2.51). The DOL RRT representative is responsible for determining site-specific training requirements.



### **2.8.3. Safety and Environmental Health Officers**

The Ninth and the Eighth Coast Guard District Offices each maintain a billet for a Safety and Environmental Health Officer (SEHO); District Industrial Hygienist. Primary responsibility of the incumbent is to provide occupational safety and health support for USCG Marine Safety personnel. This includes pollution response operations. The SEHO can provide USCG OSCs advice on safety and health matters and can assist on-scene in environmental and medical monitoring activities. Outside normal working hours, OSCs may request the SEHO's services through the District Operations Center.

### **2.8.4. Emotional Health Services**

Below is the link for the U.S. Coast Guard Commandant Instruction 1754.3, Critical Incident Stress Management (CISM):

[http://www.uscg.mil/directives/ci/1000-1999/CI\\_1754\\_3.pdf](http://www.uscg.mil/directives/ci/1000-1999/CI_1754_3.pdf)

### 3. OPERATIONS

#### 3.1 Assessment/Classification of Discharge

When the OSC receives a report of a discharge, initial actions include investigating the report to determine the threat posed to human health or welfare of the United States or the environment, the type and quantity of polluting material, and the source of the discharge. The OSC then officially classifies the size (i.e., minor, medium, major) and type (i.e., substantial threat, worst case discharge) of the discharge and determines the course of action to be followed. (See Table 3.1 below.)

**Table 3.1 – Oil Spill Classification**

TYPE OF SPILL	OIL	HAZARDOUS SUBSTANCE	REQUIRED NOTIFICATION ACTIONS
<b>MINOR</b>	< 1,000 gal.	< Reportable Quantity	If circumstances warrant, POLREPs to Regional Response Center, affected State, Federal, Native American and foreign natural resource trustees to the pollution response agency for the impacted State or States
<b>MEDIUM</b>	1,000 – 10,000 gal.	> Reportable Quantity but does not meet criteria for a major or minor release	(a) The pollution response agency for the impacted State or States; (b) The DOI representative;
<b>MAJOR</b>	> 10,000 gal.	Amount that poses a substantial threat to human health, welfare or the environment	(c) The HHS representative, if a public health emergency exists; (d) The Director of the Emergency Response Division, US EPA; (e) The DOC RRT representative in case of a release or threat of release to the surface waters of the United States; (f) All affected State, Federal, Native American and foreign natural resource trustees; (g) The appropriate USCG District office if the spill impacts navigable water; and (h) The Fund Manager  <b>In the event of a major spill</b> , notify Regional Response Center by the most rapid means available, providing all known information, even if it has not been confirmed by on-scene personnel. An Incident-specific RRT will then be activated.

### **3.1.1. Spill of National Significance**

A Spill of National Significance (SONS) is a spill that, due to

- severity,
- size,
- location,
- actual or potential impact on the public health and welfare or the environment, or
- the necessary response effort,

is so complex that it requires extraordinary coordination of Federal, State, local, Tribal, and responsible party resources to contain and clean up the discharge.

A discharge may be classified as a SONS by the Administrator of US EPA for discharges occurring in the inland zone and the Commandant of the USCG for discharges occurring in the coastal zone. For a SONS in the inland zone, the US EPA Administrator may name a senior Agency official to assist the OSC in communicating with the affected parties and the public and coordinating Federal, State, local, Tribal, and international resources at the national level. This strategic coordination will involve, as appropriate, the NRT, RRT(s), the Governor(s) of affected State(s), and the mayor(s) or other chief executive(s) of local government(s).

### **3.1.2. Worst Case Discharge**

CWA Section 311(d)(2)(J) requires the ACP to include procedures and standards for removing a worst case discharge of oil and for mitigating or preventing a substantial threat of such a discharge. A "worst case" discharge for the purposes of this plan will be the catastrophic release as identified in Facility Response Plans (FRPs) submitted to US EPA. Since this is a requirement of OPA, only oil scenarios will be listed. See Appendix II for information on individual sites.

## **3.2 Discharge or Release Control**

### **3.2.1. General Guidelines for Oil Spills**

Shoreline Cleanup Guideline Matrices have been developed for the US EPA Region 5 Area by the RRT. These guidelines address the use of specific countermeasures on various shoreline habitats for four oil types. The shoreline types are listed in relative order of sensitivity. Habitat sensitivity is a function of a range of factors, including:

- degree of exposure to natural removal processes
- biological productivity and ability to recover following oil exposure
- human use of the habitat
- ease of oil removal

These correlate directly with the rankings used in the Environmental Sensitivity Index (ESI) atlases published for the U.S. Great Lakes by NOAA.

The classifications developed for these matrices indicate the relative environmental impact expected as a result of implementing the response techniques on a specific shoreline. The relative effectiveness of the technique also has been incorporated into the matrices, especially where use of the technique would result in longer application and thus greater ecological impacts, or leave higher oil residues in the habitat.

### 3.2.2. Actions to Lessen Impact

Defensive actions should begin as soon as possible to prevent, minimize, or mitigate the threat to the public health or welfare or to the environment. Actions may include the following:

- (a) Analysis of water samples to determine the source and spread of the contaminants
- (b) Control of the source of the discharge
- (c) Measurements and sampling
- (d) Placement of physical barriers to deter the spread of the oil or to protect sensitive environmental resources through coordination with resource agency specialists
- (e) Control of the water discharged from upstream impoundments
- (f) If approved, the use of chemicals and other materials to restrain the spread of the oil and mitigate its effects, in accordance with the NCP. **Use of chemical agents is not pre-approved in Region 5.**

Appropriate actions should be taken to recover the oil or mitigate its effects. Of the numerous chemical or physical methods that may be used, the chosen methods should be the most consistent with protecting the public health and welfare and the environment. **Sinking agents shall not be used.**

### 3.2.3. Use of Chemical Agents

The OSC must choose the best method from the available response tools in any incident. The physical recovery and removal of oil is the preferred cleanup technique. Under certain conditions, however, chemical agents can be an effective tool. There are no pre-approved uses of chemical agents in Region 5. If chemical use is considered, the guidelines below are intended to aid the OSC in making a decision.

US EPA has compiled the NCP Product Schedule, a list of dispersants and other chemicals which the OSC and/or PRP may consider for use during a spill emergency. The Product Schedule does not authorize or pre-approve use of any of the listed products. Use of dispersants or other oil emulsifiers is not pre-approved anywhere in Region V and is not likely to be allowed because of the limited dilution available in fresh waters, the use of freshwaters as a water supply, the limited toxicology information available for dispersants in fresh water, and the limited

information available as to fresh water effectiveness of dispersants. The OSC may not authorize use of a product that is not listed on the Product Schedule.

**Sinking agents shall not be used in US EPA Region 5. US EPA Region 5 does not promote the use of dispersants or other oil emulsifiers as they do not work in fresh water.**

The use of:

- surface collecting agents
- biological additives
- burning agents
- miscellaneous oil spill control agents

on surface waters, particularly near sensitive wetland or water supplies (fresh water systems) must be approved by State and/or Federal Agencies. Such use adds to the potential for serious impact of already released petroleum products. This stance is necessary to protect subsurface water intakes (potable and non-potable).

The Region does recognize, however, that as a last resort, such agents may have some limited applicability. An example of a situation in which chemical use might be considered for reasons other than protection of human life is during the migratory season, when significant migratory bird or endangered species populations are in danger of becoming oiled.

**3.2.3.1. Application Steps for Use of Chemical Spill Control Agent**

The OSC may authorize or is authorized to use any chemical product without requesting permission if its use is necessary to prevent or substantially reduce a hazard to human life. The RRT should be notified as soon as practicable. In situations where a human hazard is not present, the OSC must receive the concurrence of:

- (a) the RRT Co-Chair, and
- (b) the RRT representative(s) of the affected State(s), in consultation with
- (c) the DOI RRT member (and, where the Great Lakes are affected, the DOC RRT member, where practicable)

before authorizing use of a listed product.

The OSC may consult with the NOAA or EPA Scientific Support Coordinator (SSC) prior to chemical agent application in US EPA Region 5. The NOAA and EPA SSCs provide:

- oil spill modeling results,
- interpretation of ESI maps,
- location of sensitive areas,
- chemical effects, and

- environmental risks.

The OSC will request approval from the RRT to use chemicals on behalf of the spiller. Use of chemicals on a Regional boundary should include the appropriate RRT members of the bordering Region. The RRT shall be notified of any chemical use as soon as practicable.

#### **3.2.3.2. Chemical Use Checklist**

The OSC/RPM will supply the appropriate members of the RRT with the information contained in the checklist. The checklist provides information concerning the circumstances of the spill, trajectories, environmental resources at risk, and available decision makers with the information necessary to make a decision on the use of chemical agents. [Link](#)

#### **3.2.4. Use of In Situ Burning in US EPA Region 5**

In order to minimize the environmental impacts and facilitate effective cleanup of an oil spill, responders have a limited number of techniques available to them. These include mechanical methods, the use of certain chemical countermeasures, and in situ burning. Under certain specific conditions, in situ burning may offer a logistically simple, rapid, inexpensive, and relatively safe means for reducing the shoreline impacts of an oil spill. Moreover, because a large portion of the oil is converted to gaseous combustion products, the need for collection, storage, transport, and disposal of recovered material can be substantially reduced. In situ burning may be able to remove a large amount of spilled oil before spreading and drifting of the spill fouls shorelines and threatens wildlife. In certain circumstances, such as oil spilled in ice conditions, burning may be the only viable response technique. Authorization of in-situ burning is subject to consultation and concurrence from the State and DOI. Considerations for use should include an analysis of oil location and the potential impact of smoke on downwind populations.

### **3.3 Evidence Collection**

#### **3.3.1. Sample Collection Procedures**

The OSC must observe precautions when collecting and handling liquid samples for analyses, as the character of the sample may be affected by a number of common conditions. Standard agency protocols are to be followed in the collection and shipment of all samples.

### **3.3.2. Chain-of-Custody Record**

All samples and other tangible evidence must be maintained in proper custody until orders have been received from competent authority directing their disposition. Precautions should be taken to protect the samples from breakage, fire, altering, and tampering. It is important that a record of the chain of custody of the samples be properly maintained from the time the samples are collected until ultimate use at the trial of the case. In this regard, a record of time, place, and name and title of the person collecting the sample, and each person handling same thereafter, must be maintained and forwarded with the sample. Form No. IEPA350051 may be used. US EPA Regional procedures for sample collection, transport and custody are to be used for all samples submitted to the Central Regional Laboratory.

### **3.3.3. Photographic Records**

Conditions should be photographed to show the source and the extent of oil or hazardous material. The following information should be recorded in the metadata for each image:

- (a) Name and location of vessel or facility
- (b) Date and time the photo was taken
- (c) Names of the photographer and witnesses
- (d) Shutter speed and lens opening
- (e) Type of media/imaging device used

## **3.4 Waste Management**

### **3.4.1. State Disposal and Management**

*Content to be added.*

### **3.4.2. Federal Disposal—Hazardous Materials**

Hazardous materials are to be handled according to RCRA requirements. Information can be found at: <http://www.epa.gov/osw/inforesources/online/index.htm>

### **3.4.3. Federal Management—Oil**

Oil is to be handled according to RCRA requirements. Information can be found at: <http://www.epa.gov/osw/inforesources/online/index.htm>

Specific documents relevant to oil are located at:

<http://yosemite.epa.gov/osw/rcra.nsf/topics!OpenView&Start=1&Count=1000&Expand=74#74>

## **4. PLANNING**

### **4.1 Resource Protection**

Mitigation and cleanup of spills requires knowledge of resources at risk. Because many source locations and pollution paths are possible, strict prioritization of protection strategies is difficult. However, identification of resources potentially at risk before an incident and discussion of their relative importance are useful processes, both technically and from communications and human standpoints.

#### **4.1.1. Environmentally and Economically Sensitive Areas**

Environmentally and Economically Sensitive Areas are identified in the Inland Sensitivity Atlas series, a set of Geographic Information System (GIS) products intended to provide contingency planners and spill responders in Region 5 with the most accurate and relevant information possible for spill preparedness and response. The atlas series includes data about sensitive environmental, economic, and cultural resources; potential spill sources; and response resources within US EPA Region 5, including portions of the basins of the Upper Mississippi River, the Ohio River, and the Great Lakes. GIS products from this joint effort are made available as paper atlases and in digital format, including online data postings and publications on CDROM.

Information mapped includes:

- species data including Federal and State threatened and endangered species
- Federal, State, Regional, and privately-owned and managed natural resource areas
- Tribal Lands
- Federal, State, Regional, and private designations of natural resource areas (no ownership)
- drinking water intakes
- industrial water intakes
- locks and dams
- marinas and boat accesses
- oil storage above 42,000 gallons and oil pipelines
- Federal, State and Tribal Trustees

Additional information on environmentally and economically sensitive areas can be obtained from agencies and programs listed below. Owners/operators should also incorporate information on locally managed environmentally and economically sensitive areas information into their FRPs.

##### **4.1.1.1. Cultural Sites**

Identification of culturally sensitive sites in the vicinity of a spill can be accomplished by contacting the appropriate State Historic Preservation Officer (SHPO). This individual is generally associated with the State Historical Preservation Office or Society, which may or may not be within a department of State government. Contacts for individual States are provided in Appendix X.



The National Parks Service (NPS) has responsibility for sites located on Federal lands within the Region. NPS maintains a registry of historically and culturally significant resources, the National Register of Historic Places, which can be accessed via the National Register Information System at <http://www.nps.gov/history/nr/research/nris.htm>.

Specific procedures and Federal OSC responsibilities regarding these sites are set forth in the [Programmatic Agreement on Protection of Historic Properties During Emergency Response](#). Further information about the NPS History and Culture program can be found at: <http://www.nps.gov/history/>

#### **4.1.1.2. Fish, Wildlife and Plants**

USFWS Field Response Coordinators are the primary Federal contact for information about migratory birds, endangered and threatened species, and fish and wildlife at risk as a result of spills in the inland and coastal zones. See Appendix VII, Fish and Wildlife Annex, for further information.

Each State has fisheries and wildlife biologists, who may be assigned to a Department of Natural Resources or other State agency. These personnel are assigned to geographic areas within a State (district or region) and are listed in Appendix VII. They can also be identified through State emergency response agencies or USFWS Pollution Response Coordinators.

The Inland Sensitivity Atlas includes inventories developed by each State's Natural Heritage or Natural Features Inventory in computer format.

The [Great Lakes Indian Fish and Wildlife Commission](#) (GLIFWC) can be a source of technical assistance in understanding Native American fish and wildlife management and cultural values. Another source of valuable information is the [National Animal Poison Control Center](#).

Sea Grant Universities and Extension Agents may be a source of local knowledge outside the public sector. These agents have contact with local scientists, fishermen, environmental groups, and other sources that may supplement information provided by regulatory agencies. They can be contacted through the NOAA SSC.

#### **4.1.1.3. Protected Habitat**

Updated information on protected habitat and economically and environmentally sensitive environments is provided in this plan in three separate indices, one for each of the three drainage basins in Region 5: the Great Lakes Basin, the Mississippi River Basin, and the Ohio River Basin. Each index contains detailed information, in digital format, regarding the environmentally and economically sensitive areas, and Tribal interests. Descriptive information, maps, and emergency contact lists are also included. The text in the indices provides further instructions on accessing the data available on the disks.

A variety of protected areas such as forests, parks, preserves, reserves, and management areas are managed by public or private organizations such as The Nature Conservancy/Heritage Foundation. Additional sources of this information include Federal or State land management agencies, which include the Departments of the Interior, Agriculture, and Commerce at the Federal level and their counterparts at the State and local levels.

#### **4.1.2. Trustees for Natural Resources**

CERCLA, CWA, and OPA require the designation of certain Federal, State, and Native American Tribal officials to act on behalf of the public as trustees for natural resources that they manage or protect. Natural resources, as defined in CERCLA Section 101(16) and OPA 1001(20), means land, fish, wildlife, biota, air, water, groundwater, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States, any state or local government, or Indian Tribe.

Natural resource(s) trustees are responsible for assessing damages to resources under their jurisdictions resulting from oil spills or release of hazardous substances. Also, agencies are responsible for seeking recovery for losses from responsible parties and for devising and carrying out rehabilitation, restoration, and replacement of injured natural resources. Where more than one natural resource(s) trustee has jurisdiction over a resource, agencies will coordinate and cooperate in carrying out the activities described above (reference NCP 300.600). Damage assessment is controlled by the designated natural resource(s) trustees and not response; however, it is important for natural resource(s) trustees to work with the OSC/RPM to coordinate activities as necessary.

To minimize impacts to natural resources and assist trustees in carrying out their responsibilities, the OSC is required to:

- (1) Promptly report actual or potential discharges or releases to those federal, state and tribal agencies designated as trustees for natural resources;
- (2) Consult with trustees and other natural resource managers in determining such impacts and appropriate protective actions;
- (3) Coordinate all response activities with trustees and other natural resource managers;
- (4) Make available to trustees documentation and information that can assist the trustees in determining actual or potential natural resource injuries; and
- (5) Consult with USFWS on all incidents and response activities that may affect federally-listed threatened or endangered species or their habitats.

The trustees and other natural resource managers, consistent with procedures specified in the Fish and Wildlife Annex (Appendix VII), may provide timely advice on recommended actions concerning resources that are potentially affected by a discharge of oil or release of hazardous substances. This could include providing assistance to the OSC/RPM in identifying and recommending pre-approved response techniques and in predesignating shoreline types and areas.

See Appendix VII for a detailed discussion of trustee responsibilities.

The trustees are authorized to assess monetary damages for resources injured, lost, or destroyed as a result of discharge of oil or releases of hazardous substances. In addition, the trustees are authorized to seek damages from the responsible person(s), and to devise and carry out restoration, rehabilitation and replacement of natural resources. Where more than one trustee has jurisdiction over a resource, these agencies should coordinate and cooperate in carrying out their activities. RRT representatives from trustee agencies serve as contact points.

The Region 5 contact for the DOI Office of Environmental Policy and Compliance is located in Philadelphia, PA, at (215) 597-5378.

Contact US EPA Emergency Response Team (ERT) at (908) 906-6825 (business hours).

#### **4.1.2.1. Federal Trustees**

*Review/refresh list*

#### **4.1.2.2. State Trustees**

The governor of each state has designated state officials to act on behalf of the public as trustees for natural resources. Natural resources under state jurisdiction include all fish, wildlife and biota, including a shared trusteeship with the federal government for certain plants and animals, air, surface water, groundwater and land.

*Provide list*

#### **4.1.2.3. Native American Tribal Trustees**

The tribal chairman or head of the tribal governing body, or person designated by tribal officials, acts as trustee of natural resources under Native American tribal trusteeship including lands and other natural resources belonging to, managed by, controlled by, or otherwise appertaining to the tribe; or held in trust for the tribe; or belonging to a member of the tribe if subject to a trust restriction on alienation.

*Provide list of contacts*

## 4.2 Technical Support Services

### 4.2.1. Field Services Section

<http://www.epa.gov/region5superfund/sfdfss/index.html>

The Field Services Section, Superfund Division, Region 5, has the ability to perform limited field surveys at hazardous waste sites. The Section has staff and equipment to provide the following services using various techniques and field equipment:

- (a) Surface geophysical surveys: using ground-penetrating radar, electromagnetic surveys, magnetometers, seismic refraction, and resistivity measures.
- (b) Subsurface geophysical surveys: using seismic tomography, electromagnetic surveys, natural gamma detection, single-point resistivity, spontaneous potential measures, fluid resistivity, and various borehole measures.
- (c) Soil/Groundwater samples: using a Geoprobe or similar equipment.
- (d) Aerial photography: using a remote control helicopter for low level flights.

### 4.2.2. Underwater Response

#### 4.2.2.1. Underwater Survey Equipment

The following underwater survey equipment is available to the Region through the US EPA Emergency Response Team (ERT):

- (a) Remote-Operated Vehicle (ROV): For use in observing underwater objects from shore or boat (1,000-foot depth limit).
- (b) Mesotech Sonar: Mounted on ROV to locate any object above bottom sediments. ROV directed to potential drums by sonar.
- (c) Proton Magnetometer: Locates metal objects underwater. Towed behind a boat.
- (d) Sediment and Water Sampling Equipment: Provides ability to sample water and sediments at any depth. Analyses performed at ERT's laboratory facilities, Edison, NJ.
- (e) 20-foot Boston Whaler: Trailerable boat specially designed for underwater electronic surveys and diving operations.
- (f) Side-Scan Sonar Survey Equipment: Accurately maps bottom.

#### **4.2.2.2. Diving Capabilities**

ERT Diving Team: Three US EPA-certified divers with Level B-equivalent diving gear.

Commercial (Contract) Divers: For long-term underwater removals, Region 5 uses private diving firms that comply with US EPA's Chapter 10 Diving Safety Regulations.

Various Diving Equipment: Available from any of US EPA's five diving units.

#### **4.2.3. Remote Sensing**

A variety of land-based remote sensing methods exist which have been successfully used and are commercially available through contractors. Contact US EPA for details and access its contracted resources.

Aerial remote sensing, primarily used for locating pollutants in water, is in its early stages of development. Technologies are similar to land-based systems; however, data acquisition and interpretation are costly and of limited value. The agencies listed below have capabilities and experts that can be consulted regarding the use of these techniques.

EPA Environmental Photographic Interpretation Center (EPIC) Reston, Virginia (703) 648-4284;  
fax: (708) 648-4290

NOAA Satellite Services Division (301) 763-8051 (business hours); (301) 763-8142, x 124

Environment Canada (Emergency Science Division) (613) 998-9622

#### **4.2.4. Models**

##### **4.2.4.1. Water**

NOAA Great Lakes Environmental Research Laboratory (Great Lakes open water)

ReachScan Model

NOAA HazMat Modeling and Simulation Studies Branch (MASS)

USACE Cold Regions Research Engineering Laboratory (CRREL) (Rivers: General plus St. Mary's, Detroit-St. Clair and Ohio Rivers specifically) and St. Lawrence Seaway Development Corporation (SLSDC)

ORSANCO (Ohio River, main stem only)

USACE Districts

#### **4.2.4.2. Air Dispersion Models**

*TBD*

#### **4.2.4.3. Weather and \_\_\_ Observations**

The most current weather information can be found on the National Weather Service website at

<http://www.nws.noaa.gov/>

Stream gages

GLOS

### **4.3 Reference Links**

#### **4.3.1. ARTES**

During an oil or chemical spill, the On-Scene Coordinator (OSC), who directs the response, may be asked to consider using a non-conventional alternative countermeasure (a method, device, or product that hasn't typically been used for spill response). To assess whether a proposed countermeasure could be a useful response tool, it's necessary to quickly collect and evaluate the available information about it.

To aid in evaluating non-conventional alternative countermeasures in particular, the [Alternative Response Tool Evaluation System \(ARTES\)](#) was developed. ARTES can also be used to evaluate proposed conventional countermeasures. It is designed to evaluate potential response tools on their technical merits, rather than on economic factors. Under ARTES, an Alternative Response Tool Team (ARTT) rapidly evaluates a proposed response tool and provides feedback to the OSC in the form of a recommendation. The OSC then can make an informed decision on the use of the proposed tool.

#### **4.3.2. NOAA API**

*TBD*

## **5. LOGISTICS**

### **5.1 General Logistical Support**

The U.S. General Services Administration’s **Logistics Worldwide (LOGWORLD)**, Schedule 874V, assists federal agencies in procuring the following comprehensive logistics solutions.

Services that include, but are not limited to providing expert advice, assistance, guidance, management, or operational support services that permit the deployment of supplies, equipment, materials and associated personnel. Examples of the type of services that may be performed under this SIN include deployment logistics consulting; war gaming (field exercises); contingency planning; inventory and property requirements planning, movement, storage and accountability systems; asset management (including pre-positioning assets); space planning and project integration/implementation; public and private sector support and/or resources; facilitating customs processing/accountability; scenario based field exercises; communication and logistics systems design, plan, deployment and operation; medical and emergency unit storage and restocking management; program and project management.

### **5.2 Site Security**

Generally, local law enforcement or the responsible party provide site security at the scene of a response. However, the OSC has the authority to provide for site security as necessary.

### **5.3 Communications**

#### **5.3.1. NRC Teleconference Services**

The National Response Center is capable of establishing a teleconference of up to 60 participants. The system is intended for use in support of emergency response operations, but can be made available on a limited basis for routine matters.

**Federal OSCs and RRT chairmen may request a teleconference by contacting the NRC Duty Officer at 1-800-424-8802.** They may request emergency conferences at any time, but should provide 1-day advance notice whenever possible.

#### **5.3.2. WebEOC**

#### **5.3.3. Satellite Phones**

#### **5.3.4. Satellite Dishes**

#### **5.3.5. Mobile Command Post**

#### **5.3.6. GETS Cards**

#### **5.3.7. Videoconferencing**

## **5.4 Transportation (Air, Land, Water)**

Generally, government and/or personal vehicles or commercial airlines are utilized as transportation during response incidents. If necessary, charter services may be contracted.

### **5.4.1. Short Term Vehicle Rentals – Including Specialty Type Vehicles**

The U.S. General Services Administration, GSA Fleet, offers the Short Term Rental Program to customers needing replacements for, or additions to, their current fleet. Easy and hassle-free procurement of rental vehicles is accomplished by providing a single point of contact from which to obtain rental quotes, place orders, and handle the corresponding invoices. This is done at the lowest available rates.

A wide variety of vehicles are available, including: sedans of all sizes, mini-vans, SUVs, light trucks, passenger and cargo vans, box and stake trucks, flat beds, trailers, refrigerated trucks and trailers, and single and double axle conventional tractors. Short Term Rental vehicles are often tax exempt. The Government Administrative Rate Supplement (GARS) rate does not apply.

Fleet service cards are available to quickly and easily refuel your rental vehicle. All rental fees and fuel charges will appear on your regular monthly GSA Fleet bill. There are no extra fees for additional drivers.

The Short Term Rental Program quickly and easily meets the needs for special events or other short-terms, typically within 48 hours or less.

Call the GSA Fleet Short Term Rental office at (866) 886-1232 (Monday – Friday, 7:00 a.m. to 5:00 p.m. CST) or email to [gsa\\_rental@gsa.gov](mailto:gsa_rental@gsa.gov)

The following information is needed when submitting a rental vehicle request: Name of requestor; Full GSA Fleet customer number against which rental charges will be billed (in the form of Region-FMC-00-BOAC-Serial); Agency/Installation name; Requestor's phone number and email address; Location; Number and Type of Vehicles; Dates of the Rental (up to 60 days). This program may not be used for personal travel (TDY) purposes.



## **6. FINANCE**

### **6.1 CERCLA-Funded Responses**

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980 and updated under the Superfund Amendments and Reauthorization Act (SARA) in 1986. An overview can be found at <http://www.epa.gov/lawsregs/laws/cercla.html>

Funding guidance can be found through the National Pollution Fund Center at <http://www.uscg.mil/npfc/URG/default.asp>

### **6.2 OPA-Funded Responses**

#### **6.2.1. National Pollution Fund Center**

OPA established the Oil Spill Liability Trust Fund (OSLTF) to pay for oil spill cleanups and damages in cases where the responsible party cannot or will not pay for the cleanup. The [National Pollution Fund Center](#) (NPFC) currently administers the disbursement of OSLTF money. The NPFC has several responsibilities, including:

- (a) Providing funding to permit timely removal actions;
- (b) Initiating Natural Resource Damage Assessments for oil spills;
- (c) Compensating claimants for damages caused by oil pollution;
- (d) Recovering costs owed by the responsible parties for oil pollution damages; and
- (e) Certifying the financial responsibility of vessel owners and operators.

OPA effectively permits other Federal Agencies, the States and Native American Tribes access to the OSLTF for a variety of purposes. The OSLTF can be used following an incident for removal actions and actions necessary to minimize or mitigate damage to the public health or welfare, and natural resources. Access to the OSLTF is partially governed by Section 6002 of OPA, 33 U.S.C. Section 2753. Federal, State, local, or Tribal agencies may get funding for removal costs through the OSC or by submitting a claim to the NPFC.

#### **6.2.2. US EPA Access to OSLTF**

Following spill notification, the OSC should:  
*TBD*

During the actual response, the OSC should:  
*TBD*

### 6.2.3. State Access to OSLTF

States can access the OSLTF in three ways:

- (a) Direct Access. States must request direct access through the FOSC. State access must be approved by the FOSC. The request must come only from the official designated by the Governor.

A proposal must be submitted to the FOSC and include anticipated funding and scope of work to be taken at the site. Ceiling increases and changes in the scope of work must be approved by the FOSC.

- (b) Pollution Removal Funding Authorization (PRFA). The State acts as a contractor to the FOSC on site and can oversee site activities. The State can oversee Federal contractors under a PRFA.

The FOSC will prepare cost documentation and submit to the NPFC. State and other agency rates can be developed in conjunction with the NPFC.

Each agency involved in the spill must have a separate PRFA.

- (c) Claims. Costs for spill cleanup can be submitted to the NPFC after the incident if direct access or a PRFA was not used. An FOSC is not involved in the claims process.

The NPFC will determine whether all actions taken at the site were consistent with the NCP.

In accordance with regulations promulgated under Section 1012(d)(1) of OPA, the President, upon the request of a Governor of a State or the individual designated by the Governor, may obligate the OSLTF through the NPFC for payment in an amount not to exceed \$250,000 for removal costs consistent with the NCP required for the immediate removal of a discharge, or the mitigation or prevention of a substantial threat of a discharge, of oil. Requests for access to the OSLTF must be made to the OSC by telephone or other rapid means.

In making a request to access the OSLTF, the person making the request must do the following:

- (a) Indicate that the request is a State access request under 33 CFR Part 133
- (b) Give their name, title, department, and State
- (c) Describe the incident in sufficient detail to allow a determination of jurisdiction, including at a minimum:
- the date of the occurrence
  - type of product discharged
  - estimated quantity of the discharge
  - body of water involved
  - proposed removal actions for which funds are being requested under this part

(d) Indicate the amount of funds being requested.

For further information, refer to the USCG Technical Operating Procedures (TOPs) for State Access Under Section 1012 (d)(1) of OPA (NPFC Instruction 16451.1, November 1992), and the Flow Chart, State Access to OSLTF Under Section 1012(d)(1) of OPA, 33 U.S.C. Section 2712. These documents are available through the NPFC.

#### **6.2.4. Trustee Access to OSLTF**

**Trustees must obtain OSC approval prior to obtaining reimbursement of removal costs incurred while responding to an oil and/or hazardous substance discharge under the direction of the OSC.** If a trustee believes that a Federal response action is necessary to protect natural resources, whether or not the response action has been Federalized, the trustee must notify the OSC in order to assure that any response action taken is authorized and in accordance with the requirements of the NCP, located at 40 CFR Part 300. If natural resource trustees wish to access the OSLTF in order to initiate a natural resource damages assessment, they must work directly with the NPFC, through the Federal Lead Administrative Trustee. In addition, the trustees may submit claims for natural resource damages to the NPFC for payment from the OSLTF.

#### **6.2.5. Reimbursable Expenses**

OPA authorizes payment of "Removal Costs, including the costs of monitoring removal actions, consistent with the National Contingency Plan." This allows payment of incident-specific costs authorized by a Federal OSC, including costs of monitoring a responsible party's cleanup, as well as actual Federal cleanup activities. The fund may pay:

- (a) costs of containment and removal of oil from water and shorelines
- (b) costs to prevent, minimize, or mitigate oil pollution where there is a substantial threat of discharge of oil
- (c) costs of taking other related actions necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, damage to:
  - fish
  - shellfish
  - wildlife
  - public and private property
  - shorelines
  - beaches

Examples of incident-specific Federal removal costs payable from the fund include:

- out-of-pocket expenses (e.g. per diem, travel, vehicle mileage costs; replication, transmission, and delivery of reports; rental cars; and field consumable costs)
- contracted costs
- costs of US EPA technical assistance teams
- specific salary costs for temporary government employees hired or activated for the duration of the spill response
- specific salary costs for Federal employees not ordinarily available for oil spill response

#### **6.2.6. Procedures for Reimbursement**

To seek reimbursement from the Federal Pollution Fund:

- (1) Federal Agencies must submit their reimbursable expenses on Form SF 1080, "Voucher for Transfer between Appropriations and/or Funds," to the OSC for certification.
- (2) The OSC will submit certified requests for reimbursements to NPFC within 60 days after completion of the cleanup action (33 CFR 153.417).
- (3) The USCG will effect transfer of funds to the agency requesting reimbursement, and prepare a billing for the discharger from information on recoverable expenditures on the USCG form, "Personnel Vehicle and Miscellaneous Cost Accounting Sheet" (available from USCG).

State agencies that do not have a formal agreement must submit a letter to the OSC requesting reimbursement. This letter must include a detailed itemized statement of reimbursable expenditures. Refer to the USCG Marine Safety Manual for additional information.

#### **6.2.7. Cost Recovery Action**

All agencies participating in a Federal response must submit an itemized account of all recoverable costs to the OSC within 60 days of the completion of a cleanup operation.

#### **6.2.8. Recoverable Costs**

The discharger incurs liability up to the discharger's legal limit of liability for all actual costs associated with Federal removal following Federal assumption of response activities. Recoverable costs include:

- (a) direct expenditures from the fund (i.e., payment of contractors or vendors)
- (b) all reimbursable agency expenses
- (c) all personnel costs, including salaries of response personnel
- (d) equipment costs, including depreciation and maintenance

- (e) administrative overhead
- (f) pollution removal damage claims

### **6.2.9. Liability Limits**

OPA sets limits of liability which apply to all removal costs and damages sought under the act. The limits may be adjusted for inflation every 3 years, based upon the consumer price index. The limits set by OPA are as follows:

- (a) Tank vessels: \$1,200 per gross ton; \$10 million if 3,000 gross tons or greater; \$2 million if less than 3,000 gross tons
- (b) Any other vessel: \$600 per gross ton or \$500,000
- (c) Offshore facility except Deep Water Ports: \$75,000,000
- (d) Onshore facility and Deep Water Port: \$350,000,000

There are certain exceptions to these liability limits. The limits do not apply:

- (a) if the incident was caused by gross negligence or willful misconduct
- (b) if the incident was a result of a violation of applicable Federal safety, construction, or operating regulations
- (c) if the responsible party fails to report the incident, provide all reasonable cooperation and assistance required by a response official, or comply with an order issued by the Federal OSC

In addition, OPA does not preempt State laws regarding liability, so in areas where State law places a higher limit, compensation for damages up to the liability limit established by the State law may be pursued.

### **6.3 Reimbursement to Local Governments for Emergency Response to Substance Releases**

For information, see the EPA Emergency Response Program – Local Governments Reimbursement information page at <http://www.epa.gov/superfund/programs/er/lgr/>.

## **6.4 Documentation for Enforcement and Cost Recovery**

### **6.4.1. Introduction**

The OSC in charge at the scene of a release may be from any one of several agencies. It is necessary, therefore, to establish uniform procedures for notification of counsel and for collection of samples and information consistent with the several phases in Federal response situations. Necessary information and sample collection must be performed at the proper times during Federal involvement in a spill for the purpose of later use in identifying the party responsible for cost recovery.

Time is of great importance, as wind, tide, and current may disperse or remove the evidence and witnesses may no longer be available. Thus, during the response phases, the OSC must take the necessary action to ensure that information, records, and samples adequate for legal and research purposes are obtained and safeguarded for future use.

Section 300.335 of the NCP outlines the types of funds which may be available to address certain oil and hazardous substances discharges. For releases of oil or a hazardous substance, pollutant, or contaminant, the following provisions apply:

- (a) During all phases of response, the lead agency shall complete and maintain documentation to support all actions taken under the ACP and to form the basis for cost recovery. In general, documentation shall be sufficient to provide the source and circumstances of release; identity of responsible parties; response action taken; accurate accounting of Federal, State, or private party costs incurred for response actions; and impacts and potential impacts to public health and welfare and the environment. Where applicable, documentation shall state when the NRC received notification of release of a reportable quantity.
- (b) The information and reports obtained by the lead agency for OSLTF-financed response actions shall, as appropriate, be transmitted to the NPFC. Copies can then be forwarded to the NRT, members of the RRT, and others as appropriate.

### **6.4.2. Notification**

The OSC is responsible for coordinating with counsel in his/her agency. Counsel for the RRT member furnishing the OSC is responsible for notifying other RRT member counsel, as appropriate, of potential enforcement or cost recovery matters related to an incident. The OSC and his/her counsel are responsible, following review and consultation with other RRT members involved in an incident, for notifying a responsible party of any determination under the CWA or CERCLA that the party is not properly accomplishing any response action.

The information and reports obtained by the OSC are to be transmitted to the applicable RRT Co-chair. Copies will then be forwarded to members of the RRT and others, as appropriate. The representative of the agency on the RRT having cost recovery authority will then refer copies of the oil or hazardous materials reports to that agency's respective counsel.

### **6.4.3. Legal Notice to Suspected Releaser**

The owner, operator or other appropriate responsible person shall be notified of Federal interest and potential action in an oil or hazardous materials release by the agency furnishing the OSC. This notice shall include:

- (a) advice of the owner or operator's potential liability for proper response to the release
- (b) the need to perform removal in accordance with existing Federal and State statutes and regulations, this Plan, and the NCP
- (c) identification of the OSC

### **6.4.4. Oil or Hazardous Materials Release Report**

The appropriate information for each oil or hazardous material release should be obtained by the OSC and reported in the appropriate format established by the Emergency Response Division, Washington, DC. The OSC will retain:

- statements of witnesses
- photographs
- analyses of samples
- related documentation

for possible use in enforcement actions. In all major spills, the oil or hazardous material incident report should be completed and forwarded to the RRT Chair.

Further information on Superfund compliance and penalties can be found on the US EPA Cleanup Enforcement website at

<http://www.epa.gov/Compliance/cleanup/superfund/comply.html>