

Region 6 Regional Response Team Volume 2 -- Inland Area Contingency Plan



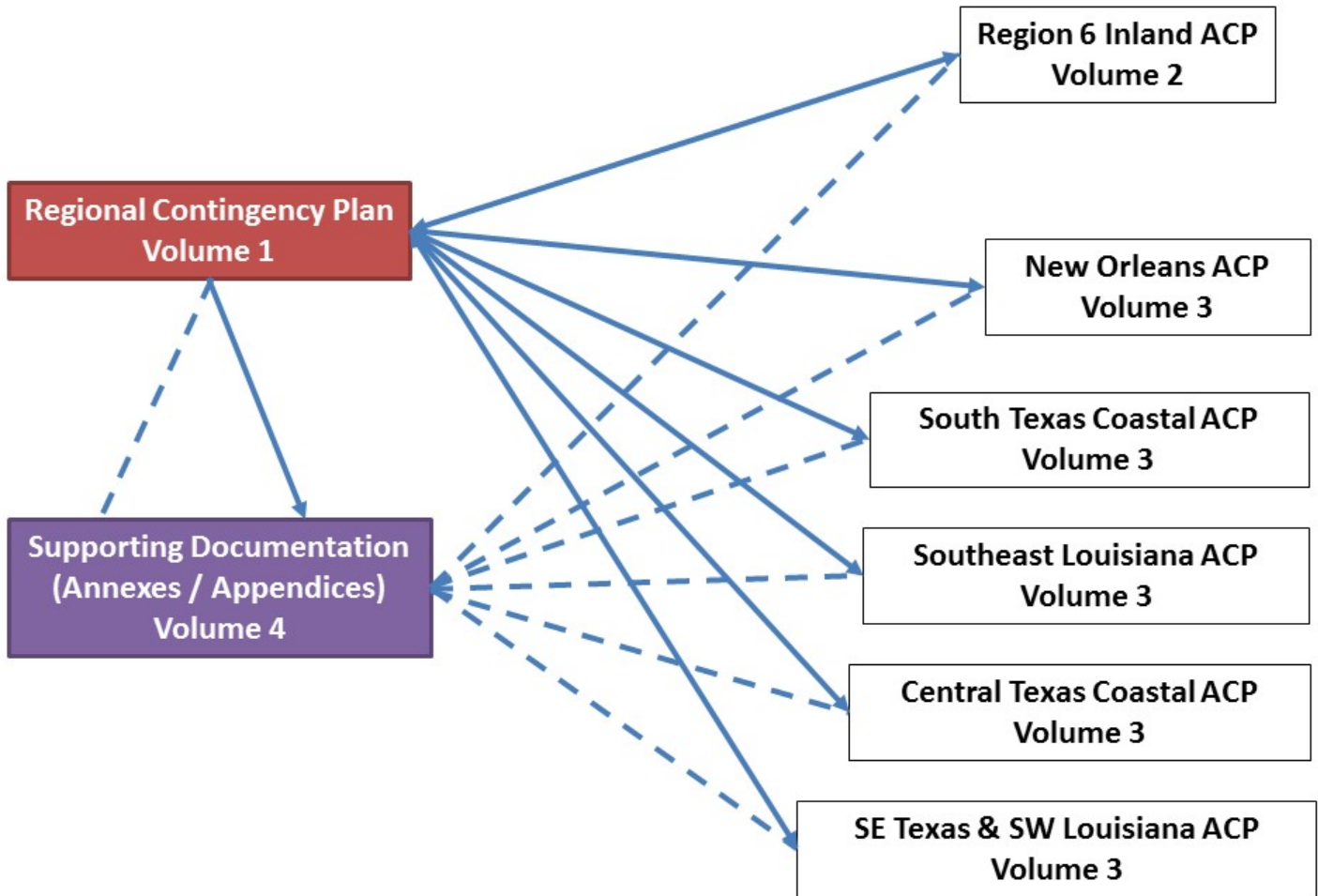
Final: January 26, 2016

- Volume 1: Region 6 RRT Regional Contingency Plan (RCP)
- Volume 2: Region 6 Inland Area Contingency Plan (ACP)
- Volume 3: Region 6 Coastal Area Contingency Plans (ACP's)
- Volume 4: Region 6 Supporting Documentation for Plans

REGION 6 REGIONAL RESPONSE TEAM REGIONAL / AREA CONTINGENCY PLANS

Region 6 Regional Response Team 6 (RRT6) is a formal organization of tribal, state and federal agencies as defined by the National Contingency Plan. Co-chaired by the US Environmental Protection Agency and the US Coast Guard, RRT6 is responsible for ensuring state and federal resources are available when needed for emergency response within the states of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, and the multi-agency relationships and coordination systems exist to support these emergency response efforts.

This version of the federal Region 6 Inland Area Contingency Plan (ACP) is part of a compendium of plans and supporting documents to support EPA, USCG, other federal agencies of the RRT, as well as State and local organizations, and tribes.



**REGION 6 REGIONAL RESPONSE TEAM (RRT6)
INLAND AREA CONTINGENCY PLAN**

TO REPORT A SPILL OR RELEASE

All spills of oil or hazardous substance into navigable waters as defined by the Clean Water Act (CWA) and all spills of a reportable quantity of hazardous substances (40 CFR Part 302) must be immediately reported by the spiller to the National Response Center (NRC). The NRC will contact appropriate local US Coast Guard (USCG) or Environmental Protection Agency (EPA) offices. Notifying state offices does not relieve the spiller from federal requirements to notify the NRC nor vice versa.

National Response Center	800-424-8802
Arkansas Dept. of Emergency Management	800-322-4012
Louisiana State Police	877-925-6595
New Mexico State Police	505-827-9126
Oklahoma Dept. of Environmental Quality	800-522-0206
Texas Environmental Hotline	800-424-8802

Refer to the Contact List in the Supporting Documentation for additional important numbers

FIRST RESPONDER GUIDELINES

REMAIN UPWIND, UPHILL OR UPSTREAM OF THE INCIDENT. FROM A SAFE DISTANCE, assess the situation. Use binoculars, if available, to view the scene. Attempt to determine if radiological materials or hazardous substances are present. Observe and note the following:

- Effects on people, animals, and the environment;
- Container types, markings, placards and labels. If available, use the DOT Emergency Response Guidebook for reference;
- Signs of any released or discharged substances and any unusual or pungent odors (move farther away or upwind if you detect an odor and are not positive it is safe);
- Wind direction and prevailing weather;
- Distance and direction of nearby dwellings; and
- Distance and direction of any nearby surface water.

The initial responder shall then make notifications as listed in the preceding page.

The initial responder shall not enter an area where the responder may become a victim, even to rescue another.

Until help arrives, the initial responder should:

- Cordon off the incident area and establish a safe zone. If chemical vapors or flammable/ explosive materials are involved, evacuate all persons from the immediate area and remain upwind of the incident area; if sources of radiation or radioactive materials are suspected to be involved, use the principles of time, distance and shielding to reduce potential exposure;
- Enter the incident area only if properly trained and equipped with appropriate protective clothing and equipment;
- Render first aid to victims; be sure to notify medical personnel if radiation exposure or contamination is suspected;
- Serve as an on-scene communication point;
- Brief the response team leader or incident commander upon arrival.

INITIAL ASSESSMENT/INFORMATION CHECK-OFF LIST

The following information should be collected for all spills reported to member agencies:

Date and Time of Call:

Caller Name, Address, & Phone Number:

Name of Person Taking the Report:

Vessel/Facility/Spiller Information:

1. Name of Potentially Responsible Party
2. Name of vessel/facility, railcar/truck number or other identifying information
3. Type and size of vessel/facility
4. Total quantity of fuel on board or in tank
5. Nationality (vessel only)
6. Location of incident (i.e., street address, lat/long, mile post)
7. Date and time of incident (or when discovered)
8. Description of spill (i.e., size, color, smell, etc.)
9. Type of incident (i.e., explosion, collision, tank failure, grounding, etc.)
10. Material released
11. Source of material released
12. Estimated amount released
13. Total potential quantity could be released (i.e., total quantity in tank or on board)
14. Environmental media impacted or potentially impacted by spill (i.e., air, water, ground/soil)
15. Weather/sea conditions
16. Point of contact (i.e., Responsible Party name, phone and address)
17. Vessel/facility agent(s) (i.e., name and phone)
18. Name and contact information of insurance carrier
19. Number and type of injuries or fatalities
20. Description of who is on-scene and what response activities are being done or have been completed
21. Have evacuations occurred
22. Other agencies notified



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202 – 2733

MEMORANDUM

FROM: Ronnie Crossland *Ronnie Crossland*
Region 6 Regional Response Team (RRT6) Co-Chair
Associate Director, Prevention and Response Branch
EPA Region 6

TO: RRT6 Members

SUBJECT: Promulgation of the RRT6 Inland Area Contingency Plan

In accordance with the provisions of Section 311(j)(4)(c) of the Federal Water Pollution Control Act (commonly referred to as the "Clean Water Act" and cited herein as "CWA"), 33 U.S.C. Section 1321(j)(4)(c), this plan fulfills the statutory requirements for the RRT6 Area Contingency Plan (ACP). This plan is effective immediately and supersedes previous editions of the ACP.

The functions of designating areas, appointing Area Committee members, and reviewing and approving the ACP as part of this Regional Contingency Plan (RCP) has been delegated by Executive Order 12777, October 22, 1991, to the Administrator of the Environmental Protection Agency (EPA) for the inland zone.

This area has been designated as EPA Region 6 (Arkansas, Louisiana, Oklahoma, New Mexico, and Texas) and the Area Committee has been designated as the standing RRT6, responsible for reviewing and developing the ACP under the guidance of Steve Mason, EPA Region 6 OSC.

Comments and recommendations regarding this plan are invited and should be addressed to Steve Mason, RRT6 Coordinator, at mason.steve@epa.gov.

This plan will be kept under review and changes, additional information, or corrections will be promulgated as necessary and will be consecutively numbered.

CLEAN WATER ACT

R6-2-91. Area Committee Designation and Preparation
and Review of Area Contingency Plans.

1. **AUTHORITY.** Pursuant to Section 311(j)(4) of the Clean Water Act (CWA) and Section 4202(b)(1) of the Oil Pollution Act of 1990 (OPA);
 - a. To designate Areas;
 - b. To appoint Area Committee members
 - c. To require information to be included in Area Contingency Plans; and
 - d. To review and approve such plans as defined in the National Contingency Plan (NCP).
2. **TO WHOM DELEGATED.** Director, Superfund Division.
3. **REDELEGATION AUTHORITY.** This authority may not be re-delegated.
4. **LIMITATIONS.** Pursuant to a notice published in the Federal Register, (57 FR 15198, April 24, 1992), the Administrator has designated 13 initial geographic areas now covered by the Regional Response Teams, and the Regional Response Teams as the initial Area Committees. The designee may designate different areas within the Region and appoint different Area Committee members.
5. **ADDITIONAL REFERENCES.** "Designation of Areas and Area Committees Under the Oil Pollution Act of 1990." (57 FR 15198, April 24, 1992).

Delegation of Authority from the
Regional Administrator

DISTRIBUTION

Copies of this plan and all amendments and changes will be distributed to the following: EPA Chairman of the National Response Team (NRT) in Washington, D.C. for NRT distribution; each of the member agencies of the RRT6 listed in Annex 21; the U.S. Environmental Protection Agency (EPA/HQ) Office of Emergency Management (OEM); the National Response Center (NRC); and the State, Tribal and Federal Natural Resources Trustees.

REVISIONS/UPDATES

The RRT6 Inland Area Contingency Plan will be formally reviewed and updated as needed, such as policy changes require, or updated/additional information is obtained. The plan shall be reviewed to ensure all information is current by the RRT, and submitted to all interested parties.

CORRECTIONS AND UPDATES FORM

Corrections, updates or suggested additions to the Region 6 Inland Area Contingency Plan should be provided to Steve Mason, OSC, mason.steve@epa.gov

Please complete the following information to effect a change in the area plan:

Page # of the plan. _____

Section and subsection numbers of the paragraph to be changed: _____

Other description: (e.g., third sentence, in second full paragraph on page:) _____

Corrections or suggested changes:

Email Address:
Steve Mason, RRT Coordinator
mason.steve@epa.gov

Record of Change

The most current copy of this document, including any changed pages, is available through the Environmental Protection Agency, Region 6, 1445 Ross Ave., Ste. 1200, Dallas, TX 75202-2733 and the Regional Response Team 6 website, www.rrt6.org.

Change Number	Change Description	Section Number Found	Posted By
1	Revision of Existing ACP		SRM – 01/26/2016
2	Change “appendix” to “annex”; “appendices” to “annexes” throughout document		SRM – 03/04/2021

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SECTION A. INTRODUCTION

§ 300.1 Purpose and Objectives

This plan provides for a pattern of coordinated and integrated response by departments and agencies of Federal, State, Tribal, and local governments to protect public health and the environment from damaging effects of pollution.

The purpose of this ACP is:

- To provide for orderly and effective implementation of response actions to protect the people, natural resources, and property of the inland zones of Region 6, including the states of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas from the impacts of a discharge or substantial threat of discharge of oil or a release or substantial threat of a release of a hazardous substance from inland and marine sources.
- To promote the coordination of and describe the strategy for a unified and coordinated federal, state, tribal, local, potential responsible party, response contractor, response cooperative, and community response to a discharge or substantial threat of discharge of oil or a release or substantial threat of a release of a hazardous substance from inland sources.
- To be consistent with the National Contingency Plan (NCP) and the Region 6 RCP and coastal ACPs within Region 6.
- To provide guidance to all Facility Response Plan (FRP) reviewers and holders to ensure consistency with the ACP.

It provides for timely and effective coordination and direction of Federal, State and Local response systems, and supports the development of capability by the private sector to handle such incidents. This plan provides the organizational structure and objectives necessary to prepare for and respond to a discharge of oil or release of hazardous substances, pollutants, and contaminants. This RRT6 Inland ACP fulfills the requirements of the NCP for the regional ACP, and includes references to relevant portions of the National Response Framework (NRF), particularly Emergency Support Function (ESF) #10 Hazardous Materials (ESF # 10).

The ACP implements the NCP and the ESF #10 component of the NRF at the regional level and is the chief working document of the Regional Response Team (RRT), the Area Committee (AC), and ESF #10. The RRT also has been appointed by the EPA Regional Administrator (RA) to serve as the AC for the development of the RRT6 Inland ACP.

§ 300.2 Authority and Applicability

The NCP is required by Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, [42 U.S.C. 9605], as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1986, [Public Law (P.L.) 99-499], and by Section 311 of the Clean Water Act (CWA), [33 U.S.C. 13219(d)], as amended by the Oil Pollution Act of 1990 (OPA), [P.L. 101-380].

The President delegated to the Environmental Protection Agency (EPA) the responsibility for the amendments of the NCP (40 CFR part 300). 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 NCP [(Section 300.210 (b))] calls for the establishment of a nationwide system of RCPs based on Federal standards. This plan is applicable to response operations taken by all Federal, State and Local agencies within Standard Federal Region 6, pursuant to the authorities under CERCLA and Section 311 of the CWA, as amended.

The Area Committee is given the responsibility for working with the response community to plan for joint response efforts, including spill containment, mechanical recovery, use of dispersants, in-situ burning, shoreline cleanup, protection of sensitive areas, and protection, rescue, and rehabilitation of fish and wildlife.

This plan follows, to the greatest extent possible, the format of the NCP and was developed to be implemented in conjunction with applicable sub-area plans, state emergency response plans and SARA Title III local emergency plans.

Local plans include data on vulnerable resources, potential pollution sources, cleanup equipment, environmental features and other information that will allow Local Incident Commanders, State, and/or Federal On-Scene Coordinators (OSC) to quickly plan and organize a response to a pollution incident.

§ 300.3 Scope

This Inland ACP applies to and is in effect for:

- Discharges of oil into or on the navigable waters of the United States, on the adjoining shorelines, the waters of the contiguous zone, into waters of the exclusive economic zone, or may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (See sections 311(c)(1) and 502(7) of the CWA).
- Releases into the environment of hazardous substances, and pollutants or contaminants which may present an imminent and substantial danger to public health or welfare of the United States.

This Inland ACP provides for efficient, coordinated, and effective response to discharges of oil and releases of hazardous substances, pollutants, and contaminants in accordance with the authorities of CERCLA and the CWA. It provides for:

- The regional response organization may be activated in response actions. It specifies responsibilities among the federal, state, and local governments and describes resources available for response.
- The establishment of requirements for federal, regional, and area contingency plans. It also summarizes state and local emergency planning requirements under SARA Title III.
- Procedures for undertaking removal actions pursuant to section 311 of the CWA.
- Procedures for undertaking response actions pursuant to CERCLA.

Additionally, this Inland ACP applies to and is in effect when the National Response Framework (NRF) and some or all its Emergency Support Functions (ESFs) are activated. EPA is the primary agency for ESF#10, Hazardous Materials under the NRF, for Public Law 93-288, as amended.

§ 300.4 Geographic Description and Jurisdictional Guidance

The geographic scope of this Inland ACP is EPA Region 6, which encompasses the states of Arkansas, Louisiana, Oklahoma, New Mexico, and Texas. Detailed descriptions of areas of special environmental and economic concern can be found in the Fish and Wildlife Sensitive Environments Plan (Annex 25.)

Region 6 has been divided into two operational areas of responsibility (AOR), inland and coastal, which correspond to the zones in which U.S. EPA and USCG are responsible for providing OSC's.

- EPA provides the pre-designated OSC for pollution response in the Inland Zone. All discharges or releases, or a substantial threat of such discharges or releases of oil or hazardous substances originating within the Inland Zone are the responsibility of EPA. Included are discharges and releases from unknown sources or those classified as "mystery spills."
- EPA Region 6 responsibilities for the Mississippi and Pearl Rivers are shared with EPA Region 4 as described in a Memorandum of Understanding between the two regions, and is located at Annex 40.
- The EPA OSC is the pre-designated OSC for all areas or pollution incidents within Region 6 that are not specifically addressed in the Coastal Zone boundary designation descriptions, contained in the Memorandum of Agreement between EPA Region 6 and USCG District 8, dated July 30, 2009, and located at Annex 5.
- The U.S. EPA Region 6 office may request the Eighth Coast Guard District provide the OSC for a release in the inland zone, regardless of source, given the particular circumstances of an incident.

Plan Integration

The Inland ACP expands upon the requirements set forth in the NCP, augments Federal coordination with State and local authorities, and facilitate integration of existing State, local, and private-sector plans for the five-state area.

Planning and response protocols and decisions may be subject to existing statutes (e.g., radiological emergencies that involve response by various agencies; disposal restrictions for oily debris; compliance with the Endangered Species Act;

or state, tribal, and federal authorities to protect cultural and historic resources). State RRT representatives will assist the OSC by involving staff members of appropriate regulatory agencies.

Coordination between the EPA and USCG is ensured because representatives of both EPA and USCG serve as co-chairs of the RRT, and the RRT aids in Area planning and coordination for Region 6. This integration is further strengthened through State involvement in both ACP and sub-area planning. All Federal contingency plans are to be coordinated and integrated with local response plans developed by Local Emergency Planning Committees (LEPCs).

FRPs, as defined by Section 311(j)(5)(A) of the CWA, 33 U.S.C. § 1321(j)(5)(A), shall be reviewed for approval and consistency with this ACP. During a response, the Federal OSC, the State OSC (SOSC), Local Incident Commander, and responsible party shall meet to coordinate and integrate this ACP with all other relevant plans including, but not limited to, Federal, State, local, Tribal, and private plans.

The RRT will continuously review the effectiveness and integration of all plans based on actual response experiences, exercises, and all other relevant information that will lead to enhancement of these plans.

§ 300.5 Abbreviations & Acronyms

A listing of all acronyms and abbreviations used in this ACP, as well as the RCP and coastal ACP's can be found in Annex 24 of the Volume 4, Supporting Documentation.

§ 300.6 Definitions

Terms used in this ACP are defined in Section 300.5 of the NCP, 40 C.F.R. § 300.5, (“Definitions”), Section 311 (a) of the CWA; Section 1001 of the OPA 90; Section 101 of CERCLA of 1980; Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and the regulations promulgated thereunder.

§ 300.8 Plan Maintenance

Section 311(j)(4)(C)(viii) of CWA requires the ACP be updated periodically. The RRT6 Inland ACP will be formally reviewed and updated as needed, such as policy changes require, or updated/additional information is obtained. The plan shall be reviewed to ensure all information is current by the RRT, and submitted to all interested parties.

The RRT6 is responsible for maintenance of the RRT6 Inland ACP as needed to incorporate federal, state, regional, tribal, and local policy and procedural changes based on lessons learned from exercises and actual incidents. Several years ago, the RRT6 determined it was appropriate for EPA Region 6 to maintain this plan, as well as the RCP for Region 6. EPA Region 6 is responsible for coordinating review and acceptance of proposed changes.

Changes include additions of new or supplementary material and deletions. Proposed changes should be made in consultation with RRT6 stakeholders to ensure no conflicts exist with plans or authorities that may impact the Inland ACP.

SECTION B RESPONSIBILITY AND ORGANIZATION FOR RESPONSE

§ 300.100 Duties of President Delegated to Federal Agencies

In Executive Orders 12580 and 12777, the President delegated certain functions and responsibilities vested in him by the CWA, CERCLA, and OPA to the Administrator of the EPA for the inland zone. These functions and responsibilities include designating Areas, appointing AC members, determining the information to be included in ACPs, and reviewing and approving ACPs. EPA has assigned an OSC to each inland zone Area (each Region) to carry out these functions and responsibilities.

§ 300.105 General Organizational Concepts

A listing of Federal agencies, responsibilities, functions and resources is addressed in 300.170 and 300.175. Federal agencies should plan for emergencies and develop procedures for dealing with oil discharges and releases of hazardous substances, pollutants or contaminants. Agencies should coordinate their planning, preparedness, and response activities with one another, and with affected States, local governments and private entities. Three fundamental activities are performed pursuant to the NCP:

- Preparedness, planning, and coordination for response to a discharge of oil or release of hazardous substance, pollutant or contaminant.
- Notification and communications.
- Response operations at the scene of a discharge or release.

National Incident Management System

The National Incident Management System (NIMS) is a system mandated by Homeland Security Presidential Directive 5 (HSPD-5) and provides a consistent, nationwide approach for Federal, State, local, and tribal governments; the private sector; and nongovernmental organizations to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity.

To provide for interoperability and compatibility among Federal, State, local, and tribal capabilities, NIMS includes a core set of concepts, principles, and terminology. HSPD-5 identifies these as the incident command system; multiagency coordination systems; training; identification and management of resources (including systems for classifying types of resources); qualification and certification; and the collection, tracking, and reporting of incident information and incident resources.

Incident Command System/Unified Command System

An Incident Command System (ICS) is required to be implemented under 29 CFR 1910.120 and 40 CFR 311, as well as NIMS. ICS shall be established at all incidents involving hazardous substances and oil by the senior on-scene official of the first response organization to arrive at an incident.

When the incident involves or affects multiple jurisdictions or agencies, a Unified Command System (UCS) should be implemented. Procedures for implementation of an UCS are provided in Annex 44.

To document the incident planning process, jurisdictions should develop an Incident Action Plan based on ICS forms. The Incident Commander (IC) can use locally developed ICS forms or those made available by other agencies such as the US Coast Guard. A list of the EPA's modified ICS forms can be downloaded at

http://www.epaosc.org/site/doc_list.aspx?site_id=2938.

§ 300.110 National Response Team

National planning and coordination are accomplished through the NRT. The NRT consists of representatives from the USCG, EPA, Federal Emergency Management Agency (FEMA), Department of Defense (DOD), Department of Energy (DOE), U.S. Department of Agriculture (USDA), Department of Commerce (DOC), Department of Health and Human

Services (DHHS), Department of the Interior (DOI), Department of Justice (DOJ), Department of Labor (DOL), Department of Transportation (DOT), Department of State (DOS), General Services Administration (GSA), and Nuclear Regulatory Commission.

The NRT is primarily a national planning, policy and coordination body and does not respond directly to incidents. The NRT provides policy guidance prior to an incident and assistance as requested by an OSC via an RRT during an incident. NRT assistance usually takes the form of technical advice, access to additional resources/equipment, or coordination with other RRTs.

§ 300.115 Regional Response Team

The Regional Response Team (RRT) is responsible for regional planning and preparedness activities before response actions, and for providing advice and support to the OSC when activated during a response. Region 6 RRT membership consists of a designated representative from each Federal agency participating in the NRT, with representatives from each of the five States: Arkansas, Louisiana, New Mexico, Oklahoma, Texas, as well as industrial partners.

The two principal components of the RRT mechanism are a standing team and incident-specific teams formed from the standing team when the RRT is activated for a response.

Standing Regional Response Team

The standing RRT serves as the regional body for planning and preparedness actions before a response action is taken. Except for periods of activation for an incident-specific response action, the EPA and USCG representatives shall act as co-chairs. The chair for periods of response action will be provided by the agency providing the OSC for the response operation. A listing of the RRT representatives can be found in Annex 21. The standing RRT should:

- Continuously review regional and local responses to discharges or releases, consider available legal remedies, equipment readiness, and coordinate between responsible public agencies and private organizations,
- Recommend revisions of the NCP to the NRT based on observations of response operations,
- Consider and recommend necessary changes to the RCP and ACP based on continuing review of response actions in the region,
- Be prepared to provide response resources to major discharges or releases outside the region,
- Meet at least semiannually to review response actions carried out during the preceding period, and consider changes in Federal regional, area, and local contingency plans,
- Provide reports on the RRT activities to the NRT each year, by January 31. Reports will summarize recent activities, organizational changes, operational concerns, and efforts to improve State and Local preparedness,
- Review local emergency response plans at the request of the LEPC,
- Encourage State and Local response communities to improve their preparedness for response. Conduct or participate in training and exercises to encourage preparedness activities of the response community in the region,
- Conduct advance planning for the use of dispersant, surface washing agents, surface collection agents, burning agents, bioremediation agents, or other chemical agents in accordance with Subpart J of the NCP and in its capacity as the AC, and
- Work to maximize participation in the national program for announced and unannounced exercises.

Area planning and coordination of preparedness and response actions are accomplished through the RRT, which has been designated as the AC for Region 6.

Incident-Specific Regional Response Team

An incident-specific RRT will be activated as necessary for response operations tailored to the geographic location and nature of the incident. The RRT will be activated during any discharge or release upon a request from the OSC, or any RRT representative to the RRT Co-Chairs. Local requests for RRT activation must be made through the affected State's RRT member. Requests for RRT activation will later be confirmed in writing.

The role of the incident-specific team is determined by the operational requirements of the response to a specific discharge or release. Participation is relative to the technical nature and geographic location of the discharge or release.

The RRT Co-Chairs coordinate with the RRT membership and the OSC for the incident, to determine the appropriate level of RRT member activation. Member agencies and States participating with the RRT should take care to ensure designated representatives or alternates can function as resource personnel for the OSC during incident-specific events. When activated, RRT members may be requested to:

- Provide advice and recommend courses of action for consideration by the OSC;
- Advise the OSC on the duration and extent of Federal response and recommend to the OSC specific actions to respond to a discharge or release;
- Request other Federal, State, or Local government, or private agencies to provide resources under their existing authorities to respond to a discharge or release or to monitor response operations;
- Monitor and evaluate reports from the OSC;
- Recommend, if circumstances warrant, to the RRT Co-Chairs a different OSC should be designated;
- Ensure regular communications among RRT members and the OSC, as indicated in 300.125 -Notifications and Communications.

The incident-specific RRT may be activated by the Co-Chairs when a discharge or release:

- Exceeds the response capabilities available to the OSC at the incident location;
- Transect State or regional boundaries;
- Poses a substantial threat to public health, welfare or to the environment, or significant amounts of property.

Activation for assembly may be either by telephone or physical co-location. When the RRT is assembled, it will meet at a time and location specified by the Co-Chairs. The Co-Chairs can deactivate the RRT when the Co-Chairs determine the OSC no longer requires RRT assistance. The time of deactivation will be included in a pollution report (POLREP).

§ 300.116 Area Committees

Section 4202(a)(4) of OPA requires ACs, made up of Federal, State and local officials, be established to develop an ACP. The pre-designated OSC for the inland area committee(s) serves as the Chair of the Committee(s), provides general advice and guidance, and directs the Committee's development and maintenance of this ACP.

The AC is also charged with a responsibility to work with State and local officials to enhance the contingency planning and to assure preplanning of joint response efforts, including procedures for mechanical recovery, dispersal, shoreline cleanup, protection of sensitive environmental areas and protection, rescue and rehabilitation of fisheries and wildlife.

In development of this ACP, the committee ensured resources and personnel are adequate to remove or prevent a worst-case discharge of oil in or near the area covered by this plan. In the inland zone of Region 6, the standing RRT6 serves as the Area Committee.

§ 300.120 On-Scene Coordinators; General Responsibilities

The OSC directs response efforts and coordinates all other efforts at the scene of a discharge or release in accordance with the NRF, NCP, ACP, State and Local plans. As part of the planning and preparedness for response, OSCs shall be pre-designated by the EPA Region 6 RA or the USCG, 8th District, per EPA/USCG MOU for predetermined OSC designation (Annex 5).

DOD and DOE shall designate an OSC as stated in the NCP part 300.120 paragraphs (c) and (d) for releases of hazardous substances when the release is on, or the sole source is a facility or vessel under the jurisdiction of DOD or DOE. Other Federal agencies are responsible for non-emergency removals, as stated in the NCP part 300.120 (c)(2).

The OSC is responsible for overseeing development of the ACP in the area of the OSC's responsibility. ACPs shall, as appropriate, be accomplished in cooperation with the RRT, and designated State and Local representatives. In contingency planning and response incidents, the OSC coordinates, directs, and reviews the work of other agencies, AC, States, responsible parties, and contractors to assure compliance with the NCP and ACP, decision document, consent decree, administrative order, and lead agency-approved plans applicable to the response.

The OSC should ensure any person designated to act as an on-scene representative is adequately trained and prepared to carry out actions under the NCP, RCP, and ACP to the extent practicable. OSC responsibilities are further described in Section 300.135 of this ACP.

§ 300.125 Notification and Communications

The National Response Center (NRC) is the national communications center for handling activities related to response actions. The NRC acts as the single point of contact for all pollution incident reporting. Notice of an oil discharge or release of a hazardous substance in an amount equal to or greater than the reportable quantity must be made immediately in accordance with the CWA and CERCLA under 33 C.F.R. Part 153, Subpart B, and 40 C.F.R. part 302, respectively. Notification shall be made to the NRC Duty Officer, HQ USCG, Washington, D.C. [telephone (800) 424-8802].

All notices of discharges or releases received at the NRC will be relayed immediately by telephone to the appropriate pre-designated OSC.

In addition, facilities may be required to report releases of specified hazardous substances to the State Emergency Response Commission (SERC) of any State likely to be affected by the release, and the LEPC (of any area likely to be affected by the release) under Section 304 of the Emergency Planning and Community Right-To-Know Act (EPCRA), 42 U.S.C. § 11004.

The Regional Emergency Operations Center (REOC) is the regional site for notification, communication, and interagency coordination during a pollution incident. The REOC will be located at the EPA Regional Office when an incident occurs in the EPA jurisdictional areas, and the Region 6 USCG 8th District office or a USCG Marine Safety Office, Unit, or Sector office, when an incident occurs within its jurisdiction.

EPA will use Pollution Reports (POLREPs) for oil spills and hazardous substance releases. The affected State, and tribe if appropriate, as well as trustees for natural resources, will be notified of all spills. This is accomplished through the NRC reports sent directly to the States, trustees, tribes (when possible), and local communities (when possible). The EPA Phone Duty/Response Duty Officer will also notify the State, tribe, and trustee whenever an OSC or contractor responds to an incident.

Upon notification from the NRC, the Federal OSC will investigate the report to determine the threat posed to public health or welfare or the environment. NRC notifications, distributed as described in Section 300.125, serve as initial notification to natural resource trustees and other stakeholders that a release or discharge has occurred as required by NCP Section 300.135(j)(1).

Additional notifications and coordination required by the NCP, such as those defined in 300.135(k), will occur as appropriate, involving the appropriate state, federal, tribal, natural resource trustees, and other affected parties to ensure pertinent facts are relayed.

For those spills and releases that could potentially affect another EPA Region, Region 6 will notify the potentially affected Region(s) via their 24 hour Emergency Operations Centers, as defined in section 300.140. The downstream region can and should make whatever additional notifications it deems necessary. This includes contacting regional management and elected officials.

Per the RCP and this Inland ACP, the lead state agency shall notify downstream water users (municipal, industrial and agricultural) of all discharges and releases that may threaten them, as well as municipalities and counties potentially affected. The OSC shall also work with the state in which the release or spill occurred to ensure that appropriate downstream notifications are made to water systems, municipalities, counties, or parishes which may be impacted by the incident.

§ 300.130 Determinations to Initiate Response and Special Conditions

The President shall, in accordance with the NCP and any appropriate ACP, ensure effective and immediate removal of a discharge, and mitigation or prevention of a substantial threat of a discharge of oil or release of hazardous substance [33 U.S.C. § 1321(c)].

In carrying out this mandate, the President may direct or monitor all Federal, State, and private actions to remove a discharge. The NCP authorizes EPA or USCG to act for the United States to take response measures deemed necessary to protect public health or welfare or the environment from discharges of oil or releases of hazardous substances, pollutants, or contaminants except with respect to such releases on or from vessels or facilities under the jurisdiction, custody, or control of other Federal agencies [40 C.F.R. § 300.130].

The assigned OSC may initiate a response. OSCs may designate capable persons from federal, state, or local agencies to act as their on-scene representatives. State and local governments, however, are not authorized to take actions under subparts D and E of the NCP that involve expenditures of the Oil Spill Liability Trust Fund or CERCLA funds unless an appropriate contract or cooperative agreement has been established.

During a Stafford Act designated emergency, the OSC may be responsible for coordinating and working with the Principal Federal Official (PFO), as designated by the Department of Homeland Security, as well as a Federal Coordinating Officer (FCO), designated by the FEMA. While the funds for response may be provided through the Stafford Act, actions taken by the OSC shall be consistent with the NCP, RCP, and this ACP, as well as the EPA Incident Management Handbook (IMH).

§ 300.135 Response Operations

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, under 40 CFR 300.180(f), State and local public safety organizations would normally be the first government representatives at the scene of a discharge or release and are expected to initiate public safety measures that are necessary to protect public health and welfare and that are consistent with containment and cleanup requirements in the NCP, and are responsible for directing evacuations pursuant to existing state or local procedures.

The party responsible for the incident is required to cooperate with and aid the local police and fire agencies. The role of the OSC is to coordinate with the responsible party, state, and local officials to determine assistance which may be provided by the federal government, such as conducting sampling and analysis of chemicals, providing specialized contractors or equipment, or by providing detailed advice or other supporting functions.

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 may assume a more direct role. Usually this is done through investigation or cleanup contractors using governmental funds, such as Superfund's 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, by an OSC, of environmental and health follow-up 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.

General Response

To the extent practicable, response operations shall be consistent with Federal, State, and Local plans, including this ACP, Risk Management Plans (RMPs), and FRPs. The NRC is the national communications center for activities related to pollution response actions. It is at USCG Headquarters in Washington, D.C.

The NRC receives and disseminates OSC and RRT reports to the NRT when appropriate, and when required provides facilities for the NRT to use in coordination of a national response action. The NRC also maintains teleconferencing capability, as well as a technical library on oil and hazardous substances and can evaluate chemical discharge hazards and can evaluate chemical discharge hazards.

The REOC is the regional site for notification, communication, and interagency coordination during a pollution incident. EPA will provide a pre-designated OSC and will coordinate communication, information, supplies and equipment, and other personnel and facilities necessary to allow proper functioning and administration of this plan.

EPA Region 6 and the USCG 8th District are responsible for responding to incidents, and EPA will provide pre-designated OSCs to all pollution response activities in the inland zone. However, DOD and DOE shall designate OSCs for releases of hazardous substances, pollutants, or contaminants from DOE and DOD facilities and vessels. The EPA will provide OSCs for all Clean Water Act (CWA) discharges and non-DOD CERCLA releases unless otherwise agreed.

In certain instances, the USCG may act as the lead agency for actual or threatened pollution incidents involving commercial vessels or marine transportation-related facilities. The areas of responsibility have been established by a joint EPA and USCG Memorandum of Understanding (MOU). This MOU is contained in Annex 5.

On-Scene Coordinators -Specific Responsibilities

The OSC shall direct response efforts and coordinate all other efforts at the scene of a discharge or release. As part of the planning and preparations for response, the OSCs are pre-designated by the Regional or district head of the lead agency.

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

The OSC's efforts shall be coordinated with other appropriate Federal, State, Local, and private response agencies. OSCs may designate capable persons from Federal, State, or Local agencies to act as their on-scene representatives. State and Local governments, however, are not authorized to take actions under Subparts D and E of the NCP that involve expenditures of CWA section 311(k) or CERCLA funds unless an appropriate contract or cooperative agreement has been established.

The OSC should consult regularly with the RRT in carrying out the NCP and this ACP and keep the RRT informed of activities under the NCP and this ACP, through the use of POLREPs. The OSC shall advise the support agency as promptly as possible of reported releases. During a response under the NRF, the OSC should evaluate incoming information and immediately inform the FCO or the appropriate representative of potentially significant developments involving hazardous materials.

The OSC is responsible for addressing worker health and safety concerns at a response scene in accordance with the NCP. In those instances where a possible public health emergency exists, the OSC should notify the DHHS representative to the RRT. Throughout response actions, the OSC may call upon the DHHS representative for assistance in determining public health threats and call upon the Occupational Safety and Health Administration (OSHA) and DHHS for advice on worker health and safety problems.

The OSC shall promptly notify the appropriate trustees for natural resources of discharges or releases that are injuring or may injure natural resources under their jurisdiction. The OSC shall consult with and coordinate all response activities with the natural resource trustees and natural resource managers.

When the OSC becomes aware a discharge or release may affect any endangered or threatened species, or result in destruction or adverse modification of the habitat of such species, the OSC must consult with the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) [see Section 300.305(3)], as spelled out in the Fish and Wildlife Sensitive Environments Plan (Annex 25) and the ESA MOA (Annex 8).

When the OSC becomes aware a discharge or release may affect any historic properties, the OSC should consult with the State Historic Preservation Officer (SHPO), Tribes, or other State and Federal Historic agencies such as the Bureau of Indian Affairs (BIA), as set forth in the Programmatic Agreement on Protection of Historic Properties During Emergency Response under the National Oil and Hazardous Substances Contingency Plan (Programmatic Agreement, Annex 9).

The general responsibilities of OSCs are presented in 40 CFR, Section 300.135, and outlined below:

- Request the state RRT representative notify any downstream water users of any release or discharge entering water courses from which they take water.
- Notify the responsible party of federal interest and potential action in the discharge or release. Annex 57 contains the format of the legal notices. If the responsible party is unknown or does not respond, the OSC shall initiate response actions.
- Make a reasonable effort to have the responsible party voluntarily and promptly perform response actions. If the responsible party responds, ensure adequate surveillance over actions initiated by the responsible party.
- Make prompt notification to the trustees and other managers of affected natural resources.
- Ensure the notifications and actions required in the Fish and Wildlife and Sensitive Environments Annex (Annex 25) have been performed. If they have not been performed, the OSC will perform those notifications and subsequent actions.
- When appropriate, activate federal response using the OSLTF for oil discharges or the CERCLA Hazardous Substances Response Trust Fund for hazardous substance releases.
- Advise the appropriate state and local officials on scene of the timing, nature, and conduct of subsequent response actions.

- Call upon RRT resources or the scientific support coordinator, as appropriate, to assist in determining the necessary facts about a particular discharge or release such as its magnitude or potential impact on human health and welfare and the environment.
- Fully inform and coordinate closely with the RRT during a response to a discharge or significant release to ensure the maximum effectiveness of the federal effort in protecting natural resources and the environment from pollutant damage.
- Obtain the advice of trustees for natural resources and land/resource managers regarding response operations affecting resources or lands under their jurisdiction. Consult with natural resources trustees and natural resource managers to mitigate impacts to waterfowl and other wildlife, fisheries, historic properties, or tribal lands.
- Attempt containment, removal, and disposal techniques.
- Ensure adequate transportation and disposal of removed materials in accordance with state and federal regulations. Transportation of hazardous substances off-site must comply with regulations promulgated under the RCRA. Under certain circumstances, some of the procedural requirements of RCRA can be waived.
- Recommend the evacuation of threatened individuals to appropriate authorities.
- Limit access to the release area with the use of barricades, security fences, etc.
- Collect and analyze samples, as appropriate, to gather additional information such as source and dispersion of the release. A sampling and analysis plan shall consist of the field sampling plan and project plan.
- Keep the public informed of response actions.

First Federal Official On Scene (FFO)

According to Section 300.135(b) of the NCP, the first federal official (FFO) affiliated with a NRT member agency to arrive on scene of a discharge or release should coordinate activities under the NCP. That FFO is authorized to initiate, in consultation with the pre-designated OSC and prior to the OSC arrival on scene, any necessary actions normally carried out by the OSC.

Arrival of the FFO on scene does not affect the designation of the appropriate OSC. If the FFO determines the OSC should be from the other agency, that OSC will generally accept the transfer of authority.

Once that transfer has occurred, the OSC will need to coordinate with the National Pollution Fund Center (NPFC) to ensure only one Federal Project Number (FPN) remains open for that case, as appropriate.

Incident Response -Federal Facilities

All Federal agencies should plan for emergencies and develop procedures for dealing with oil discharges and releases of hazardous substances, pollutants, or contaminants from vessels and facilities under their jurisdiction. All Federal agencies, therefore, are responsible for designating the office that coordinates response to such incidents in accordance with the NCP and other applicable Federal regulations and guidelines.

For releases of hazardous substances, pollutants, or contaminants which are on, or the sole source of the release is from, any facility or vessel under the jurisdiction, custody or control of DOD or DOE. DOD or DOE shall provide OSCs/RPMs for taking all response actions. In the case of a Federal agency other than EPA, DOD, or DOE, such agencies shall provide OSCs for all removal actions that are not emergencies.

In the event DOD (including the Department of the Army) or DOE provides the OSC for removal operations in response to an off-post/off-site or potential off-post/off-site release, the OSC may request the EPA Co-chair to provide support by facilitating OSC/RRT coordination and communication. Decisions regarding RRT agencies support would, however, be made as usual by the OSC. DOD will be the removal response authority with respect to incidents involving DOD military weapons and munitions or weapons and munitions under the jurisdiction, custody, or control of DOD.

EPA OSCs may be requested to provide technical assistance to the Federal lead agency OSC who is responding to the releases or threatened release. In the event of a “classic emergency” on Federal agency property, other than DOD or DOE, EPA retains response authority and EPA OSCs may respond and later initiate cost recovery actions against the PRP. “Lead agency” means the Federal agency that provides the OSC to plan and implement response action under the NCP. EPA, USCG, another Federal agency, or a State (or political subdivision of a State) operating pursuant to a contract or cooperative agreement executed pursuant to Section 104(d)(1) of CERCLA, or designated pursuant to a Superfund Memorandum of Agreement entered into pursuant to Subpart F of the NCP or other agreements, may be the lead agency for a response action.

Under the Nuclear/Radiological Incident Annex to the NRF and the Federal Radiological Emergency Response Plan (FRERP), for off-site radiological releases from Federal facilities, DOE will coordinate the Federal radiation monitoring activities during the emergency phase (first few days).

Then EPA assumes this responsibility from DOE during the intermediate and long-term phase of assessment and monitoring (week to months). This hand-off will be negotiated between the two agencies. If the incident is severe, the long-term phase could extend beyond one year. EPA response will involve emergency-response-trained individuals from the two national laboratories, located in Las Vegas, Nevada, and Montgomery, Alabama. The Lead Federal Agency handles on-site radiological releases under the Federal Radiological Emergency Response Plan (FRERP).

If CERCLA authority is used, the response action will be carried out in accordance with the NCP, and is limited to the cleanup of certain releases of radionuclides including sites containing man made radiation.

Responsible Party (RP) Policy

The RP has primary responsibility for cleanup of a discharge or release. The response shall be conducted in accordance with the RP's applicable response plan. Section 311(c)(3)(B) of CWA, 33 U.S.C. § 1321(c)(3)(B), requires an owner or operator of a facility participating in removal efforts to act in accordance with the NCP and the applicable response plan. Section 311(j)(5)(C) of CWA requires these response plans shall:

- be consistent with the requirements of the NCP and this Inland ACP;
- identify the qualified individual having full authority to implement removal actions, and require immediate communication between that individual and the appropriate Federal official and the persons providing personnel and equipment pursuant to clause iii;
- identify, and ensure by contract or other means approved by the President the availability of, private personnel and equipment necessary to remove to the maximum extent practicable a worst case discharge (including a discharge resulting from fire or explosion), and to mitigate or prevent a substantial threat of such a discharge;
- describe the training, equipment testing, periodic unannounced drills, and response actions of persons on the vessel or at the facility, to be carried out under the plan to ensure the safety of the vessel or the facility and to mitigate or prevent the discharge, or substantial threat of a discharge;
- be updated periodically; and
- be resubmitted for approval of each significant change. All owners or operators of a tank vessel or facility that are required by OPA to submit a response plan shall do so in accordance with applicable regulations. Facility and tank vessel response plan regulations, including plan requirements, are found in 33 C.F.R. § 154 and 40 C.F.R. § 112, respectively. Before approval, facility and vessel response plans shall be reviewed for consistency with this ACP.

As defined in OPA, each RP for a vessel or a facility from which oil is discharged, or which poses a substantial threat of a discharge, into or upon the navigable waters or adjoining shorelines or the Exclusive Economic Zone is liable for the removal costs and damages specified in Section 311(f) of CWA, 33 U.S.C. § 311(f).

Any removal activity undertaken by the RP must be consistent with the provisions of the NCP, ACP and the applicable response plan required by OPA. If directed by the OSC at any time during removal activities, the RP must act accordingly.

Actions to Lessen Impact

In accordance with Section 300.310 of the NCP, defensive actions should begin as soon as possible to prevent, minimize, or mitigate the threat to public health or welfare, or to the environment. Actions may include the following:

- Analysis of water samples to determine the source and spread of the contaminants;
- Control of the source of the discharge;
- Measurements and other sampling;
- Source and spread control or salvage operations;
- Placement of physical barriers to deter the spread of the discharge or to protect sensitive environmental or historic/cultural resources through coordination with resource agency specialists;
- Control of the water discharged from upstream impoundments; and

- If approved, the use of chemicals and other materials to restrain the spread of the discharge and mitigate its effects, in accordance with the NCP and RCP.

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

Removal Actions

Selection of appropriate protection, recovery, and cleanup techniques prior to and following a release, spill, or discharge is a critical element affecting the ultimate environmental impact. To choose those techniques that most effectively prevent or minimize adverse ecological impact, it is important to identify techniques that have minimal intrinsic ecological impacts and are effective in minimizing the impact of the discharged substance.

Furthermore, it is important these response techniques be pre-planned so that, in the event of a release, spill, or discharge, minimal time will be spent preparing for the response. As previously stated, for oil spills, the OSC differentiates incidents of substantial threat versus incidents of lesser impact, directs response efforts, and coordinates all other efforts at the scene of a discharge. As part of this effort, and following notifications as described in Section 300.300, the OSC should:

- Collect information about the discharge, including source and cause;
- Identify responsible parties;
- Obtain technical data, including amount, exposure pathways, and time of travel;
- Determine potential impact on human health and the environment;
- Determine whether the spill/discharge poses a substantial threat;
- Assess impact on natural or historic/cultural resources and other property;
- Determine protection priorities; and
- Document costs.

OSCs shall consult with the natural resource trustees and appropriate local, tribal, state, and federal response agencies on all removal actions. OSCs may designate capable persons from local, state, or federal agencies to act as their on-scene representatives. FEMA should be notified of all potential major disaster situations.

Properly trained volunteers may be used during an incident for such duties as logistical support and bird and wildlife rehabilitation. Such use of volunteers must, however, be approved by the appropriate state, federal, and Native American fish and wildlife officials. Unless specifically requested by the OSC, these volunteers generally should not be used for physical removal or mitigative activities. If, in the judgment of the OSC, dangerous conditions exist, these volunteers shall be restricted from on-scene operations. See Annexes 33 and 49 for more information on the use of volunteers.

All removal actions shall be conducted in accordance with the NCP. Hazardous substances and oil recovered in cleanup operations and contaminated materials shall be disposed of in accordance with the Waste Management section of the Inland ACP and local contingency plans.

Decontamination

Personnel responding to hazardous substance incidents may become contaminated in a number of ways, including contacting vapors, gases, or particulates in the air; being splashed by materials while sampling or opening containers; walking through puddles of liquids or on contaminated soil; or through using contaminated instruments or equipment.

Decontamination consists of physically removing contaminants or changing their chemical nature to innocuous substances. The extent of decontamination required depends on a number of factors, the most important being the type of contaminants involved.

A decontamination plan should be developed as part of the safety plan for an emergency response. The initial decontamination plan is based on a worst-case situation or assumes no information is available about the incident.

Specific conditions (e.g., type of contaminant, amount of contamination, levels of protection required, and type of protective clothing to be worn) are then evaluated, and the initial decontamination plan is modified to adapt as new information about site conditions becomes available. All materials and equipment used for decontamination must be disposed of properly.

In addition to routine decontamination procedures, emergency decontamination procedures must be established. In an emergency, the primary concern is to prevent the loss of life or severe injury to site personnel. If immediate medical treatment is required to save a life, decontamination should be delayed until the victim is stabilized.

If decontamination can be performed without interfering with essential life-saving techniques or first aid, or if a worker has been contaminated with an extremely toxic or corrosive material that could cause severe injury or loss of life, decontamination must be performed immediately. During an emergency, provision must also be made for protecting medical personnel and disposing of contaminated clothing and equipment.

The OSC is responsible for addressing worker health and safety concerns at a response scene, in accordance with 40 CFR Section 300.150.

Non-Responder Medical Needs

Population Protective Actions

Protective actions for human populations are either shelter in place, evacuation, or some combination of the two (e.g., evacuate the general population, but shelter bedridden patients, jail populations, etc.).

The Agency for Toxic Substances and Disease Registry (ATSDR)/DHHS paper titled “Shelter-In-Place: Planning and Implementation” describes when shelter-in-place is an appropriate response, when other options should be implemented, how and when sheltering should be implemented, and how and when sheltering should stop.

Waste Management

State Disposal and Management

Although the 1992 40 CFR Part 279 waste disposal rules are not all immediately applicable region-wide, individual states can enforce the rules as a matter of state law. In addition, some states may prohibit the land disposal of oils.

Federal Disposal - Hazardous Materials

In order to ensure proper treatment and disposal of hazardous substances recovered from CERCLA emergency response or removal sites, Section 300.65 of the NCP requires off-site transport of hazardous substances use only transportation operating under appropriate federal or state permits or authorization.

Hazardous substances removed from such sites may be transferred only to facilities that are operating in compliance with RCRA, TSCA, and all applicable state requirements.

These requirements also preclude the use of disposal units that have releases of hazardous wastes or hazardous constituents or facilities that have releases that have not been addressed by corrective action.

The OSC should coordinate closely with the regional RCRA off-site coordinator, TSCA personnel, and the state, as appropriate.

Federal Management - Oil

The NCP, Appendix E to Part 300, Oil Spill Response, Section 5.4, states oil recovered in cleanup operations shall be disposed of in accordance with the RCP, ACP, and any applicable laws, regulations, or requirements.

Recovered oil may be transported to the RPs facility to evaluate the quality of the oil, upon approval of regulatory agencies. If the oil quality is acceptable, the recovered product may be shipped to a refinery or other recycling facility for processing. If the oil quality is not acceptable, other options for oil processing and recycling will be evaluated.

The RRT may identify the disposal procedures to be followed during an oil spill response and may address: the sampling, testing, and classifying of recovered oil and oily debris; the segregation and stockpiling of recovered oil and oily debris; state disposal approvals and permits required prior to disposition; and the routes, methods (e.g., recycle/reuse, on-site burning, incineration, landfilling, etc.), and sites for the disposal of collected oil, oily debris, and animal carcasses.

The Solid Waste Disposal Act (SWDA) as amended by the Used Oil Recycling Act (1980) and the Hazardous and Solid Waste Amendments (HSWA) (1984) provide the statutory authority for RCRA as amended regulations applying to recovered oils and oily wastes.

In 1992, EPA promulgated new used oil regulations in 40 CFR Part 279; these regulations incorporate the old used oil fuel requirements formerly codified in 40 CFR 266, Subpart E (1986 - 1992 CFRs). The new used oil management standards in 40 CFR Part 279 apply only to “used oil,” defined as any oil that has been refined from crude oil, used, and, as a result of such use, contaminated by physical and chemical impurities.

If used oil is destined for disposal, the 40 CFR Part 279 regulations reference the RCRA hazardous waste management standards. Mixtures of waste oil (i.e., spilled, unused product oils) and used oil are regulated as used oil. Waste oil and oily wastes are subject to the hazardous waste management regulations in 40 CFR Parts 124, 260-266, 268, and 270.

Non-hazardous used oil may be disposed of in an industrial or a municipal solid waste landfill (each state may have additional, more stringent requirements), in accordance with 40 CFR 257 and 258. It is federal policy to recycle waste and used oils rather than dispose of them.

Under the pre-1992 used oil regulations, used oil destined for recycling (in any way other than burning for energy recovery) is exempt from regulation as a hazardous waste. The 1992 used oil management standards do address all recycling activities. Recycling of waste oils and oily wastes is addressed by applicable hazardous waste management regulations.

Determining which used oil regulations apply to a particular spill is complicated by EPA’s use of different statutory authority for the pre-1992 used oil fuel regulations than for the September 10, 1992, used oil management standards. The pre-1992 used oil regulations are federally enforceable requirements in all EPA Region 6 states.

The 1992 used oil management standards will become federally enforceable requirements as the individual states promulgate the regulations and become authorized for them. The relationship between 40 CFR 266 Subpart E and 40 CFR Part 279 was clarified in a May 3, 1993, Federal Register (FR) final rule (58 FR 26420-26426). Call the EPA RCRA Hotline at (800) 424-9346 for answers to spill cleanup questions.

§ 300.136 Transition of OSCs

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

Regardless of the circumstances that necessitate a transition from one jurisdiction to another clear and effective communication between the incoming and outgoing OSC is essential to an efficient and safe response. At a minimum, the transition period should at least one operational period and one complete planning cycle so the incoming OSC is thoroughly briefed on all aspects of the response operation.

Every effort must be made to share all pertinent information during this briefing period. The transition from one OSC to another should not be considered complete until the on-coming OSC acknowledges they are comfortable and the transition is documented.

This exchange of information could involve multiple issues and various amounts of detail, depending on the complexity of the spill. It should include, but is not limited to:

- Current Situation
 - Status of the source & spill
 - Review of the IAP & Site Safety Plan
 - Review of Site Communications
 - Discuss Resources En-route & On-Scene
- Organizational Structure
 - Unified Command & RP Representation
 - ICS Org Chart Review
 - Schedule of Meetings
- Site Visit & Walk Thru
- Spill Investigation / Legal Issues
 - Cause of Spill
 - Investigation & Evidence
- Notifications
 - What notifications have been made?



- Stakeholders? Tribes?
- Local Issues & Economics?
- Wildlife & Environment
- Wildlife Impact Issues
- Endangered Species
- Environmental Sensitive Areas
- Public Affairs & Media

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

§ 300.140 Multi-Regional Responses

During a multi-regional response, oil discharges or releases of hazardous substances that occur within Region 6 may originate in or affect EPA Region 4 (Mississippi, Kentucky, Tennessee), EPA Region 7 (Kansas, Missouri), EPA Region 8 (Colorado, Wyoming), EPA Region 9 (Arizona, Utah) or the 8th USCG District.

The lead region or district responsibility will be based on the location of the origin of the discharge or release. In very limited instances, the lead agency for an area impacted more than the originating area may become the lead agency, upon agreement by both agencies.

Region 6 will use this Inland ACP to coordinate response efforts when response to oil discharges or releases of hazardous substances is led by stakeholders listed in this plan. Response originating outside the region but impacting the Region 6 area will defer to the response lead. Localized response plans are covered in Section C.

§ 300.145 Special Teams and Other Assistance Available to OSCs

National Strike Force (NSF)

The NSF is a special team established by the USCG, including the three USCG Strike Teams, and the National Strike force Coordination Center (NSFCC). The NSF is available to assist OSCs in their preparedness and response duties.

The Gulf Strike Team (GST) provides trained personnel and specialized equipment to assist the OSC in training for spill response, stabilizing and containing the spill, and in monitoring or directing the response actions of the responsible parties and/or contractors.

The NSFCC can provide the following support to the OSC:

- Technical assistance, equipment and other resources to augment the OSC staff during spill response.
- Assistance in coordinating the use of private and public resources in support of the OSC during a response to or a threat of a worst case discharge of oil.
- Review of this Inland ACP, including an evaluation of equipment readiness and coordination among responsible public agencies and private organizations.
- Assistance in locating spill response resources for both response and planning, using the NSFCC's national and international computerized inventory of spill response resources.
- Coordination and evaluation of pollution response exercises.
- Inspection of district prepositioned pollution response equipment.

The Public Information Assistance Team (PIAT), which is now part of the national Incident Management Assistance Team (IMAT), which is available to assist OSCs to meet the demands for public information during a response or exercise. Its use is encouraged any time the OSC requires outside public affairs support. Requests for PIAT assistance may be made through the NSFCC or NRC.

NSFCC	Office (252) 331-6000	CDO (252) 267-3458
Gulf Strike Team	Office (251) 441-6601	CDO (251) 441-6601

Environmental Response Team (ERT)

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

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

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

An OSC request for ERT can be made directly to the ERT, through the appropriate EPA Regional official, or through the EPA Headquarters EOC. ERT Phone: (732) 321-6660 (24-hrs)

Scientific Support Coordinators (SSCs)

SSCs may be designated by the OSC as the principal advisors for scientific issues, communication with the scientific community, and coordination of requests for assistance from state and federal agencies regarding scientific studies. The SSC strives for a consensus on scientific issues affecting the response, but ensures differing opinions within the community are communicated to the OSC.

Generally, SSCs are provided by EPA for releases or discharges in the inland zone. OSC requests for SSC support can be made directly to the SSC assigned to the area.

During a response, the SSC serves on the federal OSC's staff and may, at the request of the OSC, lead the scientific team and be responsible for providing scientific support for operational decisions and for coordinating on-scene scientific activity. Depending on the nature and location of the incident, the SSC integrates expertise from governmental agencies, universities, community representatives, and industry to assist the OSC/RPM in evaluating the hazards and potential effects of releases and in developing response strategies.

At the request of the OSC, the SSC may facilitate the OSC's work with the lead administrative trustee for natural resources to ensure coordination between damage assessment data collection efforts and data collected in support of response operations.

U.S. Navy Supervisor of Salvage and Diving (SUPSALV)

SUPSALV has an extensive salvage/search and recovery equipment inventory with the requisite knowledge and expertise to support these operations, including specialized salvage, firefighting, and petroleum, oil and lubricants offloading capability.

SUPSALV can support the OSC with equipment for training exercises in support of regional contingency planning objectives.

The OSC may request assistance directly from SUPSALV. Formal requests are routed through the Chief of Naval Operations -- Phone: (202) 781-3889

The Navy Experimental Diving Unit provides a wide range of diving research and development capability. The reserve components provide critical support to SUPSALV in the areas of diving, salvage, towing, underwater ship husbandry and marine heavy lift.

The Salvage Operations Division handles ship salvage, towing, and marine heavy lift, deep ocean search and recovery, and oil spill control and recovery operations.

The Diving Program Division is responsible for setting diving policy, approving U.S. Navy Diving Equipment, and acquiring diver life support equipment for the Fleet.

The Diving Certification Division serves as the System Certification Authority for shipboard and portable hyperbaric systems.

The Underwater Ship Husbandry Division develops techniques, procedures, and equipment to perform ship repairs waterborne and conducts these repairs worldwide.

Radiological Emergency Response Teams (RERTs)

RERTs have been established by EPA's Office of Radiation Programs (ORP) to provide response and support for incidents or sites containing radiological hazards. Expertise is available in radiation monitoring, radionuclide analysis,

radiation health physics, and risk assessment. RERTs can provide on-site support including mobile monitoring laboratories for field analyses of samples and fixed laboratories for radiochemical sampling and analyses. Requests for support may be made 24 hours a day via the NRC or directly to the EPA Radiological Response Coordinator in the Office of Radiation Programs. Assistance is also available from DOE and other federal agencies. Radiological Emergency Response Team 24-Hr: (702) 784-8200.

Chemical, Biological, Radiological, and Nuclear Consequence Management Advisory Division (CMAD)

The CMAD, located in five geographic locations, provides 24/7 scientific and technical expertise to the OSC or response customer for all phases of consequence management, including sampling, decontamination, and clearance.

With a focus on operational preparedness, CBRN CMAD facilitates the transition of the latest science and technology to the field response community in order to provide tactical options for screening, sampling, monitoring, decontamination, clearance, waste management, and toxicological/exposure assessment during the decontamination of buildings or other structures in the event of an incident involving releases of radiological, biological, or chemical contaminants.

CMAD maintains critical partnerships with EPA's National Homeland Security Research Center and EPA's special teams, as well as other federal partners including the Department of Homeland Security (DHS), Federal Bureau of Investigation (FBI), Department of Defense (DOD), and Centers for Disease Control (CDC)/Health and Human Services (HHS), as well as international partners. CMAD 24 hour number: (202) 431-3146

The Airborne Spectral Photometric Environmental Collection Technology (ASPECT) is a small aircraft EPA uses to detect and gather chemical and radiological data to assist response agencies in the US. ASPECT uses a variety of sensors and cameras that can quickly collect data and information and provide it to emergency response teams. OSCs must go through the CMAD 24-hour number to request this asset. 24 hour number: (202) 431-3146.

ATSDR

ATSDR, the lead Federal agency for hazardous materials incidents, can provide the following experts for consultation and advice:

- Within 10 minutes - an emergency response coordinator;
- Within 20 minutes - a preliminary assessment team consisting of a toxicologist, chemist, environmental health scientist, physician, and other health personnel as required;
- Within 8 hours - an on-site response team (if the incident warrants).
- Contact the Region 6 ATSDR contacts to coordinate these assets.

Regional Incident Coordination Team (RICT)

During a significant regional incident involving an oil discharge or hazardous material release the RICT is available to the OSC and may provide assistance in response activities. The incident can be in response to a major oil or hazardous material event or any disaster or emergency situation caused by nature, technological event, or other incidents requiring Federal assistance. Activation of the RICT can be made by any member. Responsibilities of the RICT include, but are not limited to:

- Support to the EPA OSCs in managing response personnel and resources.
- Support to OSC's in terms of resources (personnel and equipment), expertise, and assistance.
- Advice on and resolution of any permit issues and disputes.
- Assistance with media or congressional inquiries, press conferences, and public meetings.
- Contracting and financial assistance.
- Prompt resolution of legal issues and site access problems.
- Providing monitoring, sampling, or analytical assistance when needed.
- Briefing and informing the Regional Administrator, the Regional Staff, EPA Headquarters and their respective division management on continuing and on-going activities associated with the response.

Superfund Technical Assessment and Response Team (START)

As a contractor to the EPA, START provides personnel, materials and equipment to augment response activities. In a spill situation, START personnel are under the direction of and provide support to the OSC. Specific science and technical activities include, but are not limited to:

- Collecting samples
- Providing analysis of samples at a USEPA contract lab or a non-contract lab, if necessary
- Providing data to identify the existence and extent of a release, the source and nature of the release and the extent of danger to the public
- Identifying personal safety requirements
- Monitoring cleanup personnel
- Evaluating disposal options
- Assisting in the assessment of the feasibility and effectiveness of containment, on-site treatment and removal options
- Performing surveillance activities
- Providing a member scientific support team

Emergency and Rapid Response Services (ERRS)

As a contractor to the EPA ERRS provides response services for emergency, time critical and non-time critical removal actions and early/interim remedial actions involving the releases of hazardous substances, oil and other contaminants or pollutants at the direction of the OSC. ERRS provides equipment, personnel and other necessary items to serve in a support role rather than an advisory role, although they can provide input to assist the OSC in making decisions.

§ 300.150 Worker Health and Safety

The EPA's and OSHA's protection standards for workers (1910.120) implement Section 126 of Title I of the SARA of 1986. Title I directs OSHA and EPA to publish regulations to ensure the health and safety of all workers potentially exposed to the risks present during hazardous waste operations and emergency response.

The Worker Protection Standards apply to employers whose employees are engaged in hazardous waste operations and emergency response.

The OSHA regulations apply directly to all Federal and private employees in States without OSHA-approved plans (based on definition under the Occupational Safety and Health Act). New Mexico has developed and implemented an OSHA-approved plan, thus New Mexico implements and enforces OSHA health and safety standards for State, local and private employees. The EPA's workers-protection regulations (40 CFR 311) cover State and Local government employees without OSHA-approved plans.

Additionally, response actions under the NCP will comply with the provisions for response action worker safety and health in 29 CFR 1910.120. In a response action taken by an RP, the RP must assure an occupational safety and health program consistent with 29 CFR 1910.120 is in place for protection of workers at a response site.

When a State, or political subdivision of a State, without an OSHA-approved State plan is the lead agency for a response, the State or political subdivision must comply with standards in 40 CFR Part 311, promulgated by the EPA pursuant to Section 126(f) of SARA. In Region 6, New Mexico is the only State with an OSHA-approved State plan.

The OSC will consult with the site safety coordinator and/or OSHA to ensure:

- The safety of all response personnel on scene, including private contractors;
- The potential hazards to health and safety be identified and communicated in all response operations; and
- Compliance with EPA and OSHA requirements, including training requirements.

§ 300.155 Public Information and Community Relations

The OSC may request a public information specialist to handle media and community relations. The NCP (300.415) requires preparation of a community relations plan in certain circumstances. Public information coordination through the Joint Information Center is described in Appendix H of the NRF ESF #10 Supplement.

At a minimum, there is a need to disseminate emergency public information and warning to the primary impacted areas and contiguous areas. Depending on incident size, it may be necessary to respond to local, state, regional, national,

and international media regarding political, governmental, and individual inquiries about situational awareness, information sharing, and information gathering. OSCs may use an Information Collection Plan for a major oil spill or hazardous material incident, as well as the EPA Crisis Communication Plan and the EPA OSC website (www.epaosc.org) to disseminate information to other stakeholders or the public.

Information dissemination relating to natural resource damage assessment (NRDA) activities shall be coordinated through the lead administrative trustee. The lead administrative trustee may assist the OSC by disseminating information on issues relating to damage assessment activities.

§ 300.160 Documentation and Cost Recovery

Section 300.335 outlines the types of funds that may be available to remove certain oil and hazardous substance discharges. For releases of oil or hazardous substances, pollutants, or contaminants, the following provisions apply:

During all phases of response, the lead agency shall complete and maintain documentation to support all actions taken under the ACP and to form the basis for cost recovery. Overall, documentation shall be sufficient to provide the source and circumstances of the release, the identity of responsible parties, the response action taken, accurate accounting of Federal, State, or private party costs incurred for response actions, and impacts and potential impacts to the public health and welfare and the environment. Where applicable, documentation shall state when the NRC received notification of a release of oil or discharge of a reportable quantity.

The information and reports obtained by the lead agency for OSLTF-financed response actions shall, as appropriate, be transmitted to the NPFC. Copies can then be forwarded to the NRT, members of the RRT, and others, as appropriate.

The lead agency shall make available to the trustees of affected natural resources information and documentation that can assist the trustees in the determination of actual or potential natural resource damages. Response actions undertaken by the participating agencies shall be carried out under existing programs and authorities when available. Federal agencies are to make resources available, expend funds, or participate in response to discharges and releases under their existing authority. Further funding provisions for discharges of oil are described in 300.335.

Documentation and financial management under ESF #10 shall be consistent with the Financial Management Annex of the NRF and other provisions contained in this ACP.

Finance

The person or persons responsible for discharges or releases are liable for costs of cleanup. The OSC shall attempt to have the party responsible for the discharge or release voluntarily assume responsibility for containment, removal, and disposal operations.

If the OSC determines the responsible party has caused the discharge of oil or release of hazardous substances, the OSC may initiate appropriate response actions established by OPA, CWA, or CERCLA. Action will be initiated by the agency administering the funding mechanism to recover such expenditures from the party responsible for the discharge, if known. The OSC may also issue an Administrative Order, either by consent or unilaterally, to require financially viable responsible parties to conduct the removal action.

All incidents requiring funding must be screened by category: CWA Section 311(k) for oil only and CERCLA for any release or threat of release of a hazardous material as defined by CERCLA.

An EPA and USCG headquarters agreement states that response to any potentially hazardous material that is an oil and hazardous materials mixture shall be CERCLA-funded.

§ 300.165 OSC Reports

As requested by the NRT or RRT, the OSC shall submit to the NRT or RRT a complete report on the removal operation and the actions taken. The RRT shall review the OSC report and send to the NRT a copy of the OSC report with its comments or recommendations within 30 days after the RRT has received the OSC report.

The OSC report shall record the situation as it developed, the actions taken, the resources committed, and the problems encountered.

OSC reports should be prepared for all major response actions to document lessons learned from the perspective of the OSC and others the OSC has surveyed to enhance the report with a broader perspective. This should be considered an important mechanism for documenting and sharing information on lessons learned within the OSC's organization as well as with others in the response community.

The lessons learned can be used as a basis for making positive changes and improvements in emergency prevention, preparedness, planning, response and recovery.

§ 300.170 Federal Agency Participation

Federal agencies listed in 300.175 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 restoration, rehabilitation, replacement, or acquisition of equivalent natural resources injured or lost as a result of such discharge or release as described in Subpart G of the NCP.

The NRT, RRT, and Area Committee organizational structure, and the NCP, RCPs and ACPs, described in 300.210 of this inland ACP, provide for agencies to coordinate with each other in carrying out these duties. Specifically, Federal member agency responsibilities include:

- Assisting the RRT and OSCs in formulating Region 6's ACP;
- Informing the RRT of changes in the availability of their respective response resources;
- Reporting discharges and releases from facilities or vessels under their jurisdiction or control. Additional Federal agency responsibilities are described in Section 300.170 of the NCP and in the NRF and ESF #10 Support Annex.

§ 300.175 Federal Agencies: Additional Responsibilities and Assistance

During preparedness planning or in an actual response, various federal agencies may be called upon to provide assistance in their respective areas of expertise, consistent with agency legal authorities and capabilities. The federal agencies include:

- Environmental Protection Agency
- DHS/United States Coast Guard
- DHS/Federal Emergency Management Agency
- Department of Defense
 - United States Army Corps of Engineers
 - U.S. Navy Supervisor of Salvage (SUPSALV)
- Department of Energy
- United States Department of Agriculture
 - Forest Service
 - Agriculture Research Service
 - Natural Resource Conservation Service
 - Animal and Plant Health Inspection Service
 - Food Safety and Inspection Service
- National Oceanic and Atmospheric Administration, a division of DOC
- Department of Health and Human Services
 - Public Health Service
 - Agency for Toxic Substances and Disease Registry
 - Centers for Disease Control
 - Indian Health Service
 - National Institutes of Health
 - National Institute for Environmental Health Sciences
- Department of the Interior
 - Bureau of Land Management
 - United States Fish and Wildlife Service

- o United States Geological Survey
- o Office of Surface Mining
- o National Park Service
- o Bureau of Reclamation
- o Bureau of Indian Affairs
- Department of Justice
- Department of Labor
 - o OSHA
- Department of State
- Nuclear Regulatory Commission
- General Services Administration

The RCP, Section X: Agency Representation: OSC Assistance During a Response, (Annex 42 and Volume 1 of the Regional Compendium of Plans) details the types of assistance which federal agencies may provide to an OSC during response activities.

§ 300.180 State, Tribal, and Local Participation in Response

Each governor is requested to designate a lead state agency that will coordinate state-lead response operations. That agency is responsible for designating the state's representative to the RRT and the state's OSCs. The state's representative may participate fully in all activities of the RRT.

The lead state agency is responsible for communicating and coordinating with other state agencies as appropriate. The lead state agency will also act as liaison with lead agencies of local government.

On tribal lands, the Tribe will act as the liaison between federal, state, and local governments.

Local governments are invited to participate in activities on the RRT as may be arranged by the state's representative.

State and Local government agencies are expected to develop contingency plans that are consistent with the NCP and this ACP.

State and Local representatives will be encouraged, along with Federal representatives, to actively participate in the development of appropriate sub-area plans that are consistent with contingency plans developed by LEPCs, as required under EPCRA.

Federal, State, tribal and local officials will continually work together to improve the coordination of efforts during responses to discharges of oil or releases of hazardous substances. As spelled out in the Region 6 RCP, during a specific incident, the lead state agency shall take the following actions as appropriate:

- Notify downstream water users (municipal, industrial and agricultural) of all discharges and releases that may threaten them;
- Notify and coordinate with other State and Local agencies, including State trustees for Natural Resources (300.605);
- Be jointly responsible with Local and Federal representatives for:
 - o Assisting in determining the degree of hazard of the discharge or release to public health and safety; and recommending possible mitigative actions; Providing security for all on-scene responders and equipment. This activity includes establishing local liaison with hospital, emergency services, and police personnel, and in restricting entrance by nonessential personnel to hazardous areas;
 - o Assisting in assessment of the environmental damage caused by the discharge or release;
 - o Arranging for use of disposal sites;
 - o Selecting disposal sites;
 - o Selecting transportation routes to disposal sites;
 - o Assuming responsibility for operation and maintenance of a site, if necessary and when no RP has been identified.

Within Region 6, the following state agencies participate on the RRT and in response activities under their own state emergency operations plan:

State of Arkansas

- Under the State Emergency Response Plan, the Arkansas Department of Environmental Quality (ADEQ) is the lead state agency for ESF-10 activities, and provides a representative to the RRT.
- The Arkansas Department of Emergency Management (ADEM) is a support agency for ESF-10 activities and provides the primary representative to the RRT.

State of Louisiana

- Under the State Emergency Response Plan, ESF-10 has three primary responsible agencies. The Louisiana Oil Spill Coordinator's Office (LOSCO) is responsible for oil spill response and recovery and provides the primary representative to the RRT.
- The Louisiana State Police (LSP) is responsible for HAZMAT response and recovery and provides a representative to the RRT.
- The Department of Environmental Quality (LDEQ) is responsible for incidents involving radioactive substances and provides the primary representative to the RRT.

State of New Mexico

- Under the State Emergency Response Plan, the New Mexico Environmental Department (NMED) is the lead state agency for ESF-10 activities and provides the primary representative to the RRT.
- The New Mexico Department of Homeland Security and Emergency Management (NMHSEM) is a support agency for ESF-10 activities and provides a representative to the RRT.

State of Oklahoma

- Under the State Emergency Response Plan, the Oklahoma Department of Environmental Quality (ODEQ) is the lead state agency for ESF-10 activities and provides the primary representative to the RRT.
- Oklahoma Office of Emergency Management (OEM) is a support agency for ESF-10 activities and provides a representative to the RRT.

State of Texas

- Under the State Emergency Response Plan, ESF-10 has four primary agencies and one support agency. The Texas General Land Office (TGLO) is responsible for incidents involving state-owned lands, coastal oil spills, and onshore/offshore petroleum storage facilities, and provides the primary representative to the RRT.
- The Railroad Commission of Texas (TRRC) is responsible for incidents involving public safety or environmental threats such as spills or releases resulting from the exploration, development, and production of oil or geothermal resources, and provides the primary representative to the RRT.
- The Texas Department of State Health Services (TDSHS) is responsible for incidents involving radioactive materials.
- The Texas Commission on Environmental Quality (TCEQ) is responsible for incidents involving hazardous materials spill response, water quality, and dam safety, and provides the primary representative to the RRT.
- The Texas Division of Emergency Management (TDEM) is a support agency to ESF-10 responsibilities and provides a representative to the RRT.

Additional information on the State response programs can be found in **Section X: Agency Representation: OSC Assistance During a Response**, of the Region 6 RCP, which details the types of assistance which state agencies may provide to an OSC during response activities.

Natural Resources

State conservation departments, through their State's representative on the RRT, shall coordinate fish and wildlife preservation measures.

When necessary, the closing of areas to commercial and recreational fishing due to health hazards will be accomplished by the appropriate State agency.

Local Response

The focus of local responders is usually directed toward abating immediate public safety threats. The degree of local response will depend upon the training and capabilities of local responders relative to the needs of the specific emergency.

In some cases the need may be identifying the nature and scope of the hazard. This information is then passed on to state and federal responders who are activated to address the situation with specific expertise and/or capabilities.

Often local agencies take mitigating actions of a defensive nature to contain the incident and protect the public. In many instances, responsible parties or local agencies are capable of an aggressive response and quick abatement of immediate hazards. In these cases, local authorities usually rely on state and federal responders to ensure that cleanup is complete and remediation is technically sufficient.

A major role of local organizations during all emergency incidents is to provide security for all on-scene forces and equipment. For large incidents, help is often requested through the state emergency management agencies. Activities include establishing local liaison with hospital, emergency services, and police personnel, as well as restricting entrance to hazardous areas to all but essential personnel.

Coordination with the local governmental organizations of counties, cities, or towns is especially important for traffic control, land access, and disposal of oil or hazardous materials removed during response operations.

Landowners are also encouraged to participate in planning and response. Landowners are a valuable resource due to their local knowledge. The landowner, to the extent practical and based on the OSC's judgment, may be included in the planning and response activities, under direction of the OSC.

Landowners who provide access to or are affected by a release, spill, or discharge have jurisdiction over their lands, and warrant special consideration by the responding agency or unified command. In the event an incident poses, or has the potential to pose, an imminent threat to human health or the environment, it is in the best interest of the landowner to provide access to an OSC.

Local Emergency Planning Committees

The LEPCs are responsible for the development and maintenance of local emergency response plans in accordance with EPCRA, Sections 301 to 303. The LEPCs' membership includes various representatives from local governmental agencies, emergency responders, environmental groups, and local industry.

The emergency plans developed by these groups must include: the identity and location of hazardous materials; procedures for immediate response to a chemical accident; ways to notify members of the public of actions they must take in the event of a discharge or release; names of coordinators at plants; and schedules for testing the plan.

The local emergency response plan must be reviewed by the SERC. The RRTs may review the plans and provide assistance if the SERC or LEPC makes such a request. Federal contingency plans provide for coordination with local governments.

§ 300.185 Non-Governmental Participation

The NRT's Use of Volunteers Guidelines for Oil Spills guides the use of volunteers during a release. While 31 USC 1342 normally prohibits EPA and USCG personnel from accepting an offer of volunteer services, a large oil spill that threatens the inland waters of the United States may qualify as an emergency, and thus allow federal government personnel to accept voluntary services.

The NCP requires the OSC to identify uses of volunteers during response actions in ways which should generally not involve physical removal or remedial activities. Suggested alternative duties are as follows:

- Wildlife Cleanup
- Construction
- Crowd Control
- Administrative / Logistical Work
- Community Liaison
- Public Relations

OSHA regulations require specific initial training of workers prior to their engagement in hazardous waste operations or emergency response that could cause exposure to safety and health hazards. In 2010, the Corporation for National and Community Service entered into a MOU with the USGS and the EPA. Refer to the attached MOU in Annex 49.

Industry groups, academic organizations, and others are encouraged to commit resources for response operations.

This plan anticipates and encourages representation from industry, landowners, volunteer groups, and other stakeholders.

Non-governmental participants will have an ex-officio role on the Area Committee. Any wildlife rescue and rehabilitation will be directed by the affected State's natural resource trustee and the U. S. Fish & Wildlife Service (USFWS).

SECTION C -- PLANNING AND PREPAREDNESS

§ 300.200 General

The RRT and Area Committee serve as a planning and preparedness bodies to support the OSC and are encouraged to include membership from Federal, State, tribal, and local governments and private entities (as ex-officio members). The Area Committee is not a response-support body and is not required to participate in response efforts, but its members should have knowledge of response procedures.

National Response System

The National Response System (NRS) coordinates all government agencies with responsibility for human health and environmental protection in a focused response strategy for the immediate and effective cleanup of an oil or hazardous substance spill. It is a three tiered federal response and preparedness system that supports the pre-designated OSC and SOSOC in coordinating national, regional, state, tribal, and local government agencies, industry, and the responsible party during a response.

The three tiers are the NRT, RRT, and the OSC. The NRS is described in the NCP (40 CFR 300). The NRS does not remove the primary responsibility of initiating and completing a proper response by the responsible party. The NRS is used for all releases, spills or other incidents (explosions, fires, etc). When appropriate, the NRS is designed to incorporate a unified command and control support mechanism consisting of the OSC, the SOSOC, and the Responsible Party's Incident Manager and, when appropriate, tribal and local representatives.

National Response Team

The NRT consists of 16 federal agencies with responsibilities, interests, and expertise in various aspects of emergency response to pollution incidents. The EPA serves as chair and the Coast Guard as vice-chair of the NRT, except when activated for a specific incident, when the lead response agency representative serves as chair. The NRT is primarily a national planning, policy and coordination body and does not respond directly to incidents.

The NRT provides policy guidance prior to an incident and assistance as requested by an OSC via an RRT during an incident. NRT assistance usually takes the form of technical advice, access to additional resources/equipment, or coordination with other RRTs.

Regional Response Teams

There are 13 RRTs, one for each of the ten federal regions and Alaska, the Caribbean and the Pacific Basin. Each RRT has federal and state representation. EPA and the Coast Guard co-chair the RRTs. RRTs are planning, policy, and coordinating bodies, and may be activated during a major incident to assist the OSC with resources. The RRT operating in Region 6 has agreed to use this Inland ACP as part of the overall planning for the Region, which also includes the RCP, coastal ACPs, and supporting documentation.

They also provide guidance support and approval for pursuing certain response strategies.

The role of an incident-specific RRT is determined by the operational requirements of the response. An incident-specific RRT may be activated when the response exceeds the capabilities of the Area where it occurs, transects state boundaries, or may pose a substantial threat to public health or welfare or the environment.

An incident-specific RRT may also be activated upon a request by the FOSC or any RRT representative. Generally, the RRT may be used to assist the OSC in obtaining additional federal resources. If the assistance requested by a FOSC exceeds an RRT's capability, the RRT may request assistance from the NRT.

During an incident the RRT may either be alerted by telephone or convened. Activation procedures for RRT6 may be found in the RCP. The incident-specific RRT may also monitor and evaluate reports from the FOSC, advise the OSC on the duration and extent of the response, recommend specific actions related to the response, assist the OSC in preparing information for the public, and, if necessary, recommend the appointment of a different OSC for the response.

For situations not addressed by preauthorization plans, the EPA RRT representative may authorize the use of products listed on the NCP Product Schedule or burning agents. As appropriate, this authorization should be given with the concurrence of the affected state(s) and in consultation with DOI and DOC. It should be noted an OSC may authorize the

use of an NCP Product Schedule substance without the concurrence of the EPA RRT representative when the use of the product is necessary to prevent or substantially reduce a hazard to human life.

Area Response Structure

The Region 6 RRT member agencies have adopted and will manage spill incidents according to the following principles:

- Incident Command System. The signatory agencies will use the National Incident Management System (NIMS) model ICS;
- Unified Incident Command. When more than one of the signatory agencies arrive on-scene to participate in managing a response action, the agencies will utilize a unified command structure to jointly manage the spill incident. In the UC, whenever possible, decisions with regard to the response will be made by consensus and documented through a single Incident Action Plan (IAP). When a consensus cannot be reached, the OSC has the ultimate decision-making authority;
- Unified Area Command. For very large single incidents or multiple, simultaneous incidents involving a large number of resources and/or impacting a large geographic area, a Unified Area Command may be established. The Unified Area Command has the responsibility to: set overall incident-related objectives and priorities, allocate critical resources based on those priorities, ensure the incident/incidents are properly managed, and ensure incident objectives are met and do not conflict with each other. The Unified Area Command has overall responsibility for setting response priorities and objectives, which are then carried out by field Incident Command System/Unified Command (ICS/UC) organization(s);
- Tribal and Local Government On-Scene Coordinators. The unified command may incorporate additional tribal or local government on scene coordinators into the command structure as appropriate;
- Responsible Party Command Structure. The person or persons responsible for a spill incident shall utilize an incident command system, which is capable of rapidly, and readily integrating into the NIMS based ICS/UC organization utilized by the RRT members; and
- Response Plan Approval. The (NCP 40 CFR 300 requires vessel and facility response plans be compatible with the applicable Area Plan. Therefore, it is the policy of the Area Committee vessel and facility contingency plans be consistent with the ACP and RCP.

The unified incident command structure allows for a coordinated response, which takes into account the federal, state, tribal, local and responsible party concerns and interests when implementing the response strategy. The FOSC has the ultimate authority in a response operation and will exert this authority only if the other members of the unified incident command are not present or are unable to reach consensus quickly.

During responses to oil and hazardous substance releases or spills, local agencies may be involved as part of the UC, and may provide agency representatives who interface with the command structure through the Liaison Officer or the SOSC. When a UC is used, an Incident Command Post (ICP) and Joint Information Center (JIC) shall be established. The ICP shall be as near as practicable to the spill site. All responders (federal, state, tribal, local, and private) should be incorporated into the response organization at the appropriate level.

Federal On-Scene Coordinators

The EPA Region 6 Emergency Response Program consists of emergency response OSCs located in the regional office in Dallas and Houston. The OSCs are responsible for determining the source, cause, and responsible party, as well as initiating source control and enforcement actions as appropriate.

Additional responsibilities include ensuring containment, cleanup and disposal are carried out adequately, notification of all Natural Resources Trustees, and coordination of activities with federal, state, tribal, and local agencies to monitor their performance.

EPA also has access to technical assistance contractors who can provide technical oversight and other resources at spills and uncontrolled hazardous waste sites. In some cases, EPA's technical assistance contractor may arrive on scene prior to the OSC. Prior to arrival of the EPA OSC, the EPA contractor will cooperate with on-site agencies but will take sole direction from the EPA OSC. EPA's contractor has technical response personnel and equipment located in Dallas, Houston, TX and Baton Rouge, LA.

EPA OSCs have access to all Federal Response Agencies as well as special response teams. EPA can deploy the Environment Response Team or the Radiological Emergency Response Team from Las Vegas, NV.

For list of Special Teams and Federal Response Agencies and their roles during an oil/hazmat incident, see Section 300.145.

§ 300.202 Statutory Guidance Federal

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 1980

Enacted by congress in 1980, CERCLA is also known as Superfund as defined by 42 U.S.C. 9601 et seq. Its purpose is to provide for liability, compensation, cleanup, and emergency response for hazardous substances or pollutants or contaminants (as defined by the statute) released into the environment and the cleanup of inactive hazardous waste disposal sites. Emergency and time critical actions for pollutants or contaminants may only be taken when these releases pose an imminent and substantial threat to human health or the environment.

The NCP, 40 CFR 300.415 outlines factors which shall be considered in determining the appropriateness of an emergency or time-critical response action. These factors include:

- Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;
- Actual or potential contamination of drinking water supplies or sensitive ecosystems;
- Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release;
- High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may pose a threat of release;
- Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;
- Threat of fire or explosion;
- The availability of other appropriate federal or state response mechanisms to respond to the release; and
- Other situations or factors that may pose threats to public health or welfare of the United States or the environment.

Federal Water Pollution Control Act (FWPCA), as amended by Clean Water Act (CWA), and Oil Pollution Act (OPA) 1990

As listed in 33 U.S.C. 1251 et seq., the objective of the Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. The goals of the Act include:

- The elimination of pollutants discharged into navigable waters;
- Attain water quality, which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and around those waters;
- Prohibits the discharge of toxic pollutants;
- Provides Federal financial assistance to construct publicly owned waste treatment works;
- Requires States to provide waste treatment management plans;
- Conducts research to develop technology in order to eliminate the discharge of pollutants into the navigable waters, waters of the contiguous zone, and the oceans; and
- Develop national policy for the control of non-point sources of pollution.

National Historic Preservation Act

This section discusses obligations required of state and federal responders to protect cultural and historic properties during an emergency response and procedures to follow to meet those obligations. For the OSC, this section adopts a national Programmatic Agreement on Protection of Historic Properties during Emergency Response under the NCP.

This section also describes the OSC responsibility to ensure historic properties are appropriately considered in planning for an emergency response

Responses Conducted Under NCP Authority

Overview

The National Historic Preservation Act (NHPA) of 1966 (Public Law 89-665) requires agencies using federal funds to identify, evaluate, and where significant, protect historic, archaeological, and traditional cultural properties.

This Act also authorized the National Register of Historic Places, expanding Federal recognition to historic properties of local and State significance. The National Park Service in the U.S. Department of the Interior administers both programs. Regulations for these programs are contained in 36 CFR Part 60, National Register of Historic Places, and 36 CFR Part 65, National Historic Landmarks Program.

Oil can contaminate archaeological, historic, and culturally sensitive resources. Such contamination can prevent carbon dating, damage the fragile artifacts, and make restoration and preservation extremely difficult or impossible. In addition, oil spill response activities (e.g., mechanical cleanup and staging area construction) can physically disturb or destroy artifacts and sites.

The primary contact for responders seeking information and expertise on local culturally sensitive areas is the State Archeologist in the SHPO for the state or the THPO for the affected tribal lands. It is important responders be aware of the types of archaeological, cultural, or historic materials they are likely to encounter while responding to an oil spill or hazardous materials release and they immediately notify the OSC/UC in the event these types of materials are discovered.

Resources are protected under Federal, Tribal, and State laws. In order to avoid any inadvertent impacts to cultural and historic resources, responders are required to utilize existing hardened access paths and paved areas when approaching shorelines and cleanup teams are to remain on beaches.

An OSC, as an agency representative, is required to follow the NHPA. Thus during a response, the OSC will need to identify, evaluate, and, where significant, protect historic, archaeological, and traditional cultural properties. Under the NHPA, the OSC is to protect property from (1) oil, hazardous substance, pollutant, or contaminate that has been spilled or released and (2) damage due to the response itself.

The NHPA was written for planned actions and does not adequately address federal actions under an emergency response. To fill that gap for environmental emergencies, the Advisory Council on Historic Preservation, the National Conference of SHPOs, and eight federal agencies, including the USCG and USEPA, developed and signed the Programmatic Agreement for Historic Properties (PA).

Note circumstances of a response may involve a THPO. Not all tribes have a formally designated THPO and the FOOSC may find him or herself consulting with a tribal representative on cultural issues instead. Wherever this document refers to a THPO, this also implies a tribal representative for those tribes with no THPO.

Before the PA can be used, an RRT needs to adopt the PA into their Regional or Area Contingency Plan (Section VII. C. of the PA). As such, the Region 6 RRT incorporates by reference the PA into the ACP. Subsequently, the adoption of the PA into the ACP will satisfy the USCG and USEPA OSC Section 106 responsibilities for all individual undertakings carried out in accordance with the PA and this Inland Plan as allowed under 36 CFR 800.14(b), the implementing regulations for the NHPA.

Defining Emergency Response

It is necessary to define the term, emergency response, because as stated in the title, the PA is an agreement on protection of historic properties during an emergency response under the NCP. An emergency response will conjure different meanings depending on the agency, program, or statute under which one operates. To begin, the PA states that, “an ‘emergency’ shall be deemed to exist whenever circumstances dictate a response action to a release or spill must be taken so expeditiously normal consideration of the Section 106 process is not reasonably practicable.”

Note “emergency response” is not defined in the NCP and instead all clean-ups of a discharge or a release are regarded as a removal whether an emergency or planned. A planned removal will follow the requirements under 36 CFR 800.

Nevertheless, the term, emergency response, is widely used to distinguish a planned response from an unplanned response for administrative purposes, particularly within the USEPA. With few exceptions, most oil responses under OPA are unplanned and are thus emergencies. The USCG deals almost exclusively with oil spills, and so almost all responses done by the USCG are emergencies. However, with hazardous substances responses under CERCLA, many are planned

and indeed require an Action Memorandum (approval and funding mechanism) before a removal can begin. These types of responses are clearly planned.

For the sake of clarity, the RRT grants the OSC the discretion to determine what is “reasonably practicable” in consultation with the SHPO. For consistency with FOSC practices, an emergency response will be a response done in the context of all oil spills and any hazardous substance release that does not require an action memorandum before initiating a removal. In these types of responses, normal consideration of the Section 106 process is deemed not reasonably practicable. However, this does not preclude following the Section 106 process, if the OSC determines in consultation with the SHPO conditions of the response allows for it.

In the context of this section, an emergency response shall be deemed complete using the same determination process as for a removal in the NCP under 40 CFR 300.320(b) – “Removal shall be considered complete when so determined by the OSC in consultation with the Governor or Governors of the affected states.”

Determining Presence of Historic Properties/Cultural Resources

The OSC must first determine if there are any historic properties or cultural resources to consider at an emergency response. Likely the OSC is not trained to recognize such properties or resources or they may be buried and not visible. The OSC should begin from the position the emergency response emergency response location contains historic properties and cultural resources.

By initially notifying the SHPO/THPO, the OSC can be more assured the status of the location in which they are responding. While the FOSC may be given the “all clear” from the SHPO/THPO, he or she should proceed cautiously especially if the response involves excavations.

The bottom line is the OSC cannot go wrong with notifying the SHPO/THPO on any and all ERs but could go wrong by not doing so. SHPO/THPOs can help the OSC by monitoring NRC E-mails for any potential concerns. One can apply to the NRC to be put on their E-mail notification. SHPOs should note EPA and USCG do not respond to all NRC notifications and can verify if an OSC was dispatched by calling the phone duty officer.

OSC Obligations

Guiding Principle – The OSC will give appropriate consideration of historic properties and cultural resources within the meaning of the NHPA during an emergency response.

Once the OSC has determined the location involves historic properties or cultural resources, the OSC will consult with the SHPO/THPO in order to make informed decisions. By means identified in this ACP, the OSC will inform the SHPO/THPO of location and nature of the emergency response and actions to take place for all emergency responses to which the OSC responds. The SHPO/THPO can respond by telephone or in person.

The OSC may make emergency response decisions that adversely affect historic properties but those decisions must be informed decisions that take historic property information into account prior to authorizing actions that might affect such property. An informed decision is one in which the OSC has:

- notified, consulted, and taken into account comments of the SHPO, Federal land-managing agencies and Tribes
- consulted with a Historic Properties Specialist
- reviewed cultural information contained for the area
- determined a categorical exclusion applies

The OSC will notify the SHPO/THPO when an emergency response has been completed. Where an emergency response decision has adversely affected historic properties, the OSC will consult and discuss restoration and mitigation options with the SHPO or THPO.

Cultural and Historic Property Specialist

Activating a historic property specialist is an important decision that should be made in consultation with the SHPO/THPO. The size and complexity of response and the degree to which a historic property is involved may warrant one or more specialists. Note any action adversely affects historic property without having activated a historic property specialist against the recommendation of the SHPO/THPO during the consultation process may be considered an uninformed decision and inconsistent with the Inland ACP.

Under ICS, the Historic/Cultural Resource Specialist would be placed in the Environmental Unit within the Planning Section. This position is the Historical/Cultural Resources Technical Specialist in the USCG Incident Management Handbook and the Historical/Cultural Resources Specialist in the USEPA Incident Management Handbook. The Specialist will coordinate with the SHPO/THPO on behalf of the OSC on technical matters. But inherently governmental decisions are made by the OSC.

If the SHPO or THPO physically responds to an incident or visits the Incident Command Post, their stay would typically be short-term in nature, meant to assess the situation and, as needed, provide advice to the OSC. The SHPO/THPO should not serve in the Unified Command as a Historic/Cultural Resource Specialist since that person reports to the OSC, and the OSC consults with the SHPO/THPO. Even if the response is PRP-lead, the obligation to meet the Section 106 requirements of NHPA remains with the FOSC in Unified Command.

Endangered Species Act

Oil spill or hazardous substance release response actions may impact species listed as "endangered" or "threatened" under the Endangered Species Act (ESA), 50 CFR 402.02, and, in accordance with section 7 of the ESA, Federal agencies must consult with the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries) and/or the U.S. Fish and Wildlife Service (USFWS) on activities that may affect a listed species. The FOSC is responsible for initiating consultation. In 2001, the USCG, the EPA, the DOI Office of Environmental Policy and Compliance and USFWS, and the NOAA Fisheries and National Ocean Service (NOS) signed an Interagency Memorandum of Agreement (MOA) regarding Oil Spill Planning and Response Activities under the FWPCA's NCP and the ESA.

In the MOA, NOAA Fisheries and USFWS determined oil spill response activities qualify as an emergency action as defined by regulations implementing the ESA in 50 CFR 402.02. NOAA Fisheries and USFWS have developed emergency consultation procedures to allow action agencies to incorporate endangered species concerns into emergency response activities. Emergency consultation is initiated with a telephone call to NOAA Fisheries or USFWS to describe the emergency response and seek recommendations on any measures that could be implemented during the response to reduce or avoid impacts to listed species. The paperwork associated with emergency consultation under the ESA is completed after the removal actions are finished. NOAA Fisheries and USFWS are ready to assist the FOSC comply with section 7 of the ESA, and the NOAA SSC and DOI Regional Environmental Officer can help identify appropriate ESA section 7 consultation contacts for their respective Departments.

Resource Conservation and Recovery Act (RCRA)

RCRA was enacted by congress as 42 U.S.C. 6901 et seq. The Congress declared it to be the national policy of the United States that, whenever feasible, the generation of hazardous waste is to be reduced or eliminated as expeditiously as possible. Waste that is nevertheless generated should be treated, stored, or disposed of so as to minimize the present and future threat to human health and the environment.

National Environmental Policy Act (NEPA)

As defined by 42 U.S.C. 4321 et seq., the purposes of this act are:

- To declare a national policy which will encourage productive and enjoyable harmony between man and his environment;
- To Promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man;
- To enrich the understanding of the ecological systems and natural resources important to the Nation; and
- To establish a Council on Environmental Quality.

National Responsible Party Policy

Under the FWPCA as amended by OPA90, the responsible party has primary responsibility for cleanup of a discharge. Per FWPCA Section 311 and OPA 90 Section 4201, an owner or operator of a tank vessel or facility

participating in removal efforts shall act in accordance with the NCP and the applicable response plan. FWPCA Section 311(j)(5)(C) as implemented by OPA 90 Section 4202 states these response plans shall:

- Be consistent with the requirements of the NCP and ACPs;
- Identify the qualified individual having full authority to implement removal actions, and require immediate communications between that individual and the appropriate Unified Command official and the persons providing personnel and equipment pursuant to this clause;
- Identify, and ensure by contract or other means approved by the President, the availability of private personnel and equipment necessary to remove to the maximum extent practicable a worst-case discharge (including a discharge resulting from fire or explosion), and to mitigate or prevent a substantial threat of such a discharge;
- Describe the training, equipment testing, periodic unannounced drills, and response actions of persons on the vessel or at the facility, to be carried out under the plan to ensure the safety of the vessel or facility and to mitigate or prevent the discharge, or the substantial threat of a discharge;
- Be updated periodically; and
- Be resubmitted for approval of each significant change.

Each owner or operator of a tank vessel or facility required by OPA to submit a response plan shall do so in accordance with applicable regulations. Facility and tank vessel response plan regulations, including plan requirements for the coastal zone, are located in 33 CFR Parts 154 and 155, respectively. Facility response plan regulations for the inland zone are located in 40 CFR Part 112.

Each responsible party for a vessel or a facility from which oil is discharged, or which poses a substantial threat of a discharge, into or upon the navigable waters, adjoining shorelines or the Exclusive Economic Zone of the United States, is liable for the removal costs and damages specified in Subsection (b) of Section 1002 of OPA. Any removal activity undertaken by a responsible party must be consistent with the provisions of the NCP, the RCP, the Region 6 ACP, and the applicable response plan required by OPA. If directed by the Unified Command at any time during removal activities, the responsible party must act accordingly.

§ 300.205 Planning and Coordination Structure

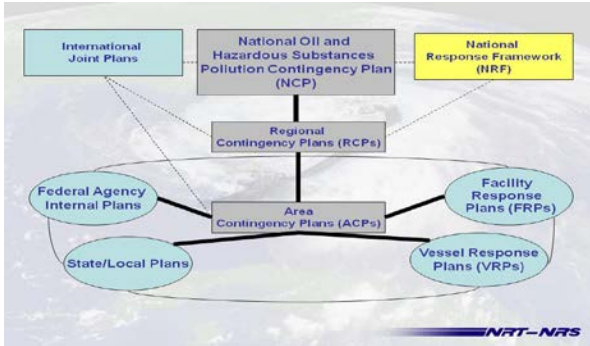
As described in 300.110, the NRT is responsible for national planning and coordination. As described in 300.115, the RRTs are responsible for regional planning and coordination. In addition, the EPA RRT Co-chair is responsible for the ESF-10 components of this plan. As required by section 311(j) of the CWA, under the direction of the federal OSC for its area, Area Committees comprising qualified personnel of federal, state, and local agencies shall be responsible for:

- Preparing an ACP for their areas – this inland ACP meets this requirement (as described in 300.210(c));
- Working with appropriate federal, state, and local officials to enhance the contingency planning of those officials and to assure pre-planning of joint response efforts, including appropriate procedures for mechanical recovery, dispersal, shoreline cleanup, protection of sensitive environmental areas, and protection, rescue, and rehabilitation of fisheries and wildlife; and
- Working with appropriate federal, state, and local officials to expedite decisions for the use of dispersants and other mitigating substances and devices.

Subsequent inland planning efforts may include sub-area/geographical response area planning for specific areas within the Standard Federal Region 6. As provided by sections 301 and 303 of EPCRA, the SERC of each state, appointed by the Governor, is to designate emergency planning districts, appoint LEPCs, supervise and coordinate their activities, and review local emergency response plans, which are described in 300.215. The SERC also is to establish procedures for receiving and processing requests from the public for information generated by EPCRA reporting requirements and to designate an official to serve as coordinator for information.

As provided by sections 301 and 303 of EPCRA, emergency planning districts are designated by the SERC in order to facilitate the preparation and implementation of emergency plans. Each LEPC is to prepare a local emergency response plan for the emergency planning district and establish procedures for receiving and processing requests from the public for information generated by EPCRA reporting requirements. The LEPC is to appoint a chair and establish rules for the

LEPC. The LEPC is to designate an official to serve as coordinator for information and designate in its plan a community emergency coordinator.



As required by section 311(j)(5) of the CWA, a tank vessel, as defined under section 2101 of title 46, U.S. Code, an offshore facility, and an onshore facility that, because of its location, could reasonably be expected to cause substantial harm to the environment by discharging into or on the navigable waters, adjoining shorelines, or exclusive economic zone must prepare and submit a plan for responding, to the maximum extent practicable, to a worst case discharge, and to a substantial threat of such a discharge, of oil or a hazardous substance.

National Hierarchy of Planning under the NRS

§ 300.210 Federal Contingency Plans

The NCP's Section 300.210 identifies three levels of Federal contingency plans for oil discharges and hazardous substance releases: National, Regional and Area. In Region 6, the RRT also serves as the Area Committee, and this ACP fulfills all NCP requirements for an ACP. As noted in Section 130.130, in the event of an incident requiring a coordinated Federal Response, the NRF may be activated.

Section 311(j)(4)(C)(i), of the CWA requires this ACP, when implemented in conjunction with the NCP, be adequate to remove a worst-case discharge (WCD). Region 6 determines a worst case discharge to involve ANY discharge or threat of a discharge in sufficient quantities to impact public health, welfare or the environment, where the parties responsible for the threat or discharge are unwilling or unable to perform the required response actions. This ACP regards a worst case discharge in an identical manner. An oil spill scenario that is applicable to Region 6 is provided in the following section. The formulation provides parameters for what may be a WCD. The information will be updated as more Facility Response Plans are received and as additional regulations are developed.

Oil Spill Scenario (Worst-Case)

Assumptions: In all cases, assume parties contributing to the spill are not or cannot take appropriate response action.

Hazard Assessment: Each State within Region 6 is unique, but they also share common concerns. By looking at the history of incidents (i.e., natural or technological accidents), the inevitable future occurrences can be better met. Understanding the community or surrounding area is crucial for proper planning. An industry that produces, uses, or stores oil may engender a high risk of a technological hazard to the community. Although the community may not be at risk, the facility may be close to or within a highly vulnerable area. For example, a facility may be near a fault line or along a river, or may be at risk due to nearby industrial or transportation activities. The hazard assessment should include facilities' potential impact on economically or environmentally sensitive areas.

Vulnerability Analysis: Particular points of environmental and economic sensitivity include, but are not limited to the Environmentally and Economically Sensitive Areas for Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, which are listed in Annex 25.

Seasonal/Geographic Considerations: Each State has the potential for widespread or localized flooding due to heavy rains, flooding caused by ice jams on major rivers, and tornados. The potential for disastrous earthquakes exists along the New Madrid Fault in northeast Arkansas.

Response Priorities

EPA Region 6, to further development of WCD scenarios, created a list of suggestions and checklists to provide quick access to critical information to assist facilities in formulating a WCD. This compilation is neither a textbook nor a substitute for training, qualified technical advice, or common sense.

It only addresses response to oil spills that could reach water. The following points should be considered when attempting to minimize the effects of an oil spill. Health and safety are the first priorities. Responders should be alert to:

- Fire and explosion potential from vapors at or near the spill site.
- Potential toxic effects are present from the spill and chemical countermeasures.

- Proper use of safety equipment.
- Hyperthermia, hypothermia, frostbite or sunburn.
- Small boat safety.
- Helicopter and aircraft safety.

Speed is essential in recovery efforts. Responders should keep in mind that:

- Oil spreads and drifts rapidly; delays will rapidly increase the area needing cleanup.
- If in situ burning is a desirable alternative and a viable option, the best results will be obtained with the earliest ignition possible because of the potential for evaporation and emulsification.
- Sustained combustion requires at least 0.1 inch (2-3 mm) of slick thickness.
- Oil is usually easier to deal with on water than after it has contacted the shore.
- Any proposal for in situ burning will require consultation of the OSC, the respective State member of the RRT, the Federal and State natural resource trustees and the State air permitting agency, so development of a comprehensive proposal early in the spill response phase would be desirable.

Cleanup Priorities

The oil spill remediation steps are:

- Stop the discharge.
- Contain and remove spilled oil at the source to the extent possible.
- Assess the amount and type of spilled oil via surveillance and tracking.
- Follow procedures defined in contingency plans; modify them as needed; document all actions.
- Protect threatened resources and monitor shorebound oil.
- Contain and remove offshore oil that has escaped the primary control operation at the source.
- Skim oil that has pooled in natural collection areas such as sloughs and coves.
- Clean up shorelines where oil has stranded, to the extent possible and advisable.
- Dispose of collected materials in accordance with applicable regulations.

Shortfalls

Potential shortfalls exist in responding to any contemplated type of oil spill. Those may include:

- Equipment:
 - Logistics of staging and maintaining operable equipment.
 - Limited availability and shelf-life of specialized cleanup and/or monitoring equipment.
 - The discharge or release may be inaccessible to the equipment available.
- Personnel:
 - Skilled personnel may not be immediately available.
 - Personnel from outside the area may not be familiar with the terrain or available equipment.
 - Personnel from various agencies, areas and with various experiences must be integrated into an effective response.
- Funds:
 - The cleanup costs may exceed funds available to the RP.
 - The availability of funds through the NPFC is dependent on the knowledge of the OSC and the State's OSC.
- Response by some or all parties may be delayed by the remoteness of the spill location.
- Substantial delays may occur in identifying and obtaining additional resources.

Procedures and Criteria for Terminating the Cleanup

EPA Region 6 cleanup procedures will continue until a determination is made jointly by the Federal and State OSCs, Resource Trustees, the RP and the local incident commander to cease cleanup operations. Region 6 contains very diverse

industries and ecological zones. A spill of one substance and size might have minimal impact on one area, but might be devastating in another. Procedures on response guidelines will be written for Region 6 and incorporated into this plan.

Spill History

To prepare for the inevitable oil spill incident, a responder must know the possible parameters of possible occurrences. Looking at the spill history of an area is a good way to anticipate what is likely to happen in the future. All oil spills of reportable quantity are to be reported to the NRC: 1-800-424-8802.

When spills are reported, notice is disseminated to the pre-designated USCG/EPA OSC in the jurisdiction where they occurred for possible response actions. This mechanism for recording spills is labeled the Emergency Response Notification System (ERNS). Research of the ERNS data for Region 6 from 1988, separating out the oil-specific information, resulted in a listing of the larger oil spills within Region 6. States were also requested to submit their spill history data to help hypothesize a WCD in the region.

Categories

Specific spill categories were researched from the ERNS database in the four States. These categories are: pipelines, fixed facilities, highways, underground tanks, aboveground tanks and railways. The largest discharge and/or release from each type of facility in each State since 1988 is recorded below. Spill data on vessels was obtained from the USCG. The data represent natural, human and technological events

SOURCE	ARKANSAS	LOUISIANA	NEW MEXICO	OKLAHOMA	TEXAS
Pipeline	67,000 gal Gasoline	203,000 gal methyl alcohol	28,000 gal oil/water mixture	155,000 gal gasoline	441,000 liquid petroleum gas
Fixed Facility	115,000 lb methyl alcohol	35,300 gal diethanolamine	10,000 gal jet fuel	63,000 gal process water	22,614,000 gal wastewater
Highway	35,000 gal liquid fertilizer	162,000 gal creosote	8,000 gal gasoline	16,000 gal gasoline	15,000 gal gasoline
Above Ground Tank	20,000 gal condensate	1,900,000 gal waste water	8,000 gal gasoline	5,166,000 gal gasoline	161,000 gal tallow
Railway	20,000 gal phosphoric acid	9,000 gal hydrochloric acid	4,000 gal fuel oil	146,000 dimethylamine	30,000 gal dimethyl glutarate

Source: ERNS Database & State Spill History

Adequacy to Remove a Worst-Case Discharge

This Inland ACP, when implemented in conjunction with the NCP and RCP, is adequate to mitigate and/or prevent a substantial threat of a WCD. Private industry and local emergency responders provide the front-line defense in response to all spills, including a WCD. Adequacy to remove a WCD is currently addressed through existing contingency plans and guidance manuals. The RCP and this Inland ACP outlines federal resources available to the OSC from RRT agencies and provides Regional response policies. Local emergency contingency plans outline resources available from outside RRT agencies. This Inland ACP also lists resources that are not found in any of the referenced plans.

In assessing the adequacy of removal of the different categories of WCDs outlined above, EPA will consider the equipment available to the Region, including contractors who may be accessed for additional equipment.

In terms of prevention of oil spills, including a WCD, the Spill Prevention, Control, and Countermeasures (SPCC) Program, administered through EPA, requires all non-transportation-related facilities within EPA’s jurisdiction, to develop plans necessary to contain a discharge of oil and prevent it from reaching waters of the United States.

This program is much broader than contingency planning. It requires facilities to develop and design plans that include the installation of equipment, most notably secondary containment systems, such as dikes, barriers and diversionary flow paths, so spills into waters of the United States will be prevented.

When such design and engineering controls are not practicable for a facility, the owner must provide a detailed contingency plan following the criteria outlined in 40 C.F.R. Part 109. Some of these criteria include the establishment of notification procedures, identification of resources, and provisions for specific actions. For transportation-related onshore and offshore facilities, such as vessels, the USDOT issues regulations concerning the safe handling of hazardous materials. The USDOJ Minerals Management Service is also responsible for certain offshore fixed facilities.

§ 300.211 OPA Facility and Vessel Response Plans

This section describes and cross-references the regulations that implement section 311(j)(5) of the CWA.

A tank vessel, as defined under section 2101 of title 46, U.S. Code, an offshore facility, and an onshore facility that, because of its location, could reasonably expect to cause substantial harm to the environment by discharging into or on the navigable waters, adjoining shorelines, or exclusive economic zone must prepare and submit a plan for responding, to the maximum extent practicable, to a worst case discharge, and to a substantial threat of such a discharge, of oil or a hazardous substance. These response plans are required to be consistent with applicable ACPs. These regulations are codified as follows:

- For tank vessels, these regulations are codified in 33 CFR part 155;
- For offshore facilities, these regulations are codified in 30 CFR part 254;
- For non-transportation related onshore facilities, these regulations are codified in 40 CFR 112.20;
- For transportation-related onshore facilities, these regulations are codified in 33 CFR part 154;
- For pipeline facilities, these regulations are codified in 49 CFR part 194; and
- For rolling stock, these regulations are codified in 49 CFR part 106 et al.

A Facility Response Plan (FRP) demonstrates a facility's preparedness to respond to a worst case oil discharge. Under the Clean Water Act, as amended by the Oil Pollution Act, certain facilities that store and use oil are required to prepare and submit these plans. Facility Response Plans are submitted to EPA Region 6 for review and approval and Vessel Response Plans are submitted to local USCG MSOs for review and approval.

Both Federal agencies maintain current copies of all of the plans submitted from within their jurisdiction. Certain facilities--those that pose a significant and substantial threat to the environment, to be granted approval to operate with an approved Facility Response Plan--have provided certification that they have, by contracts or other approved means, the resources capable of removing a WCD from their facility.

In Region 6, all approximately 1,700 facilities that have been determined to pose such a risk have provided an adequate certification. All Facility Response Plans are reviewed to verify they have adequate resources to remove a facility WCD. Among the additional requirements, Facility Response Plans must be integrated with the local emergency plans prepared under the EPCRA. A complete list of inland FRPs is available in Annex 45.

§ 300.212 Area Response Drills

To check the adequacy of a facility to remove a WCD, the Federal lead agency, the EPA OSC shall periodically conduct Government Initiated Unannounced Exercises (GIUE) and drills of removal capability (including fish and wildlife response capability), without prior notice, in areas for which ACPs are required and under relevant Vessel and Facility Response Plans as required by 300.120(c). The drills are to be conducted under the National Preparedness for Response Exercise Program (PREP), and may include participation by Federal, State, and Local agencies, the owners and operators of vessels and facilities in the area, and other elements of private industry.

§ 300.215 Sub Area Contingency Plans

While EPA Region 6 has adopted the concept of sub-area plans, no plans have been developed to this point. The development of a Lower Mississippi River ACP is being conducted, while several EPA OSCs have been coordinating activities with ACs, operated by the USCG, along the Louisiana/Texas coastline.

§ 300.220 State-Level Response Plans

The States of Arkansas, Louisiana, Oklahoma, New Mexico, and Texas each maintain state-level operations plans to coordinate roles and responsibilities for state agencies, departments, and offices. The following state plans have been identified:

Arkansas:

www.adem.arkansas.gov/ADEM/Divisions/Preparedness/Planning/Documents/2011_AR_Emergency_Operations_Plan%20v1_4.pdf

Louisiana:

<http://www.ohsep.louisiana.gov/plans/EOP.pdf>

New Mexico:

http://www.nmdhsem.org/Emergency_Operations_Plan.aspx

Oklahoma:

http://www.ok.gov/OEM/Programs_&_Services/Planning/state_Emergency_Operations_Plan_-_EOP.html

Texas:

http://www.txdps.state.tx.us/dem/documents/planstate/state_plan.pdf

§ 300.225 Fish and Wildlife Response Plan

OPA 90 amended Section 311(d) of the CWA, 33 U.S.C. § 1321(d), to include a fish and wildlife response plan, developed in consultation with the USFWS, NOAA, and other interested parties (including natural resource managers and State fish and wildlife conservation officials), for the immediate and effective protection, rescue, and rehabilitation of, and the minimization of risk of damage to, fish and wildlife resources and their habitat harmed or that may be jeopardized by a discharge. Additionally, the Federal Agencies have signed a MOA regarding the coordination of listed species consultation during planning and response activities. A summary of OSC and USFWS responsibilities under the ESA, implementing regulations, and the Interagency MOA Regarding Oil Spill Planning and Response Activities under the NCP and the ESA MOA as well as guidance for its implementation, is found in the Fish and Wildlife and Sensitive Environments Plan (FWSEP). See Annex 25 of this Inland ACP for the Fish and Wildlife and Sensitive Environments listing.

§ 300.235 Risk Management Plan

Under the authority of section 112(r) of the Clean Air Act, the Chemical Accident Prevention Provisions require facilities that produce, handle, process, distribute, or store certain chemicals to develop a Risk Management Program, prepare a Risk Management Plan (RMP), and submit the RMP to EPA. With Region 6, 2,200 RMPs have been identified. A complete list of RMPs is available in Annex 46.

§ 300.236 EPCRA Chemical Inventory Forms

Under Section 312 of EPCRA, facilities who store OSHA hazardous chemicals above the prescribed threshold amount must file an annual chemical inventory form (Tier II form) to the State, LEPC, and local fire department. These forms can provide OSCs with a summary of those chemicals stored in bulk amounts, as well as those chemicals considered extremely hazardous. To get a Tier II form for a specific facility, the OSC should contact the State agency responsible for the collection the forms:

Arkansas	Arkansas Department of Emergency Management	501-683-6700
Louisiana	Louisiana State Police	225-925-6113
New Mexico	New Mexico Emergency Management	505-476-9640
Oklahoma	Oklahoma Department of Environmental Quality	405-702-1013
Texas	Texas Department of State Health Services	800-452-2791

§ 300.245 EPCRA Local Emergency Response Plans

The regulations that implement EPCRA are codified at 40 C.F.R. Part 355. The Plans are developed by LEPCs with stakeholder participation. Each LEPC is to prepare an emergency response plan in accordance with Section 303 of EPCRA and to review the plan once a year, or more frequently as changed circumstances in the community or at any subject facility may require. Every community in the United States must be part of a comprehensive plan.

Such local emergency response plans should be closely coordinated with applicable ACPs and State emergency response plans.

§ 300.250 Cultural Sites

Identification of culturally sensitive sites in the vicinity of a spill can be accomplished by contacting the appropriate 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 below.

Arkansas State Historic Preservation Officer (Arkansas Historic Preservation Program)	(501) 324-9880
http://www.arkansaspreservation.com/	
Louisiana State Historic Preservation Officer (Office of Culture Development / Division of Historic Preservation)	(225) 342-8160
http://www.crt.state.la.us/hp/	
New Mexico Historic Preservation Officer (New Mexico Historic Preservation Division)	(505) 827-6320
http://www.nmhistoricpreservation.org/	
Oklahoma Historic Preservation Officer (State Historic Preservation Office - Oklahoma Historical Society)	(405) 521-6249
www.okhistory.org/shpo/	
Texas Historic Preservation Officer (Texas Historical Commission)	(512) 463-6100
www.thc.state.tx.us/	

Specific procedures and Federal OSC responsibilities regarding these sites are set forth in Section 7 of the Fish and Wildlife and Sensitive Environments Plan (Annex 25) and the Programmatic Agreement on Protection of Historic Properties During Emergency Response (Annex 9).

SECTION D -- OPERATIONAL RESPONSE PHASES FOR OIL REMOVAL

§ 300.300 Phase I - Discovery or Notification

Any person in charge of a vessel or of an onshore or offshore facility shall, as soon as he or she has knowledge of any discharge of oil from such vessel or facility in violation of section 311(b)(3) of the Clean Water Act, as amended by OPA, immediately notify the NRC.

The spiller or responsible party is required to immediately report all releases of oil into or on navigable water, adjoining shorelines, or the contiguous zone, to the NRC. Notification will be made to the NRC Duty Officer, HQ USCG, Washington, D.C., telephone (800) 424-8802. All notices of discharges or releases received at the NRC will be relayed immediately by telephone to the Region 6 REOC (866) 372-7745 and lead agencies.

The OSC receiving this call will ensure notification to the appropriate State agency of any State which is, or may reasonably be expected to be, affected by the discharge or release. The OSC will then proceed with the following phases.

In addition, facilities may be required to report discharges of oil to the State under the States' own spill reporting regulations and requirements. These state 24-hour reporting numbers are:

Arkansas DEM	800-322-4012	Louisiana State Police	877-925-6595
New Mexico State Police	505-827-9126	Oklahoma DEQ	800-522-0206
Texas Environmental Hotline	800-832-8224		

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.

§ 300.305 Phase II—Preliminary Assessment and Initiation of Action

The OSC is responsible for determining whether or not proper response actions have been initiated. If the RP for the release or spill does not act promptly 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 inland ACP. In carrying out a response under this section, the OSC may:

- Remove or arrange for the removal of a discharge, and mitigate or prevent a substantial threat of a discharge;
- Direct or monitor all Federal, State and private actions to remove a discharge;
- Remove and, if necessary, destroy a vessel discharging, or threatening to discharge, by whatever means are available.

If the discharge results in a substantial threat to the public health or welfare of the United States (including, but not limited to fish, shellfish, wildlife, other natural resources, and the public and private beaches and shorelines of the United States), the OSC must direct all response efforts, as provided in part 300.322 of the NCP. The OSC may act without regard to any other provision of the law governing contracting procedures of employment of personnel by the Federal government in removing or arranging for the removal of such a discharge.

The OSC shall ensure the natural resource trustees and natural/historic resource managers are promptly notified in the event of any discharge of oil, to the maximum extent practicable as provided in the Fish and Wildlife and Sensitive Environments Plan (Annex 25), the ESA MOA (Annex 8) and the Programmatic Agreement on Protection of Historic Properties During Emergency Response under the NCP (Annex 9).

The OSC, trustees, and natural/historic resource managers shall coordinate assessments, evaluations, investigations, and planning with respect to appropriate removal actions. The OSC shall consult with the affected trustees on the appropriate removal action to be taken. The trustees will provide timely advice concerning recommended actions regarding trustee resources potentially affected. The trustees also will assure the OSC is informed of their activities in natural resource damage assessment that may affect response operations. The trustees will assure all data from the natural resource damage assessment activities that may support more effective operational decisions are provided in a timely manner to the OSC. Where circumstances permit, the OSC will share the use of non-monetary response resources (i.e., personnel and equipment) with the trustees, provided trustees activities do not interfere with response actions.

The Natural Resource Trustee facilitates effective and efficient communications between the OSC and the other trustees during response operations and is responsible for applying to the OSC for non-monetary Federal response

resources on behalf of all trustees. The Natural Resource Trustee is also responsible for applying to the NPFC for funding for initiation of damage assessment for injuries to natural resources.

§ 300.310 Phase III - Containment, Countermeasures, Cleanup, and Disposal

Defensive actions shall begin as soon as possible to prevent, minimize, or mitigate threat(s) to the public health or welfare of the U.S. or the environment. Actions may and include sampling and analysis, controlling the source of a discharge, source and spread control or salvage operations, placement of physical barriers to deter the spread of oil and protect natural resources and sensitive ecosystems, control of water from upstream impoundment, and the use of chemicals as described in Subpart J of this Inland ACP.

As appropriate, actions shall be taken to recover the oil or mitigate its effects. Of the numerous chemicals or physical methods that may be used, the chosen methods shall be the most consistent with protecting public health and welfare and the environment. Sinking agents shall not be used. Oil and contaminated materials recovered in cleanup operations shall be disposed of in accordance with applicable laws, regulations, or requirements.

§ 300.315 Phase IV - Documentation and Cost Recovery

All OSLTF users need to collect and maintain documentation to support all actions taken under the CWA. Overall, documentation shall be sufficient to support full cost recovery for resources utilized and shall identify the source and circumstances of the incident, the RP or RPs, and impacts and potential impacts to public health and welfare and the environment. Documentation procedures are contained in 33 CFR Part 136. When appropriate, documentation shall also be collected for scientific understanding of the environment and for research and development of improved response methods and technology. Funding for these actions is restricted by Section 6002 of OPA.

OSCs shall ensure the necessary collection and safeguarding of information, samples, and reports. Samples and information shall be gathered expeditiously during the response to ensure an accurate record of the impacts incurred. Documentation materials shall be made available to the trustees of affected natural resources. The OSC shall make available to trustees of the affected natural resources information and documentation in the OSC's possession that can assist the trustees in the determination of actual or potential natural resource injuries. Information and reports obtained by the EPA shall be transmitted to the appropriate offices responsible for follow-up actions.

Evidence for Cost Recovery Actions

Sample Collection Procedures

The OSC must observe precautions when collecting and handling samples for analyses, as the character of the sample may be affected by a number of common conditions. Standard agency protocol is to be followed in the collection and shipment of all samples. Reports of laboratory analyses will be forwarded to the appropriate RRT co-chair for transmittal to counsel for enforcement actions.

Photographic Records

Conditions should be photographed to show the source and the extent of oil or hazardous material. The following information should be recorded on the back of each photographic print:

- name and location of facility or site;
- name of photographer;
- location of site;
- date/time/direction photo was taken;
- identification of persons in the photograph;
- photograph number; and
- description or comments.

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, alterations, and tampering. It is important sample chain-of-custody be properly maintained and recorded from the time the samples are collected until their ultimate disposition has been approved by enforcement counsel.

In this regard, a record of time, place, and name and title of the person collecting the samples, and each person handling them thereafter, must be maintained and forwarded with all samples. Chain of Custody Form No. 1-EPA-3500-5-1 may be used. EPA regional procedures for sample collection, transport and custody are to be used for all samples submitted for laboratory analysis.

§ 300.317 National Response Priorities

Safety of human life must be given the priority during every response action. This includes any search and rescue efforts in the general proximity of the discharge and the insurance of safety of response personnel.

Stabilizing the situation to preclude the event from worsening is the next priority. Measures should be taken to stabilize a situation involving a facility, pipeline, or other source of pollution. Stabilizing the situation includes securing the source of the spill and/or removing the remaining oil from the container (vessel, tank, or pipeline) to prevent additional oil spillage, to reduce the need for follow-up response action, and to minimize adverse impact to the environment. The response must use all necessary containment and removal tactics in a coordinated manner to ensure a timely, effective response that minimizes adverse impact to the environment.

All parts of this strategy should be addressed concurrently, but safety and stabilization are the highest priorities. The OSC should not delay containment and removal decisions unnecessarily and should take actions to minimize adverse impact to the environment that begins as soon as a discharge occurs, as well as actions to minimize further adverse environmental impact from additional discharges. The priorities set forth in this section are broad in nature, and should not be interpreted to preclude the consideration of other priorities that may arise on a site-specific basis.

§ 300.320 General Pattern of Response

When the OSC receives a report of a discharge, actions should normally be taken in the following sequence:

- Investigate the report to determine pertinent information such as the threat posed to public health or welfare or the environment, the type and quantity of polluting material, and the source of the discharge;
- Officially classify the size of the discharge and determine the course of action to be followed;
- When the reported discharge is an actual or potential major discharge, greater than 10,000 gallons, immediately notify the RRT, the affected State, and the NRC;
- Determine whether a discharger or other person is properly carrying out removal. Removal is done properly when the:
 - cleanup is sufficient to minimize or mitigate threat(s) to public health and welfare and the environment;
 - removal efforts are in accordance with applicable regulations, including the NCP, Inland ACP, and any FRPs;
- Determine whether a State or political subdivision thereof has the capability to carry out response actions and whether a contract or cooperative agreement has been established with the appropriate fund administrator for this purpose.

In addition the OSC shall:

- Request the State RRT Representative notify any downstream water users of any discharge entering water courses from which they take water;
- Notify the RP of Federal interest and potential action in the discharge or release. If the RP is unknown or does not respond, the OSC shall initiate response actions;
- Attempt to have the RP voluntarily and promptly perform response actions;
- Ensure adequate surveillance over whatever actions are initiated by the RP;
- Make prompt notification to the trustees and other managers of affected natural/historic resources so they may initiate appropriate action when facilities or natural/historic resources have been or are likely to be affected;

- Ensure the notifications and actions required in 300.135, the FWSEP (Annex 25) and the Programmatic Agreement on Protection of Historic Properties During Emergency Response (Annex 9) have been performed. If they have not been performed, the OSC will perform those notifications and subsequent actions;
- When appropriate, activate Federal response using the OSLTF for oil discharges of the CERCLA Hazardous Substances Response Trust Fund for hazardous substances releases;
- Advise the appropriate State/Local officials on scene of the timing and nature of subsequent response actions that will be taken by the pre-designated OSC or other agencies or organizations;
- Prepare and distribute Pollution Reports (POLREPS);
- Call upon RRT resources, as appropriate, to assist in determining the necessary facts about a particular discharge or release, such as its magnitude or potential impact on human health and welfare;
- Inform and coordinate with the RRT during a response to a significant discharge or release to ensure the maximum effectiveness of the Federal effort in protecting natural/historic resources and the environment from pollutant damage;
- Obtain the advice of natural resource trustees and/or facility/historic resource managers regarding response operations affecting resources or facilities under their jurisdiction. If threatened or endangered species or their habitats could be affected by response operations, the OSC or RPM must consult with the USFWS in accordance with the ESA MOA (Annex 8), the FWSEP (Annex 25) and, if applicable, the relevant Sub-Area Contingency Plan. Advice provided by the USFWS on response actions that may affect Federally listed endangered or threatened species shall be obtained at all times and shall be binding on the OSC, unless, in his or her judgment, actions contrary to this advice must be taken to protect human life;
- Ensure the safety of Federal response personnel;
- Conduct the following actions, as appropriate:
 - Contain the spread of the release, e.g., by trenching and diking, siphon dams (floating substances), filter fences, booms (floating substances), water sprays, stream diversion or impoundment, and gelling agents;
 - Implement countermeasures, e.g., control the water discharge from upstream impoundments, mitigate contamination of water supplies;
 - Collect and remove oil from water courses and adjoining shorelines, e.g., skimmers, sorbents, dredging, high-pressure water, physical/chemical treatment (see Subpart J);
 - In consultation with natural resource trustees and natural/historic resource managers, mitigate damage to waterfowl and other wildlife, and historic properties;
 - Ensure adequate disposal of removed materials in accordance with State and Federal regulations;
 - Recommend the evacuation of threatened individuals to appropriate authorities;
 - Limit access to the release area, e.g., barricades, security fences, etc.;
 - Collect and analyze samples to determine source and dispersion of the release;
 - Implement countermeasures, e.g., treatment of water supplies (e.g., activated carbons) providing alternate water supplies, control of water discharge from upstream impoundments, on-site physical/chemical treatment;
 - Collect and remove released hazardous substances, e.g., skimmers (floating substances), sorbents, dredging, on-site physical/chemical treatment (see Subpart J);
 - Ensure adequate disposal of released substances. Transportation of hazardous substances off-site must comply with regulations promulgated under RCRA. Under certain circumstances, some procedural requirements of RCRA can be waived. The circumstances are described in the regulations.
- Keep the Public informed of response actions;
- Arrange for scientific support coordination as needed.

Oil Spill Classification

TYPE OF SPILL	QUANTITY OIL	REQUIRED NOTIFICATION ACTIONS
MINOR	< 1,000 gal.	If circumstances warrant, POLREPs to REOC, affected State, Federal, Native American and foreign natural resource trustees to the pollution response agency for the impacted State or States
MEDIUM	1,000 – 10,000 gal.	<ul style="list-style-type: none"> • The pollution response agency for the impacted State or States; • The DOI representative; • The HHS representative, if a public health emergency exists; • The Director of the Emergency Response Division, U.S. EPA;

		<ul style="list-style-type: none"> • The DOC RRT representative in case of a release or threat of release to the surface waters of the United States; • All affected State, Federal, Native American and foreign natural resource trustees; • The USCG District office if the spill impacts navigable water; and • The Fund Manager
MAJOR	> 10,000 gal.	In the event of a major spill, notify REOC immediately, providing all known information, even if it has not been confirmed by on-scene personnel. An Incident-specific RRT will then be activated.

§ 300.322 Response to Substantial Threats to Public Health or Welfare of the United States

As part of the investigation described in 300.320, the OSC shall determine whether a discharge results in a substantial threat to public health or welfare of the United States (including, but not limited to, fish, shellfish, wildlife, other natural resources, and the public and private beaches and shorelines of the United States). Factors to be considered by the OSC in making this determination include, but are not limited to:

- the size of the discharge,
- the character of the discharge, and
- the nature of the threat to public health or welfare of the United States.

Upon obtaining such information, the OSC shall conduct an evaluation of the threat posed, based on the OSC's experience in assessing other discharges, and consultation with EPA Regional management and readily available authorities on issues outside the OSC's technical expertise. If the investigation by the OSC shows the discharge poses or may present a substantial threat to public health or welfare of the United States, the OSC shall direct all federal, state, or private actions to remove the discharge or to mitigate or prevent the threat of such a discharge, as appropriate.

In directing the response in such cases, the OSC may act without regard to any other provision of law governing contracting procedures or employment of personnel by the federal government to:

- Remove or arrange for the removal of the discharge;
- Mitigate or prevent the substantial threat of the discharge; and
- Remove and, if necessary, destroy a vessel discharging, or threatening to discharge, by whatever means are available.

In the case of a substantial threat to public health or welfare of the United States, the OSC shall:

- Assess opportunities for the use of various special teams and other assistance described in §300.145, including the use of the services of the NSFCC, as appropriate;
- Request immediate activation of the RRT; and
- Take whatever additional actions are deemed appropriate, including, implementation of the Inland ACP as required by section 311(j)(4) of the CWA or relevant tank vessel or FRP required by section 311(j)(5) of the CWA.

When requested by the OSC, EPA or the RRT shall dispatch appropriate personnel to the scene of the discharge to assist the OSC. This assistance may include technical support in the agency's areas of expertise and disseminating information to the public. EPA shall ensure a contracting officer is available on scene, at the request of the OSC.

§ 300.323 Spills of National Significance

A discharge may be classified as a spill of national significance (SONS) by the Administrator of EPA for discharges occurring in the inland zone.

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

For a SONS in the inland zone, the EPA Administrator may name a senior Agency official to assist the OSC in communicating with affected parties and the public and coordinating federal, state, local, 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).

§ 300.324 Response to Worst Case Discharges

CWA Section 311(d)(2)(J) requires the Inland 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. The worst case discharge within Region 6 will likely involve a large spill (greater than 100,000 gallons) of petroleum product from a fixed facility (pipeline or storage facility) adjacent to a river. The following is a worst case discharge for inland areas of Region 6.

Heavy oiling of the river banks and pooling in backwater areas would occur; however, immediate containment of the plume would not be feasible because of the remoteness of the area. Response equipment is located several hours from the scene and river access is limited. Resources at risk could include irrigation and drinking water intakes; federal lands/facilities under the management of the NPS, BLM, BOR, and USFS; migratory birds; threatened/endangered fish; and Indian Reservation lands.

The responsible party is required to notify the NRC and the local responders. The NRC will notify the Region 6 REOC, and an OSC will be assigned. The OSC will notify the state response agencies and the Natural Resource Trustees. The state agency will notify the downstream water users and affected local governments. The OSC will notify and may request partial activation of the RRT.

Local responders will be first on the scene and establish a command post under the UCS, including the OSC, state and local representatives, the responsible party, and federal land managers. The OSC will access the OSLTF.

In consultation with Natural Resource Trustees and natural resource managers, the UCS will review removal alternatives, including booming to collect oil, booming to protect sensitive areas, and the possible use of chemical countermeasures. State and federal wildlife agencies will supervise wildlife rescue and rehabilitation activities in accordance with the FWSEP (Annex 25). The response will be implemented through a combined effort of federal, state, local, and responsible party resources.

If the OSC's investigation determines a WCD, as defined in the Inland ACP, has occurred or there is a substantial threat of such a discharge, the OSC shall:

- Notify the NSFCC;
- Require, where applicable, implementation of the worst-case portion of an approved tank vessel or facility response plan required by section 311(j)(5) of the CWA;
- Implement the worst-case portion of this Inland ACP required by section 311(j)(4) of the CWA; and
- Take whatever additional response actions are deemed appropriate.

Under the direction of the OSC, the NSFCC shall coordinate use of private and public personnel and equipment, including Strike Teams, to remove a WCD and mitigate or prevent a substantial threat of such a discharge.

§ 300.335 Funding

OPA-Funded

National Pollution Fund Center

OPA established the OSLTF to pay for oil spill cleanups and damages in cases where the responsible party cannot or will not pay for the cleanup. The NPFC currently administers the disbursement of the OSLTF money. The NPFC has several responsibilities, including:

- Providing funding to permit timely removal actions;
- Initiating natural resource damage assessments for oil spills;

- Compensating claimants for damages caused by oil pollution;
- Recovering costs owed by the responsible parties for oil pollution damages; and
- 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 may 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 FOSC or by submitting a claim to the NPFC.

NPFC Claims Division (703) 235-4756; NPFC Director (703) 235-4700
4200 Wilson Blvd., Ste. 1000, Arlington, Virginia 22203-1804

EPA Access to OSLTF

If a response is required to assess or perform a removal, following the spill notification, the OSC should obtain a case number and a funding ceiling by using the web-based Ceiling and Number Assignment Processing System (CANAPS), or through the on-call, 24-hour NPFC duty officer.

The OSC should then contact the EPA Cincinnati Finance Office to obtain an account number. The OSC may then initiate proper contracting mechanisms (such as ERRS or START) to assist in the cleanup effort. In addition, the OSC may utilize the federal support structure as defined in the NCP, including the USCG/strike teams, NOAA, and ERT.

During the actual response, the OSC should:

- Document progress through POLREPs, including costs (copies to NPFC, Marine Logistics Command (MLC), District); and
- Track costs using EPA's Removal Cost Management System.

EPA shall provide full and timely documentation of all costs to support recovery of costs from the responsible parties. When the cleanup has been completed, the OSC should write a final POLREP, which should be sent to the NPFC, unless the RRT requests a formal report.

State Access to OSLTF

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 by telephone or other rapid means to the OSC. In making a request to access the OSLTF, the person making the request must do the following:

- Indicate the request is a state access request under 33 CFR Part 133;
- Give their name, title, department, and state;
- 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, and proposed removal actions for which funds are being requested under this part; and
- Indicate the amount of funds being requested.

A state that anticipates the need to access the fund must advise the NPFC in writing of the specific individual who is designated to make requests. The designation must include the person's name, address, telephone number, and title or capacity in which employed.

During an incident, the OSC will determine whether the state has the ability to respond based on the criteria specified by the NPFC. If the state is capable, the OSC will contact the USCG case officer to authorize access to the fund. If the OSC denies the state access to the fund, they will specify the criteria not met by the state.

Local, state, tribal, or other federal agencies may obtain funding for removal costs in two separate ways:

- EPA initiates a Pollution Removal Funding Authorization (PRFA), or
- submitting a claim to the National Pollution Funds Center (NPFC.)

A PRFA is handled very much like a contract. EPA will issue a Statement of Work (SOW) for the work to be performed and require regular updates of site conditions. Once these costs are invoiced, the EPA OSC must certify the package prior to sending to the NPFC for payment.

The OSC will determine whether the State is able to respond based on the criteria specified by the NPFC. If the State is capable, the OSC will contact the USCG case officer to authorize access to the fund. If the OSC denies State access to the fund, he or she will detail the reason for denying access (i.e., which of the criteria were not met by the State).

Required Record Keeping

The State shall maintain records of expenditures of fund monies, including, but not limited to:

- Daily expenditures for each individual worker, giving the individual's name, title or position, activity performed, time on task, salary or hourly rate, travel costs, per diem, out-of-pocket or extraordinary expenses, and whether the individual is normally available for oil spill removal;
- Equipment purchased or rented each day, with the daily or hourly rate;
- Miscellaneous materials and expendables purchased each day;
- Daily contractor or consultant fees, including costs for their personnel and contractor-owned or rented equipment, as well as that of any subcontractor.

The State shall submit a copy of these records and a summary document, stating the total of all expenditures made, to the NPFC within 30 days after completion of the removal actions. A copy of these documents shall also be submitted to the Federal OSC.

Trustee Access to OSLTF

Trustees must obtain OSC approval prior to obtaining reimbursement of removal costs incurred while responding to an oil or hazardous substance discharge under the direction of the OSC.

If a trustee believes 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 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 damage assessment, the trustee must work directly with the NPFC through the federal lead administrative trustee.

The federal lead administrative trustee is responsible for coordinating natural resource damage assessment activities with removal actions being undertaken by the OSC or other lead response agency.

Reimbursable Expenses

OPA authorizes payment of "Removal Costs, including the costs of monitoring removal actions, consistent with the NCP." This allows payment of incident-specific costs authorized by an FOSC, including costs of monitoring a responsible party's cleanup, as well as actual costs for federal cleanup activities. The fund may pay:

- Costs of containment and removal of oil from water and shorelines;
- Costs to prevent, minimize, or mitigate oil pollution where there is a substantial threat of discharge of oil; and
- 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, and 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 EPA technical assistance teams, specific salary costs for temporary government

employees hired or activated for the duration of the spill response, and specific salary costs for federal employees not ordinarily available for an oil spill response.

Procedures for Reimbursement

To seek reimbursement from the Federal Pollution Fund, federal agencies who conducted actions authorized by the OSC must submit their reimbursable expenses on Form SF 1080, "Voucher for Transfer between Appropriations and/or Funds," to the OSC for certification.

The OSC will submit certified requests for reimbursements to NPFC within 60 days after completion of the cleanup action (33 CFR 153.417). 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. Please refer to the USCG Marine Safety Manual for additional information.

Cost Recovery Action

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

Recoverable Costs

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

- Direct expenditures from the fund (i.e., payment of contractors or vendors);
- All reimbursable agency expenses;
- All personnel costs, including salaries of response personnel;
- Equipment costs, including depreciation and maintenance;
- Administrative overhead; and
- Pollution removal damage claims.

Liability Limits

OPA sets limits of liability that apply to all removal costs and damages sought under OPA. The limits do not apply:

- If the incident was caused by gross negligence or willful misconduct;
- If the incident was a result of a violation of applicable federal safety, construction, or operating regulations; or
- 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 OSC.

In addition, OPA does not pre-empt 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.

Contracting

EPA warranted OSCs have the authority to issue a verbal authorization-to-proceed for \$200,000 where site conditions constitute an emergency and \$50,000 where the site conditions do not warrant an emergency (provided funds are available.) All verbal authorizations-to-proceed will be followed up with the required hard-copy documentation. EPA OSCs utilize the START and ERRS contracts for oil removals. Procedures, which are the same for CERCLA removals, include notifying the Project Officers and Contracting Officers, as well as providing the necessary documentation (Independent Government Cost Estimate and SOW.)

EPA Region 6 does not currently utilize any of the USCG Basic Ordering Agreements (BOAs.) Any decision to utilize a BOA must include EPA Contracting Officers (CO) as the USCG's COs no longer support EPA OSCs.

§ 300.340 Tactical Response Options

The Operations Section of the UC, in coordination with the Planning Section develops the specific tactics for response strategy implementation.

Situation Assessment

Note: At any release where the lead agency determines there is a threat to the public health or welfare or the environment, the lead agency may take appropriate removal action to abate, prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release, or the threat resulting from that release (NCP, Section 300.415(b)(1)). At releases determined to pose a substantial threat to public health or welfare, the OSC must direct a response to the incident.

The following checklist is intended to be used as a guideline of considerations to be referred to when developing tactical response options/strategies. This list is NOT in order of importance and may not apply to every situation. The checklist does not limit the Operations Section from choosing response options/strategies that are not listed.

- Evaluate if special circumstances exist requiring special action
 - Health and Safety Issues
 - Fire and/or Explosions (see Gasoline Response Policy)
 - Requirements for Access Limitations (Barricades, Security Fences, etc.)
 - Vessel Collision
 - Vessel Groundings
 - Lightering Operations
 - Salvage Operations
 - Vessel Traffic Blockages
 - Sample collection and analysis for evaluation or source determination
- Implement support infrastructure
 - Determine response structure consistent with UC principles that will be used, and from there determine level of support needed to fill positions in the structure which include Finance/Administration, Logistics, Operations, and Planning
- Implement any specific-location tactics based on real time information and protection strategy effectiveness
- Determine and mobilize personnel necessary for initial response efforts
- Mobilize equipment
- Coordinate volunteers (See § 300.185 Non-Governmental Participation)
- Identify initial resources at risk using source of information available
 - Natural Resources – Fish, wildlife, habitats and Endangered Species Act (ESA) Issues
 - Cultural Resources – Initiate contact with a State Historic Preservation Officer
 - Socio-economic Resources
 - Critical Infrastructure
 - Drinking water intakes
 - Energy/Power generation intakes, Lock & Dams
 - Federal/State irrigation agricultural channels and water projects
 - Water Dependent Commercial Areas
 - Industrial intakes
 - Agricultural irrigation intakes
 - Aquaculture
 - Marinas
 - Federal/State and private fish hatcheries
 - Specially designated residential, commercial and industrial areas (ex. Floating homes and live aboard marinas)
 - Water Dependent Recreational Areas

- Boating
- Public recreational areas
- Sport fishing
- National/State/local parks and beaches
- National river reach designated as recreational
- Notify and coordinate with Natural Resource Trustees
- Coordinate with Federal and State NRDA personnel

Containment and Cleanup

The following is a checklist intended to be used as a guideline of considerations to be referred to when developing tactical response options/strategies. This list is NOT in order of importance and may not apply to every situation. The checklist does not limit the Operations Section of the UC from choosing response options/strategies that are not listed.

- Natural Recovery (Which may include setting aside areas for research purposes and countermeasures effectiveness determination. Recognize that identifying set-aside sites involves a complex matrix of scientific, logistical, legal, and public relations issues.)
- Booming and containment
- Skimming (See Gasoline Policy Section 4660)
- Barriers and Berms
- Physical herding
- Manual Oil Removal/Cleaning
- Mechanical Oil Removal
- Sorbents
- Vacuuming
- Debris Removal
- Sediment Reworking/Tilling
- Vegetation Cutting/Removal
- Flooding/Deluge
- Dispersants
- In-Situ Burning
- Decanting
- NMFS Biological Opinion for oil response

A critical element to containment and cleanup is to monitor the strategies/tactics that have been implemented for effectiveness and efficiency. It is also important to discuss and develop criteria/guidance for terminating the cleanup (e.g., How clean is clean?).

Gasoline and Other Flammable Liquids

Spills of gasoline and other flammable liquids, including many crude oils, pose significant response challenges as well as serious health and safety concerns for responders and communities downstream and downwind from the release.

Gasoline range products are finished gasoline's and volatile hydrocarbon fractions used for blending into finished gasoline, including straight-run naphtha, alkylate, reformate, benzene, toluene, xylene, and other refined petroleum products with a flash point below 100 degrees F. When these types of products are spilled into the environment, it is imperative to take immediate steps to control the source of the release, to eliminate all possible ignition sources, to quickly establish isolation distances, to notify regulatory and local response agencies, and to initiate a preliminary site safety plan prior to any response activities. However, it is essential no personnel enter a potentially unsafe environment prior to an initial safety assessment, including vapor monitoring for flammable, reduced oxygen, and toxic levels.

In many cases, highly flammable liquids should not be contained for spill response. Containing gasoline and other highly flammable liquids increases the risk of fire by delaying dispersion of vapors into the atmosphere. The risks posed by response techniques such as booming and applying foam to spilled gasoline and other flammable liquids are warranted

only under very limited circumstances. However, in some cases and as judged by the OSC, IC/UC, containment and the use of foam may be appropriate and necessary in response to an imminent threat to public health and safety and the environment.

Deflection and protection booming can be used to move flammable liquids away from sensitive areas but must be conducted in a safe manner, within safe atmospheric levels. In unaffected downstream or down current areas at risk, boom should be deployed prior to arrival of the product. Though mechanical recovery of flammable liquids on water can be an effective practice under some circumstances, often the more prudent response option is to allow flammable liquids to evaporate and dissipate. Given the inherent danger of booming flammable liquids on water, as well as the products' rapid rates of evaporation and dissipation, the Inland ACP includes the following guidelines for responding to gasoline and other flammable liquid releases on water. Note these are only guidelines. Each release must be evaluated based on its particular circumstances. Safe work practices and professional judgment should always prevail:

- Control the source of flammable liquids as quickly as possible, when safe to do so.
- Ensure proper safety precautions are taken to prevent accidental ignition and risk to responding personnel and the general public. An evacuation may be warranted under some circumstances. In many cases, the best response option may be to allow the spilled product to spread and evaporate.
- Notify emergency and regulatory response agencies. Involve local fire jurisdictions immediately.
- Ensure proper site hazard analysis and risk assessment are conducted to determine the scope of the release and initiate the development of a Site Safety Plan.
- Establish control zones as soon as possible. Track and predict movements of both liquid and vapors and re-establish control zones as appropriate.
- Eliminate all potential ignition sources within appropriate control zones.
- Prevent entry of the spilled product into waterways, sewers, or confined areas.
- Conduct air monitoring throughout the response.

NOTE: Air monitoring must be conducted with the greatest of care. Air monitoring both increases the exposure danger to responders and introduces possible accidental ignition sources. Nearby population centers should be monitored, as should the leading edge of the vapor cloud. However, in open water areas it MAY make more sense for responders to stay away from the concentrated area around the spilled material. In any area that is being monitored, the monitoring should be conducted continuously, if possible. Also, only direct reading, intrinsically-safe, continuously monitoring instruments should be used. Lower explosive levels (LEL), oxygen, H₂S and benzene levels should all be monitored.

- Coordinate response efforts with all agencies – work within the UC.
- Identify and prioritize environmental concerns. Conduct exclusion, deflection, and protective booming downstream or down current as appropriate, outside of hazardous atmospheres and prior to the arrival of the released product.
- Workers should avoid touching, walking, or boating through the spilled product.
- Avoid prolonged inhalation exposure to fumes. Consult appropriate reference guides for exposure limits.
- Allow the product to evaporate and dissipate unless there is an imminent threat to public health and safety.
- When appropriate, use fire monitors/water fog spray to move product out from under docks and other collection areas where the product concentrates.
- Stage firefighting foam (appropriate to the flammable liquid released) and application equipment, if appropriate.
- All equipment used when handling the product must be grounded.

Submerged or Sinking Oils – Policy and Operational Tactics

In Region 6, Group 5 oils (base oils including silicone, phosphate ester, polyalkylene glycol (PAG), polyolester, biolubes, etc, which are at times mixed with other base stocks to enhance the oil's properties) are moved over the water, over highways and rail corridors, and stored in above ground storage tanks. In addition, oil sands products which are moved by vessel, pipeline and rail, may differ from other crude oils in the rate at which lighter ends of the mixture volatilize, particularly in warm weather.

As a result spills of oil sands products may be potentially submerged or sinking, especially under high-flow and high-sedimentation conditions. It is the policy of the RRT 6 that communication of the potential for sinking oil must again be brought to the attention of the Unified Command at the Initial UC Meeting.

The difficulty in ramping up to detect and recover Group 5 oils in the water column or at the bottom of a creek, river, or lake is no small logistical / operational matter. For spills of Group 5 oils, or other oil products where submerging or sinking is a concern, this Inland ACP considers these best practices for the Operations Section.

- Recovering oil in fast-moving water is difficult, as oil tends to flow under containment booms and skimmer efficiency is greatly reduced, necessitating more rapid responses further downstream. In these situations, it is recommended to install underflow dams, overflow dams, sorbent barriers, or a combination of these techniques.
- Develop detection strategies potentially using sonar, divers and cameras.
- Containment strategies consist of using bubble curtains, water jets, surface-to-bottom nets/screens, silt curtain, and natural collection sites.
- Recovery strategies consist of using diver directed oil recovery operations, remotely operated vehicles, dredges, vacuum systems, integrated video mapping systems, nets, sorbents, bioremediation and pre-spill surveys.
- Consider expanding the ICS Structure to include Oil Detection and Sinking Recovery Groups and Sinking Divisions.

Operational Safety Issues Associated with Bakken Crude Oil

Because of the presence of up to 30 percent (by volume) light volatiles in Bakken Crude oil, the potential for fire and explosion is the single largest risk to responder and public health. Accordingly, extreme caution should be exercised during the initial stages of response. Operations should refer to general response guidelines are from the 2012 Emergency Response Guidebook. The following initial response considerations should be followed by OSCs, as well as state and local response officials.

- Emergency responders should remember light sweet crude oil, such as coming from the Bakken region, is typically assigned a packing group (PG) I or II. The PG mean the material's flashpoint is below 73 degrees Fahrenheit and, for PG I materials, the boiling point is below 95 degrees Fahrenheit. This means the materials pose significant fire risk if released from the package in an accident.
- If Bakken crude is involved in an incident, use caution in reviewing the shipping documents (shipping papers, manifests, etc.) due to the possible the flash points and/or boiling points may be classified incorrectly – lower temperatures points may be more appropriate.
- Tank cars of crude oil that are on fire and cars adjacent to other cars that are on fire should be cooled at the vapor space with unmanned hoses to prevent heat induced tears.
- When operating near a crude oil fire or spill emergency scene first responders should wear the appropriate PPE and respiratory protection. All crude oils contain a percentage of benzene which is a known carcinogen and a percentage of hydrogen sulfide which is a toxic and flammable gas.
- Crude oil is lighter than water and will float on the surface. Spills near waterways may spread rapidly especially in moving water situations. Containment booms may need to be deployed quickly.
- Weather conditions can affect the response to crude oil emergencies. Warmer temperatures can cause crude to vaporize quickly and migrate creating additional concerns.

Hazard Awareness

The following hazards are situation specific and may not represent similar events or trends for responses in the future.

Canadian Tar Sand Oil

Diluents, a fluid used to lower viscosity, are added to bitumen based oils (Tar Sand Oil) in large enough quantities to make the original product easier to pump and transport. A diluent frequently used in large volume is Natural Gas Condensate. Natural Gas Condensate consists of many short chain hydrocarbons, which include various alkanes, alkenes, benzenes, toluenes, ethylbenzenes, and xylenes (BTEX), and longer single chain chemical variants. Natural Gas Condensate can have a proper shipping name of Petroleum Distillates, not otherwise specified (N.O.S.), which is classified as a dangerous good under the International Maritime Dangerous Goods (IMDG) Code.

Some of the hazards include: flammability; easily ignited by heat, sparks or flames; vapors forming explosive mixtures with air; toxicity through various routes of exposure; and being volatile at room temperature. Once the diluent is separated from the product, the original physical properties of the bitumen return which emulate characteristics of roofing

tar. In a marine or aquatic environment, and under the right conditions, this dense product could sink to the bottom of the impacted waterway making recovery efforts far more challenging and time consuming than traditional recovery techniques.

Bakken Crude Oil

Responding to a spill of bakken crude should always include the realization the product is very volatile. Even under cool atmospheric conditions, air monitoring conducted around the spill may indicate volatile organic compounds (VOCs) at high levels. Benzene may be detected at levels above OSHA's Short Term Exposure Limit (STEL) and Ceiling of 5.0 ppm and the American Conference of Governmental Industrial Hygienist's (ACGIH's) Threshold Limit Value of 0.5 ppm, which is the occupational exposure limit.

These atmospheric hazards can be detected even hours after the incident occurred, and elevated levels of benzene can persist for several days into the response. Naphthalene, a highly toxic polycyclic aromatic hydrocarbon, may also be found in this particular oil.

Eagle Ford Shale Oil

Eagle Ford Shale Oil is reported as having similar physical properties and hazards as Bakken Crude Oil with the addition of an ignition potential through static discharge. A visual comparison of these oils revealed both have low viscosity (slightly more than gasoline but less than motor oil); with Bakken Crude Oil being dark brown and Eagle Ford Shale oil light to medium brown in color.

Steps to Protect Responders

VOCs, including BTEX, can pose a direct hazard to the health of responders. Each type of oil presented above is acknowledged to contain these compounds, which during a response, present at a minimum an inhalation hazard to responders. One way to mitigate this hazard is to have the appropriate detection capabilities deployed to properly identify and quantify the hazard prior to impacting response personnel.

Once quantified, appropriate personnel protective strategies can be implemented, such as the wearing of an air purifying respirator or self-contained breathing apparatus. It is important to note the four gas monitors may not directly measure for BTEX. Special air monitoring equipment may be required to properly identify BTEX hazards.

Should a response event involve any of the above discussed oils, ensure appropriate equipment is a part of the planning phase of a deployment to alert responders to a potential hazard.

Recommendations

- Cautiously consider the product, its hazardous properties and values; recognize hazard variations may exist.
- Do not ascribe to any generalization for a product; fully understand the data provided through the product's SDS.
- Properly detect, identify, and quantify hazards before taking action; use appropriate air monitoring equipment.
- Develop effective protection strategies and mitigate hazards through safety protocols.

Monitoring Oil Movement

- Conduct over flights and collect detailed photographic, video, low visibility and/or infrared information
- Conduct computer modeling and develop possible oil spill trajectories (Contact NOAA HAZMAT SSC)
- Conduct shore-side and on-water assessments to monitor proximity of spill to sensitive areas

Remote Sensing During Oil Spill Response

Many factors must be considered when contemplating the use of remote- sensing technology during an oil spill response. There are three basic arenas in which the sensors can operate.

Terrestrial platforms (land or water-based)

These platforms can support observers using visual means of detection, cameras (single frame, television, infrared, etc.), and/or radar.

Aircraft (manned helicopters, manned fixed wing, or drones)

These platforms can support visual observers, cameras (same as terrestrial), radar (of various types), infrared, lasers (of various types), microwave, and/or ultraviolet.

Satellites

These platforms typically use electronic detection means, mostly types of radar. All sensor/platform packages provide different spatial resolutions, dwell times, on scene times, planning requirements for use, swath widths, detection thresholds, analysis times and difficulty of data interpretation, false detection rates, weather limitations, and costs.

Additionally, there are dramatic differences in each sensor's capabilities to accomplish specific tasks. Of interest to the response effort are such things as slick size, description, and movement; relative oil thickness; location of the thickest oil; type of oil being observed; etc. Also, various environmental conditions have a bearing on the sensor. For example, darkness, fog, rain/snow, sun location, and cloud coverage, etc. are important considerations.

The geometry of the situation also plays an important role. A sensor at high altitude is able to "see" a larger area, but typically at a lower resolution than would be obtainable by a platform operating at a lower altitude. Also, many sensors, including visual, lose detection capability at certain acute angles.

In general, increased capability comes with increased cost. At the high end, these costs can be extraordinary. Also, no single sensor package will give all the information desired at a given spill under all conditions. At the high end, the very sophisticated laser based sensor packages MAY be able to give more information; however, most of the information is merely "nice to know" and is of little value to the actual response.

For instance, absolute oil thickness is of little value added if a much less expensive sensor will provide a sufficiently reliable estimate of relative thickness for the purpose of guiding response actions. Also, classification of the oil type and characteristics would likely be of little value when such information can be easily obtained from the spiller or from the first responders on scene.

Shoreline Cleanup

Under certain conditions it will be appropriate to take actions to remediate the effects of oil on shorelines. Other conditions may dictate no actions should be taken. The primary goal of the implementation of any shoreline countermeasure is the removal of oil from the environment with no further injury or destruction to that environment, ideally to help enhance the treated area's ability to recover.

In order to best assess and determine the appropriate treatment options for affected shoreline, the Shoreline Cleanup Assessment Technique (SCAT) provides a comprehensive program of assessment, monitoring and treatment recommendations for affected shorelines. EPA may choose to run this from within the Operations Section or Environmental Unit for inland spills.

Once a spill occurs, typically the Environmental Unit will commence the development of a SCAT plan within the first day of a response, and the Operations Section of UC will need to coordinate with the SCAT Coordinator to ensure appropriate interaction on the shoreline assessments and treatment recommendations with the shoreline cleanup tactics being undertaken. The SCAT program and process typically leads the development of the Treatment Endpoints for shorelines, which will guide Operations for when their work on shorelines is complete.

Access to Shorelines for Cleanup

Access to shoreline areas may be accomplished from the water, land, or air. Deployment from the water usually involves using shallow water platforms such as landing craft and skiffs. Access from a land-based response utilizes trucks, ATV's, or other four-wheel drive vehicles, while access from the air may be possible by helicopter.

In some cases, permission for entry onto private property must be obtained first.

Passive Oil Recovery

Shoreline clean-up is usually carried out in stages, starting with the removal of the heaviest accumulations of oil which reduces the risk of recontamination by floating oil. Passive Recovery can be applied to shorelines that have already been oiled to help keep the re-mobilizing oil from refloating and migrating to other non-impacted shorelines.

Passive recovery can be deployed along shorelines prior to shoreline assessment occurring. Passive recovery can also be used to line the inside of containment, diversion or exclusion boom as an effective collection technique.

Shoreline cleanup operations can produce a significant solid waste stream; all wastes generated must be measured, stored, and disposed of according to the approved Disposal Plan.

Removal and Disposal

NOTE: Ensure adequate disposal of released substances. Moving of hazardous substances off site must comply with regulations promulgated under the Resource Conservation and Recovery Act (RCRA). Under certain circumstances, some of the procedural requirements of the RCRA regulations can be waived. The specific circumstances are described in the RCRA regulations. (Refer to 300.135 Response Actions for RCRA Guidance)

- Outline disposal plan, prepared with the Environmental Unit and in accordance with disposal guidelines
- Comply with Federal, state and local disposal laws/regulations
 - Obtain necessary permits
- Determine the volume of oil or hazardous substance for disposal and possible recovery credit
- Take measures to minimize waste
 - Segregate clean from contaminated waste
 - Line storage area to contain contaminated waste
- Identify disposal locations (onsite vs. offsite)
- Secure transportation for product disposal

Demobilization

- Complete final survey
- Clean/return equipment
- Survey/replace equipment
- Restore damaged areas in consultation with appropriate Natural Resource Trustees and property owners

Salvage

Before, during and/or after an oil spill, or potential incident, salvage assistance may be required. A salvage plan may be developed within the response organization for, but not limited to, vessel stranding, vessel sinkings and rescues (towing).

The Incident Command/Unified Command (IC/UC) will review and approve or disapprove the salvage plan based on the resulting risk to human life, port security and the environment.

Initial rescue efforts will have priority over pollution response efforts, to the extent they may interfere. Subsequent to any rescue efforts, the pollution response efforts and salvage efforts may be conducted concurrently. The OSC will prioritize actions when interference between salvage and pollution response efforts cannot be eliminated.

SECTION E -- HAZARDOUS SUBSTANCE RESPONSE

§ 300.400 General

This subpart establishes methods and criteria for determining the appropriate extent of response authorized by CERCLA and CWA Section 311(c):

- When there is a release of a hazardous substance into the environment; or
- When there is a release into the environment of any pollutant or contaminant that may present an imminent and substantial danger to the public health or welfare of the United States.

Unless EPA Region 6 determines a release constitutes a public health or environmental emergency and no other person with the authority and capability to respond will do so in a timely manner, a removal under Section 104 of CERCLA shall not be undertaken in response to a release:

- Of a naturally occurring substance in its unaltered form, or altered solely through naturally occurring processes or phenomena, from a location where it is naturally found;
- From products that are part of the structure of, and result in exposure within, residential buildings or business or community structures; or
- Into public or private drinking water supplies due to deterioration of the system through ordinary use.

In determining the need for, and in undertaking a CERCLA fund-financed action, Region 6 shall, to the extent practicable:

- Engage in prompt response;
- Provide for state participation in response actions, as described in subpart F of this part;
- Conserve Fund monies by encouraging private party response;
- Be sensitive to local community concerns;
- Consider using treatment technologies;
- Involve the RRT in removal response actions at appropriate decision-making stages;
- Encourage the involvement and sharing of technology by industry and other experts; and
- Encourage the involvement of organizations to coordinate responsible party actions, foster site response, and provide technical advice to the public, federal and state governments, and industry.

For purposes of determining the need for response, or choosing or taking a response action, EPA Region 6 has the authority to enter any vessel, facility, establishment or other place, property, or location described in paragraph (d)(2) of CERCLA 104 and conduct, complete, operate, and maintain any response actions authorized by CERCLA or these regulations. Under the authorities described in paragraph (d)(1) of this CERCLA 104, EPA Region 6 may enter:

- Any vessel, facility, establishment, or other place or property where any hazardous substance or pollutant or contaminant may be or has been generated, stored, treated, disposed of, or transported from;
- Any vessel, facility, establishment, or other place or property from which, or to which, a hazardous substance or pollutant or contaminant has been, or may have been, released or where such release is or may be threatened;
- Any vessel, facility, establishment, or other place or property where entry is necessary to determine the need for response or the appropriate response or to effectuate a response action; or
- Any vessel, facility, establishment, or other place, property, or location adjacent to those vessels, facilities, establishments, places, or properties described above.

Once a determination has been made there is a reasonable basis to believe there has been or may be a release, EPA Region 6 is authorized to enter all vessels, facilities, establishments, places, properties, or locations specified in this section, at which the release is believed to be, and all other vessels, facilities, establishments, places, properties, or locations identified in this section that are related to the response or are necessary to enter in responding to that release.

If consent is not granted under the authorities described in this section, or if consent is conditioned in any manner, EPA Region 6 may issue an order pursuant to section 104(e)(5) of CERCLA directing compliance with the request for access made under Section 300.400(d)(1). EPA Region 6 may ask the Attorney General to commence a civil action to compel compliance with either a request for access or an order directing compliance.

EPA Region 6 reserves the right to proceed, where appropriate, under applicable authority other than CERCLA section 104(e). The administrative order may direct compliance with a request to enter or inspect any vessel, facility, establishment, place, property, or location described in this section. Each order shall contain:

- A determination by EPA Region 6 it is reasonable to believe there may be or has been a release or threat of a release of a hazardous substance or pollutant or contaminant and a statement of the facts upon which the determination is based;
- A description, in light of CERCLA response authorities, of the purpose and estimated scope and duration of the entry, including a description of the specific anticipated activities to be conducted pursuant to the order;
- A provision advising the person who failed to consent an officer or employee of the agency that issued the order will be available to confer with respondent prior to effective date of the order; and
- A provision advising the person who failed to consent a court may impose a penalty of up to \$25,000 per day for unreasonable failure to comply with the order.

Unilateral Administrative Orders (UAO's) shall be served upon the person or responsible party who failed to consent prior to their effective date. Force shall not be used to compel compliance with an order. UAO's may not be issued for any criminal investigations.

No federal, state, or local permits are required for on-site response actions conducted pursuant to CERCLA Sections 104, 106, 120, 121, or 122. The term on-site means the areal extent of contamination and all suitable areas in very close proximity to the contamination necessary for implementation of the response action. Permits, if required, shall be obtained for all response activities conducted off-site. Health assessments shall be performed by ATSDR at releases or facilities in response to petitions made to ATSDR. These health assessments may be used by EPA Region 6 to assist in determining whether response actions should be taken and/or to identify the need for additional studies to assist in the assessment of potential human health effects associated with releases or potential releases of hazardous substances.

EPA Region 6 shall identify requirements applicable to the release or remedial action contemplated based upon an objective determination of whether the requirement specifically addresses a hazardous substance, pollutant, contaminant, location, or other circumstance found at a CERCLA site. In addition to applicable or relevant and appropriate requirements, EPA Region 6 may, as appropriate, identify other advisories, criteria, or guidance to be considered for a particular release. The "to be considered" (TBC) category consists of advisories, criteria, or guidance that were developed by EPA, other federal agencies, or states that may be useful in developing CERCLA remedies.

Only those state standards that are promulgated, are identified by the state in a timely manner, and are more stringent than federal requirements may be applicable or relevant and appropriate. For purposes of identification and notification of promulgated state standards, the term promulgated means the standards are of general applicability and are legally enforceable. EPA Region 6 shall identify their specific requirements that are applicable or relevant and appropriate (ARAR) for a particular site. EPA Region 6 shall notify other support agencies, in a timely manner as described in Section 300.515(d), of the requirements they have determined to be applicable or relevant and appropriate. When identifying a requirement as an ARAR, EPA Region 6 shall include a citation to the statute or regulation from which the requirement is derived.

Notification of ARARs shall be according to procedures and timeframes specified in Sections 300.515 (d)(2) and (h)(2). EPA Region 6 may provide oversight for actions taken by potentially responsible parties to ensure a response is conducted consistent with this part. The lead agency may monitor the actions of third parties preauthorized to do so. EPA will provide oversight when the response is pursuant to an EPA order or federal consent decree.

§ 300.405 Discovery or Notification

A release may be discovered through a report submitted in accordance with Section 103(a) of CERCLA, i.e., reportable quantities codified 40 CFR part 302 and various reports and investigations.

The provisions of Section 300.305 of this inland ACP, including notification of Federal and state natural resource trustees, are also applicable to reports involving hazardous substances, pollutants, or contaminants.

§ 300.410 Training and Qualifications

Hazardous materials response training involves instruction in the areas of first responder operations, on-scene incident commanding and specialist training managing hazardous substances. A minimum qualification for all individuals entering contaminated areas is operations and/or technical levels in accordance with 29 CFR 1910.120 Subpart Q and NFPA 472, Standard for Professional Competence of Responders to Hazardous Materials Incidents.

In addition, incident commanders shall be competent in incident command including ICS 300 (Intermediate Incident Command System for Expanding Incidents) and 400 (Advanced ICS Command and General Staff – Complex Incidents).

§ 300.415 Removal Site Evaluation

The OSC's removal site evaluation (RSE) may include, but is not limited to:

- Identification of the source and nature of the release or threat of release;
- Evaluation by ATSDR of the threat to public health;
- Evaluation of the magnitude of the potential threat;
- Evaluation of the factors necessary to make the determination of whether a removal action is necessary;
- Determination if a non-Federal party is undertaking proper response; and,
- Determination of Federal jurisdiction.

The OSC shall determine whether a release governed by CWA Section 311(c)(1), as amended by OPA, has occurred. An RSE may be terminated when the OSC determines:

- There is no release or threat of release;
- The source is neither a vessel nor a facility;
- The release does not involve a hazardous substance;
- The release does not involve a pollutant or contaminant that may pose an imminent and substantial danger to public health of welfare;
- The amount, quantity and concentration released does not warrant Federal response;
- The party responsible for the release or other person is providing appropriate response, and on-scene monitoring by the government is not required;
- The RSE is complete;
- The release consists of a situation specified in Section 300.400 (b) (1) through (3) subject to limitations on response.

If natural resources are or may be injured by the release, the OSC will notify and consult with the appropriate Natural Resources Trustees. In addition, the OSC will determine whether remedial action is necessary.

§ 300.420 Removal Actions

The following factors shall be considered in determining the appropriateness of a removal action:

- Actual or potential exposure to human populations, fish and wildlife or food chain;
- Exposure to drinking water supplies or sensitive ecosystems;
- Hazardous substance or pollutant in containers, drums, tanks, or other storage that may pose a threat of release;
- Hazardous substance or pollutants in soils at or near the surface that may migrate;
- Weather conditions that may cause hazardous substance or pollutants to migrate or be released;
- Threat of fire or explosion;
- Availability of other Federal, State or Local response mechanisms to respond to the release;
- Any other situation or factors that pose a threat to public health, welfare, or the environment.

See also the National Contingency Plan, 40 CFR 300.320 for additional guidance.

CERCLA-Funded Responses

Two mechanisms exist for funding a response and response-related activities of federal agencies other than EPA: an agency's CERCLA (Superfund) budget, and an Interagency Agreement (IAG) authorizing access to the CERCLA Superfund account. Response operations for hazardous substances or mixtures of hazardous materials and oil may be funded from the CERCLA Superfund account.

Removal actions shall not continue after \$2 million has been obligated or twelve months have elapsed from the date of the initial response, unless EPA grants an exemption in accordance with Section 104(c)(1) CERCLA, as amended. In addition CERCLA-funded action may not be taken in response to a release or threat of a release:

- Of a naturally occurring substance in its unaltered form or altered solely through naturally occurring processes or phenomena, from a location where it is naturally found;
- From products that are part of the structure of, and result in exposure within, residential buildings or business or community structures;
- Into public or private drinking water supplies as a result of system deterioration through ordinary use.

However, EPA may respond to any release or threat of release if it is determined it constitutes a public health or environmental emergency and no other person with the authority and capability to respond to the emergency will do so in a timely manner.

The EPA assistant regional administrator for the Office of Ecosystems Protection and Remediation has been delegated the authority to approve actions costing up to \$2 million. State and local governments are not authorized to take actions that involve expenditures of CERCLA funds, unless an appropriate contract or cooperative agreement has been established with EPA.

The OSC is responsible for identifying whether technical assistance from another agency is necessary, and for making arrangements for that assistance. In addition, OSCs are responsible for initiating and processing any site-specific IAG's necessary for reimbursing federal agency participation.

EPA OSCs may develop, negotiate terms, and award IAGs for site-specific, EPA-led actions. For these IAG's, the OSC:

- Defines the scope of work to be performed; outlines the responsibilities of each agency; determines the performance period; identifies primary contacts in each agency; names contractors and the dollar amounts of any contracts, if applicable; and determines the overall reporting, invoicing, and amendment requirements.
- Prepares four copies of the IAG (EPA Form 1610-1), and prepares the required commitment notice and the transmittal/decision memorandum.

The OSC then monitors accomplishment of work in accordance with the IAG scope of work.

SECTION F -- STATE AND LOCAL INVOLVEMENT IN HAZARDOUS SUBSTANCE RESPONSE

§ 300.500 General

Subpart F of the NCP addresses State involvement in hazardous substance response and is incorporated herein by reference. ESF #10 requires close coordination between EPA and State counterparts in the development and implementation of mission assignments for response activities.

SECTION G -- TRUSTEES FOR NATURAL RESOURCES

Designation of Natural Resource Trustees

CERCLA and OPA require the designation of certain Federal, State, and Indian Tribal officials to act on behalf of the public as trustees for natural resources which they manage or protect.

As trustees, these officials are authorized to assess monetary damages for resources injured, lost, or destroyed as a result of a discharge of oil or release of hazardous substances. In addition, agencies are authorized to seek damages from the responsible party, and to devise and carry out restoration, rehabilitation and replacement.

Where more than one trustee has jurisdiction over a resource, these agencies are encouraged to coordinate and cooperate in carrying out the activities described herein. RRT representatives from trustee agencies may also serve as contact points regarding agency policy on trustee resources.

Definition of Natural Resources (CERCLA Sec. 101(16))

Land, fish, wildlife, biota, air water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States, any State or Local government, or Indian tribe.

Notification and Consultation by OSCs

To minimize impacts to natural resources and assist trustees in carrying out their duties, the OSCs are required to:

- Promptly notify Federal and State agencies designated as natural resource trustees of actual or potential discharges or releases.
- Consult with trustees and other natural resource managers in determining such effects.
- Coordinate all response activities with the trustees, and other natural resource managers, in determining such effects.
- Make available to trustees documentation and information that can assist the trustees in
- determining actual or potential natural resource injuries.
- Consult with the USFWS on all incidents and response activities that may affect Federally-listed threatened or endangered species, or their habitats. Conduct appropriate Section 7 Consultation as indicated in Section 6.4 of the FWSEP and the ESA MOA (Annex 8).

The trustees, consistent with procedures specified in the FWSEP and the ESA MOA, shall provide timely advice on recommended actions concerning trustee resources that are potentially affected by a discharge of oil or release of hazardous substances. This may include providing assistance to the OSC in identifying/recommending preapproved response techniques and in pre-designating shoreline types and areas.

§ 300.600 Designation of Federal Trustees

The following Federal officials have been designated by the President as trustees for natural resources within Region 6. Note: Refer to Annex 21 for RRT representatives.

The Secretary of the Interior

The Secretary of the Interior's responsibilities include:

- National Park Service: National Parks, National Monuments, National Historic Sites, National Recreation Areas, Wild and Scenic Rivers, etc.
- U.S. Fish and Wildlife Service: National Wildlife Refuges, National Fish Hatcheries, Waterfowl Production Areas; migratory birds; threatened and endangered species; and anadromous fish.
- Bureau of Reclamation: Lands and waters managed or protected in association with Reclamation dams, reservoirs, and water conveyance systems.

- Bureau of Land Management: Public lands, Federally-owned minerals (underlying private as well as public lands).
- Bureau of Indian Affairs: Indian reservations, and other lands or natural resources held in trust for an Indian Tribe (including off-reservation natural resources).

In cases where the United States acts on behalf of an Indian Tribe, the Secretary of the Interior also acts as trustee for natural resources for which an Indian Tribe would otherwise act as trustee.

Contact: DOI RRT Representative.

The Secretary of Agriculture

The Secretary of Agriculture’s responsibilities include:

- U.S. Forest Service: National Forests, National Grasslands.
Contact: USDA/Forest Service RRT representative.

Secretary of Defense

The Secretary of Defense’s responsibilities include:

- Military Lands
Contact: DOD U.S. Army RRT representative.
- Corps of Engineers Project Lands
Contact: USACE RRT representative.

Secretary of Energy

The Secretary of Energy’s responsibilities include:

- DOE lands and facilities
Contact: DOE RRT representative

§ 300.605 State Trustees

Pursuant to 33 U.S.C. § 2706(b), the governor of each State shall designate State and Local officials who may act on behalf of the public as trustee for natural resources and shall notify the President of the designation. 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, water, and land. State trustees for natural resources within Region 6 are:

Arkansas

- Department of Environmental Quality * (RRT member)
- Game & Fish Commission

Louisiana

- Department of Environmental Quality *
- Department of Natural Resources
- Department of Wildlife & Fisheries

New Mexico

- Game & Fish Commission
- Environment Department *

Oklahoma

- Department of Environmental Quality *
- Department of Wildlife Conservation

Texas

- Department of Parks & Wildlife
- General Land Office *
- Commission on Environmental Quality *

§ 300.610 Indian Tribes

The Tribal Chair or head of the Tribal governing body, or person designated by Tribal officials, acts as the trustee. Natural resources under Indian Tribal trusteeship include 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).

§ 300.615 Function of Trustees

The responsibilities of the Trustees (federal, state, tribal) are found in the NCP at 40 CFR 300.615.

Procedures for OSCs and Trustees

Initial Procedures

On arrival at a spill, the OSC must make an initial assessment to determine the material and volume of the spill. As a part of this initial assessment, it is necessary for the OSC to determine the geographical and environmental factors of the area surrounding the spill in order to plan the proper protective and remedial measures.

Guidelines for determining whether an environment is sensitive are presented in the next section. The steps for ascertaining the environmental impact of the spill are as follows:

Spill site

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

Notification

The OSC must notify the Natural Resource trustees of the spill and information gathered in Section 3.1.1. The OSC should request, either through the RRT or directly to the Natural Resource Trustee, assistance in identifying sensitive areas. Notification procedures are listed in Annex 49 of this Plan.

Areas of Immediate Danger

Following the assessment of the spill site, the OSC or representative should examine the areas immediately downstream or adjacent to the spill, which although may not have been effected by the spill, are in immediate danger of contact with the spill. (Immediate danger can be defined as impact occurring in a matter of hours.)

If, based on information from the Natural Resource Trustee, sensitive areas are located, then preemptive measures should be taken to minimize the spill's impact prior to contact. This includes, but not limited to, booms, dams, or other diversion measures to lessen the impact of the spill. Preservation of a sensitive area depends on actions taken prior to spill contact.

Areas of Potential Danger

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

Secondary Procedures

Once a sensitive area has been identified and protective measures have been taken, the OSC shall monitor the integrity and effectiveness of these measures. Inspections will be carried out to ensure the protective measures are holding in place and no additional measures are needed. The OSC will continue to notify the appropriate trustee, to monitor the ecological health of the threatened area.

SECTION H -- PARTICIPATION BY OTHER PERSONS

§ 300.700 Activities by Other Persons

Participation by private parties in both planning and response is encouraged. PRPs are encouraged to undertake response actions in an adequate and timely manner, based on the judgment of the OSC.

Landowners are also encouraged to participate in planning and response. The landowner is a valuable resource due to his or her local knowledge. The landowner, to the extent practical and based on the OSC's judgment, may be included in the planning and response activities, under direction of the OSC. Landowners that provide access to or are affected by a spill have jurisdiction over their lands, and warrant special consideration by the responding agency or unified command.

In the event an incident poses, or has the potential to pose, an imminent threat to human health and/or the environment, it is in the best interest of the landowner to provide access to an OSC.

In addition, OPA 90 authorized filing of claims against the OSLTF by other persons. To file a claim, contact the Director, NPFC, 4200 Wilson Boulevard, Suite 1000, Arlington, VA 22203-1804, telephone (703) 235-4756.

Responsible Party Policy

The RP has primary responsibility for cleanup of an oil discharge or release of hazardous substances. Section 311(c)(3)(b) of CWA, 33 U.S.C. § 1321(C)(3)(B), requires a facility owner or operator participating in removal efforts to act in accordance with the NCP and all other applicable response plans. Section 311(j)(5)(c) of the CWA requires these response plans shall:

- be consistent with the requirements of the NCP and this Inland ACP;
- identify the qualified individual having full authority to implement removal actions, and require immediate communications between that individual and the appropriate Federal official and the persons providing personnel and equipment pursuant to clause iii);
- identify, and ensure by contract or other means approved by the President the availability of private personnel and equipment necessary to remove to the maximum extent practicable a WCD (including a discharge resulting from fire or explosion), and to mitigate or prevent a substantial threat of such a discharge;
- describe the training, equipment testing, periodic unannounced drills, and response actions of persons on the vessel or at the facility to be carried out under the plan to ensure the safety of the vessel of the facility and to mitigate or prevent the discharge, or substantial threat of a discharge;
- be updated periodically; and
- be resubmitted for approval of each significant change [33 U.S.C. § 1321(j)(5)(c)].

All owners or operators of a tank vessel or facility who are required by OPA to submit a response plan shall do so in accordance with applicable regulations. Facility and tank vessel response plan regulations, including plan requirements, are found in 33 CFR § 154 and 40 CFR '112, respectively. Prior to approval, facility and vessel response plans shall be reviewed for consistency with this Inland ACP and appropriate sub-area contingency plans.

As defined in OPA, each RP for a vessel or a facility from which oil is discharged, or which poses a substantial threat of a discharge, into or upon the navigable waters or adjoining shorelines or the Exclusive Economic Zone is liable for the removal costs and damages specified in Section 311(f) of CWA, 33 U.S.C. § 311(F).

Any removal activity undertaken by the RP must be consistent with the provisions of the NCP and this Inland ACP and the applicable response plan required by OPA. If directed by the OSC at any time during the removal activities, the RP must act accordingly.

SECTION I -- CHEMICAL COUNTERMEASURES

§ 300.900 General: 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. If chemical use is considered, the guidelines below are intended to aid the OSC in making a decision.

U.S. EPA headquarters 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 the inland areas of Region 6 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.

Sinking agents shall not be used in EPA Region 6. The OSC may authorize use of a product that is not listed on the Product Schedule only in extreme circumstances, as described in Subpart J of the NCP, 300.910(d). 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).

Region 6 does recognize, however, as a last resort, such agents may have some limited applicability, such as for reducing the fire hazard of the substance. Additionally, 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.

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 the:

- RRT Co-Chair, and
- RRT representative(s) of the affected State(s), in consultation with
- 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 U.S. EPA Region 6. 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.

Chemical Use Checklist

The OSC 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

Subpart J – Chemical Countermeasures

Subpart J of the NCP, 40 C.F.R. § 300.900, addresses the use of dispersant and other chemical countermeasures, and is incorporated herein by reference. In addition, Section 311(j) of the CWA requires each Area Committee work with State and Local officials to expedite decisions for the use of dispersant and other mitigating substances and devices.

The trustees, consistent with procedures specified in the FWSEP (Annex 25) and the ESA MOA (Annex 8) shall provide timely advice on recommended actions concerning trustee resources that are potentially affected by a discharge of oil. This may include providing assistance to the OSC in identifying/recommending preapproved response techniques and in pre-designating shoreline types and areas.

Dispersant use may be applicable for circumstances involving contaminated surface or subsurface soil systems where there is not an immediate threat to surface water or ground water quality, particularly in an emergency situation when, in the judgment of the OSC, the use of the product is necessary to prevent, or substantially reduce, a hazard to human life or sensitive ecosystems.

An example would be a highway spill where immediate removal of the spilled material through use of a dispersant may cause soil contamination. Under these circumstances, the OSC is to inform the EPA RRT representative, the State RRT representative, and the appropriate Federal natural resource trustees and land management agencies, of the use of a product as soon as possible.

Furthermore, the OSC will obtain concurrence or comments regarding its continued use once the threat to human life or sensitive ecosystems has subsided. The OSC shall make maximum use of absorbents and other physical means to remove as much surface contamination as possible while restricting the use of chemical agents to a site-by-site, case-by-case usage.

Use of In Situ Burning in EPA Region 6

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. Additionally, concurrence from the RRT is required whenever an accelerant will be used during the burn.

NCP Product Schedule

In accordance with Subpart J, EPA is to develop and maintain a schedule of dispersants and other chemical or biological products that may be authorized for use on oil discharges. This schedule is called the NCP Product Schedule. Difficulties or delays in obtaining the schedule or receiving specific information/guidance regarding products on the schedule should be communicated to ERD and the NRT Chair. The NCP Product Schedule is available through:

website: <http://www.epa.gov/emergencies/docs/oil/ncp/schedule.pdf>

The pre-designated OSC, after consultation with the RRT, may authorize the use of dispersants, surface collecting agents, biological additives, or miscellaneous oil spill control agents on the discharged oil, if the material to be used is listed on the NCP Product Schedule.

Products not included on the NCP Product Schedule, as well as those products included on the schedule, may be authorized for use by the pre-designated OSC without first obtaining the concurrence of the EPA RRT representative or the State RRT representative, when, in the judgment of the OSC, the use of the product is necessary to prevent or substantially reduce a hazard to human life.

The OSC shall inform the EPA RRT representative and, as appropriate, the RRT representatives from the affected States and when practicable the natural resource trustees of the use of such dispersant or other chemicals when possible once the threat to human life has subsided.

SECTION J -- REGION 6 PHONE & RESPONSE DUTY PROCEDURES

Original Edition
Revised

September, 2007
April, 2014

Under the NCP, receiving and evaluating notifications of oil discharges and releases of hazardous substances, pollutants and contaminants and responding to discharges and releases that threaten public health and the environment within the inland zone is the primary responsibility of EPA, as outlined in 40 CFR Section 300.

Accordingly, the Prevention and Response Branch (PRB), Superfund Division, EPA Region 6 has established processes and procedures to ensure this responsibility can be carried out efficiently and effectively 24 hours a day, 7 days a week throughout the year. This document outlines processes, procedures and mechanisms established by Region 6 to accomplish this important mission.

Phone and response duty are responsibilities for which individuals receive premium pay (i.e. standby duty pay).

Responsibilities of the Phone Duty Officer (PDO)

PDO shall:

1. Serve tours of duty assigned in Phone/Response Duty Schedule and perform activities identified below associated with Phone Duty. Official phone duty tour begins and ends on Friday at 0800 hours, unless a duty swap has been implemented in the Phone/Response Duty Schedule.
2. Discuss any outstanding issues with incoming PDO during transition of duty.
3. Find replacement PDO if unable to answer phone during assigned times. If needed, a PRB manager shall assist in locating PDO replacement.
4. The PDO duty station during business hours is the Regional Emergency Operations Center on the 8th floor of the EPA Regional Office, unless otherwise approved in advance by their supervisor/manager and the PRB Deputy Associate Director/Associate Director.
5. Update daily WebEOC Daily Operations Status Report and email copy to the R6 Daily Ops Group in Microsoft Outlook by 0800 hrs. Report must have incident calls closed out, as well as updates on any ongoing OSC/START responses. On a daily basis, PDO shall update OSC availability in WebEOC Personnel Roster from PRB Calendar. OSCs are responsible for updating the PRB Calendar. OSCs are considered available as a backup Response Duty Officer (RDO) unless on travel outside region, on temporary assignment, or on leave.
6. Receive and evaluate incident reports (release / discharge) to determine appropriate follow-up, using factors in Region 6 Response Criteria Guidelines. Incident reports are received through Regional Spill Line (866-372-7745) and other entities (Federal, State, Tribal, or local agencies) and independent sources.
7. Contact Reporting Party and/or State / local agencies for sufficient information to determine appropriate follow-up.
8. Document follow-up decisions and rationale in WebEOC (including relevant discussions with Reporting Party and response officials) and close out all NRC and WebEOC Hotline Log reports received during PDO tour.
9. Notify adjacent EPA regions and/or USCG if reported incident will affect their region/AOR.
10. Brief PRB management and HQ EOC as directed on important notifications and communications.
11. Route incident reports to other EPA programs as appropriate. List of other program contacts is contained within PRB Hotline list or Regional PIC List.
12. Dispatch RDO, alternate OSC, and/or START Contractor, to respond to reported incident, based on evaluation of incident and other factors, including PRB management input.
13. Verbally task START through 24-hour activation number, when PO / CO is not available. Verbal notification shall be followed up with written TDD within 5 business days. Tasking shall include START response tier level. If RDO will be dispatched, coordinate START taskings and assign RDO as co-WAM.
14. Activate NCP "special" teams in support of incident response, if needed.
15. Once the decision to dispatch an OSC and/or START to an incident has been made, PDO shall be responsible for:
 - a. Serving as OSC/WAM/TM until dispatched RDO reaches incident scene and assumes on-scene duties, or until RDO / alternate OSC assumes responsibility for incident
 - b. Providing support to RDO during incident response, including serving as technical resource (e.g., including coordination with other programs, GIS acquisition)

- c. Establishing website on epaosc.org, providing background information and current status on profile page. Provide editing rights to RDO and other appropriate personnel (The website shall be private until cleared by PRB management).
- d. Submitting Action Report on WebEOC. Check box on report to designate as “Significant Event”
- e. Obtaining CERCLIS SSID for CERCLA and/or FPN and OPA SSID for OPA incident responses
- f. Issue a Notice of Federal Interest (NOFI) to all identified Responsible Parties (RPs) for OPA incidents when another OSC is not assigned and FPN is opened.
- g. Issuing POLREP (the POLREP shall be private until cleared by PRB management) for START-only incident responses.
- h. Issue a notice of OSC / START activation via email to R6 Response Notify Group, including summary of event.
- i. Notifying Regional Radiation Coordinator by phone or email when incident involves radioactive substance.
- j. Notifying Regional Tribal Liaison in Tribal Affairs Office by phone or email when incident involves known Indian or Tribal lands.
- k. Notifying PRB Associate and Deputy Associate Director, and HQ EOC Watch Officer by phone when incident may require activation of RICT, RRT, and/or JRT.
- l. If START, ERRS, or other special teams are activated, PDO shall follow requirements under their Warrant Authorities and Responsibilities.
- m. Verbally tasking Warehouse Contractor to respond to warehouse for equipment check-out/check-in, If START activation requires EPA Warehouse equipment to be procured after hours. Verbal tasking shall be followed up with an email to Warehouse Contract PO and CO, and written TDD within 5 calendar days.
- n. Being consistent with national and regional policy in the carrying out of duties including the proper closeout and documentation of response actions.
- o. Coordinate with supervisor/manager of RDO (R1) to identify a backup RDO (R2) as needed.

Responsibilities of the Response Duty Officer (RDO)

RDO shall:

1. Serve tours of duty assigned in Phone/Response Duty Schedule and perform activities identified below associated with Response Duty. Official response duty tour begins and ends on Friday at 0800 hours, unless a duty swap has been implemented in the Phone/Response Duty Schedule, with RDO available to be dispatched at any time during tour. The dispatched RDO will remain responsible for completion of the incident, unless approved by their supervisor/manager and the PRB Deputy Associate Director/Associate Director.
2. Discuss any outstanding issues, as well as transfer of response vehicle and equipment with incoming RDO, at transition of duty.
3. Find qualified replacement if RDO is unable to fulfill response duty responsibilities. If needed, a PRB manager shall assist in locating a RDO replacement.
4. The RDO duty station during business hours is the EPA Regional Emergency Operations Center on the 8th floor of the EPA Regional Office, unless otherwise approved in advance by their supervisor/manager and the PRB Deputy Associate Director/Associate Director.
5. Take the response vehicle home each night of duty and follow the Response Vehicle SOG, unless alternate arrangements are made and approved by their supervisor/manager.
6. Assist PDO with phone duty responsibilities when not performing RDO duties, if requested.
7. Maintain familiarity with equipment used for emergency response activities.
8. Be capable of utilizing various procurement tools available to assist in response (See OSC Toolbox).
9. Check response vehicles, including need for routine maintenance, to ensure vehicles are response ready.
10. Ensure any vehicle used for response has been returned to ready status at end of tour.
11. If dispatched, coordinate with PDO on verbal tasking of START through 24-hour activation number, when PO / CO is not available. Verbal notification shall be followed up with written TDD within 5 business days.
12. RDO, if dispatched, will assume responsibility for maintaining website on EPAOSC.org (The website shall be private until cleared by PRB management).
13. Once dispatched, RDO shall be responsible for:
 - a. Assuming lead at incident scene for EPA’s (and EPA contractors’) response efforts, and continue lead at incident scene until project completion unless:
 - i. PRB management reprioritizes responding OSC's tasking and provides replacement OSC;

- ii. RDO/PRB management determines incident no longer warrants OSC-led response effort, or
- iii. RDO finds replacement OSC, with approval of their supervisor/management and the PRB Deputy Associate Director/Associate Director.
- b. Keeping PRB management and PDO informed of response activities status. Ensure PDO has updated response information for Daily Ops Report.
- c. Issuing PolRep (the POLREP shall be private until cleared by PRB management) ASAP after arriving at incident response scene. NCP requires minimum of initial and final POLREP. Submit POLREP to their supervisor/manager for concurrence.
- d. Preparing Action Memo and obtain approval if START and/or ERRS, or other special teams, are dispatched that draw from AOA. Verbal approval from Superfund Division Director, et al., should be documented immediately. If during office hours, coordinate ERRS activation through PO / CO.
- e. Issue Notice of Federal Interest (NOFI) to all identified Responsible Parties (RPs). Incidents that require \$ 50,000 or more in OPA funding should be coordinated with the Oil Team Leader. If START, ERRS, or other special teams are activated, RDO shall follow requirements under their Warrant Authorities and Responsibilities.
- f. Verbally tasking Warehouse Contractor to respond to warehouse for equipment check-out/check-in, if START activation requires EPA Warehouse equipment to be procured after hours. Verbal tasking shall be followed up with an email to Warehouse Contract PO and CO, and written TDD within 5 calendar days.
- g. Being consistent with national and regional policy in the carrying out of duties including the proper closeout and documentation of response actions.

SOP Review / Revisions

This SOP will be reviewed / revised as necessary, no later than every three years by PRB management. This SOP will be effective when approved and signed by Associate Director, Prevention and Response Branch.

4/3/2014
Date

/signed/
Ragan Broyles
Associate Director, Prevention & Response Branch

ANNEX -- Phone and Response Duty Roster

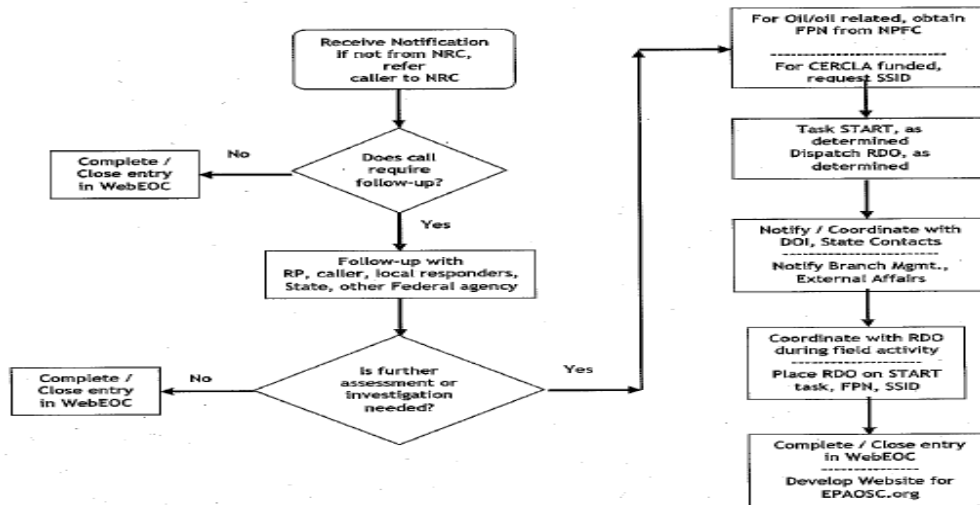
1. Phone and Response Duty Roster is maintained by Prevention and Response Branch (PRB), developed and maintained by OSCs. Duty roster is a formal schedule showing who is designated at any given time during calendar year to receive and evaluate incident (release or discharge) notifications (PDO) and who primary EPA responder will be for any incident notification warranting EPA response to incident scene (RDO).
2. Duty roster also serves as administrative mechanism to document compliance with pay regulations governing premium pay paid to personnel on roster for stand-by duty served after business hours and on weekends and holidays. Vacancies on roster will be filled by PRB management, allowing for the following priorities:
 - a. seniority as Region 6 OSC
 - b. seniority as EPA OSC
 - c. seniority in Region 6 response program
 - d. seniority in Agency response program.
3. If a member of the roster chooses to leave the phone / response duty roster, they will be placed at bottom of the eligibility list for addition to the roster.
4. The original schedule, as well as subsequent changes, is subject to approval by PRB management.
5. It is discouraged to schedule response duty, immediately followed by phone duty as PDO may be unable to start phone duty requirements if dispatched during response duty.
6. The RDP is responsible for completing response incidents to which they are dispatched, until alternative arrangements are worked out with PRB management approval.

Qualifications

1. Personnel serving as Phone and Response Duty Officers should meet following qualifications to ensure all available Agency resources can be rapidly mobilized to protect public health and the environment during incident:
 - a. Be classified as OSC or Removal Manager with delegated programmatic response authorities through Regional Delegations R6-2-89 and R6-14-2.
 - b. Possess Delegation of Procurement Authority (warrant) which permits exercise of limited Contracting Officer authorities, granted by Office of Acquisition Management (OAM), necessary at times to initiate immediate response actions which can significantly limit scope of discharge or release.
 - c. Be listed as Task Monitor (TM) / Work Assignment Manager (WAM) on START contract(s) in order to rapidly mobilize START resources to incident scene and provide technical direction once at scene, until such time as RDO or alternate OSC arrives at scene to provide technical direction to START personnel.
 - d. Be TM/WAM on ERRS contract(s) in order to quickly access and effectively use ERRS resources. Having this capability is particularly important on weekends and holidays when other TM/WAM may be difficult to reach.
 - e. Be Call Ordering Officer with Government bankcard which gives authority to rapidly procure equipment or services needed to effect timely response to incident.
 - f. Meet minimum experience requirement for answering emergency response phone and / or response duty. For PDO, minimum experience requirements are 200 documented phone calls and minimum of 7 rotations on phone duty in mentoring capacity with Senior OSC; for response duty, meet PDO experience requirements, and be dispatched on minimum of 4 CERCLA and 4 OPA responses in mentoring capacity with Senior OSC.
 - g. Have reliable telephone and data service. Be able to receive and make calls, access to hotline log, calendars, and other data sources. Be able to receive calls while accessing internet based data.
2. In addition to above qualifications, PRB Branch management must determine the individual possesses technical and programmatic knowledge, skills, acumen, and abilities necessary to serve as PDO and/or RDO, as well as ability to positively represent Agency with public and other Federal, State, Tribal and local agencies, private entities, and media whom PDO / RDO may interact with while on duty. After PRB management has made this determination, individual is eligible to be formally placed on duty roster when vacancy occurs.

Phone / Response Duty FlowChart

Phone / Response Duty FlowChart



1. If no OSC is responding, it is responsibility of PDO to issue verbal tasking and follow up in writing no longer than 5 days after tasking. Tasking should include information on the TDD form in POI.
2. It is important to include statement of work, reporting requirements, monetary ceiling and associated numbers (FPN, NRC number, and if available, site ID and CERCLIS number)
3. No tasking of contractors can be done if no money is available.
4. It is responsibility of PDO and/or RDO to complete paperwork; coordination is imperative to ensure all documentation is completed. It is important statement of work on taskings is representative of expectation of RDO (WAM/TM).
5. It is responsibility of responding OSC to make determination the response is appropriate per NCP. With information available, OSC shall make determination which funding is appropriate; OPA or CERCLA.

**THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT
(CERCLA) R6-14-2. Response**

1. **AUTHORITY.** To respond to any release or threatened release of a hazardous substance, pollutant, or contaminant, pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Section 104, and 40 CFR Part 300, "National Oil and Hazardous Substances Pollution Contingency Plan" (NCP).
2. **TO WHOM DELEGATED.** All authority is delegated to the Director, Superfund Division. The authority to determine need for emergency response and to approve and initiate removal actions costing up to \$250,000 where site conditions constitute an emergency and up to \$50,000 where site conditions do not constitute an emergency is delegated to the Director, Superfund Division, and is also delegated sequentially from the Director, Superfund Division, to the Chief, Superfund Division Response and Prevention Branch, and from the Chief to OSCs.
3. **LIMITATIONS.**
 - a. These authorities shall be exercised subject to approved funding levels.
 - b. This authority may be exercised only at sites located within Region 6, unless there is a memorandum of agreement that authorizes cross-boundary emergency response.
 - c. Consultation prior to selection of a response action may be required by memorandum from the AA/OSWER.
 - d. Unless waived by memorandum, the AA/OSWER must approve the use of the consistency waiver in Section 104(c)(1)(C) of CERCLA for removal actions at sites not proposed to or final on the NPL.
 - e. When the emergency waiver in Section 104(c)(1)(A) is used, the Superfund Division Director may approve removal actions costing up to \$6 million. The Superfund Division Director must seek approval from the AA/OSWER for removal actions costing more than \$6 million and requiring the emergency waiver. This limitation may be waived or modified by memorandum from the AA/OSWER.
 - f. Unless waived by memorandum, the AA/OSWER must concur prior to the initiation of a removal action at non-NPL sites where the proposed action is on the List of Nationally Significant or Precedent-Setting Removal Action categories.
4. **REDELEGATION AUTHORITY.** These authorities may not be redelegated further.
5. **ADDITIONAL REFERENCES.**
 - a. CERCLA, Sections 101(23), 101(24), 105, 113, 116, 117, 118, 120, 121, and 126(b).
 - b. 40 CFR 35, Subpart O, "Cooperative Agreements and Superfund State Contracts for Response Actions."
 - c. EPA Delegation 14-1, Superfund State Contracts and Cooperative Agreements.
 - d. EPA Delegation 14-17, National Priorities List.
 - e. EPA Delegation 14-22, Response Action Administrative Record.
 - f. EPA Delegation 14-30, Acquisition of Property.
 - g. Limited Contracting Officer Warrant Authority issued to designated OSCs.
 - h. "Use of Non-Time-Critical Removal Authority in Superfund Response Actions," OSWER Directive 9360.0-40P, February 14, 2000, specifying the Director, OERR/OSWER will consult with the Director, Office of Site Remediation Enforcement/OECA prior to concurring on any engineering evaluation/cost analysis approval memorandum for a Fund-lead action that could exceed \$6 million.
 - i. All other directives, policy, and guidance issued by OSWER and OECA pertaining to response and consultation requirements.

Delegation of Authority from the Regional Administrator

CLEAN WATER ACT R6-2-89. Removal of Discharge or Threat of Discharge

1. **AUTHORITY.** Pursuant to section 311(c) of the Clean Water Act, as amended by the Oil Pollution Act of 1990 (OPA):
 - a. To remove or arrange for the removal of a discharge and to mitigate or prevent a substantial threat of a discharge;
 - b. To direct or monitor all Federal, State, and private actions;
 - c. To remove and, if necessary, destroy a vessel that is discharging or threatening to discharge;
 - d. To consult with affected trustees; and
 - e. To determine when the removal is complete.
2. **TO WHOM DELEGATED.** This authority is delegated through the Director, Superfund Division, the Chief, Response and Prevention Branch, and the Chief, Site Response Section to the On-Scene Coordinators.
3. **LIMITATIONS.**
 - a. Section 1011 of the OPA limits the authority in 1.e. to cases that involve the discharge of oil.
 - b. The authority in section 1.a. to 1.d. is to be exercised in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and appropriate Area Contingency Plans, in order to ensure immediate and effective response.
 - c. The authority in 1.b includes issuance of orders.
 - d. The decision in 1.b to federalize a response to a discharge will be made in consultation with Response and Prevention Branch Chief.
4. **REDELEGATION AUTHORITY.** This authority may not be redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. NCP (40 CFR Part 300).

Delegation of Authority from the Regional Administrator

Region 6 Response Criteria – April, 2014

Introduction

1. This document describes the criteria the Phone Duty Officer (PDO) shall consider when evaluating the need to dispatch EPA Region 6 personnel and resources to an oil spill, hazardous substance release, or other incident.
2. These criteria are meant to:
 - a. maintain consistency in EPA field responses
 - b. ensure the Agency responds effectively throughout the region
 - c. ensure overall response readiness of the Branch
3. The PDO / management has the discretion to dispatch response assets where they feel a response is warranted and is in accordance with the NCP, even if the incident does not meet the criteria below.

Criteria

The default response to any of the following situations will be to send an OSC:

- Fires, explosions, and accidents at fixed-facilities, involving hazardous substances or oil
- Community evacuation or shelter-in-place has been issued
- ESF-10 Activation by FEMA under Stafford Act authority for hazardous materials / oil
- Inland spill of oil greater than 5,000 gallons (approximately 120 bbl) into water, or waterway threatened
- Train derailment which includes spill or release, particularly if waterway is impacted
- Request for assistance from a federal, tribal, state, or local agency
- Incidents involving weapons of mass destruction (WMD) or other terrorist act

Other situations which should trigger an evaluation of OSC and / or START response under CERCLA or OPA include:

- High level of public/political/media interest
- Floods involving the movement of drums, tanks, or containers
- Pipeline rupture or failure involving loss of material
- Incident originates in U.S. and potentially impacts Mexico; or originates in Mexico and potentially impacts U.S.
- Inland spill of oil greater than 2,100 gallons (50 bbl) into water, or waterway threatened
- Chemical Safety Board (CSB) investigation is initiated at scene
- Federal Trustee resources (National Park, U.S. Fish & Wildlife, Tribal lands) impacted
- Concern over responsible party (RP) ability to complete response and recovery of a spill or release
- Spill or release may be beyond the capabilities of state and local officials to manage

The decision to not send response assets to any of the above situations shall be coordinated with a supervisor.

There is no authority to respond, per the NCP, to natural gas releases. Natural gas is not an oil, and it is specifically defined in the NCP not to be a “hazardous substance” or a “pollutant or contaminant” (40 CFR 300.1, 300.5, 300.400). However, there may be other substances / oil products involved in the release that could justify a response (e.g., hydrogen sulfide, VOCs).

SECTION K – CONTAINMENT COUNTERMEASURE AND CLEANUP

TECHNIQUES

POLICY

It is the policy of the RRT to attempt mechanical recovery of all oil discharges or hazardous substance releases to the greatest extent possible. In those cases where mechanical removal is not feasible, the OSC, with the concurrence of the EPA representative to the RRT and, as appropriate, the concurrence of the RRT representatives from the states with jurisdiction over the navigable waters threatened by the release or discharge, and in consultation with the DOC and DOI natural resource trustees, when practicable, may approve the usage of dispersants and chemical agents.

For authorization of their use, dispersants and chemical agents must be listed on the NCP Product Schedule approved by EPA. However, the OSC may authorize the use of any dispersant, surface washing agent, surface collecting agent, other chemical agent, burning agent, bioremediation agent, or miscellaneous oil spill control agent, including products not listed on the NCP Product Schedule, without obtaining the concurrence of entities described above if in the judgment of the OSC, the use of the product is necessary to prevent or substantially reduce a hazard to human life.

Removal is always performed with the intent of re-use of the recovered material. When re-use is not practical, the development of a stable or easily biodegradable end product is emphasized.

RESPONSE AND CLEANUP TECHNIQUES

Due to the nature of spill incidents, several of the following activities may occur simultaneously.

Identification

Appropriate containment, removal and disposal of spilled substances can only be accomplished after the substance has been positively identified. Identification can be accomplished by several processes such as:

- Examination of shipping manifests.
- If shipping manifests are not available, contact the shipper for appropriate material information.
- Notation of the type of conveyance such as tank truck, box cars, tank cars, etc., along with any exterior placards or container labels, type of packaging (55 gallon drum, 50 pound bag, etc.) and the physical state (solid, liquid, fuming liquid, gas, etc.) of the material.
- Sampling and testing of the material should be performed using any available equipment, and the results should be correlated with the information obtained in (c) above.
- If a professional laboratory is nearby, samples can be submitted for analytical identification.
- If the above actions do not provide positive identification, contact the RRT for assistance.
- Oil Samples can also be sent to the Coast Guard Central Oil Identification Lab (COIL) in Groton, Connecticut.

Location

The physical location of the spilled substance will greatly affect the general approach to containment and the removal activities that follow.

- **On Land.** Spills occurring on land may be contained or isolated by employing physical flow barriers. These include, but are not limited to the use of trenches, dikes or berms, or diversion and deflection items such as poles, planking, etc. to impound or divert the flow of material to a temporary holding area. Dry materials may be covered with a tarpaulin or sheets of plastic to prevent disturbance and dispersion by wind or rain.
- **On Water.** Substances that float on the water can be contained with booms made with material such as hay, straw, log, plastic, rubber or special sorbent materials or a specially constructed barrier to surface flow. The basic problem associated with boom containment may be the compatibility of the boom with the hazardous substance. Many substances that float on water can exhibit a solvent action on some boom material and could actually dissolve the containment device before cleanup can be affected.

- **Water Soluble.** Hazardous substances releases that dissolve in or become suspended throughout the water column are some of the most difficult spills to contain. Containment, if possible, usually involves the total isolation, immobilization, removal or filtration of the affected water body.
- **Heavier Than Water.** Substances with densities greater than water will be located at or near the stream bed. Containing such spills requires locating the substance and determining the total area contaminated by the substance. Containment involves isolation of the material by sealed booms, siphon dam, subsurface damming, trenching, or subsurface diversion of the migrating material to stream bed depressions, quiescent or back water areas.
- **In Air.** Containment of gaseous discharges can be extremely difficult if not impossible. Gaseous materials having densities greater than air will normally flow along the ground surface and concentrate in depressions. Those whose density is less than air will quickly disperse upward and outward.

Containment

After identifying and locating the spill, the necessity for and feasibility of effective containment can be assessed. Containment must be initiated as soon as possible to prevent undue spreading of the area of contamination.

The first action should be the elimination of any additional spillage. This may be accomplished by shutting of a pump or valve, placing a cap or a plastic or epoxy patch over the leak, shoving a temporary plug in a puncture or tear, up righting an overturned container or other appropriate action.

Given enough lead time, commercial containment equipment can be found and utilized; however, expedient and innovative use of materials at hand can significantly reduce the spread of contamination. Containment techniques and equipment include, but are not limited to:

- **Trenching and Diking.** This technique consists of digging a trench and/or establishing an earthen dike to contain or divert a liquid substance to a temporary basin or to isolate a containment area from precipitation run-off.
- **Siphon Dam.** For use in the control of floating contaminants, an earthen dam is constructed across a water channel. The dam is perforated with one or more pieces of inclined pipe or T-sections that allow water to pass through the dam while retaining the spilled substance. The pipe size and/or number must be sized for anticipated stream flow.
- **Filter Fences.** These are used primarily in the migration of floating substances in ditches and streams where the water depth does not exceed four feet. Filter fences are easily constructed using steel fence posts spaced at 8-10 foot intervals across the drainage.
 - Hardware cloth, chicken or hog wire, or chain link fencing is then tied to toe posts, leaving at least one foot of wire above the water level as free board, and the ends securely anchored at each bank. Hay or straw (to a depth of six inches) or commercial sorbents (to cover the water surface) are spread across the width of drainage and upstream for at least 10-15 feet. Hay tends to saturate quickly and sink, and must be changed frequently.
 - Entrained or dissolved substances can be contained and/or removed by replacing the floating sorbents with bags or bales of filter media (peat moss, activated carbon, diatomaceous earths, etc.). This approach can significantly reduce downstream contaminate concentrations in the affected water body. Filter fences are most effective when used in a series of three or more with adequate work space between each. Filter fences require constant attention so saturated sorbent can be removed and replaced with fresh sorbent.
- **Booms.** These flow barriers are deployed in a lake, across a stream or ditch, along shorelines, or around a leaking vessel. The boom consists of a floatation collar and a weighted skirt. Specialized booms having a skirt capable of reaching the stream bed are commercially available and are referred to as sealed booms. A boom can be easily constructed using bales of hay or straw, logs, or pieces of lumber with plastic sheeting weighted with fishing sinkers, etc. and rope.
 - The rope is used to lash the boom together as well as to secure the boom during deployment. This technique is effective for spills floating on the water or, in case of sealed booms, dissolved, dispersed or heavier than water substances. Booms do not function well in stream currents greater than two knots or in the presence of debris or ice.
- **Water Sprays.** This technique consists of fine water sprays, such as those generated by fire hose nozzles, preferably coupled with foaming agent directed in, over or through fume or gas clouds. The water flushes the substance from the air and the foam forms a vapor barrier as the material collects on the ground. This technique is

effective on spills of gasses and fuming liquids. Containment for the material (water, foam and pollutant) must be provided.

- **Stream Diversion or Impoundment.** This technique consists of excavating a new stream channel around the contaminated area with the construction of dams above and below the spill area to divert the uncontaminated water through the new channel or by use of Crisifoli type pumps and irrigation pipes or culverts. A large lead time is required for this technique.
- **Gelling and Chemical Agents.** These materials effect containment or removal by combining with the spilled substance to form:
 - A semi-solid gel;
 - An emulsion soluble in water allowing the spill to disperse throughout the water column; or
 - An alteration of surface tension driving the spilled material together to prevent spreading.
- **Air Flow and Bubble Dams.** These techniques have been used with success in diverting and channelizing contaminants in stream channels. Intake structures can be protected by providing an air flow from a compressor, until a more permanent barrier can be erected. Also, contaminants can be herded for collection using these techniques. The SSC should be able to provide guidance to the OSC in use of these techniques.

Removal

Once the substance has been contained, removal can begin. Removal techniques can be divided into two general classes: mechanical and physical-chemical. In many spill situations, techniques from each class may be used simultaneously or in conjunction.

- **Mechanical Removal.** These techniques are quite effective in spills involving floating substances, substances heavier than water and spills on land. Equipment and techniques employed must be compatible with the substance's physical characteristics such as flammability, corrosiveness, ability to be pumped, solvent action, etc. These characteristics along with the substance's toxicity will govern the protective clothing and equipment required by the individuals working in the spill area to adequately protect their health and insure safety. Mechanical removal devices and techniques include:
 - **Skimmers.** These devices are designed to take in a floating substance off the surface of water. They can be used in conjunction with suction/discharge pumps and require a holding tank to contain the removed substance. Units are available as vacuum trucks that contain all necessary components.
 - **Sorbents.** These materials are manually distributed over the spill and manually collected once they have absorbed the substance. The most commonly used sorbents are hay and straw. Commercial sorbents are available in bags, pads and boom structures, however, these materials have been treated to repel water, a polar compound, and may be ineffective for certain substances exhibiting similar polar characteristics.
 - **Dredging.** This technique is similar to skimming except removal occurs under water rather than at the surface. Suction heads or nozzles, pumps, and holding tanks make up the dredge unit. This technique is effective for substances heavier than water.
- **Physical-Chemical Removal.** This technique takes advantage of the physical and chemical characteristics of the substance to remove or render the material inactive (i.e., make insoluble, make biodegradable, de-toxify, etc.). Physical-chemical removal required laboratory services to monitor initial spill concentrations during the various stages of removal and final concentrations. This monitoring assures the desired result has been achieved and allows adjustments to be made in the removal operations to maximize the effectiveness of the removal operations. Physical-chemical treatment techniques and devices include, but are not limited to:
 - **Activated Carbon.** This material has the capacity to absorb a wide range of substances. Packages of activated carbon can be used to construct filter fences, allowed to float in the contaminated area or used as a filter column through which the contaminated water is passed to remove the contaminating substance.
 - **Neutralization.** This process involves the addition of mild caustic material to acid spills or mild acids to caustic spills. Occasionally, a precipitant will form from the reaction. This precipitant should be removed. Empirical formulas for the spilled material and treating agents will provide the necessary information regarding volume of treating agent needed to neutralize the spill.
 - **3. Physical/Chemical Treatment.** These methods range from simple carbon absorption, as described above, through complex mixed batch or flow through treatment schemes. Complex treatment systems usually require removal and storage of the contaminated water. Various adjustments and refinements,

based on chemical tests of the effluent for desired treatment efficiency, must be made. Commercial physical-chemical treatment units are available. These include activated carbon units, ion-exchange resin columns, diatomaceous earth filtration units, oxidation-reduction, neutralization or flocculation units. All of these items may be used singularly or in conjunction with each other to effect removal. Sound chemical knowledge or expertise is required to establish and operate effective treatment units such as these. As mentioned above, analytical laboratory capabilities must be available for pretesting, intermediate phase testing, and unit effluent testing to assure the desired removal performance has been accomplished.

- **Packaged Treatment Units.** Several mobile treatment units have been developed in recent years. The cost and time required to bring any of these units on-scene requires total containment of the spill as well as an inability to develop a treatment process with available materials.
- **Available Materials.** Usually an adequate treatment system can be developed using available materials. Containment can be achieved with empty tank trucks, prefabricated swimming pools available from department stores, or, if necessary, clarifiers at a treatment plant. Neutralizing agents in the form of vinegar, lye, etc., are commercially available. Hospitals, refineries, and chemical supply companies can provide these as well as more sophisticated chemicals in less time usually than a packaged treatment unit can be obtained. Mixers, stirrers, etc., can be fabricated from pipe, lumber, and electric motors. The motors and generators can be obtained through local rental agencies.

Disposal

The final operations in spill response and cleanup are the disposal of the collected materials. Any plan for disposal must be coordinated through the OSC and the State Representative. Methods for disposal include:

- Recycling recovered materials to nearby refineries, refiners, or waste recovery plans.
- Land farming of oil that entails spreading a thin layer of the oil or oily waste over a land area, tilling the oil into the soil, seeding and fertilizing the area with nitrogen fixing grasses and fertilizers to promote the growth of soil organisms, which then break down the oil. This method of disposal requires extensive participation by the State and Soil Conservation Service as well as long-term monitoring to assure the oil or oily waste is being sufficiently broken down.
- Land filling that entails disposing of the material at an approved landfill site. Procedures and sites available will be designated by the appropriate State agency
- Burning may be performed after obtaining permission to burn from the appropriate State air pollution control agency.
- Permanent disposal for designated hazardous substances (40 CFR Part 116 and 117) shall be in accordance with all RCRA regulations.

Special Considerations

Certain precautions must be taken during each spill incident to adequately assure protection of certain areas not previously addressed. These areas include:

- **Groundwater Contamination.** Since many individuals and municipalities in Region 6 utilize groundwater aquifers as a source for their drinking water supply every effort should be made to prevent oil or hazardous substance spills from migrating into these underground aquifers. Such protection may necessitate drilling test wells adjacent to the spill site to test the groundwater assuring contamination has not occurred. If the spilled substance should enter the groundwater, methods available to remove the material include:
 - **Trenching.** This method is effective in areas having shallow groundwater tables. A trench is excavated across the plane of groundwater flow at a sufficient distance downstream of the zone of contamination plume in the groundwater. An impermeable barrier (plastic, bentonite, etc.) is placed on the downstream side of the trench. The contaminated groundwater is allowed to collect in the trench and the pollutant is removed by the most appropriate method discussed earlier.
 - **Withdrawal Wells.** This method is effective in areas having deep groundwater tables and areas where soil characteristics preclude trenching. One or more wells are sunk in or around the area of contamination. The contaminated groundwater is pumped from the well or wells and treated by the most appropriate method discussed earlier. As the contaminated water is removed, a cone of depression is created providing

containment of the polluting substance. An alternate method, effective for substances floating on the water surface, uses a skimming device in the well. The contaminated groundwater allowed to collect in the well and the floating contaminant is skimmed from the surface of the groundwater, pumped to surface storage and recovered or disposed of as discussed earlier.

- **Bio-degradation.** This method is still in the research phase but field tests in actual spill situations have proven the method to be highly effective. Specific microorganisms are injected into the area of contamination. The micro-organisms use the contaminant as nutrients for growth and reproduction. The organisms move with the contaminant and consume it. Once the contaminant is removed, the organisms die off. Major problems still to be resolved are the slimes created when the organisms die, and taste and odor problems in water caused by the activities and death of the organisms. Use of this method must have OSC approval.
- **Transportation of Hazardous Substances Waste.** In order to minimize the spread of environmental contamination during transportation of spill waste to disposal sites, every effort should be made to assure that whatever means of shipment is employed will not result in leakage of material during transportation and adequate covers are placed over the materials to prevent wind induced spreading of the material. The transportation of spill waste is regulated under RCRA. Each generator, transporter, and disposal facility must register with EPA from cradle to grave. The OSC can obtain a list of approved haulers and disposal sites, as well as a temporary hauling permit in a spill incident.
- **Oil and Hazardous Substances Debris.** Should be collected and stored in a lined storage area so the spilled substance can drip off of the debris and be recovered to the largest extent possible.

SECTION L -- SPECIAL TABLES

TABLE A – SURFACE WATER INTAKES

This information is restricted. Please email Steve Mason at mason.steve@epa.gov requesting information on how to receive this sensitive data.

TABLE B – WATER INTAKES FROM RIVERS

This information is restricted. Please email Steve Mason at mason.steve@epa.gov requesting information on how to receive this sensitive data.

TABLE C – FEDERALLY-LISTED ENDANGERED OR THREATENED SPECIES – BY COUNTY

Refer to Annex 56 – Endangered Species Act Emergency Consultation Guidance on instructions on how to find a list of endangered species for each county / parish.

TABLE D – CORE-BASED STATISTICAL AREAS – METROPOLITAN > 50,000; MICROPOLITAN - 10,000 – 50,000

Rank	Area	2012 Estimate	2010 Census	Change		Rank	Area	2012 Estimate	2010 Census	Change
8	Dallas, Texas area	7,695,411	6,817,483	+12.88%		381	Jacksonville, Texas area	51,206	50,845	+0.71%
10	Houston, Texas area	6,371,677	6,114,562	+4.20%		383	Paris, Texas area	49,811	49,793	+0.04%
31	San Antonio, Texas area	2,234,003	2,142,508	+4.27%		384	Kerrville, Texas area	49,786	49,625	+0.32%
36	Austin, Texas area	1,834,303	1,716,289	+6.88%		387	Del Rio, Texas area	48,705	48,879	-0.36%
42	New Orleans area	1,452,502	1,413,965	+2.73%		389	Tahlequah, Oklahoma area	48,150	46,987	+2.48%
46	Oklahoma City area	1,367,325	1,322,429	+3.39%		390	Ardmore, Oklahoma area	48,085	47,557	+1.11%
53	Albuquerque, New Mexico area	1,162,777	1,146,049	+1.46%		391	Corsicana, Texas area	47,979	47,735	+0.51%
54	Tulsa, Oklahoma area	1,122,259	1,106,431	+1.43%		393	Ruston, Louisiana area	46,953	46,735	+0.47%
58	El Paso, Texas area	1,045,180	1,013,356	+3.14%		396	Bogalusa, Louisiana area	46,670	47,168	-1.06%
66	Little Rock, Arkansas area	893,610	877,091	+1.88%		402	Ponca City, Oklahoma area	45,831	46,562	-1.57%
67	McAllen, Texas area	868,167	835,737	+3.88%		403	Blytheville, Arkansas area	45,562	46,480	-1.98%
70	Baton Rouge, Louisiana area	815,298	802,484	+1.60%		404	Harrison, Arkansas area	45,413	45,233	+0.40%
90	Lafayette, Louisiana area	611,774	604,784	+1.16%		407	McAlester, Oklahoma area	45,048	45,837	-1.72%
102	Corpus Christi, Texas area	516,793	501,500	+3.05%		409	Duncan, Oklahoma area	44,779	45,048	-0.60%

Rank	Area	2012 Estimate	2010 Census	Change		Rank	Area	2012 Estimate	2010 Census	Change
106	Fayetteville, Arkansas area	482,200	463,204	+4.10%		414	Durant, Oklahoma area	43,399	42,416	+2.32%
111	Shreveport, Louisiana area	447,193	439,811	+1.68%		415	Paragould, Arkansas area	43,163	42,090	+2.55%
113	Brownsville, Texas area	437,615	428,354	+2.16%		420	Alice, Texas area	41,754	40,838	+2.24%
116	Killeen, Texas area	420,375	405,300	+3.72%		423	El Campo, Texas area	41,285	41,280	+0.01%
121	Beaumont, Texas area	404,180	403,190	+0.25%		428	Mountain Home, Arkansas area	41,048	41,513	-1.12%
135	Lubbock, Texas area	320,741	313,740	+2.23%		429	El Dorado, Arkansas area	40,867	41,639	-1.85%
143	Midland, Texas area	295,987	278,801	+6.16%		434	Española, New Mexico area	40,318	40,246	+0.18%
145	Longview, Texas area	284,129	280,000	+1.47%		436	Natchitoches, Louisiana area	39,436	39,566	-0.33%
146	Fort Smith, Arkansas area	280,521	280,467	+0.02%		438	Stephenville, Texas area	39,321	37,890	+3.78%
147	Amarillo, Texas area	279,500	274,083	+1.98%		442	Gainesville, Texas area	38,688	38,437	+0.65%
152	Tyler, Texas area	266,027	260,559	+2.10%		448	Ada, Oklahoma area	37,958	37,492	+1.24%
155	Laredo, Texas area	259,172	250,304	+3.54%		449	Brownwood, Texas area	37,825	38,106	-0.74%
156	Waco, Texas area	256,317	252,772	+1.40%		458	Batesville, Arkansas area	37,025	36,647	+1.03%
158	Monroe, Louisiana area	252,294	251,155	+0.45%		462	Big Spring, Texas area	36,667	36,238	+1.18%
171	College Station, Texas area	234,501	228,660	+2.55%		463	Bay City, Texas area	36,547	36,702	-0.42%
184	Las Cruces, New Mexico area	214,445	209,233	+2.49%		466	Plainview, Texas area	36,385	36,273	+0.31%
187	Houma, Louisiana area	208,922	208,178	+0.36%		468	Sulphur Springs, Texas area	35,469	35,161	+0.88%
194	Lake Charles, Louisiana area	201,195	199,607	+0.80%		474	Brenham, Texas area	34,093	33,718	+1.11%
209	Jonesboro, Arkansas area	167,205	163,116	+2.51%		476	Malvern, Arkansas area	33,394	32,923	+1.43%
210	Abilene, Texas area	166,963	165,252	+1.04%		479	Taos, New Mexico area	32,779	32,937	-0.48%
217	Alexandria, Louisiana area	154,441	153,922	+0.34%		481	Mount Pleasant, Texas area	32,663	32,334	+1.02%
221	Wichita Falls, Texas area	150,829	151,306	-0.32%		485	Beeville, Texas area	32,527	31,861	+2.09%
223	Texarkana, Texas area	149,701	149,198	+0.34%		486	Kingsville, Texas area	32,456	32,477	-0.06%
228	Santa Fe, New Mexico area	146,375	144,170	+1.53%		487	Miami, Oklahoma area	32,236	31,848	+1.22%
231	Odessa, Texas area	144,325	137,130	+5.25%		493	Camden, Arkansas area	30,703	31,488	-2.49%
241	Lawton, Oklahoma area	132,545	130,291	+1.73%		498	Silver City, New Mexico area	29,388	29,514	-0.43%
245	Hot Springs, Arkansas area	130,297	128,947	+1.05%		502	Las Vegas, New Mexico area	28,891	29,393	-1.71%
247	Farmington, New Mexico area	128,529	130,044	-1.16%		504	Weatherford, Oklahoma area	28,536	27,469	+3.88%
255	Hammond, Louisiana area	123,441	121,097	+1.94%		508	Forrest City, Arkansas area	27,858	28,258	-1.42%
256	Sherman, Texas area	121,935	120,877	+0.88%		509	Mineral Wells, Texas area	27,856	28,111	-0.91%
261	Victoria, Texas area	118,229	115,384	+2.47%		510	Bastrop, Louisiana area	27,559	27,979	-1.50%
266	San Angelo, Texas area	114,854	111,823	+2.71%		513	Grants, New Mexico area	27,334	27,213	+0.44%
288	Pine Bluff, Arkansas area	97,451	100,258	-2.80%		515	Uvalde, Texas area	26,752	26,405	+1.31%
299	DeRidder, Louisiana area	90,150	87,988	+2.46%		518	Altus, Oklahoma area	26,237	26,446	-0.79%
301	Lufkin, Texas area	87,597	86,771	+0.95%		524	Fredericksburg, Texas area	25,153	24,837	+1.27%
305	Russellville, Arkansas area	84,697	83,939	+0.90%		525	Deming, New Mexico area	25,041	25,095	-0.22%
306	Opelousas, Louisiana area	83,662	83,384	+0.33%		527	Magnolia, Arkansas area	24,473	24,552	-0.32%
308	Huntsville, Texas area	82,717	82,446	+0.33%		533	Elk City, Oklahoma area	23,081	22,119	+4.35%
309	Athens, Texas area	79,094	78,532	+0.72%		534	Levelland, Texas area	23,072	22,935	+0.60%
310	Searcy, Arkansas area	78,493	77,076	+1.84%		535	Pampa, Texas area	22,978	22,535	+1.97%
313	Stillwater, Oklahoma area	78,399	77,350	+1.36%		536	Arkadelphia, Arkansas area	22,936	22,995	-0.26%
319	Gallup, New Mexico area	73,016	71,492	+2.13%		541	Dumas, Texas area	22,313	21,904	+1.87%
321	Shawnee, Oklahoma area	70,760	69,442	+1.90%		542	Raymondville, Texas area	22,058	22,134	-0.34%

Rank	Area	2012 Estimate	2010 Census	Change		Rank	Area	2012 Estimate	2010 Census	Change
322	Muskogee, Oklahoma area	70,596	70,990	-0.56%		543	Borger, Texas area	21,922	22,150	-1.03%
323	Clovis, New Mexico area	70,357	68,222	+3.13%		544	Port Lavaca, Texas area	21,609	21,381	+1.07%
328	Marshall, Texas area	67,450	65,631	+2.77%		545	Guymon, Oklahoma area	21,498	20,640	+4.16%
331	Hobbs, New Mexico area	66,338	64,727	+2.49%		551	Helena, Arkansas area	20,784	21,757	-4.47%
332	Alamogordo, New Mexico area	66,041	63,797	+3.52%		552	Woodward, Oklahoma area	20,548	20,081	+2.33%
333	Nacogdoches, Texas area	66,034	64,524	+2.34%		553	Portales, New Mexico area	20,419	19,846	+2.89%
335	Roswell, New Mexico area	65,784	65,645	+0.21%		554	Hereford, Texas area	19,360	19,372	-0.06%
347	Rio Grande City, Texas area	61,615	60,968	+1.06%		555	Los Alamos, New Mexico area	18,159	17,950	+1.16%
350	Enid, Oklahoma area	61,189	60,580	+1.01%		557	Snyder, Texas area	17,126	16,921	+1.21%
357	Palestine, Texas area	58,190	58,458	-0.46%		563	Andrews, Texas area	16,117	14,786	+9.00%
362	Eagle Pass, Texas area	55,365	54,258	+2.04%		564	Sweetwater, Texas area	14,924	15,216	-1.92%
366	Carlsbad, New Mexico area	54,419	53,829	+1.10%		565	Zapata, Texas area	14,290	14,018	+1.94%
367	Fort Polk South, Louisiana area	53,869	52,334	+2.93%		566	Pecos, Texas area	13,798	13,783	+0.11%
368	Morgan City, Louisiana area	53,697	54,650	-1.74%		568	Lamesa, Texas area	13,640	13,833	-1.40%
379	Bartlesville, Oklahoma area	51,633	50,976	+1.29%		569	Vernon, Texas area	13,258	13,535	-2.05%

TABLE E – REGION 6 OIL SPILL RESPONSE ORGANIZATIONS (OSRO's)

See Annex 31 for Oil Spill Response Organizations (OSRO's) listed in Region 6.

TABLE F – CONVERSION CHARTS

CONVERSIONS AND EQUIVALENTS						
AREA – (s = statute, n = nautical)			VOLUME			
<u>Multiply</u>	<u>By</u>	<u>To derive</u>	<u>Multiply</u>	<u>By</u>	<u>To derive</u>	
Meters ²	10.76	Feet ²	Barrels	42	Gallons	
Feet ²	0.929	Meters ²	Barrels	5.615	Feet ³	
Kilometers ²	0.386	s. miles ²	Barrels	158.9	Liters	
s. miles ²	2.59	Kilometers ²	Barrels	0.1589	Meters ³	
s. miles ²	0.7548	n. miles ²	Feet ³	7.481	Gallons	
n. miles ²	1.325	s. miles ²	Gallons	3.785	Liters	
Kilometers ²	0.2916	n. miles ²	WEIGHT			
n. miles ²	3.430	Kilometers ²	<u>Multiply</u>	<u>By</u>	<u>To derive</u>	
TEMPERATURE			Kilograms	2.205	Pounds	
<u>Calculate</u>	<u>To derive</u>		Metric tons	0.984	Long tons	
5/9(°F-32°)	°C		Metric tons	1,000	Kilograms	
9/5°C+32°	°F		Metric tons	2,205	Pounds	
			Long tons	1,016	Kilograms	
DENSITY ESTIMATIONS			Long tons	2,240	Pounds	
		Barrels / Long Ton		Short tons	907.2	Kilograms
		Range	Average	Short tons	2,000	Pounds
Crude Oils	6.7 - 8.1	7.4		<ul style="list-style-type: none"> 1 Long Ton equals 2,200 lbs. Approximately use 7 bbl. (300 U.S. gallons) per metric ton of oil. 6.4 barrels/long ton is neutrally buoyant in fresh water. Specific Gravity of 1 or an API of 10 equals the density of fresh water. Specific Gravity < 1 or an API > 10 indicates product is lighter than fresh water. API Gravity = (141.5/Specific Gravity) – 131.5 		
Aviation Gasolines	8.3 - 9.2	8.8				
Motor Gasolines	8.2 - 9.1	8.7				
Kerosene	7.7 - 8.3	8.0				
Gas Oils	7.2 - 7.9	7.6				
Diesel Oils	7.0 - 7.9	7.5				
Lubricating Oils	6.8 - 7.6	7.2				
Fuel Oils	6.6 - 7.0	6.8		Weight of Fresh Water: pounds/gallon 8.3	Note: Exact weight depends on temperature and salinity.	
Asphaltic Bitumens	5.9 - 6.5	6.2		Weight of Sea Water: pounds/gallon 8.5		
OIL THICKNESS ESTIMATES						
Standard Term	Approximate Film Thickness		Approximate Quantity of Oil in Film			
	Inches	Mm				
Barely Visible	0.0000015	0.00004	25 gals/mile ²	44 liters/km ²		
Silvery	0.000003	0.00008	50 gals/mile ²	88 liters/km ²		
Slight Color	0.000006	0.00015	100 gals/mile ²	176 liters/km ²		
Bright Color	0.000012	0.0003	200 gals/mile ²	351 liters/km ²		
Dull	0.00004	0.001	666 gals/mile ²	1,168 liters/km ²		
Dark	0.00008	0.002	1,332 gals/mile ²	2,237 liters/km ²		
Thickness of light oils:	0.0010 inches to 0.00010 inches.					
Thickness of heavy oils:	0.10 inches to 0.010 inches.					

ANNEXES

FOUND IN VOLUME 4 – SUPPORT DOCUMENTATION