

## CHAPTER 7. POLLUTION RESPONSE

A. General Provisions.

1. Authority. Section 311 of the Federal Water Pollution Control Act (FWPCA), as amended (33 U.S.C. 1321) and the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) (42 U.S.C. 9601, et seq.), are the principal authorities for federal response to discharges of oil and releases of hazardous substances. The procedures and standards for conducting responses are contained in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR 300.34(b)). Each Coast Guard captain of the port (COTP), under the NCP and applicable Regional Contingency Plan (RCP), coordinates federal activities on scene as either the predesignated On-Scene Coordinator (OSC) or the first federal official in the absence of the predesignated OSC. The OSC's objective is to ensure rapid, efficient mitigation of actual or threatened pollution releases and discharges. This chapter supplements the procedures for carrying out the Coast Guard's responsibilities under the NCP. Legislative mandates and Executive Orders (E.O.'s) authorizing Coast Guard actions in pollution response and COTP functions are listed in volume I of this manual.

2. National Response Organization.

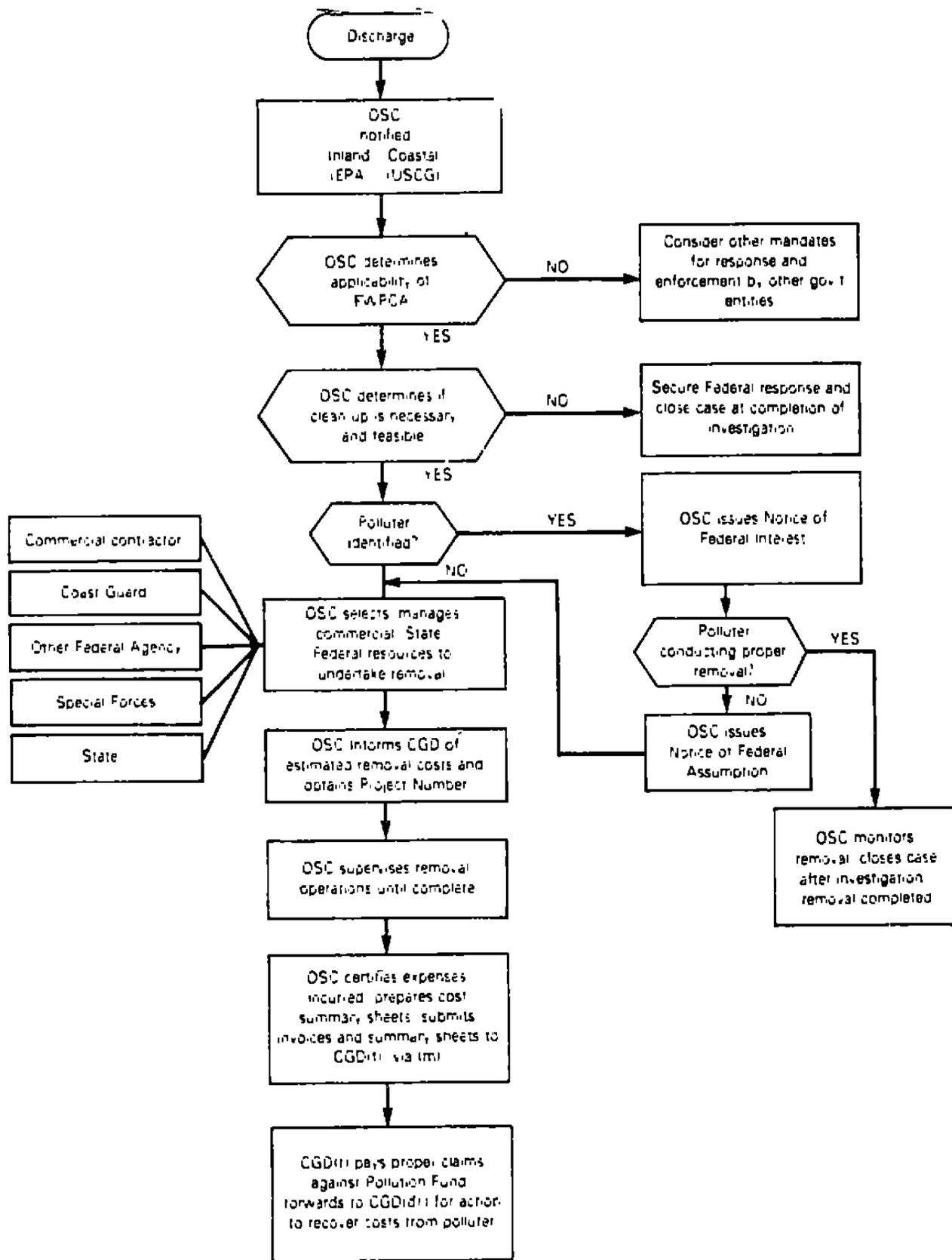
a. Role Of The OSC. It is the policy of the Coast Guard to ensure that timely and effective response action is taken to control and remove discharges of oil and releases of hazardous substances, including substantial threats of discharges and releases, into the coastal zone, unless such removal actions are being conducted properly by the responsible party. As the single federal official responsible for ensuring proper pollution response and enforcement, the OSC is the most important component in the national response organization. The OSC must quickly determine:

- (1) The nature, amount, and location of a pollutant;
- (2) The potential impact on public health and welfare or on the environment; and
- (3) The countermeasures necessary to adequately contain, control, or remove the pollutants.

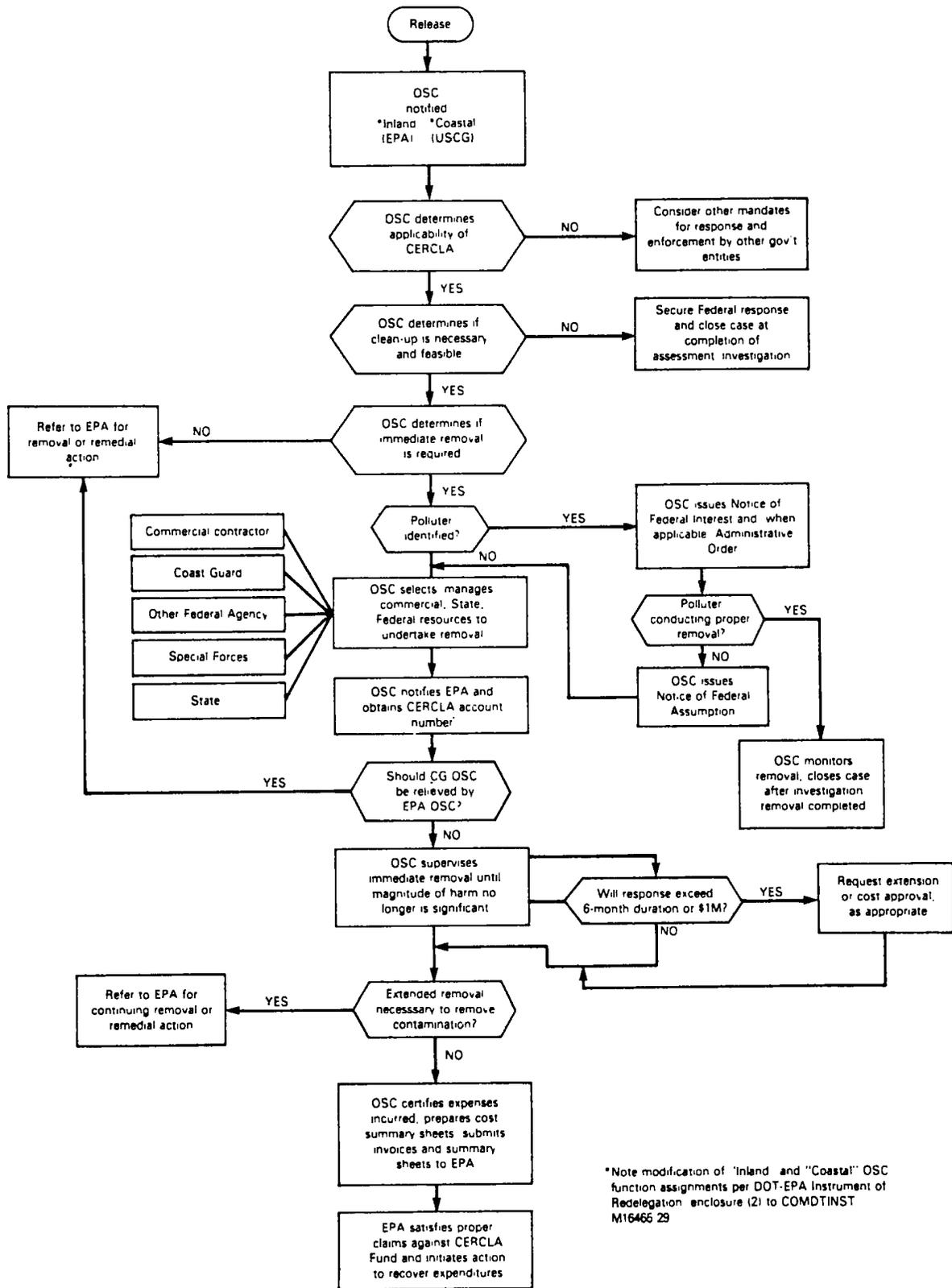
The OSC shall use appropriate legislative and regulatory authorities, the NCP, regional and local contingency plans, and other circumstances unique to each incident to ensure that pollution response is carried out expeditiously and aggressively.

b. OSC's Emergency Task Force (ETF). A Coast Guard OSC manages the ETF cited in the NCP (40 CFR 300.32(b)). The ETF must be able to assess a spill to determine response measures, monitor and supervise pollution countermeasures, employ limited Coast Guard equipment until a contractor arrives, document all phases of the response, and conduct

- 7.A.2. b. (cont'd) investigations. While many responsibilities may be delegated to the OSC's staff, the OSC remains solely responsible to determine the threat to public health and welfare, to authorize the expenditure of federal funds, and to ensure that necessary response actions are performed. When the situation mandates, the OSC shall augment his or her staff with whatever expertise, personnel, and/or equipment that is available through national, regional, and local contingency plans. Most notable are the National Strike Force (NSF), the Environmental Response Team (ERT), the Scientific Support Coordinator (SSC), and the Public Information Assist Team (PIAT) described in the NCP as Special Forces. The capabilities of available Special Forces and guidance on when they should be contacted are found in paragraph 7.D.4 below.
- c. Interagency Functions. The National and Regional Response Teams (NRT and RRT) act as the coordinating bodies that assist the OSC in rapidly obtaining expertise or resources from other federal or state organizations. Agencies comprising the NRT and RRT, along with their respective areas of expertise and responsibilities, are listed in the NCP (40 CFR 300).
3. Response Alternatives. The NCP describes separate procedures for "discharges" under the FWPCA, and "releases" under CERCLA. CERCLA does not apply to oil spills, but is more comprehensive than the FWPCA, and it should be used for response to all hazardous substance releases, even if the FWPCA is applicable. [NOTE: In order to enhance the potential for removal cost recovery in the case of a hazardous substance discharge from a foreign flag vessel neither owned nor operated by a United States citizen, both Section 104(a) CERCLA and Section 311(c) FWPCA should be cited as authority for necessary removal actions. Of course this would be limited to circumstances where both statutes apply. Since CERCLA Trust Fund monies will be used, CERCLA procedures will still be followed.] Usually, a limited federal effort is required, beyond the investigation duties described in volume V of this manual, if either mitigation measures are not feasible, or the polluter and/or other parties are taking appropriate measures. When more extensive federal involvement is required, the OSC must rapidly determine the appropriate response alternative provided for by the FWPCA, CERCLA, or other authority. Figures 7-1 and 7-2 are "standard" flowcharts for pollution response under the FWPCA and CERCLA, respectively. Section 7.B below details pollution response under the FWPCA. Most of the procedures also apply to CERCLA and can generally be used in response to hazardous substance releases. Section 7.C below provides additional procedures that are unique to CERCLA.
- B. Pollution Response Under The FWPCA.
1. Handling The Report Of A Pollution Incident. The NCP (40 CFR 300.51(b)) requires that all reports of discharges be made to the National Response Center (NRC), unless reporting to the NRC is not practicable. In such cases, reports can be made to the Coast Guard or EPA predesignated OSC for the area where the discharge occurs. The OSC is required to promptly relay all such reports to the NRC. Telephone relay is not required.



# CERCLA RESPONSE FLOWCHART



\*Note modification of "Inland" and "Coastal" OSC function assignments per DOT-EPA Instrument of Redefinition enclosure (2) to COMDTINST M16465 29

- 7.B.1. (cont'd) Entry of the NRC Case Number in the appropriate field of the Marine Safety Information System Marine Pollution Product Set (MSIS-MP) will meet this relay requirement.
- a. State Notification. On receipt of a pollution incident, the OSC shall notify the appropriate state representative and any other agency whose services may be necessary during a response. This notification also serves as notice to the applicable state natural resource trustees.
  - b. Notification Of Natural Resource Trustees. The OSC should notify the appropriate land managing agencies or trustees of natural resources whenever there is any indication of resources potentially being affected by an oil discharge or hazardous substance release. Federal resource trustees are identified in Subpart G of the NCP and should also be identified in the RCP.
2. Preliminary Assessment. The OSC shall determine the discharge's magnitude and severity, the identity of suspected polluters, threats to public health and welfare, the feasibility of countermeasures, and the Coast Guard's jurisdictional authority to pursue pollution countermeasures for all pollution reports.
- a. Determining The Need For On-Scene Assessment. Sections 300.52 and .64 of the NCP require that the OSC conduct a preliminary assessment of each reported discharge or release. However, this assessment does not necessarily require the on-scene presence of Coast Guard personnel. The following policy should be used in determining whether Coast Guard presence is required on scene:
    - (1) The OSC will rapidly assess every reported discharge of oil or release of hazardous substances. Based on the geographical size of the zone, resource limitations, and information received in the notification, the OSC may, as necessary, use capable representatives of other federal, state, or local government agencies for this initial assessment.
    - (2) If the responsible party is conducting the removal, the OSC will monitor, or assure that a capable representative from another federal, state, or local government agency monitors, all cleanup activities. In those cases where a Coast Guard or other government official is not on scene, conduct monitoring by the best practical means available.
    - (3) In all cases when Coast Guard investigation is required for civil or non-notification penalties, investigators will be dispatched in accordance with procedures detailed in volume V of this manual.

Whether or not Coast Guard personnel are dispatched, the Coast Guard COTP shall enter the pollution incident in the MSIS-MP using available information (see subparagraph 7.B.6.b.(2) below).

- 7.B.2. b. Determining FWPCA Applicability. The OSC must ensure that three criteria are met before exercising enforcement or removal activity:
- (1) There was a DISCHARGE or substantial threat of a discharge (see the FWPCA, Section 311(a)(2), but not that removal authority is not limited by exclusions (A), (B), or (C));
  - (2) Of OIL or HAZARDOUS SUBSTANCES (see the FWPCA, Section 311(a)(1) for oil, 40 CFR 117 for hazardous substances);
  - (3) Into or upon the NAVIGABLE waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act (OCSLA) or the Deepwater Port Act of 1974 (DPA), or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (see the FWPCA, Section 311(b)(3)). "Quantities which may be harmful" (40 CFR 110.3 and 117) have no bearing on authority to undertake removal action.

Section 502(7) of the FWPCA broadly defines navigable waters as "waters of the United States." This includes waters "traditionally" recognized as navigable, along with streams, creeks, lakes, and ponds which form their tributaries. Storm drains and other artificial systems are extensions of waterways when an effluent could flow through them into the tributary system without passing through a treatment plant. "Waters of the U.S." also include seasonally dry watercourses when there is water standing or flowing. The mere existence of a channel or bed through which water could flow is, however, insufficient without the actual presence of water or potential presence of water in the near future due to tidal fluctuations, seasonal flooding, or other occurrences. Therefore, "navigability" is not the controlling factor. Definitions of jurisdictional terms are contained in 33 CFR 2.05.

- c. Pollution Countermeasures. The OSC must ensure that response actions to mitigate damage are initiated as soon as possible after discovery or notification of a discharge or potential discharge. These actions include, but are not limited to:
- (1) Containment measures and monitoring the spread of the pollutant;
  - (2) Measures required to warn the public of acute danger;
  - (3) Provision of temporary drinking water sources;
  - (4) Monitoring to determine the extent of contamination;
  - (5) Removal/cleanup/disposal measures;
  - (6) Providing navigational cautions while response activities are underway; and

- 7.B.2.c. (7) Response efforts required to locate and isolate spill sources or to identify the properties of the discharged pollutants.

Such countermeasures should be taken by the responsible party (usually through cooperatives or contractors), but may be initiated by the OSC if circumstances require. The long-term solution to some spills may require the construction of major capital structures including advanced treatment systems or extension dikes. While such construction may mitigate the danger to the public, it normally is not appropriate to undertake directly such extensive actions under Section 311(c) of the FWPCA.

- d. Feasibility Of Removal Actions. The OSC must use experience and best judgment when applying the FWPCA authority in removing, arranging for removal, or ensuring the proper removal of pollutants. Considerations in determining the feasibility of removal include:
- (1) Will removal action cause more damage to the environment than allowing the pollutant to naturally dissipate?
  - (2) Can cleanup be initiated before the pollutant disperses, making cleanup impractical?
  - (3) Can equipment be deployed without excessive risk to the life and health of personnel?

3. Actions Required When The Polluter Is Identified. When the polluter is identified, the OSC shall undertake the procedures described below. [NOTE: It is of particular importance that the OSC make a reasonable effort to have the responsible party voluntarily and promptly perform removal operations (see the NCP, 40 CFR 300.52).]

- a. Notice Of Federal Interest. The OSC shall present a Notice of Federal Interest for an Oil Pollution Incident (Form CG-5549) to every suspected discharger. [NOTE: This requirement is for internal direction only. The failure of an OSC to present this Notice in a given case does not affect any liability of any person which may arise in that case.] This informs the suspected discharger of a potential violation of the FWPCA, as amended, and of his or her possible liability to a civil penalty of up to \$25,000 per day of violation or up to 3 times the costs incurred by the OSLTF. Notice should also be made in potential pollution incidents when the actions of the potential discharger to abate the threat are considered insufficient, and Federal action is contemplated. If possible, any witness(es) should accompany the OSC's representative when the Notice is served. The OSC's representative shall retain the OSC's copy of the Notice that is signed and dated by the suspected discharger, or the suspected discharger's representative. If the discharger refuses to sign, the Notice will still be served. The investigator will note the circumstances on the copy, sign and date it, and have the

FIGURE 7-3

U.S. Department  
of Transportation  
  
United States  
Coast Guard



COMMANDING OFFICER  
NOTIFICATION OF FEDERAL INTEREST FOR (Rubber Stamp With MSO's  
AN OIL POLLUTION INCIDENT Address to Fit Here)

\_\_\_\_\_  
(Address of Responsible Party)

\_\_\_\_\_  
(Date)

Gentlemen:

On or about \_\_\_\_\_ (Date) \_\_\_\_\_, an oil pollution incident occurred or threatens to occur at Vessel/Facility Name, Location, and Body of Water. You may be financially responsible for that incident. Under Federal Statutes, the United States Government may take action to minimize or mitigate damage to the public health or welfare that is threatened or that may be caused by this incident.

Under the Oil Pollution Act of 1990, the responsible party is liable for, among other things, removal costs and damages resulting from this incident. The failure or refusal of the responsible party to provide all reasonable cooperation and assistance requested by the Federal On-Scene Coordinator (OSC) will eliminate any defense or entitlement to limited liability which otherwise might be available under the Act.

You are advised that your failure to properly carry out the removal of the discharge as ordered by the OSC or to comply with any administrative orders necessary to protect the public health and welfare, may subject you to additional penalties. For such failure, owners, operators, or persons in charge of the vessel or facility from which the oil is discharged are subject under the Federal Water Pollution Control Act (FWPCA), as amended, to a civil penalty of up to \$25,000 per day of violation or up to 3 times the costs incurred by the Oil Spill Liability Trust Fund. Should you require further information concerning this matter, please contact \_\_\_\_\_ (Name of OSC) at the above address and telephone number.

As long as the OSC determines that you are taking adequate actions in this matter, Federal removal action will usually be limited to monitoring the progress of your actions and providing guidance as necessary. Under the FWPCA, as amended, your response actions may be taken into account in determining the amount of any penalty assessed as a result of the discharge.

Sincerely,

\_\_\_\_\_  
(Signature of OSC or

Representative)

Received and Acknowledged: (Signature of Responsible Party)

Witness(es): (Signature, Date, and Time)

\_\_\_\_\_  
(Signature, Date, and Time)

- 7.B.3. a. (cont'd) witness(es) sign and date it. Should the owner/operator be unavailable, the Notice shall be sent via certified mail, return receipt requested. A sample Notice of Federal Interest for an Oil Pollution Incident (Form CG-5549) is shown in Figure 7-3.
- b. Monitoring Removal Operations. Normally, the removal is done by the responsible party, and the OSC need only ensure that it is being conducted properly. "Proper" includes both the timeliness and the adequacy of the removal operations that are necessary to control the spread of the discharge and mitigate the environmental effect. When appropriate, the OSC shall guide the discharger on the preferred course of action. The OSC shall use good judgment in determining the extent of monitoring required and the need for the presence of the Coast Guard or other government agencies on scene. The extent of monitoring required will largely depend on the known capabilities and the reliability of the discharger and/or the discharger's cleanup firm. The OSC will monitor, or assure that a capable representative from another federal, state, or local government agency monitors, all responsible party cleanups. Monitoring tasks include:
- (1) Prioritizing the areas to be cleaned-up and the degree of removal that is required;
  - (2) Providing advice on removal methods;
  - (3) Ensuring only authorized means of cleanup are used (i.e., no chemical agents other than those authorized by the NCP, Subpart H) (see paragraph 7.D.3 below);
  - (4) Ensuring selected cleanup techniques and equipment result in the least environmental damage or interference with designated water uses including the protection of vulnerable or endangered species of waterfowl and wildlife; and
  - (5) Recommending changes to improve cleanup operations.
- c. "Arranging For Removal." (TO BE DEVELOPED)
- d. Federal Assumption Of Response Activities. Under FWPCA Section (311)(c)(1), whenever a polluter is unknown or not acting responsibly, or when its removal effort is insufficient, or to present the substantial threat of a discharge, the OSC may assume total or partial control of response activities. The OSC must inform the suspected polluter, if known, of this action by issuing a Notice of Federal Assumption of Response Activities, even if the suspected polluter has not initiated any action. This Notice references the Notice of Federal Interest for an Oil Pollution Incident and indicates the date and time the Federal response is initiated. The same procedures used for issuing and obtaining signatures for the Notice of Federal Interest for an Oil Pollution

7.B.3.d. (cont'd) Incident apply. Figure 7-4 is a sample Notice of Federal Assumption of Response Activities. [NOTE: This requirement is for internal direction only. The failure of an OSC to present a Notice of Federal Assumption of Response Activities in a given case does not affect any liability of any person which may arise in that case.] In some instances, the OSC may determine that the polluter's response efforts should continue, but that some Federal assistance is necessary to augment the cleanup (e.g., cleanup resources that the polluter cannot or will not provide). Whenever it is necessary for the federal government to expend funds in support of a cleanup operation, for purposes other than monitoring, the OSC should declare a Federal spill for the area(s) for which he or she is assuming control, activate the OSLTF to cover expenses and take whatever actions are necessary to ensure a proper cleanup. In these cases, the Notice of Federal Assumption shall clearly delineate those actions or areas for which the OSC is assuming control or providing other resources. [NOTE: The term "declare a Federal spill" as used in this chapter means: in the case where a suspected polluter has been identified, the presentment of the Notice of Federal Assumption; or in other cases, the initiation of Federal removal operation.]

#### 4. Initiating Federal Removal Operations.

##### a. Resources.

- (1) Introduction. The OSC may use the OSLTF to pay for removal costs as described in subparagraph 7.B.3.d above. In addition to the resources listed below, any of the Special Forces (see paragraph 7.D.4 below) may be activated whenever local resources are unable to provide necessary equipment, personnel, or expertise. In managing a Federally funded removal, the OSC must make every effort to:
  - (a) Minimize elapsed time from notification to deployment of equipment;
  - (b) Match equipment and personnel to spill characteristics; and

FIGURE 7-4

SAMPLE NOTICE OF FEDERAL ASSUMPTION OF RESPONSE ACTIVITIES

(Name/Address)

Gentlemen:

My letter of (date) notified you of federal interest in an actual or potential pollution incident at (vessel/facility) at (location and body of water), for which you are presently considered financially responsible.

You are hereby given notice that your actions to abate this threat and to remove the substance(s), and to mitigate (its/their) effects have been evaluated as unsatisfactory by the U.S. Coast Guard On-Scene Coordinator (OSC), (name). Effective (date/time), the Coast Guard will conduct all response activities under the authority of [Section 311(c)(1) of the Federal Water Pollution Control Act (FWPCA), as amended] [Section 104(a)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA)]. Removal will be effected in accordance with the criteria of the National Oil and Hazardous Substances Pollution Contingency Plan and federal regulations. You may then be liable for all removal costs incurred by the federal government as set forth in [Section 311(f) of the FWPCA] [Section 107(a) of CERCLA].

Should you require further information concerning this matter, you should contact: (name, address, and telephone number of OSC).

Sincerely,

(OSC or Representative)

Received and acknowledged:

(Name of Addressee), (Date/Time)

Witness: (Name), Date/Time)

- 7.B.4.a.(1) (c) Minimize the cost of labor, equipment, and materials and rapidly secure those resources that are no longer needed.
- (2) Managing A Commercial Contractor. The OSC shall, whenever possible, use contractors having current Basic Ordering Agreements (BOA's) with the district commander (fcp) (see Commandant Instruction (COMDTINST) 4200.14 (series)). Consult with the district contracting officer when a contractor is not under a BOA. In all cases, the OSC must know the contractor's capabilities. The selection shall be based on the OSC's determination of the lowest cost contractor capable of performing the job in a timely manner, not solely on a rotation schedule or other method. The OSC shall specify the needed cleanup resources and authorize the contractor to proceed in writing or verbally, with a written follow-up. Documentation of contractor costs is described in subparagraph 7.B.6.c.(2) below. Operations performed at the scene of a federally-funded spill that are not authorized by the OSC will not be paid from the Pollution Fund.
- (3) Use Of Coast Guard Unit Equipment. Each OSC shall maintain levels of "first aid" oil pollution response equipment as determined through the contingency planning process; however, it is the Coast Guard's policy not to compete with the commercial sector. Consistent with this policy, the use of Coast Guard equipment is appropriate only when:
- (a) It can be used in a more timely fashion than commercially available equipment;
  - (b) It includes a necessary containment or removal device that cannot be reasonably obtained from commercial sources; or
  - (c) It will significantly enhance removal activities.

COMDTINST 7310 (series) establishes standard rates to compute charges for Coast Guard pollution response equipment. Questions concerning these rates or the determination of other charges should be addressed to Commandant (G-FAC-6). Whenever the OSC must utilize Coast Guard-owned equipment for purposes other than monitoring, the OSC shall declare a federally-funded removal to the extent necessary to ensure effective removal of pollutants. Upon arrival of commercial equipment, Coast Guard-owned equipment should be removed, provided a smooth transition can be made. Additional guidance on the administration and use of Coast Guard-owned material for pollution response is found in volume I of this manual.

- (4) Use Of The State In Removal Operations. Under contracts or cooperative agreements established under the FWPCA (Section 311(c)(2)(h)), states may be reimbursed for OSC authorized expenditures incurred while conducting removal operations. A determination by the OSC that the responsible party is not

- 7.B.4.a. (4) (cont'd) properly conducting removal operations is a prerequisite for reimbursement of state removal expenses. Without a Section 311(c)(1) determination by the OSC prior to initiation of response actions, a state cannot obtain reimbursement for costs incurred in those activities. In addition, the OSC must determine that state removal actions are necessary. The OSC may authorize state removal actions when the state can minimize or mitigate significant damage which federal removal actions cannot, or when the cost incurred by the state will be less than, or not significantly greater than, that incurred by federal departments or agencies (NCP, 40 CFR 300.58). Also, since the OSC must certify that the activities of the state and the corresponding expenses were authorized, the OSC must maintain an appropriate level of supervision over state response actions. Only expenses prepaid from state funds may be considered for reimbursement. This policy recognizes the responsibility of the OSC to determine the propriety of any removal actions taken by the party responsible for the discharge, and allows the OSC to maintain effective control over removal activities in the OSC's geographic area of responsibility. Care must be exercised in a state removal operation to ensure that misunderstandings do not develop concerning reimbursement of funds expended for removal activities. State resources are to be used in accordance with formal agreements established among federal departments and agencies, the state, and the Coast Guard. These agreements should describe the mechanisms governing state reimbursement from the Pollution Fund for reimbursable activities listed in 33 CFR 153.407. To remain consistent with the policy on use of the 311(k) fund for hazardous substance removals, as described in section 7.B.7.a below, all agreements should be limited to oil discharge removal actions. The procedures for coordinated federal and state response activities should be included in the RCP. A sample agreement with a state agency is shown in Figure 7-5.
- (5) Use Of Other Federal Agencies. The OSC shall be familiar with existing Memorandums of Understanding (MOU's) and Interagency Agreements (IAA's) that describe the responsibilities and expectations of participating agencies during response operations. Figure 7-6 contains a list of existing MOU's and IAA's pertaining to pollution response (volume X (TO BE DEVELOPED) of this manual will contain copies of these documents).
- b. Accessing The FWPCA 311(k) Pollution Fund. The OSC shall promptly request the issuance of a project number from the district Fund Administrator for all federally-funded removals (see paragraph 7.B.7 below concerning use of the Fund). The OSC will provide the following information with the project number request:
- (1) The amount of obligation needed;
  - (2) The name of the discharger, if known or suspected;

FIGURE 7-5

SAMPLE AGREEMENT BETWEEN THE UNITED STATES AND THE STATE OF \_\_\_\_\_  
CONCERNING REIMBURSEMENT FROM THE FEDERAL POLLUTION FUND

WHEREAS, the state of \_\_\_\_\_, through its (state agency), and the U.S. Coast Guard, through its \_\_\_\_\_ Coast Guard District, have a mutual interest in protecting the environment from the damaging effects of oil pollution discharged into the navigable waters of the United States and the adjoining shorelines within their mutual jurisdictions; and

WHEREAS, the Coast Guard is authorized by the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), hereinafter called the "Act," and the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 300), hereinafter called the "National Contingency Plan," to reimburse state agencies from the Federal Pollution Fund under certain circumstances in which the Federal On-Scene Coordinator, hereinafter called the "OSC," determines that such action is necessary; and

WHEREAS, the state of \_\_\_\_\_, through its (state agency), and other political subdivisions and state instrumentalities, is authorized by state statute and local ordinances to pursue vigorous action to abate, contain, and recover oil pollutants discharged into its waters; and

WHEREAS, the (state agency) is the agency of the state of \_\_\_\_\_, designated pursuant to 40 CFR 300.24(a) to direct the cleanup of pollution by state and local agencies, and is the sole agency to submit requests for reimbursement for all state agencies, political subdivisions, and instrumentalities; and

WHEREAS, the (state agency) and the \_\_\_\_\_ Coast Guard District desire to establish uniform procedures for the authorization, documentation, certification, and reimbursement from the Federal Pollution Fund of Phase III (Containment, Countermeasures, Cleanup, and Disposal) oil pollution cleanup expenses incurred by the (state agency) or other state agencies, instrumentalities, and political subdivisions under its supervision and control, and which are required to be paid by the Act, the National Contingency Plan, and by appropriate implementing regulations;

NOW THEREFORE, the (state agency) and the \_\_\_\_\_ Coast Guard District agree as follows:

- (1) The OSC, designated in accordance with the National Contingency Plan, is the person solely responsible for coordinating federal pollution control efforts and the only person who may authorize activities which are reimbursable from the Pollution Fund.
- (2) This agreement is not intended to limit, to those situations in which reimbursement from the Pollution Fund is permissible, the activities of (state agency), other state agencies, instrumentalities, or political subdivisions in carrying out the mandate of statutorily approved programs. It is anticipated that exercise of state authority may

FIGURE 7-5 (cont'd)

- (2) (cont'd) be appropriate in circumstances in which federal action is not deemed necessary by the OSC. Activities of (state agency), other state agencies, instrumentalities, or political subdivisions may include expenditure of state funds which under other circumstances would be reimbursable, or expenditures (such as restoration expenses) which are not reimbursable from the Pollution Fund.
- (3) The OSC may inquire of the designated representative of (state agency) what, if any, equipment, personnel, or materials of (state agency), other state agencies, instrumentalities, or political subdivisions are available for use hereunder. The designated representative shall inform the OSC of what items, if any, are available and to what extent, if any, (state agency) desires to assume a portion of the responsibility for Phase III actions during a particular oil pollution incident, and the estimated costs of such actions.
- (4) Upon determination by the OSC that all of the following conditions have been met, he or she may authorize (state agency) to proceed with certain work to contain, clean up, and remove oil deposited upon the navigable waters of the United States or on adjacent shorelines or beaches:
  - (a) That the party causing the discharge is unknown; or that the responsible party has been notified, if possible, of his or her liability for the costs of federal removal in accordance with Section 311(f) or (g) of the Act, the need to perform the removal in accordance with existing federal and state statutes and regulations, including the National Contingency Plan, and the name and availability Of the OSC;
  - (b) That, despite these efforts by the OSC or other officials, the responsible party does not act promptly and adequately to remove the discharge; and
  - (c) That state action is required to minimize or mitigate significant damage to the public health and welfare which federal action cannot minimize or mitigate; or that state action can be effected at a cost not significantly greater than that which would be incurred through action by federal agencies.
- (5) If the OSC determines that the conditions of paragraph (4) have been met and that state action is necessary, he or she may authorize the designated representative of (state agency) to proceed with the performance of appropriate services. This notice to proceed may be limited in any fashion and may be terminated at any time by the OSC, in whole or in part, by written or oral notice to the designated representative.
- (6) All labor and equipment offered by the designated representative of (state agency) and authorized for use by the OSC shall be performed using the employees of (state agency), other state agencies, instrumentalities, or political subdivisions, unless the provisions of paragraph (8) of this

FIGURE 7-5 (cont'd)

- (6) (cont'd) agreement are met in contracting private concerns. All authorized work shall be supervised by the designated representative of (state agency). Work authorized hereunder, whether rendered by (state agency), other state agencies, instrumentalities, or political subdivisions shall be paid for by state or local appropriations and shall be considered, for the purpose of this agreement, as work rendered by (state agency). If the service of private contractors is deemed necessary by the designated representative of (state agency), those services will be obtained from concerns under contract to the United States, or through the \_\_\_\_ Coast Guard District contracting officer.
- (7) (State agency) shall be reimbursed for the following costs incurred hereunder and paid for by state or local appropriations, upon the submission of a report supported by accounting data, itemizing the actual costs incurred, to the Commander, \_\_\_\_ Coast Guard District via the OSC:
- (a) Costs found reasonable by the Coast Guard and incurred by government industrial-type facilities, including charges for overhead in accordance with the facility accounting system;
  - (b) Actual costs for which an agency is required or authorized by law to obtain full reimbursement.
  - (c) Costs found to be reasonable by the Coast Guard and incurred by removal activities that are not ordinarily funded by regular appropriations and that are unusual in nature. These include, but are not limited to, the following:
    - (i) Travel (transportation and per diem) specifically requested of the agency by the OSC;
    - (ii) Overtime for civilian personnel specifically requested of the agency by the OSC;
    - (iii) Incremental operating costs for vessels, aircraft, vehicles, and equipment incurred during removal activities;
    - (iv) Supplies, materials, and equipment procured for specific removal activities and fully expended during those activities;
    - (v) Lease or rental of equipment for specific removal activities; or
    - (vi) Contract costs for specific removal activities authorized in accordance with paragraph (8).
- (8) Subcontracts:
- (a) Subcontracts may be made by (state agency) for the furnishing of work only with concerns having the prior approval of the OSC, who shall consult with the District contracting officer. For the purpose of

FIGURE 7-5 (cont'd)

- (8) (a) (cont'd) this clause, purchase of raw materials or commercial stock items shall not be considered "work."
- (b) No subcontract placed by (state agency) hereunder shall provide for payment on a cost-plus-percentage-of-cost basis.
- (9) All individual requests for services hereunder shall be made by order of the OSC. Oral orders shall be confirmed in writing. (State agency) shall issue daily work orders to its labor force, and shall prepare daily (in a manner acceptable to Commander, \_\_\_\_\_ Coast Guard District (f)) a complete list of personnel, equipment, and materials provided hereunder, the inclusive times of their employment, and their costs if known, or an accurate estimate thereof if actual costs are not ascertainable. The list shall be sufficiently itemized to permit the OSC to maintain an accurate record of actual or estimated costs for each category of activity, and to identify each item of work for which actual costs will be included in the final billing. For minor incidents, the OSC may require less frequent reports at intervals not longer than three (3) days. Each daily report should also include an estimate of the percentage of work completed, an estimate of expenses necessary to complete removal activities, and remarks concerning any unusual problems encountered or anticipated.
- (10) Hourly charges under paragraph (7) shall commence with the time personnel and equipment depart for the scene of the oil pollution incident, excluding any diversions. Charges shall terminate at the conclusion of necessary cleanup activities and transportation of personnel and equipment to their respective bases of operation; or, in the case of a notice of termination of authorization to proceed on certain work issued by the OSC, after the time which would have been necessary for cleanup activities and return transportation, had the work been terminated at the time of the notice.
- (11) If it is deemed in the best public interest, the United States reserves the right to request cleanup services simultaneously from competitive firms and will expect harmonious cooperation from the various contractors working in the same or adjacent areas. The apportionment of contractors' services will lie solely within the discretion of the OSC, and no guarantee of volume of requested services shall be intended or implied.
- (12) Services provided hereunder by (state agency) shall be in accordance with the following general provisions:
- (a) No member of or delegate to Congress, or resident commissioner, shall be admitted to any part or share of this contract, or to any benefit that may arise herefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.
- (b) (State agency) warrants that no person or selling agency has been employed or retained to solicit or secure this agreement upon an

FIGURE 7-5 (cont'd)

- (12) (b) (cont'd) agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by (state agency) for the purpose of securing business. For breach or violation of this warranty, the Government shall reserve the right to annul this agreement without liability or to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.
  - (c) The parties to this contract act in an independent capacity in the performance of their respective functions under the provisions of this contract, and neither party is deemed the officer, agent, or employee of the other. [NOTE: Other provisions may be added as necessary.]
- (13) This agreement shall go into force thirty (30) days after signing by both parties to the agreement.

\_\_\_\_\_  
(Name and title, U.S. Coast Guard)

\_\_\_\_\_  
(Name and title, state agency)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Date)

FIGURE 7-6

MEMORANDUMS OF UNDERSTANDING AND INTERAGENCY AGREEMENTS  
PERTAINING TO POLLUTION RESPONSE

1. USCG-EPA: Mitigating of Damage to the Public Health or Welfare Caused by a Discharge of Hazardous Substances Under Section 311 of the Clean Water Act. (3 OCT 1979)
2. Department of Transportation (DOT)-EPA: Redelelegation of Certain Pollution Response Functions Under CERCLA or SUPERFUND. (9 OCT 1981)
3. USCG-EPA: A Mechanism for Funding Vendor Costs Incurred by the U.S. Coast Guard During Emergency Response to Releases or Threats of Releases of Hazardous Substances. (4 JAN 1982)
4. USCG-U.S. Geological Survey (USGS): Regulation of Activities and Facilities on the Outer Continental Shelf of the United States. (18 DEC 1980)
5. USCG-U.S. Fish and Wildlife Service (F&WS): Participation in Pollution Incidents. (24 JUL 1979)
6. USCG-National Institute for Occupational Safety and Health (NIOSH)-Occupational Safety and Health Administration (OSHA)-EPA: Guidance for Worker Protection During Hazardous Waste Site Investigations and Cleanup and Hazardous Substance Emergencies. (18 DEC 1980)
7. DOT-Department of Interior (DOI): Responsibilities Under the National Oil and Hazardous Substance Pollution Contingency Plan. (16 AUG 1971)
8. USCG-U.S. Navy (USN): Cooperation in Oil Spill Cleanup Operations and Salvage Operations. (15 SEP 1980)

- 7.B.4.b. (3) The location of the discharge and water body involved;
- (4) The cleanup contractor selected; and
- (5) The time cleanup commenced and estimated duration.

The OSC shall ensure that expenditures from the fund remain within the limit of the expenditure authorization. Requests to increase authorized expenditures must be promptly communicated to the district Fund Administrator, following procedures in Annex G of the District Operation Plan (OPLAN).

- c. Supervising Federally-Funded Removal Operations. The OSC shall supervise all operations supported by federal funds directly. In all federally-funded operations, the "appropriateness" of the actions taken will include consideration of the resulting costs to the federal government. Supervision of field operations will be in accordance with the OSC's Pollution Response Bill detailed in local contingency plans. Supervisory functions include:
- (1) Coast Guard supervision of each operational site where a federally-funded cleanup is being performed;
  - (2) Ensuring that the OSC's instructions and priorities are carried out and that recommended changes are forwarded to the OSC;
  - (3) Daily completion of the Pollution Control Contractors Daily Report, Form CG-5136, to record contractor activities and use of resources (see subparagraph 7.B.6.c.(2) below);
  - (4) Maintaining daily records of activities and use of resources by other federal, state, or local agencies whose costs may be reimbursed with federal pollution funds; and
  - (5) Advising the contractor's foreman of unsafe, unauthorized, or unsatisfactory operations.
5. Determining Removal Completeness. Whether the polluter or the federal government conducts the removal, the OSC determines removal completeness and authorizes termination of operations. Where uncertainty exists, the OSC may seek the advice of the RRT in making this determination. Generally, for oil discharges, removal is "complete" when:
- a. There is no longer any detectable oil present on the water, adjoining shorelines, or places where it is likely to reach the water again; or
  - b. Further removal operations would cause more environmental harm than the oil to be removed; or
  - c. Cleanup measures would be excessively costly in view of their insignificant contribution to minimizing a threat to the public health or welfare, or the environment; and

- 7.B.5. d. Activities required to repair unavoidable damage resulting from removal actions have been performed.

6. Documenting The Response.

a. General. Pollution incident documentation serves to:

- (1) Inform response personnel at other organizational levels and agencies, through the mechanism of pollution report (POLREP) messages; .
- (2) Provides the evidentiary basis to support the imposition of civil or criminal sanctions (see volume V of this manual);
- (3) Document federal expenditures for recovering costs from the responsible party;
- (4) Document OSC decisions and actions throughout the incident; and
- (5) Forecast program resource levels needed for pollution response.

Each OSC shall comply with the documentation requirements listed below in addition to those detailed in volume V of this manual.

b. Reports Required For Every Incident.

- (1) POLREPS. POLREPS are required for every spill or potential spill. The COTP shall submit a POLREP for each reported incident to the district commander, with information copies to appropriate agencies; subsequent POLREPS should be sent as significant developments occur. The NRC and Commandant (G-WER) shall be information addressees on all messages reporting medium or major spills as defined in the NCP (40 CFR 300.6) for oil, and in paragraph 7.C.7 below for hazardous substances. Figure 7-7 provides a general POLREP format.
- (2) MSIS Marine Pollution Product Set (MSIS-MP). Data entries shall be made in the MSIS-MP whenever: a report is received of a discharge or release in a location where the Coast Guard acts as predesignated OSC; Coast Guard forces respond to a discharge or release as OSC or as first federal official; or Coast Guard forces respond at the request of an EPA or Department of Defense (DOD) OSC when those agencies are the predesignated OSC. Detailed instructions for entering MSIS-MP data is located in COMDTINST M5230.18 and its enclosure, the Marine Pollution Transaction Guide (MSIS-8).
- (3) Port And Environmental Safety (PES)/Marine Environmental Response (MER) Quarterly Activities Report (QAR), Form CG-4957, RCS-WP-14013. The Coast Guard OSC shall tabulate pollution incident totals, staff hours expended, and resources used as required by chapter 12 of volume I of this manual. The QAR

FIGURE 7-7

GENERAL POLREP FORMAT

(PRECEDENCE/DTG)

FM

TO

INFO [\*1]

ACCT CG-W2GZZZ

BT

UNCLAS//N16465//

POLREP (#) (Type of Pollutant) (Magnitude of Spill [\*2])

(Source [\*3] (Waterway/s involved)

(Unit case number) (Federal Project Number (FPN), if applicable [\*4])

1. SITUATION

A. (Local time and notification information). Give names and telephone number or radio frequency.

B. (Local time when investigator is on scene). Give description of spill and status of cleanup. For federally-funded response operations, include the latest estimate of funds expended.

C. (On-scene weather conditions).

D. (Particulars of vessels/facilities involved).

2. ACTION.

A. (List chronologically every major action taken by the Coast Guard with regard to spill).

3. PLANS/RECOMMENDATIONS.

A. (Give appropriate information).

4. CASE PENDING/CLOSED. (NO) VIOLATION REPORT TO FOLLOW (OR REASON WHY NO VIOLATION REPORT TO FOLLOW).

NOTES: 1. Routing should be as specified in the RCP. In addition, include the NRC and Commandant (G-WER) as info addressees on actual or potential medium and major spills only. Include EPA Headquarters Emergency Response Division (TWX #710-8229269) and Commandant (G-WER) as info addressees on all spills with CERCLA-funded removals.

2. Magnitude of spill: potential, minor, medium, or major.

3. Source: Name of vessel or facility believed to be source. For foreign vessels, include nationality.

4. Federal Project Number (FPN): 311(k) Account # or CERCLA Account #.

- 7.B.6.b. (3) (cont'd) serves as the basis for operational analysis, facilities planning, and budget programming for Coast Guard units performing response activities. Directions for preparing and submitting the form are contained in the instruction.
- c. Documentation Required For Federally-Funded Removal Actions. Each Coast Guard OSC shall maintain daily records and associated costs of all personnel, equipment, supplies, and services used during federal removal actions. Also, know the types of activities that are reimbursable to a federal or state agency from the Section 311(k) Pollution Fund described in paragraph 7.B.7 below, and document these activities accordingly. As the basis for cost recovery from the polluter and proper administration of the fund, the accuracy of documentation pertaining to federal expenses incurred during removal operations cannot be overemphasized.
- (1) Documenting Contractor Costs.
- (a) Daily Work Orders. Each Coast Guard OSC shall issue daily work orders to the contractor for the next day's work specifying authorized work force and equipment, precedence for jobs and locations, and special instructions. Responsible Coast Guard supervisors will ensure compliance with these orders and, if necessary, recommend changes to the OSC.
- (b) Pollution Control Contractor Daily Report, Form CG-5136. Form CG-5136 shall be completed by the OSC's representative supervising the site of operations. The form shall show all personnel and equipment employed at the scene. Overtime work performed by the contractor or subcontractor must be preauthorized by the OSC and recorded on the form. Also, record all quantities of recovered product and specify quantities suitable for sale or reclamation. The OSC's copy of the form shall be signed by the contractor and maintained for verification of contractor invoices. It is generally recommended that the OSC's supervisor at each scene of operations complete the form for activity at that site. The information required on the form shall be based on activity logs maintained throughout the day. Frequent comparison with the contractor foreman's records will minimize and help resolve discrepancies in preparing the form.
- (c) OSC Certification Of Invoices. Timely certification of the invoices submitted by contractors will enable them to minimize their debt level, and will enable the Coast Guard to recover cleanup costs more effectively. Each invoice certified must bear, or be an enclosure to a statement from the OSC that the invoice has been reviewed. The format for this certification shall be provided by the district commander. As a minimum, it shall contain the statement

7.B.6.c.(1) (c) (cont'd)

"I certify that [except as noted below] the services and materials were authorized and received by me in conjunction with Phase III oil removal actions, and reasonable costs related thereto are proper for payment from the Pollution Fund. [The following services and materials were not authorized by me and are not proper for payment from the Pollution Fund.]"

and shall be signed by the OSC. Charges for time and materials not properly recorded on Form CG-5136 shall not be certified by the OSC for payment unless a discrepancy between the final invoice and the form is clearly due to Coast Guard error. On each invoice, the OSC shall state that the services and materials (except as noted) were authorized and received during removal actions. The OSC shall promptly forward certified invoices to the district commander for verification that costs charged are reasonable and payable from the fund.

- (2) State And Other Federal Agency Costs. Federal and state agencies shall submit records of expenses for activities performed to the district commander via the OSC. It is recommended that the OSC use Form CG-5136 to document daily personnel and equipment used by other agencies. Based on these daily records, the OSC shall certify requests for reimbursement from other federal or state agencies in the format shown in 33 CFR 153.417(b)(1) or (2). The OSC shall promptly submit certified records to the district commander and maintain copies to prepare the cost summary sheets.
- (3) Cost Summary Report. Within 30 days following the completion of removal operations at a federally-funded removal, the OSC shall submit a cost summary report documenting expenses recoverable from the polluter, and payments made from the Pollution Fund to contractors and federal or state agencies (see paragraph 7.B.7 below). This cost summary report should include a brief summary of the response and a general description of the function performed by each agency or contractor with costs incurred. This response summary is not required if an OSC report is also completed for an incident (see subparagraph 7.B.6.d below). Requests for reimbursement of Coast Guard out-of-pocket expenses should be submitted following district procedures.
- (a) Costs Reimbursable To The Pollution Fund. These are costs recoverable from the polluter. As specified in the Comptroller Manual (COMDTINST M7300.4 (Series)), Volume I, summarize estimated expenditures into the following categories:
- (i) Access control costs;

- 7.B.6.c.(3) (a)
- (ii) Coast Guard-owned equipment;
  - (iii) Coast Guard personnel;
  - (iv) Travel, per diem, contracted quarters, and subsistence;
  - (v) Purchase orders;
  - (vi) Contractor costs;
  - (vii) State and other federal agency costs; and
  - (viii) Pollution removal damage claims (see Chapter 14, COMDTINST M5890.9).

Figure 7-8 describes each category. A sample cost summary report is shown in Figure 7-9. Documentation to support all costs included in the cost summary report should be included as an enclosure to that report. This documentation would include all daily work orders; Pollution Control Contractor Daily Reports, Form CG-5136; boat/aircraft or personnel logs; purchase orders and/or contracts; invoices; notifications to suspected dischargers, including notice of federal interest and notice of federal assumption; and any other documentation that supports the costs included in the report.

- (b) Payments From The Pollution Fund. Summarize payments that have been made from the Pollution Fund to pay contractor invoices or reimburse agency expenditures as a result of the incident. Do not duplicate the detailed documentation supporting the recoverable costs indicated above; it is sufficient to list payments made and proof of payment. Payments from the fund will be summarized as follows:
- (i) Travel, per diem, contracted quarters;
  - (ii) Operational costs for removal and support equipment;
  - (iii) Personnel costs (nonresponse personnel, etc.);
  - (iv) Purchase orders;
  - (v) Contractor costs;
  - (vi) State and other federal agency costs; and
  - (vii) Pollution removal damage claims (see 33 CFR 25, Subpart H).

FIGURE 7-8

## OSC PREPARATION OF COST SUMMARY SHEETS

Supporting documentation for each category below should indicate that the costs incurred are directly related to the removal effort. Where applicable, state exact dates and hours of personnel and equipment use. Use COMDTINST 7310 (Series) to compute standard rates for Coast Guard personnel and equipment. More detailed guidance on the costs included in each of the below categories is found in the Comptroller Manual (COMDTINST M7300.4), Volume I. Figure 7-9 contains examples of each summary sheet category.

<u>CATEGORY</u>	<u>DESCRIPTION</u>
ACCESS CONTROL COSTS	Expenses for limiting access to an area including vessel traffic services (VTS). Summarize the reason for limiting access prior to itemizing the costs of establishing, maintaining, replacing, and removing equipment for limiting access.
USCG-OWNED EQUIPMENT	Hours, costs for all vessels, aircraft, vehicles, and response equipment used during the actual response operation. Only include those hours devoted to the response. For pollution response equipment, separately itemize charges for: fuel used to operate equipment; transporting the equipment to and from the job site including fuel; and refurbishment cost when performed by a contractor. Consult the district comptroller for assistance in calculating these costs.
USCG PERSONNEL SALARIES	The name, rate, dates, hours, and wages of personnel devoted to the response effort. List USCG regular, Reserve, civilian, and Strike Force personnel separately.
TRAVEL AND PER DIEM	The date of the voucher, the amount, and the TONO or bureau schedule number. When the receipt does not clearly indicate the reason for the expenditure, include a short explanation.
PURCHASE ORDERS	The date of the voucher, the amount, and the Purchase Order number. Small nonexpendable items procured for the response that are retained by the Coast Guard should include a depreciation factor.
CONTRACT COSTS	The firm, the contract number, the amount of payment made and the estimated invoiced amount.
STATE AND OTHER FEDERAL AGENCIES	Include a summary of each agency's expenses. All invoices included as supporting documentation must be certified by the OSC with the endorsement in 33 CFR 153.417.
POLLUTION REMOVAL DAMAGE CLAIMS	Cost and nature of damage claims, settled or pending, that resulted from damages directly related to the removal operation. Separate efforts of a contractor to restore private property from the general contract costs (see Chapter 14, COMDTINST M5890.9 and 33 CFR 25, Subpart H).

FIGURE 7-9

## SAMPLE COST SUMMARY SHEET ENTRIES

The following is an example of a cost summary sheet for a medium oil pollution incident. It is intended only to provide an example of the types of information to be included in each section of the sheet. It is important to note that documentation to support each category of the cost summary sheet must be attached to the sheet.

M/V CLEAN SWEEP  
PIC 1-0-0098

The following is a summary of the costs incurred during the federal removal action initiated by COTP Houston for a 16,000 gallon #2 oil spill from the M/V CLEAN SWEEP into Houston Ship Channel on 13 May 1986. Expenses totalling an estimated \$108,413.39 are reimbursable to the Pollution Fund. Approximately \$44,335.01 was paid from the Pollution Fund to finance the response. These expenses are noted by an asterisk.

1. Access Control. The following costs were incurred for enforcing a safety zone that was established by COTP Houston to control marine traffic in the vicinity of cleanup activities resulting from the oil discharge from the M/V CLEAN SWEEP. This safety zone was in effect from 13 - 15 May 1986. Detailed documentation of boat hours is available from COTP Houston boat logs (copies attached).

32 ft. PWB	37 hrs. @ \$315	\$11,655.00
CGC POINT HERRON	28 hrs. @ \$274	\$7,672.00

TOTAL ACCESS CONTROL COST		\$19,327.00
---------------------------	--	-------------

2. USCG Equipment Expenses. The following expenses were incurred by COTP Houston, the Gulf Strike Team, and AIRSTA Houston during the response to the oil discharge from the M/V CLEAN SWEEP. These costs were incurred in providing transportation for Coast Guard personnel to and from the scene of the incident, to conduct overflights of the affected area, and to support Gulf Strike Team response equipment that was used due to the unavailability of commercial equipment. Detailed documentation is available from COTP Houston vehicle logs, AIRSTA Houston logs, and the Gulf Strike Team Incident Summary (copies attached).

<u>Aircraft</u>		
HC-130	6 hrs. @ \$3,618	\$21,708.00
HH-52A	8.5 hrs. @ \$2,065	\$17,552.50

<u>Vehicles</u>		
Auto Lic. #GS 12-1532	3 days @ \$9	\$27.00
	178 miles @ \$.11	\$19.58
Pickup Lic. #GS 12-8987	3 days @ \$7	\$21.00
	132 miles @ \$.17	\$22.44
Tractor Lic. #GS 17-5647	3 days @ \$9	\$27.00
	38 miles @ \$.47	\$17.86

## MARINE SAFETY MANUAL

FIGURE 7-9 (cont'd)

2. USCG Equipment Expenses (cont'd)Oil Pollution Response Equipment

ADAPTS	8 hrs. @ \$103	\$824.00
Skimming Barrier	8 hrs. @ \$146	\$1,168.00
Biomarine O(2)/CGI	12 hrs. @ \$7	\$84.00

TOTAL USCG EQUIPMENT EXPENSES \$41,471.38

3. Personnel Expenses. The costs listed below cover the personnel from COTP Houston and the Gulf Strike Team that were involved in supervising the federal removal activities or operating Coast Guard response equipment. Detailed documentation for these costs is available in the daily work logs (copies attached).

Regular

LT SMITH	21 hrs. @ \$32	\$672.00
MK1 JONES	26 hrs. @ \$22	\$572.00
MST2 POPE	26 hrs. @ \$15	\$390.00
BM3 SCOTT	16 hrs. @ \$15	\$240.00

Strike Team

MKC JOHNS	19 hrs. @ \$22	\$418.00
BM1 JONES	19 hrs. @ \$22	\$418.00
BM2 JACKSON	19 hrs. @ \$15	\$285.00
MK2 STEVENS	19 hrs. @ \$15	\$285.00

Reserve TEMAC

None

Civilian

None

TOTAL PERSONNEL COSTS \$3,280.00

4. Travel And Per Diem Expenses. The following expenses were incurred by the Gulf Strike Team personnel that were deployed away from their home unit to operate Coast Guard-owned pollution response equipment. Documentation to support these expenses is attached.

15 May 1986	MKC JOHNS	TONO D628143	\$238.12
15 May 1986	BM1 JONES	TONO D628144	\$238.12
15 May 1986	BM2 JACKSON	TONO D628145	\$238.12
15 May 1986	MK2 STEVENS	TONO D628146	\$238.12

TOTAL TRAVEL AND PER DIEM EXPENSES \$952.48\*

5. Purchase Orders. The following expenses were incurred purchasing small equipment items expended during the response to the oil spill from the M/V CLEAN SWEEP. Copies of contracts and SF-44's that document these purchases are attached.

## MARINE SAFETY MANUAL

FIGURE 7-9 (cont'd)

5. Purchase Orders (cont'd)

13 May 1986	Joe's Boat Works	PO #37-5560	\$37.50
14 May 1986	Frank's Junk Shop	PO #37-5567	\$50.00

TOTAL PURCHASE ORDER EXPENSES			\$87.50*
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6. Contract Costs. The following costs were incurred by contractors conducting oil removal operations under contract to the Coast Guard resulting from the spill from the M/V CLEAN SWEEP. Documentation to support these costs include contracts, contractor invoices, daily work sheets, daily work orders, and other associated documents (copies attached).

Firm/Contract Number	Invoice Received, Certified, and Forwarded to District
Ajax Oil Pollution Service DTCG 08-15788	\$37,512.15
Sea-Sweep Marine DTCG 08-15790	\$3,215.38

TOTAL CONTRACT COSTS	\$40,727.53*
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7. State/Federal Agency Expenses. The following costs were incurred by the U.S. Fish and Wildlife Service, U.S. Department of the Interior (DOI), to provide specialized assistance in the area of mitigation of estuarine damage resulting from the oil spill from the M/V CLEAN SWEEP. This assistance was requested by the OSC and was outside the normal support provided by DOI through their RRT representative. Documentation to support these costs include the U.S. Fish and Wildlife Service letter of 1 June 1986 (copy attached).

U.S. Fish and Wildlife Service, Albuquerque, NM	\$1,217.50
---	------------

TOTAL STATE/FEDERAL AGENCY EXPENSES	\$1,217.50*
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8. Pollution Removal Damage Claims. The following damage claim covers the cost of repairing damages to the property of Mr. Joe Smith that were incurred when oil cleanup equipment was staged and deployed from his property. Mr. Smith's property was the only property available for use in equipment deployment. Documentation of the damages incurred and repair costs is attached.

Mr. Joe Smith	\$1,350.00
---------------	------------

TOTAL POLLUTION REMOVAL DAMAGE CLAIMS	\$1,350.00*
---------------------------------------	-------------

Encl: (1) Notice of Federal Interest	(6) Purchase Orders and SF-44's
(2) Notice of Federal Assumption of Response Activities	(7) Contractor Invoices and Supporting Documentation
(3) Excerpts From COTP Houston Logs	(8) DOI Letter of 1 June 1986
(4) Excerpts From AIRSTA Houston Logs	(9) Damage Claim of Mr. Joe Smith
(5) Gulf Strike Team Incident Summary	

- 7.B.6. d. Reports Of Major Pollution Incidents. The NCP requires the OSC to submit an OSC Report to the RRT and NRT, via Commandant (G-WER), within 60 days of completion of removal operations for all major pollution incidents, or when requested by the RRT. The district commander shall ensure that a copy of the OSC's report for each major pollution incident is forwarded, with appropriate endorsements, to Commandant (G-WER) and the cognizant strike team(s) within 75 days of the conclusion of the incident. Reports for other than major incidents, should be submitted to Commandant (G-WER) whenever the reports contain information that may be useful for general program planning. The format should include the information specified in the NCP (40 CFR 300.40), with the following information as enclosures:
- (1) Maps, charts, or diagrams of the areas affected by the spill;
  - (2) MSIS-MP screen images;
  - (3) All POLREPS;
  - (4) Radio, telephone, and other applicable logs;
  - (5) Copy of cost summary report (for federally-funded removal);
  - (6) Photographic documentation of response, arranged chronologically; and
  - (7) Any other documentation necessary to supplement the information contained in the OSC report.
- e. District Requirements. District (mep) offices should review all documentation forwarded by OSC's for completeness and accuracy. They should also act as the consolidation point for all documentation applicable to a federally-funded removal action for use in cost recovery activities. The information at the district office should include the OSC report (when applicable), the cost summary report, all documentation that supports the costs incurred on the case, any FWPCA violation reports and associated civil or criminal penalty correspondence, any officer in charge, marine inspection (OCMI)/COTP investigations and/or proceedings arising from the case, and any other documentation related to the case that may be necessary to support cost recovery actions.
7. Use Of The FWPCA 311(k) Pollution Fund.
- a. General. The primary purpose of the Pollution Fund is to provide a source for financing federal removal operations when an oil discharger is unknown, does not act promptly, or is unwilling to undertake necessary response actions. The types of activities that may be charged to the Pollution Fund have been subject to varying interpretation. Discovery, notification, and monitoring expenses are considered operating expenses of the Coast Guard. Although the cost of monitoring is a cost of doing business when the discharger takes

7.B.7. a. (cont'd) responsibility, the cost of supervising federal removal efforts is chargeable to the discharger, and under certain conditions reimbursable to an agency, when a federal assumption of control is made. 33 CFR 153.407 lists response activities that may be funded by the Pollution Fund, either by direct payment from the fund or through reimbursement to a federal or state agency. [NOTE: Direct payment may not be made to state contractors.] Normal pollution response operating expenses, such as response personnel salaries and equipment maintenance, cannot be reimbursed from the fund. These costs, however, in addition to all expenses incurred during federal removal operations, are recoverable from the polluter. Figure 7-10 summarizes the types of expenses that are reimbursable from the Fund and/or recoverable from the polluter. It is the responsibility of each NRT/RRT member agency to plan and formally assign employees to perform discharge response duties as a matter of routine. However, if a particular pollution incident requires agency personnel not normally detailed to respond to perform response duties, the normal salaries of such personnel are subject to reimbursement from the Pollution Fund. The sole purpose of this policy is to provide the OSC with access to assistance from agencies that are unable to assign their personnel to response duties unless their salaries are reimbursed. An example would be certain personnel in the F&WS who, although they are F&WS employees, are in a position totally funded by the U.S. Army Corps of Engineers (USACE) and fully committed to a USACE-sponsored task. If those personnel are withdrawn from the USACE-sponsored task to assist in response activities, their salaries must be paid through other means during the time they are diverted. As a general rule, the 311(k) Fund shall not be used for response to hazardous substance incidents. Although there are some situations where the Pollution Fund could be used to fund removal costs (e.g., the discharge of a substance listed in 40 CFR 117 into navigable waters), the Coast Guard and EPA have agreed that, whenever possible, the CERCLA Trust Fund will be used for hazardous substance response. In any case, the 311 (k) fund shall not be used for response to hazardous incidents without prior Commandant (G-WER) approval. Subparagraphs 7.B.7.b and c below cite specific expenditures that are reimbursable from the fund and/or recoverable from the polluter. To ensure proper use of the fund, the following policies shall also apply:

- (1) The Pollution Fund may not fund the removal of pollutants discharged from a vessel or facility owned or operated by the United States. The OSC may, however, use the fund for removal operations when the discharge is from an unknown or a nonfederal source and impacts federal lands or property. In addition, the Coast Guard may fund cleanup actions involving a public vessel or federal activity from the Operating Expense Appropriation, using the OG-80.00 reimbursement technique, when requested by the responsible federal agency, or when the urgency of the situation demands immediate action (see COMDTINST M7300.4, Comptrollers Manual).

FIGURE 7-10

## REIMBURSABLE/RECOVERABLE EXPENSES UNDER THE FWPCA

TYPE OF COST	COVERING	METHOD OF FUNDING	RECOVERABILITY
EXPENSES OF FEDERAL RESOURCES NORMALLY USED FOR RESPONSE	Observation, monitoring, providing guidance and advice when there is no federal removal activity.	CG funds not reimbursable from the Pollution Fund.	Not recoverable from polluter.
	Personnel costs (OSC and staff, members of Special Forces, etc.), pollution equipment depreciation, routine maintenance, expendable materials, and supplies (e.g., sorbents) associated with federal removal operations.		
PAYMENTS TO COMMERCIAL CONTRACTORS OR VENDORS	Containment, countermeasures, clean-up and disposal.	Chargeable directly to the Pollution Fund.	Recoverable from the polluter.
EXPENSES OF FEDERAL RESOURCES NOT NORMALLY USED FOR RESPONSES	<ol style="list-style-type: none"> <li>(1) Overhead costs of industrial facilities.</li> <li>(2) Reimbursements required by law.</li> <li>(3) Costs specifically and directly incurred as a result of removal activity, such as travel costs (transportation and per diem), increased maintenance costs of equipment, fuel, supplies and materials, equipment rental or lease, and temporary employment (e.g., CG Reservists recalled specifically for the response effort, civilian overtime).</li> </ol>	CG funds reimbursable from the Pollution Fund.	
POLLUTION REMOVAL DAMAGE CLAIM	<p>Damage to or loss of property resulting from activities conducted under Phase III operations if:</p> <ol style="list-style-type: none"> <li>(1) Caused by the United States, its employees, agents, or contractors; and</li> <li>(2) In the exercise of care reasonable under the circumstances, the incident giving rise to the claim was necessary and the damage unavoidable.</li> </ol> <p>Not payable if:</p> <ol style="list-style-type: none"> <li>(1) For death or personal injury; or</li> <li>(2) Claim arises out of incident involving discharge or discharge threat from a U.S. or foreign public vessel or federally-controlled facility.</li> </ol>	Chargeable to the Pollution Fund.	

- 7.B.7.a.
- (2) No agency's expenses are reimbursable unless a federal removal activity has been declared, the fund has been activated, and those agency services have been requested by the OSC. In the case of a partial federal removal, only those expenses incurred specifically to support the federal removal activity are reimbursable.
  - (3) Federal agency salaries shall not be reimbursed if such a transaction would result in transfer of funds from the Pollution Fund to the U.S. Treasury (General Fund).
  - (4) The Pollution Fund may be used to procure nonexpendable equipment when the OSC determines it is necessary for the removal. Requests for procurement of nonexpendable equipment shall be transmitted to the district commander prior to purchase.
  - (5) Federal and state agencies are entitled to replacement or repair costs for nonexpendable equipment that is damaged while under the administrative control of the OSC, provided the damage did not occur as a result of negligence on the part of the parent agency or its appointed agent. It is not intended, however, that the Pollution Fund be used to replace the normal budget process by funding replacement of major acquisition items which are accidentally damaged (e.g., an aircraft crashes during support operations for a response activity).
  - (6) Normally, federal agencies should use their own funds, subject to reimbursement from the Pollution Fund. The OSC may, however, authorize the procurement of supplies, equipment, or services with costs charged directly to the fund.
  - (7) Damage assessment studies, other than those the OSC determines are necessary to conduct a proper removal (e.g., efforts to identify environmentally sensitive areas or evaluate alternate defensive measures), are not chargeable to the Pollution Fund.
  - (8) Salaries of Coast Guard Reserve personnel called to active duty specifically to assist in a federal removal activity are reimbursable. Cases in which Reservists are likely to be employed would be those having an acute need for additional personnel (e.g., a large discharge area in which a great number of supervisors are required). However, while it may be desirable to utilize Reserve personnel to supplement the OSC staff for other than discharge-related duties during a particular incident, or to monitor the cleanup actions of responsible parties, salaries of such employment are not reimbursable from the Pollution Fund. Further, it is inappropriate to attempt to alleviate chronic shortages of personnel within the Coast Guard or other federal agencies through the use of the Pollution Fund.
  - (9) To receive reimbursement and to provide proper documentation for cost recovery, each agency is responsible for providing

- 7.B.7.a. (9) (cont'd) documentation to the OSC in the manner prescribed by the Pollution Fund administrator (the Coast Guard). Procedures compatible with these requirements, which will enhance coordinated federal response activities, shall be included in the RCP.
- b. Reimbursable Activities. The following types of removal costs incurred by federal or state agencies and authorized by the OSC may be reimbursed from the Pollution Fund:
- (1) Costs incurred by government industrial facilities, including charges for overhead;
  - (2) Actual costs for which an agency is required or authorized by law to obtain full reimbursement; and
  - (3) Costs incurred during removal activities not normally funded by regular appropriations, including:
    - (a) Transportation costs incurred in delivering equipment to and from the scene;
    - (b) Travel and per diem for the OSC and personnel required to deploy and maintain federally-owned equipment;
    - (c) Replacement costs for expendable materials provided and utilized, including fuel for vessels, aircraft, or vehicles used at the OSC's request in support of response activities;
    - (d) Supplies, materials, and minor equipment procured specifically for recovery activities;
    - (e) Incremental operating and contract costs incurred in providing assistance to the OSC;
    - (f) Rental costs, as approved by the parent agency, for nonexpendable removal and support equipment including the refurbishment, repair, and replacement costs;
    - (g) Salaries of personnel not routinely part of response efforts but specifically requested by the OSC (including Coast Guard Reservists called to active duty to assist in supervising federal removal activities).
    - (h) Travel and per diem for RRT members to attend meetings specifically convened to provide OSC support during federally-funded oil discharge removal.
- c. 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:

- 7.B.7.c. (1) Direct expenditures from the fund (i.e., payment of contractors or vendors);
- (2) All reimbursable expenses listed in subparagraph 7.B.7.b above;
- (3) All personnel costs, including response personnel salaries;
- (4) Equipment costs, including depreciation and maintenance;
- (5) Administrative overhead (included in standard rates for subparagraphs 7.B.7.c.(3) and (4) above in COMDTINST 7310 (Series)); and
- (6) Pollution removal damage claims referred to in subparagraph 7.B.6.c.(3)(a)(viii) above.
- d. Damage Assessment Studies. A question is often raised as to whether the Pollution Fund (established under 33 U.S.C. 1321(k)) may be used to pay for damage assessment studies in preparation for potential claims which may be filed for oil pollution damage. It has been determined that the Pollution Fund is not available for damage assessment studies. However, it is recognized that some form of limited scientific inquiry, which may be supportive of damage assessment efforts, may be required to assist the OSC in the performance of Phase III (Subpart E, NCP) activities. Efforts to identify particularly environmentally-sensitive areas and to evaluate alternate countermeasures are Phase III activities and, therefore, may be funded from the Pollution Fund. The funding of scientific actions other than those that are requested by the OSC and that directly support Phase III (Subpart E, NCP) activities, such as scientific investigations or damage assessment studies, shall be provided by the agency having legal responsibility for such activities and are not payable from the Pollution Fund.
- e. Expenditure Limits. For each incident, the OSC may commit up to \$50,000 from the fund without preauthorization from the district commander; amounts over this limit must be requested from the cognizant district commander. The district commander may authorize expenditures up to \$1 million for each incident (see 33 CFR 153.105(a)). Authorization for expenditures over \$1 million must be obtained through Commandant (G-WER).
- C. Procedures Unique To Hazardous Substance Releases.
1. General. Response to hazardous substance releases are, in many respects, similar to responses to oil discharges. There are, however, significant differences. The nature of the hazards posed by such releases requires a much more cautious approach. Personnel involved in hazardous substance response must be properly trained and equipped to carry out the necessary response functions.

- 7.C.1. a. Hazardous Substance Response Functions. These functions include:
- (1) Carrying out traditional COTP response measures such as restricting access to the affected area, controlling marine traffic, notifying affected facilities, coordinating with state and local agencies, and assisting as resources and capabilities permit;
  - (2) Conducting a preliminary assessment of the incident;
  - (3) Identifying potentially responsible parties and informing them of their potential liability for removal costs, explaining the Coast Guard's role as OSC, and gathering information for response and port safety purposes;
  - (4) Carrying out "first aid" mitigation measures if the situation warrants;
  - (5) Monitoring cleanup actions of responsible parties to ensure that appropriate action is taken; and
  - (6) If required, initiating appropriate federal removal or remedial actions.
- b. Use Of CERCLA Guidance. This section describes the more important and unique aspects of a hazardous substance response under CERCLA. Its use requires a working knowledge of the more detailed information found in:
- (1) Response procedures described in section 7.B above;
  - (2) CERCLA and the relevant provisions of the NCP;
  - (3) COMDTINST M16465.29, CERCLA Response Authority and Associated Coast Guard Policies;
  - (4) COMDTINST M16465.30, Policy Guidance for Response to Hazardous Chemical Releases.

In reading the above extensive policy guidance for carrying out Coast Guard responsibilities under CERCLA, the OSC must not lose sight of the program's foremost objectives to ensure that proper measures are undertaken by the responsible party to mitigate damages from releases; and when appropriate, federal efforts are initiated, then managed and coordinated by the OSC. As hazardous substance response procedures and policies become refined with field experience, the detailed COMDTINST's will be cancelled, with policies of continuing importance incorporated into this section. Basic CERCLA response procedures can be contrasted to an FWPCA response by comparing the flowcharts shown in Figures 7-1 and 7-2.

7.C.1. c. Levels Of Response Capability.

- (1) The program goal is that COTP's predesignated as OSC's shall be capable of performing the functions described in subparagraph 7.C.1.a above. Performing these functions may require persons to enter contaminated environments. However, the actual level of response capability to be maintained at a unit must be based on the risk of chemical releases occurring in the OSC's zone and the mix of industry, state, local, and other federal response capability already in place.
  - (2) In those zones where the district commander and OSC determine there is a significant risk of chemical releases, and the existing response capability (Coast Guard and others) within these zones are inadequate, units shall develop Level A or B entry capability. When this is not possible because of insufficiently trained personnel or inadequate protective equipment, as detailed in COMDTINST M16465.30, the OSC shall seek the necessary additional resources and adopt a conservative response posture until these requirements are met. OSC's with jurisdiction over zones where the risk of a chemical release is low shall maintain a conservative response posture.
  - (3) Units maintaining a conservative response posture shall carry out all of the above OSC functions not requiring entry of unit personnel to hazardous environments. In situations requiring entry to hazardous environments, these units shall rely on capabilities of the Strike Teams, state and local response teams, and commercial resources.
  - (4) The integration of Coast Guard resources with existing response organizations is an important consideration. This means of achieving the required level of capability is appropriate when the existing response organization routinely responds to chemical releases, and they can perform the survey actions (sampling, environmental monitoring, etc.) essential for assessing the hazards presented by a release. Units relying on outside organizations to provide the required response capability must periodically reassess the ability of these organizations to provide an adequate response.
  - (5) It is important to note that, whatever the response capability maintained at the unit, the OSC can not relinquish that responsibility, no matter who is carrying out the actual response, and shall monitor the response as necessary to ensure its adequacy. If a response is not adequate, the OSC shall, to the extent that resources are available, provide advice to responders or assume control of the response.
2. Preliminary Assessment. The OSC may call upon a broad range of resources (RRT members, Special Forces, state/local agencies, industry personnel, information systems, etc.) to assist in determining the risks associated

7.C.2. (cont'd) with a released hazardous substance. The OSC often does not need to extensively investigate an incident prior to determining the need for response. If the release poses an obvious threat to public health or welfare, or the environment, the OSC should take appropriate actions as rapidly as circumstances dictate. General guidelines for determining whether to conduct an on-scene assessment and for determining the feasibility of removal actions are the same as for oil incidents contained in subparagraph 7.B.2.d above.

a. Determining CERCLA Applicability. CERCLA applies to pollution incidents when the following conditions exist:

- (1) The material is a hazardous substance (see CERCLA, Sec. 101(14)), or a pollutant or contaminant (see Sec. 104(a)(2)) that may present an imminent and substantial danger to the public health or welfare;
- (2) The material is released (see Sec. 101(22)), or there is a substantial threat of release, into the environment (see Sec. 101(8)); and
- (3) The responsible party is not taking proper removal actions.

The OSC is authorized and responsible for assessing releases of any size and for initiating response action under CERCLA 104(a)(1), whenever a release requires a federal removal action. Although the level of response action taken by the unit (active or conservative) will depend on available resources, units predesignated as OSC's shall monitor the response as necessary, no matter who is carrying it out, to ensure its adequacy. The reportable quantity of a substance has no bearing on the Coast Guard's authority to respond under CERCLA. Response authority exists whatever the quantity released or threatened to be released into the environment.

b. Coast Guard, EPA, DOD Jurisdiction. CERCLA geographic jurisdiction is broader than the FWPCA in that it encompasses all environmental media (air, land, groundwater, and surface waters). E.O. 12316, as modified by the Instrument of Delegation, signed between DOT and the EPA, specifies that the Coast Guard OSC shall respond to hazardous substance releases, or threats of releases, occurring in the coastal zone (specified in RCP's), not involving DOD vessels or facilities, that originate from:

- (1) Vessels (including remedial actions);
- (2) Facilities, other than hazardous waste management facilities, when the release requires immediate action to prevent risk of harm to human life, health, or the environment; or
- (3) Hazardous waste management facilities or other illegal disposal areas, when the Coast Guard OSC determines emergency containment or other immediate removal actions are necessary prior to the

- 7.C.2.b. (3) (cont'd) arrival of the EPA OSC. [NOTE: The EPA has agreed to respond to these incidents to relieve Coast Guard OSC's within 48 hours of notification. However, ad hoc agreements concerning the time for relief may be made between EPA and Coast Guard OSC's. A "hazardous waste management facility" includes land, structures, appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste, whether lawfully or unlawfully.]

Therefore, the Coast Guard OSC's preliminary assessment should include a determination of which agency should ultimately provide the OSC. If the assessment indicates that no cleanup is required or is not feasible, the response may be secured. If it indicates that action is necessary, the OSC must then determine whether an immediate removal is required. If the results of the assessment indicate that federal action may be necessary, but the release does not require any of the actions described above, the appropriate EPA regional office should be advised by the most expeditious means. This request should be confirmed with a message documenting the need for an EPA OSC. In all cases, the Coast Guard OSC shall log the report and include the incident in the QAR and MSIS-MP. The DOD acts as OSC for releases of hazardous substances from their vessels and facilities. When a release from a DOD vessel or facility in the coastal zone affects areas away from the immediate vicinity of the source, the Coast Guard OSC should provide assistance to the DOD OSC as requested. Note that the Instrument of Redefinition uses the term "immediate removal." The 1985 revisions to the NCP (40 CFR 300.65) deleted the previous differentiation between immediate removals and planned removals, replacing them with one category of removal action. This should not affect Coast Guard response activities, however, since planned removals were rarely performed. OSC's should continue to use the definition of "immediate removal" in the Instrument of Redefinition when evaluating the need for Coast Guard response actions. Releases not meeting these criteria should be referred to EPA for any necessary follow-up action.

- c. Removal Action Determination. The NCP (40 CFR 300.65) lists factors to consider when determining the appropriateness of a removal action. Generally, a removal action is appropriate when:
- (1) Prompt actions are required to control the release or to mitigate the associated damages; or
  - (2) The magnitude of harm or potential harm is sufficient to warrant removal.

"Removal actions" encompass not only the physical cleanup, but actions such as limiting access, recommending evacuation or temporary relocation to the appropriate authorities, collecting samples to determine the source and extent of removal, and disposing of all hazardous substances, pollutants, or contaminants recovered during a removal action. When the OSC determines that immediate action is not

- 7.C.2. c. (cont'd) required, a more extensive removal or remedial action may still be warranted. This may occur in situations where the release poses no immediate threat, but action is necessary to reduce or eliminate the potential for harm in the future. In such cases that do not involve vessels, the OSC shall refer the release to the appropriate EPA regional office. Prior to referring a release, however, the OSC should be aware that the administrative procedures for remedial action will require that the referred release compete for funding against a multitude of uncontrolled waste sites across the country. As a consequence, it is unlikely that EPA will respond to a release that affects only a limited area. The OSC must be prepared to conduct immediate removal actions if the situation deteriorates before remedial action can be accomplished. OSC's should recognize this circumstance when they refer releases to EPA for action.
3. Actions Required When The Polluter Is Identified. As is the case with oil spills, the OSC shall make every effort to have the responsible party initiate removal actions, including issuing a Notice of Federal Interest (see subparagraph 7.B.3.a and Figure 7-3 above) and, when appropriate, issue an Administrative Order. Normally, the responsible party will take proper actions and the OSC need only monitor operations as described in subparagraph 7.B.3.b above. CERCLA differs from the FWPCA in that, under certain conditions, it enables the OSC to order the polluter to undertake the corrective measures specified in an Administrative Order (see CERCLA 106(a)). Administrative Orders are most appropriately issued prior to initiating a federal response. Their use is limited to releases, or threats of releases that:
- a. Involve a hazardous substance;
  - b. Originate from a facility; and
  - c. May pose an imminent and substantial endangerment to the public health or welfare or the environment.

Administrative Orders may not be used when the source of the release is a vessel, or the release involves a pollutant or contaminant. For further guidance as to Administrative Order policy and scope, see Chapter 5 of COMDTINST M16465.29. The OSC shall notify the affected state, or state representative on the RRT, of the intent to issue an Administrative Order. Figure 7-11 outlines a sample Administrative Order.

4. Initiating Federal Removal Operations.
- a. The OSC will use CERCLA funds to pay for removal costs when the responsible party does not conduct proper removal actions, or is unknown, and immediate removal is necessary. A Notice of Federal Assumption of Response Activities should be issued if the polluter is known. As discussed in paragraph 7.A.3 above, for those incidents involving foreign vessels, the Notice of Federal Assumption should also cite FWPCA 311(c) if both statutes apply (i.e., discharge of hazardous substance listed in 40 CFR 117 in a reportable quantity into

FIGURE 7-11

SAMPLE ADMINISTRATIVE ORDER

Administrative Order issued to: (name of person to whom order is directed).

["This is to confirm the oral order which (OSC representative) of my staff issued to you on (date)."]

Pursuant to Subsection (a) to Section 106 to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), Public Law 96-510, Subsection (a) of Section 3 of Executive Order 12316, 49 CFR 1.46(gg), and 33 CFR 101-70(d)(2), I am authorized, as Coast Guard On-Scene Coordinator, to issue orders as may be necessary to protect the public health and welfare and the environment. Consistent with the provisions of Section 106 of CERCLA, I may exercise this authority whenever I have determined that there may be an imminent and substantial endangerment to the public health or welfare or the environment because of an actual or threatened release of a hazardous substance from a facility.

I have determined that such an endangerment may exist at (location). ["Approximately (amount) of (substance) were released from (source) on or about (time if known, date)" or "There is a threat of a release of (substance) from (facility).] (Substance) is a hazardous substance as defined by Section 101(14) of CERCLA. Because (substance) is (flammable, acutely toxic, etc.), its ["release" or "threatened release"] may present an imminent and substantial endangerment to the public health or welfare or the environment. Among those who may be subjected to such an endangerment are (the waters of \_\_\_\_\_, the residents of \_\_\_\_\_, etc.).

For these reasons, and under the authority referred to above, you are hereby ordered to undertake the measure(s) set forth in enclosure (1) to this letter.

This Administrative Order ["becomes effective at (time) on (date)" or "is effective upon your receipt of this order" or "is effective as of (date oral order issued) upon which (OSC representative) of my staff orally ordered you to undertake the foregoing measure."] You may request, either orally or in writing, that I reconsider this order within 48 hours of its issuance. I may be reached for this purpose at (address, phone). If you wish to appeal my decision on reconsideration, or the order itself, you may do so in writing to (address of District Commander (m)) within 15 days of the issuance of the order. Should you believe that the delay inherent in presenting a written appeal would have a substantial adverse impact on you, you may present an oral appeal to the office of the District Commander (telephone number of District Commander (m)). However, an oral appeal must be followed within 5 days by a written appeal which, at a minimum, summarizes the oral presentation. The act of requesting reconsideration or placing an appeal does not stay this order, but reviewing offices have the authority to take such action if they believe circumstances warrant it.

MARINE SAFETY MANUAL

FIGURE 7-11 (cont'd)

If you willfully fail or refuse to comply with this order, you will be subject to the following sanction(s). A fine of not more than \$5,000 for each day during which such failure continues may be imposed under Subsection (b) of Section 106 of CERCLA. [Further, should you be found liable under Section 107 of CERCLA for costs incurred by the United States in responding to this incident, you may also be found liable for punitive damages for your failure without sufficient cause to provide the response action ordered above. The amount of these punitive damages will be at least equal to, but no more than three times, the amount of those incurred costs. See paragraph (3) of Subsection (c) of Section 107 of CERCLA.]

In addition to possible penalties for noncompliance with this order, you may be liable under Subsection (a) of Section 107 of CERCLA for the actual costs incurred by the United States in responding to the ["release" or "release threat"] referred to above. [As (OSC representative) informed you, the Coast Guard has initiated a federal cleanup because your actions to date have been determined to be unsatisfactory.] Compliance with this order does not alter your liability for government response costs incurred prior to that compliance.

Please address all inquiries concerning this matter to (name, address, phone number).

Sincerely,

(OSC Signature)

Encl: (1) Action Ordered By OSC

Issued at (unit, address)  
on (time, date)

Delivered to (individual, title)  
at: (place)  
on: (time, date)  
by: (person delivering)

[NOTE: Brackets denote portions of the administrative order which vary with the circumstances of the incident and of the issuance of the administrative order. The OSC tailors these portions of the order to suit the existing situation.]

- 7.C.4. a. (cont'd) navigable waters, the contiguous zone, or other offshore waters under FWPCA jurisdiction). In a similar manner, the same types of resources for federal operations described in subparagraph 7.B.4.a above should be used. The OSC shall supervise the operation as generally described in subparagraph 7.B.4.c above.
- b. Although there are some situations where the 311(k) Pollution Fund could also be used to fund removal costs (i.e., discharge of substance listed in 40 CFR 117 into navigable waters, the contiguous zone, or other offshore waters under FWPCA jurisdiction), the Coast Guard and EPA have agreed that, whenever possible, CERCLA will be used for a hazardous substance response. In any case, the 311(k) fund shall not be used for response to hazardous substance incidents without prior Commandant (G-WER) approval.
- c. Upon determining that a federal removal is necessary, the OSC must notify EPA Headquarters of the estimated costs, and obtain a CERCLA account number and document control numbers. For incidents that occur after working hours and/or on weekends, the OSC should initiate necessary actions and contact EPA the next working day. When notifying EPA, the OSC must provide information on the location and nature of the incident, and the nature of response activities to be performed. Note that the OSC must obtain a new document control number for each contract initiated for a response and each subsequent modification (i.e., if five contractors are involved in a response, five document control numbers must be initially obtained from EPA). If the obligated amount for a contract is increased at a later date, another document control number must be obtained to account for the increase.
- d. CERCLA encourages state and local response actions and can be used to provide reimbursement for certain actions described in Section 111 of the law when certified by the OSC. The EPA (the administrator of the fund) establishes policies that govern what specific costs are reimbursable. Any state that desires to enter into a contract or cooperative agreement to carry out response actions under CERCLA should be referred to the EPA.
5. Determining Removal Completeness.
- a. As a general rule the OSC should pursue removal operations until:
- (1) All environmental and public health and welfare concerns are addressed, and the criteria for initiating a removal action no longer exist; or
  - (2) Substantial cleanup techniques must be employed, after the immediate and significant risk of harm to human health or the environment has been abated, to complete the removal of remaining contamination.

- 7.C.5. b. In those incidents where the need exists to perform substantial cleanup techniques that require a commitment of resources exceeding the OSC's capability, the OSC shall continue operations to stabilize the situation until arrangements can be made for EPA relief.
- c. When long-term cleanup techniques are not indicated, the OSC's operation should remove harmful concentrations of the pollutant from the environment and properly dispose of them to prevent the need for subsequent removal efforts.
- d. CERCLA 104(c) (1) prohibits response actions in excess of 6-months duration or exceeding \$1 million in response costs (not including costs associated with investigation, monitoring, or damage assessment) unless the following conditions are met:
- (1) Continued response actions are immediately required to prevent, limit, or mitigate an emergency;
  - (2) An immediate risk to public health, welfare, or the environment exists; and
  - (3) Such assistance will not otherwise be provided on a timely basis.

Costs to be included in determining whether the \$1 million limit has been reached include all contractor costs, other federal agency expenses, and all Coast Guard out-of-pocket expenses. Requests to exceed the 6-month time limit shall be made to Commandant (G-WER) via the district. Requests to exceed \$1 million must be made to EPA Headquarters (Emergency Response Division).

6. Entry Into Contaminated Areas.

- a. Response Types. Once the hazards associated with a release are identified, the appropriate level of unit response must be identified, either a conservative response or an active response.
- (1) A conservative response includes all coordination, information collection, and control functions carried out by the OSC that do not require entry of unit personnel into a hazardous environment.
  - (2) An active response is one where Coast Guard personnel must enter an area requiring the use of personal protective equipment. Unit personnel would normally be involved in an active response with on-scene entry only to conduct the following types of activities:
    - (a) Emergency lifesaving rescue;
    - (b) Survey for preliminary assessment and environmental monitoring;
    - (c) "First aid" mitigation actions that must be undertaken before cleanup contractors or the responsible party can arrive on-scene and take action; or

- 7.C.6.a.(2) (d) Monitoring or supervision of contractor cleanup activities.

Generally, an initial conservative response, consisting of recommending evacuation to the appropriate authorities and maintaining a safe perimeter, will be undertaken whenever the identity of the released substance(s) is unknown or uncertain. Entry by unit personnel shall not occur unless the pollutant has been identified, associated hazards determined, and the required level of protective equipment established. Active entry shall not occur unless the minimum number of trained personnel and adequate protective equipment is available. Entries will only be carried out by a team trained in chemical response. As a consequence, there will be occasions when a unit will be unable to mount a complete response to a serious incident. This circumstance is preferred to attempting a complex and potentially hazardous job without the necessary staffing, training, and equipment. The above policies notwithstanding, there are occasions that necessitate certain calculated risks be taken to protect the public health and welfare. In such cases, risks to personnel should be reduced to the minimum level possible consistent with the operational situation and shall not be incurred for purely environmental purposes.

- b. Development Of A Response Plan. OSC's shall formulate an incident-specific response plan whenever their preliminary assessment indicates that entry into hazardous areas by response personnel is required. This response plan must cover the following areas:

- (1) The objectives of the on-scene entry;
- (2) On-scene organization and coordination;
- (3) Identification of the hazards present on-scene;
- (4) Personnel protective equipment requirements;
- (5) On-scene work plans;
- (6) Communications procedures;
- (7) Emergency contingency plans;
- (8) Decontamination procedures; and
- (9) On-site safety and health plans.

COMDTINST M16465.30 includes a detailed description of response plan requirements. Note that completion of a response plan as described in this COMDTINST will meet the requirements of the NCP (40 CFR 300.38) for providing a program for occupational safety and health for worker protection at the response scene.

7.C.6. c. Entry Procedures.

- (1) Personal Safety Practices. The following personal safety practices must be followed by all personnel involved in entries to the hazardous environment:
  - (a) Eating, drinking, chewing gum or tobacco, smoking, etc., are prohibited in the contaminated area. Personnel drinking liquids to replenish body fluids must be thoroughly decontaminated before such actions are authorized.
  - (b) Facial hair that interferes with the mask-to-face seal is not allowed on any personnel required to wear respiratory protection equipment.
  - (c) Prescription drugs should not be taken by entry personnel unless specifically approved by a qualified physician. Consumption of alcoholic beverages shall be forbidden.
  - (d) All entry personnel must be thoroughly familiar with the standard safety procedures and response plan.
- (2) Safety Procedures. The following safety procedures will apply for all entries to hazardous environments:
  - (a) Within the contaminated area, the entry team shall work using the "buddy" system. In addition, a two-person rescue team shall be standing by when Level A or B entries are being carried out.
  - (b) Contact with contaminated surfaces (e.g., puddles, vapor clouds, etc.) should be avoided during an entry.
  - (c) Only essential personnel and equipment should be in the contaminated area. Entries shall occur only after the objective of the entry has been determined.
  - (d) All personnel and equipment leaving the contaminated area must be decontaminated to ensure that contaminants are not spread outside the contaminated area. Personnel decontamination should include a thorough washing of the entire body as soon as practicable after protective clothing has been removed.
  - (e) Entry team members shall be thoroughly briefed prior to each entry. They should also be debriefed after exiting the contaminated area.
  - (f) To maintain accountability for all persons within the response area, persons entering or leaving the response scene should be required to log in and out.

- 7.C.6.c. (2) (cont'd) COMDTINST M16465.30 provides a more detailed description of procedures to be followed during entry operations.

7. Documenting The Response. The documentation requirements listed in paragraph 7.B.6 above also apply to CERCLA responses with the exceptions noted below.

- a. POLREPS. Include EPA Headquarters (Emergency Response Division, TWX #710-8229269) and Commandant (G-WER) as information addressees when any cleanup is conducted using CERCLA funds. In addition, include the EPA CERCLA account number in the subject line of the message. The magnitude of the release will be specified on the POLREP based on the following guidelines as listed in the NCP (40 CFR 300.6):

- (1) Minor: The release poses minimal threat to public health or welfare or the environment;
- (2) Medium: The release does not meet the criteria for classification as a minor or major release; and
- (3) Major: The release poses a substantial threat to public health or welfare or the environment or results in significant public concern.

Determination of the appropriate size classification for a release should be made by the OSC based on consideration of the particular release (e.g., size, location, impact, etc.). As a matter of practicality, OSC's should classify releases that are less than or equal to the reportable quantity as a minor release unless the release meets the criteria for a higher classification.

- b. Cost Documentation And OSC Report. Documentation supporting vendor costs and invoices certified by the OSC must be submitted to EPA in accordance with the requirements of the USCG/EPA MOU (see Figure 7-12). OSC reports and cost summary sheets must be submitted for all CERCLA-funded responses to Commandant (G-WER) via the district commander for forwarding to EPA Headquarters. OSC reports shall also be prepared to document the response to all other major hazardous substance releases. Copies of all OSC reports should also be submitted via the RRT to Commandant (G-WER) for forwarding to the NRT as required by the NCP.

8. Use Of The CERCLA Fund.

- a. Introduction. To use the CERCLA Fund, the OSC must determine that:
- (1) The elements of jurisdiction of CERCLA are met;
  - (2) The threat or risk of harm posed by the release is significant;
  - (3) Prompt action is required to control the source and mitigate associated damages; and

- 7.C.8.a. (4) Use of Administrative Orders is inappropriate or unsuccessful in compelling the polluter to undertake necessary removal actions.
- b. Funding Vendor Costs. Figure 7-12 provides procedures for funding vendor costs incurred during emergency response to releases or threats of releases. Vendor costs include:
- (1) Contractor costs;
  - (2) Rental of equipment for the response;
  - (3) Supplies and materials; and
  - (4) Equipment (including transportation costs) purchased for the specific incident that will be expended during a response.
- c. Funding Non-Vendor Costs. Non-vendor costs for CERCLA-funded removals (incident specific) are reimbursed from the fund under separate IAA's. Examples of non-vendor costs include:
- (1) Use of Coast Guard aircraft and vessels;
  - (2) Salaries for Coast Guard personnel;
  - (3) Travel and per diem for military and civilian personnel;
  - (4) Salary and overtime costs for civilian personnel;
  - (5) Fuel; and
  - (6) Replacement or repair costs for nonexpendable equipment.
- d. Additional Funding Capabilities. In addition to the costs that are reimbursable under the FWPCA, CERCLA also funds agency costs incurred during a preliminary assessment or while monitoring removal operations conducted by the responsible party. EPA, as fund administrator, determines which costs incurred by agencies during the response will be reimbursed from the CERCLA Fund. Detailed procedures for reimbursement of agency expenses are under development at Headquarters. In the interim, districts have been provided CERCLA funds to reimburse units for out-of-pocket costs incurred for nonfederally-funded (non-incident specific) responses. Reimbursement of out-of-pocket expenses for federally-funded responses must be coordinated through Commandant (G-WER-4).
- e. Expenditure Limits. The OSC may obligate up to \$50,000 for removal costs (including vendor costs and out-of-pocket costs reimbursable to federal/state agencies) without prior approval from the district commander or the EPA. The district commander may authorize amounts in excess of the OSC's limits, up to \$250,000, without prior EPA approval. Requests for authority to obligate CERCLA funds over \$250,000 must be made to the Emergency Response Division, EPA Headquarters.

FIGURE 7-12

MEMORANDUM OF UNDERSTANDING  
Between  
THE UNITED STATES COAST GUARD  
and  
THE ENVIRONMENTAL PROTECTION AGENCY

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

PURPOSE:

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

AUTHORITY:

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

SCOPE:

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

FIGURE 7-12 (cont'd)

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

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

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

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

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

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

CONTRACTING AND ACCOUNTING:

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

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

Any contracts for immediate removal actions in response to releases or threats of releases of hazardous substances or pollutants or contaminants entered into by the Coast

FIGURE 7-12 (cont'd)

Guard, where the USCG OSC is acting in the capacity of first responding Federal official, pursuant to the National Contingency Plan, shall remain in effect only during the period that the USCG is the OSC.

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

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

1. Obtain account number

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

Chief, Response Operations Branch  
Emergency Response Division  
Office of Emergency and Remedial Response  
Environmental Protection Agency  
401 M Street, S.W.  
Washington, DC 20460  
(202) 382-7917

The USCG OSC will provide an estimate of the response costs concomitant with the request for an account number. The ten-digit account number will not be issued unless CERCLA funds are available for the response action.

2. Accounting codes

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

FIGURE 7-12 (cont'd)

- o Appropriation Number: This number is permanently assigned to the trust fund.

68-20X8145

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

FTFA72RESS

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

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

RSSXXX

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

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

For Example: RSS001 for 1st contract and its modifications  
RSS002 for 2nd contract and its modifications

- o Object Class: This number is permanently assigned.

2535

- o Amount of Contract in Dollars

\$\_\_\_\_\_

3. Transmit Contract to EPA

In order for EPA to process payments for response contracts, a legible certified true copy of the contract and modifications to the contract must be submitted

FIGURE 7-12 (cont'd)

by certified mail within 72 hours of award by a USCG District Contracting Officer to the EPA paying office:

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

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

4. Process Contractor Invoices

4.1 Contractor Responsibilities:

The contractor will:

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

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

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

4.2 USCG OSC Responsibilities:

- o The USCG OSC must certify each correct and proper invoice. A correct and proper invoice is one in which the services performed are acceptable and are consistent with the services billed and the accounting data properly transcribed.

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FIGURE 7-12 (cont'd)

The certification statement to be used by OSC's of both agencies for all CERCLA cases.

"I, \_\_\_\_\_, certify to the best of my  
(OSC NAME)  
knowledge and belief that the services have been performed and are accepted, and that applicable Pollution Incident Reporting System (PIRS) and EPA Spill Prevention Control and Countermeasure (SPCC) information has been correctly and completely submitted." \*

\_\_\_\_\_  
(OSC's Signature)

\_\_\_\_\_  
(date)

- o The OSC will forward by certified mail the accepted and certified invoice, within 72 hours of receipt of the invoice from the contractor, to the EPA paying office (address shown above).
- o The USCG OSC shall not certify invoices which include discrepancies between services performed and services billed. In the event that there are discrepancies in the invoices, the USCG representative shall, immediately upon receipt of the invoice, take appropriate action to notify the contractor and to resolve the discrepancies.

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

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

\_\_\_\_\_  
(OSC signature)

\_\_\_\_\_  
(date)

\*NOTE: PIRS data, including Chemical Spill Information, shall be submitted in accordance with COMDTINST M16450.25. Revised data submission requirements for EPA will be promulgated when available.

FIGURE 7-12 (cont'd)

4.3 EPA Responsibilities:

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

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

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

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

FINANCIAL MANAGEMENT:

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

:

Chief, Response Operations Branch  
Emergency Response Division  
Office of Emergency and Remedial Response  
Environmental Protection Agency  
401 M Street, S. W.  
Washington, DC 30460  
(202) 382-7917

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

except

The USCG and EPA recognize that CERCLA requires that response actions cease when \$1 million is obligated or 6 months have elapsed from the date of initial response, as authorized under Section 104(eX1), thereof.

FIGURE 7-12 (cont'd)

REPORTING REQUIREMENTS: **POLREPS**

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

PERIOD OF AGREEMENT:

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

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

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

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

CHRISTOPHER J. CAPPER  
Acting Assistant Administrator  
Office of Solid Waste and  
Emergency Response

7.D. Procedures For Specific Response Activities.

1. Entry Onto Private Property.

- a. Emergency Conditions. The OSC generally has the authority to enter private property without a warrant for the purpose of carrying out response activities and related investigations. The owner's permission shall be sought prior to entry. However, on occasion, entry without permission may be necessary when the owner is not available or the situation is urgent. Entry without permission should be followed up by continuing attempts to locate and advise the owner of the situation. It is recommended that the condition of the property prior to entry be documented (e.g., by photograph) and that local authorities be present when entry is required without the owner's permission. In any case, common sense should be exercised while on the property. Should an owner refuse entry, the OSC should seek assistance from the district legal officer in obtaining court orders from federal or local enforcement authorities. Using force to gain entry is permissible if the urgency of the situation warrants such action; however, all reasonable alternatives should be exhausted first. Force should not be used to the extent that it would amount to a breach of the peace or cause personal injury.
  - b. Nonemergency Conditions. Once response activities have been completed, it may become necessary to initiate an investigation to determine culpability, or to obtain information for the purpose of proving liability. The procedures for entering private property under these circumstances differ from the procedures enumerated above because an emergency situation no longer exists. Entry onto private property under these circumstances may violate the constitutional guarantee against unreasonable searches and seizures. Private property may be entered with the owner's consent, but should not be entered in the absence or without the owner's permission until the district commander (dl) has been contacted for advice and assistance.
2. Controlling Access. The OSC must be familiar with other authorities, in addition to the FWPCA and CERCLA, that enable the OSC to prevent a pollution incident or minimize the resulting damage. Chapter 1 of this volume details guidelines for denying entry or detaining vessels in port that have discharged pollutants or have a history of pollution incidents. Chapter 1 of this volume also prescribes policies for limiting access to spill areas during pollution cleanup operations and/or establishing safety zones.
  3. Use Of Dispersants Or Other Chemical Additives. Dispersants or chemical agents may be more effective than mechanical or physical methods for mitigating pollution damage. The NCP, Subpart H prescribes the criteria for using dispersants and other chemicals. COMDTNOTE 16465 (series) periodically distributes the latest list of EPA accepted chemical agents and additives, along with product bulletins describing technical data, application criteria, effectiveness, and toxicity.

7.D.4. Use Of Special Forces Or Teams. The OSC may obtain support from numerous private, commercial, and governmental organizations. However, four groups were created solely to support the national response mechanism by augmenting the OSC's staff and providing specialized pollution response expertise. They are the NSF, the ERT, the SSC's, and the PIAT. In addition, the Agency for Toxic Substances and Disease Registry (ATSDR) has assigned Public Health Advisors to most EPA regional offices.

a. National Strike Force (NSF). OSC's are encouraged to use the NSF whenever its expertise or equipment is needed, or to augment the OSC's staff when it is overburdened by a response to a given incident. The strike teams that comprise the NSF can provide communications support; oil and hazardous substance removal expertise; ship's damage control; and support to monitor removal operations, document costs, and coordinate logistics. The NSF should be used when:

- (1) A medium or major discharge has occurred;
- (2) Control of the discharge requires the special knowledge or special equipment of the NSF;
- (3) Response will require in excess of 2 days to complete removal operations, and augmentation by NSF personnel will release local forces to return to normal operations; or
- (4) In the judgment of the OSC, NSF capabilities are necessary.

The NSF is also available to assist state and local governments, provided that such assistance does not interfere with supporting federal OSC's or other federal agencies. Additionally, the NSF Dive Team, a subunit of the Atlantic Strike Team, can assist the OSC by: conducting underwater investigations and evaluations; serving as an advisor to the OSC when commercial or U.S. Navy divers and salvors are used; and performing light salvage or diving operations to control a pollution source when other divers are not immediately available. NSF assistance may be requested by calling a strike team directly, contacting the team via the NRC, or contacting the team via the area or district commander. [NOTE: Section 7.F below describes the administrative requirements for the NSF, including mission performance standards, organization, and training standards. NSF Dive Team capabilities supporting other mission areas are described in paragraph 7.F.6 below.]

b. Environmental Response Team (ERT). The EPA's ERT can provide technical advice and equipment pertaining to the environmental effects of discharges or releases. Among the disciplines of the team are sanitary engineering, environmental engineering, chemical engineering, chemistry, biology, environmental health, risk assessment, and analytical support. Areas of expertise include:

- (1) Determining safety precautions for hazardous chemical removal;

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- 7.D.4.b.
- (2) Evaluating the nature and extent of contamination;
  - (3) Identifying hazards of pollutants not found in standard information sources (e.g., Chemical Hazardous Response Information System (CHRIS));
  - (4) Assessing degree of mitigation/removal required;
  - (5) Identifying critical and sensitive areas that require extraordinary protective efforts; and
  - (6) Selecting disposal method and appropriate disposal facilities.

In addition, the ERT is responsible for activating the Environmental Emergency Response Unit (EERU), a unit which can provide on-scene equipment capable of removing pollutants from contaminated water, conducting treatment studies, and performing a wide range of analytical capabilities. ERT assistance can be requested from the EPA representative on the RRT. Promptly follow up the request with a message to the Hazardous Response Support Division, EPA Headquarters, with the appropriate EPA regional office as an information addressee.

- c. Scientific Support Coordinators (SSC's). SSC's can augment the OSC's staff by providing scientific advice and arranging for scientific support on-scene. Generally, SSC's are provided by the National Oceanic and Atmospheric Administration (NOAA) in coastal areas, and by the EPA in the inland regions. During a response, the SSC serves under the direction of the OSC with the responsibility to provide scientific support for operational decisions and to coordinate on-scene scientific activity. Depending upon the nature of the incident, the SSC can be expected to work with government agencies, universities, and industry to compile information that would assist the OSC in assessing the hazards and effects of spills and developing response strategies. The SSC concept is to augment, rather than replace, the OSC's local scientific team. Local teams generally have the advantage of minimal response times, familiarity with the area, and a working rapport. On the other hand, oil and hazardous materials response may become extremely complex and require expertise and resources not usually available at the local level. Coast Guard OSC's are encouraged to use the SSC as they would use other special forces available to them. SSC assistance can be requested by contacting the regional SSC, identified in the RCP. Areas in which the SSC can provide assistance include:

- (1) Assessment Of Adverse Effects/Mitigation Strategies. This assistance is frequently required during the initial phases of an incident when response operations and clean-up strategies are being developed. Activities to protect and mitigate adverse effects on human health and welfare and the environment include:
  - (a) Liaison with natural resource and chemical experts;

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- 7.D.4.c.(1)
- (b) Spill trajectory modeling;
  - (c) Assessment and advice on the nature, behavior, and fate of oil and hazardous materials under various environmental conditions, and recommendations on how best to deal with them;
  - (d) Identifying areas of special biological importance;
  - (e) Assistance in public relations efforts on scientific issues; and
  - (f) Advice on safety precautions for response personnel.
- (2) Contingency Planning Assistance. Prior to a spill, considerable information can be provided by the SSC in developing regional and local contingency plans. This can include the probability that spills originating from a given location will effect specific areas; the location of environmentally sensitive areas; background data on the behavior of various pollutants known to be transported in a given area; and the possible environmental impact of various cleanup strategies.
- d. Public Information Assist Team (PIAT). The PIAT is a team of public affairs specialists knowledgeable in many facets of pollution response (e.g., equipment, clean-up methods, the role of various agencies, and the laws). They can augment the OSC's staff when public interest is high. Duties and capabilities of the PIAT are described in volume I of this manual. Request PIAT assistance by contacting the team via Commandant (G-WER-2), or via the NRC during nonworking hours.
- e. Agency For Toxic Substances And Disease Registry (ATSDR) Public Health Advisors. While not specifically listed in the NCP as a special force or team, the Department of Health and Human Services (HHS), through the ATSDR (previously part of the CDC), has assigned Public Health Advisors to cover each EPA Region. In most cases, these individuals work at the EPA regional offices. The ATSDR Public Health Advisors have a wide range of expertise in health-related problems, and are available to assist Coast Guard OSC's during response actions. They can assist in assessing public health threats posed by an incident, provide advice on the adequacy of personnel protection measures within the response area, investigate health complaints, provide advice on the need to relocate nearby residents, and coordinate the appropriate health response with public health agencies and the private medical community. They are also available to assist in the development of occupational safety and health considerations for local contingency plans, providing information on the location and availability of laboratory services, expert consultants, hospitals, and other treatment facilities. The above assistance is available from the regional Public Health Advisors or directly from the ATSDR Emergency Response Coordination Branch in Atlanta, GA, at (404) 452-4100/FTS 236-4100 (24-hour number).

- 7.D.5. Procedures For Handling Pollution Incidents Resulting From Outer Continental Shelf (OCS) Activities. Response procedures for pollution incidents resulting from OCS activities generally parallel those under the FWPCA. A basic difference is that the Offshore Oil Pollution Compensation Fund established by the OCSLA Amendments (43 U.S.C. 1801-1824) also funds third-party damages incurred as a result of an OCS spill. The statute also requires that a formal Notice of Designation confirming the source be issued to the responsible party. The function of the Notice of Designation is to trigger the claims advertising obligation of the owner, operator, or guarantor of the alleged pollution source. A separate Notice of Designation shall be sent to each owner, operator, or guarantor. 33 CFR 135.309 contains the information required in a Notice of Designation, and a sample is found in Figure 7-13. Current policy requires the OSC to obtain authority to issue a Notice of Designation from the Fund Manager, Commandant (G-WFR), or an authorized representative, on a case-by-case basis. POLREPS shall include the term "OCS Oil" in the subject line to alert personnel of the potential need for Notice of Designation authority or use of the Offshore Oil Pollution Compensation Fund. The Fund Manager also determines when the incident requires public advertisement to advise potential claimants of the spill. Guidelines for determining the type, scope, frequency, and content of advertisements are stated in 33 CFR 135.313-319. Since it may take some time to determine the advertising requirements to be included in the Notice of Designation, the OSC should issue a separate Notice of Federal Interest indicating that a subsequent Notice of Designation may or will follow. To ensure removal operations are initiated expeditiously, the OSC is authorized to obligate funds from the FWPCA 311(k) fund for OSC spills. Reimbursement from the Offshore Oil Pollution Compensation Fund to the FWPCA 311(k) fund will be accomplished by Commandant (G-WFR).
6. Funding Deepwater Port (DWP) Pollution Incident Response. Response procedures for incidents resulting from DWP activities are the same as those specified in section 7.B above, except that the DWP Liability Fund pays for federally-funded cleanup and third-party damages resulting from the incident. As is the case with OCS spills, the Fund Manager, Commandant (G-WFR), must be promptly notified when use of the DWP Fund is indicated. As is the case with OCS spills, the FWPCA 311(k) Pollution Fund may be used to initiate federal removal operations and then be reimbursed from the DWP Liability Fund.
7. Funding Trans-Alaska Pipeline (TAP) Oil Pollution Incidents. Response procedures to incidents involving TAP oil are the same as those specified in section 7.B above, except that the TAP Liability Fund is liable for all damages, including cleanup costs, sustained by any person or entity, public or private, as a result of the discharge of oil from a vessel transporting such oil. TAP Fund liability continues until the TAP oil is first brought ashore at a U.S. port. The TAP Fund is unique in that it is established as a non-profit corporation administered by a Board of Trustees, including representatives from the U.S. Department of the Interior. The Fund must be promptly notified when possible use of the TAP Fund is indicated. Units with incidents involving TAP oil should notify Commandant (G-WFR), who will notify and coordinate as necessary with the

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FIGURE 7-13

NOTICE OF DESIGNATION MESSAGE FORMAT

(Precedence/DTG)

FM  
TO (Owner/Operator/Guarantor) (Address)  
(City/State/Zip Code)  
INFO (CG District)  
(COMDT G-W)

ACCT CG-W2GZZZ  
UNCLAS//NXXXXX//

SUBJ:

1. THE (name of vessel/facility) OF WHICH YOU ARE THE (owner) (operator) (guarantor) IS DESIGNATED AS THE SOURCE OF OIL POLLUTION UNDER P.L. 95-372 AND 33 CFR 135.309. THE (name of vessel/facility), LOCATED AT (location), DISCHARGED (quantity) OF (type of oil) AT (time/date).

2. UNDER P.L. 95-372 AND TITLE 33 CFR 135.311, YOU HAVE 5 DAYS TO SUBMIT IN WRITING YOUR ACCEPTANCE OR DENIAL OF THIS NOTICE OF DESIGNATION. FAILURE TO DENY THIS DESIGNATION DOES NOT, IN AND OF ITSELF, CONSTITUTE ACCEPTANCE OF LIABILITY UNDER P.L. 95-372 FOR LOSSES RESULTING FROM THIS INCIDENT. THE REQUIREMENTS FOR SUBMISSION OF A DENIAL OF THIS NOTICE OF DESIGNATION ARE CONTAINED IN TITLE 33 CFR 135.311.

3. [See \* below] NOTE THAT TITLE 33 CFR 135.315-.319 REQUIRES YOU TO INFORM THE PUBLIC OF PROCEDURES FOR INITIATING CLAIMS TO RECOVER ECONOMIC LOSSES FROM THIS DESIGNATED SOURCE OF POLLUTION OR AGAINST THE FUND. THE INITIAL GEOGRAPHIC AREA THAT IS OR IS LIKELY TO BE AFFECTED IS FROM (description of area). THE INITIAL ADVERTISEMENT OF THIS INCIDENT SHOULD INCLUDE, BUT IS NOT LIMITED TO, PUBLICATION IN THE NOTICE TO MARINERS, PUBLIC SERVICE ANNOUNCEMENTS ON COMMERCIAL RADIO AND TELEVISION STATIONS, AND PAID ADVERTISEMENTS IN LOCAL NEWSPAPERS SERVING THE ABOVE DESIGNATED AREA. FUTURE SPECIFIC REQUIREMENTS FOR ADVERTISEMENTS AND LIMITS OF AFFECTED GEOGRAPHIC AREAS MAY BE FORTHCOMING, AND WILL BE SUBMITTED TO YOU OR YOUR DESIGNATED REPRESENTATIVE.

4. DIRECT FURTHER COMMUNICATION REGARDING THIS INCIDENT, ADVERTISEMENT OF THE INCIDENT, OR DENIAL OF DESIGNATION TO THE CAPTAIN OF THE PORT, (address, telephone #).

[NOTE: \*When the Fund Manager, Commandant (G-WFR), determines that the incident need not be advertised, the following may be substituted as paragraph 3:

3. TITLE 33 CFR 135.309 REQUIRES THAT THIS NOTICE CONTAIN ADVERTISING INSTRUCTIONS WHERE CLAIMS FOR ECONOMIC LOSS OF THE TYPE SPECIFIED IN SECTION 303(A) OF P.L. 95-372 MAY RESULT. BECAUSE POLLUTION RESULTING FROM THIS INCIDENT HAS BEEN MINIMAL AND SUBSTANTIALLY CONTAINED, WE HAVE DETERMINED THAT CLAIMS ARE UNLIKELY AT THIS TIME. THE COAST GUARD RESERVES THE RIGHT TO REQUIRE ADVERTISEMENT AT A LATER TIME, SHOULD FACTS AND CIRCUMSTANCES CHANGE TO SO WARRANT.]

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7.D.7. (cont'd) TAP Fund administrator. As is the case with OCS and DWP spills, the FWPCA 311(k) Pollution Fund should be used to initiate federal removal operations and then be reimbursed from the TAP Liability Fund.

8. Intervention On The High Seas. The Intervention on the High Seas Act, as amended (33 U.S.C. 1471-1487), the FWPCA 311(c) and (d), and CERCLA 104(a) authorize Coast Guard intervention when a vessel casualty seaward of the territorial sea poses a grave and imminent danger to U.S. coastlines or related interests, or when a marine disaster in or upon the navigable waters has created a substantial threat of a pollution hazard to the public health or welfare of the United States. Intervention is "detrimental action without consent" and may include the following:

- a. Orders to the master, owner, or operator of a ship;
- b. Disposal or destruction of the cargo aboard;
- c. Removal or destruction of a vessel;
- d. Deployment of equipment for containing or dealing with a spillage;
- e. Transfer of oil or hazardous substance to other tanks, or other ships or barges; or
- f. Salvage operations.

Coast Guard policy and procedures for intervention actions are contained in COMDTINST 16451.5 (Series).

9. Disposal Of Recovered Pollutants.

a. Introduction. Whether monitoring or supervising cleanup operations, the OSC shall ensure proper disposal of recovered pollutants at a disposal or treatment facility permitted to handle the particular pollutant.

b. Compliance With Waste Disposal Regulations.

(1) Resource Conservation And Recovery Act (RCRA) Applicability. The following subparagraphs address the applicability of the RCRA and its implementing regulations (and, to a limited extent, related state and local laws) to the storage, treatment, and disposal of material recovered during response and removal actions. Local contingency plans should include the following:

- (a) Identification of proper storage, treatment, and disposal facilities for waste oil and hazardous substances;
- (b) Identification of federal and state regulations (including local ordinances) which apply to the use of those facilities;

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- 7.D.9.b.(1)
- (c) Identification of laboratories capable of testing a recovered substance for hazardous waste characteristics, as required by 40 CFR 262.11; and
  - (d) Procedures for obtaining EPA identification numbers from the EPA regional office.

While various state and local laws, regulations, and ordinances may apply to the storage, treatment, and disposal of wastes recovered during removal actions where the discharged material was only petroleum, normally RCRA does not. However, RCRA does apply where petroleum wastes meet one or more of the characteristics set out in 40 CFR 261.20-24 (ignitability, corrosivity, reactivity, and extraction procedure (EP) toxicity). Consequently, wastes meeting those characteristics as well as any other waste identified in 40 CFR 261 (see enclosure (3) to COMDTINST M16465.29) which have been recovered in the course of response or removal actions are subject to RCRA and to its implementing regulations, except to the extent that waivers of exemptions may apply (see Notes below).

- (2) RCRA Concerns For OSC's. Generally speaking, the RCRA regulations of most concerns to OSC's deal with the following matters:
  - (a) Determinations of whether the recovered material is subject to RCRA (40 CFR 262.11);
  - (b) Obtaining an EPA identification number (40 CFR 262.12 and 263.11);
  - (c) Preparation of a manifest (40 CFR 262.20-.23);
  - (d) Identifying permitted facilities for disposal of CERCLA wastes (40 CFR 262.20);
  - (e) Packaging, labeling, marking, and placarding the waste (40 CFR 262.30-.33); and
  - (f) Tracking the manifest, and retaining appropriate records (40 CFR 262.40). [NOTE: OSC's are not subject to the reporting requirements of 40 CFR 262.41-.43.]

[NOTE: By reason of 40 CFR 264.1(g)(8) and 265.1(c)(11), the requirements of 46 CFR 264 and 265 do not apply to immediate removal and response actions conducted by Coast Guard OSC's. Part 267 of 40 CFR does not impose any requirements on Coast Guard OSC's. By reason of 40 CFR 270.1(c)(3), permits issued under 40 CFR 270 are not required for treatment and containment during immediate removal and response actions conducted by Coast Guard OSC's. However, persons who dispose of the recovered waste may have to obtain permits under Part 270.] The OSC may, in one

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- 7.D.9.b. (2) (cont'd) situation, waive requirements imposed by RCRA regulations (see 40 CFR 263.30(b)). When waste is discharged during transportation, the OSC, upon determining that its immediate removal is necessary to protect human health or the environment, may authorize its removal by transporters who do not have EPA identification numbers and without preparing a manifest. It is expected that this situation will apply in most cases, subject to Coast Guard OSC control, which would otherwise be subject to identification number and manifesting requirements. However, notwithstanding this expectation, most transportation, treatment, and disposal facilities are not familiar with the waiver authority discussed above. Therefore, they will usually require compliance with the requirements of the regulations referred to above as being of most concern to OSC's. In addition, the NCP (40 CFR 300.65(f)) requires that, to the greatest extent possible given the exigencies of the circumstances, the OSC comply with applicable or relevant and appropriate federal public health and environmental requirements. This includes compliance with RCRA requirements.
- (3) OSC Procedure. In order to assure the proper and timely disposal of recovered RCRA wastes, whether subject to a possible waiver or not, OSC's shall, after determining that the recovered material is subject to RCRA, carry out the following procedure:
- (a) Should normally, in a case where the waiver applies, and shall, in a case where it does not, assure that the transporter has obtained an EPA identification number and prepare a manifest in accordance with the instructions in 40 CFR 262.20-23;
  - (b) Assure that the recovered waste has been properly packaged, labeled, marked, and placarded;
  - (c) Ensure that the recovered waste is disposed of at a permitted facility authorized by EPA for disposal of CERCLA wastes. CERCLA waste disposal must comply with the EPA Off-Site Disposal Policy of 6 May 1985 (distributed by COMDTNOTE 16465 of 17 December 1985); and
  - (d) Retain a copy of the manifest until a signed copy is received from the designated facility indicating that the shipment was received.

OSC's should retain signed copies of manifests in unit files for at least 3 years. [NOTE: The OSC is not a "generator" within the meaning of the RCRA regulations. There are two classes of persons which fall within the definition of this term contained in 40 CFR 260.10. The first class includes those whose acts or processes produce hazardous waste. The second includes those whose acts first cause a hazardous waste to become subject to regulation. Insofar as the first class is concerned, no act or

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- 7.D.9.b. (3) (cont'd) process of the OSC produces hazardous waste. As to the second, the hazardous waste becomes subject to regulation prior to the time that the OSC takes any action with respect to it. However, during a removal or response operation the OSC exercises control over the disposal of the recovered waste. As an element of this control, he or she performs certain functions assigned to "generators" by 40 CFR 262.]
- (4) Manifest Forms. The manifest referred to above must meet the requirements of 40 CFR 262.20. Note, however, that 40 CFR 262.21 calls for the use of state provided manifest forms if the generator or disposal state has established specific requirements. As of October 1984, 25 states have established specific requirements for the use of state-supplied manifest forms. These states, with appropriate contacts, are listed in Figure 7-14. When completing the manifest, if the source is known, the OSC should list the name of the polluter on the manifest as the generator. If the source is unknown, the OSC should insert the words "Coast Guard Federal On-Scene Coordinator" in the space provided for the generator's name. In either case, the manifest should be signed by the OSC or the designated representative, and marked with the statement: "This material is being disposed of by the Coast Guard Federal On-Scene Coordinator (unit name), as part of a response action in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 300)."
- (5) Transportation For Disposal. OSC's must ensure that all wastes shipped off-site for disposal are transported in compliance with applicable regulations. These include the RCRA regulations in 40 CFR 262-263, the DOT Hazardous Materials Regulations in 49 CFR 171-178, and any applicable state regulations. The Office of Hazardous Materials Transportation within the DOT Research and Special Programs Administration (RSPA) is concerned that some shipments of wastes collected during spill cleanup activities have been transported in inadequate containers, resulting in secondary releases during transport. OSC's should ensure that all wastes are packaged as required in the DOT Regulations. If the nature of the wastes precludes packaging in the required container, OCS's should request emergency exemptions from the regulations following the procedures outlined in 49 CFR 107.
- E. Information Systems And Resources. The OSC's staff must be familiar with information sources and systems that may assist contingency planning or responses. Figure 7-15 lists primary sources, capabilities and means of access, and additional references. Accessing the Hazard Assessment Computer System (HACS) and Spill Trajectory Forecasting through the NRC is described in volume I of this manual. COMDTINST M16465.30 (Series) lists suggested chemical response publications and additional information sources.

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FIGURE 7-14

STATE CONTACTS FOR UNIFORM HAZARDOUS WASTE MANIFEST FORMS AND INFORMATION

The following states will require the use of a state-approved version of the Uniform Hazardous Waste Manifest Form for shipments destined to their state or for shipments which originate in their state, and are destined to a state which does not require the use of a state modified form. See California and Missouri for exceptions.

ALABAMA (Requires generators treating, storing, or disposing of wastes in Alabama to obtain the form from Alabama facilities.)

State Technical Contact: Joe Brewer (205-271-7700)  
Department of Environmental Management  
State Capitol  
Montgomery, AL 36130  
Continuation Sheet: State allows use, but facilities may decide not to supply.  
Charge: Contact facility

ARKANSAS

State Technical Contact: Vicky Pruett (501-562-7444)  
Department of Pollution Control and Ecology  
Solid and Hazardous Waste Materials Division  
P.O. Box 9583  
Little Rock, AR 72219  
Continuation Sheet: State allows use and will supply.  
Charge: \$2 per form

CALIFORNIA (Out-of-state generators are not required to use the California state manifest form for shipments into that state.)

State Technical Contact: Al Fong (916-322-2337)  
State Transporter Contact: Kit Davis (916-324-2430)  
Department of Health Services  
Procedures and Regulations Division  
714-744 P Street  
Sacramento, CA 95814  
Continuation Sheet: No  
Charge: None

CONNECTICUT

State Technical Contact: Elizabeth Flores (203-566-8844)  
To Request Copies: Joe Zack (203-566-3958)  
Department of Environmental Protection  
Hazardous Materials Management Unit  
State office Building  
165 Capitol Avenue  
Hartford, CT 06115  
Continuation Sheet: State allows use but will not supply.  
Charge: 4 for \$1

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FIGURE 7-14 (cont'd)

DELAWARE

State Technical Contact: Ken Weiss (302-736-4781)  
To Request Copies: Juanita Williamson (302-736-4781)  
Department of Natural Resources and Environmental Control  
89 Kings Highway  
P.O. Box 1401  
Dover, DE 19901  
Continuation Sheet: State allows use and will supply  
Charge: None

GEORGIA (Requires generators treating, storing, or disposing of wastes in Georgia to obtain the form from Georgia facilities.)

State Technical Contact: Jennifer Kaduck (404-656-7802)  
Department of Natural Resources  
Environmental Protection Division, Land Protection Branch  
270 Washington Street, SW  
Atlanta, GA 30334  
Continuation Sheet: State allows use, but facilities may decide not to supply.  
Charge: Contact facilities

ILLINOIS

State Technical Contact: Cindy Ladage (217-782-6761)  
Environmental Protection Agency  
2200 Churchill Road  
Springfield, IL 62706  
Continuation Sheet: State allows use and will supply.  
Charge: None

LOUISIANA

State Technical Contact: Joan Albritton (504-342-1227)  
Department of Environmental Quality  
Hazardous Waste Division  
P.O. Box 44066  
Baton Rouge, LA 70804  
Continuation Sheet: State only allows use for more than two transporters and  
will supply.  
Charge: \$.50 per form

MAINE

State Technical Contact: Richard Baker (207-289-2651)  
Department of Environmental Protection  
Bureau of Oil and Hazardous Materials  
Licensing and Enforcement Division, State House - Station 17  
Augusta, ME 04333  
Continuation Sheet: State allows use but will not supply.  
Charge: None

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FIGURE 7-14 (cont'd)

MARYLAND

State Technical Contact: Tom Battle (301-383-5734)  
To Request Copies: Lisa Bryson (301-383-5734)  
Department of Health and Mental Hygiene  
Hazardous Waste Division  
201 West Preston Street  
Baltimore, MD 21201  
Continuation Sheet: State allows use and will supply.  
Charge: \$.20 per form

MASSACHUSETTS (Form will be distributed by private vendors located in  
Massachusetts.)

State Technical Contact: Sarah Weinstein (617-292-5820)  
Department of Environmental Quality Engineering  
One Winter Street  
Boston, MA 02108  
Continuation Sheet: State allows use.  
Charge: \$1 per form

MICHIGAN

State Technical Contact: Marta Fisher (517-373-2730)  
Department of Natural Resources  
Environmental Protection Bureau  
Hazardous Waste Division  
Box 30028  
Lansing, MI 48909  
Continuation Sheet: State only allows use for more than two transporters and  
will not supply.  
Charge: None

MINNESOTA

State Technical Contact: Karen Ryss (612-296-7776)  
Pollution Control Agency  
Solid and Hazardous Waste Division  
1935 West County Road, B2  
Roseville, MN 55113  
Continuation Sheet: State only allows use for more than two transporters and  
will not supply.  
Charge: Call Karen Ryss

MISSOURI (Regulations mandating the use of Missouri state form are pending.  
During the interim period, any federally-approved form is acceptable,  
provided the generator includes Missouri identification numbers prior  
to shipment.)

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FIGURE 7-14 (cont'd)

MISSOURI (cont'd)

State Technical Contact: Kirt Hilsenbeck (314-751-3241)  
Waste Management Program  
Department of Natural Resources  
P.O. Box 1368  
117 E. Dunklin Street  
Jefferson City, MO 65102  
Continuation Sheet: No  
Charge: None

NEW HAMPSHIRE

State Technical Contact: Dawn Channing (603-271-4608)  
Office of Waste Management  
Division of Public Health Services  
Health and Welfare Building  
Hazen Drive  
Concord, NH 03311  
Continuation Sheet: State allows use but will not supply.  
Charge: None

NEW JERSEY

State Technical Contact: Nancy Power (609-292-5189)  
Department of Environmental Protection  
32 E. Hanover Street, CN-028  
Trenton, NJ 08625  
Continuation Sheet: State allows use but will not supply.  
Charge: None

NEW YORK

State Technical Contact: James Moran (518-457-6858)  
Department of Environmental Conservation  
Division of Solid and Hazardous Waste  
P.O. Box 12820  
Albany, NY 12212  
Continuation Sheet: State allows use but will not supply.  
Charge: None

OKLAHOMA

State Technical Contact: Al Coulter (405-271-5338)  
Department of Health  
Industrial and Solid Waste Service  
P.O. Box 53551  
Oklahoma City, OK 73152  
Continuation Sheet: State allows use and will supply.  
Charge: \$.25 per form

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FIGURE 7-14 (cont'd)

PENNSYLVANIA

State Technical Contact: Jeff Beatty (717-787-9870)  
To Request Copies: Cheryl Mills (717-787-9870)  
Department of Environmental Resources  
Bureau of Solid Waste Management  
Fulton Building  
P.O. Box 2063  
Harrisburg, PA 17120  
Continuation Sheet: State allows use but will not supply.  
Charge: \$.15 per form

PUERTO RICO

State Technical Contact: Maria Rodriguez (809-725-5140)  
Environmental Quality Board  
Solid, Toxic and Hazardous Waste Program  
Box 11488  
Santurce, PR 00910-1488  
Continuation Sheet: State allows use and will supply.

RHODE ISLAND

State Technical Contact: Alicia Good (401-277-2797)  
Department of Environmental Management  
Division of Air and Hazardous Materials  
204 Cannon Building  
75 Davis Street  
Providence, RI 02908  
Continuation Sheet: State allows use and will supply, but does not  
encourage use.  
Charge: None

SOUTH CAROLINA

State Technical Contact: "Ike" Nevesky (803-758-5681)  
Department of Health and Environmental Control  
Bureau of Solid and Hazardous Waste Management  
2600 Bull Street  
Columbia, SC 29201  
Continuation Sheet: State allows and will supply.  
Charge: None

TEXAS

State Technical Contact (municipal and federal facilities):  
Ken Zarker (512-458-7271)  
Texas Department of Health  
1100 West 49th Street  
Austin, TX 78756

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FIGURE 7-14 (cont'd)

TEXAS (cont'd)

State Technical Contact (commercial facilities): Allan Seils (512-475-5647)  
Texas Department of Water Resources  
P.O. Box 13087 Capitol Station  
Austin, TX 78711  
Continuation Sheet: State allows and will supply.  
Charge: None

VERMONT

State Technical Contact: John Miller (802-832-3395)  
Agency of Environmental Conservation  
Air and Solid Waste Programs  
State Office Building  
Montpelier, VT 05602  
Continuation Sheet: State allows and will supply.  
Charge: None

WISCONSIN

State Technical Contact: David Charles (608-267-7551)  
Department of Natural Resources  
Bureau of Solid Waste Management  
P.O. Box 8094  
Madison, WI 53708  
Continuation Sheet: State will not supply.  
Charge: None

For further information on this list, contact:

Carolyn Barley (202-382-5235)/John Thompson (202-382-4697)  
The RCRA/Superfund Hotline (Wash., DC area 382-3000 or 800-424-9346)  
Environmental Protection Agency  
Office of Solid Waste (WH-563)  
401 M Street, SW  
Washington, DC 20460

POLLUTION RESPONSE INFORMATION SOURCES

	CAPABILITY											ADDITIONAL INFORMATION of System
	Chemical Identification	Physical Properties	Safety Equipment	Required Equipment	Availability	Response Methods	Hazard Assessment	Toxicity Modelling	Direct Access	Access via IRC		
Spill Cleanup Equipment Information System (SKIM)				•						•		(1)
Chemical Hazard Response Information System (CHRIS)	•	•	•		•	•				(2)		COMDTINST 16-65.11 (Rev. 11) (CHRIS Manual), MSM, Volume I
Hazard Assessment Computer System (HACS)							•	•			•	MSM, Volume I
Chemical Information System (CIS)												
Oil and Hazardous Materials Technical Assistance Data System (OHTADS)	•	•	•		•					•	•	
Structure and Nomenclature Search System (SANSS)	•									•	•	COMDTINST 16-84.2
Registry of Toxic Effects of Chemical Substances (RTECS)	•	•								•	•	
Pollution Spill Trajectory Forecasting Service							•	•			•	MSM, Volume I
Chemical Transportation Emergency Center (CHEMTEC)	•	•			•					(3)	•	Locates and notifies shipper/manufacturer

- (1) Maintenance of central database discontinued in October 1985. Data for each OSC zone transferred to the applicable MSO/COTF.
- (2) Unit Reference Library
- (3) Telephone (800) 424-9300

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7.F. National Strike Force (NSF) Administration. The FWPCA 311(c)(2) requires the NCP to include the establishment or designation of a strike force consisting of personnel trained and prepared to carry out necessary services specified in the plan. The Coast Guard NSF is one of the Special Forces available to assist OSC's whenever NSF expertise or capabilities are needed. Paragraph 7.D.4 above describes the capabilities of the NSF and other Special Forces, and provides guidance on when they should be activated. This section describes the administrative elements of the NSF.

1. Administrative And Operational Control. The NSF, comprised of the Pacific, Gulf, and Atlantic Strike Teams, and the NSF Dive Team, is under the operational and administrative control of the respective area commander. When responding to a spill, members are under the operational control of the OSC, whether the OSC is from the Coast Guard, EPA, or another federal agency. For responses to assist state or local governments, operational control is retained by the area commander. Respective strike teams respond to requests for assistance within the following standard federal regions:

- a. Atlantic Strike Team (AST). Regions I, II (excluding Puerto Rico and Virgin Islands), III, V, and North Carolina;
- b. Gulf Strike Team (GST). Regions II (Puerto Rico and Virgin Islands), IV (excluding North Carolina), VI, and VII; and
- c. Pacific Strike Team (PST). Regions VIII, IX, and X.
- d. NSF Dive Team. All regions.

2. Response Standards.

- a. Personnel Standards. When requested by the OSC, NSF personnel will be expeditiously dispatched within the following minimum standards:

<u>Number of Personnel</u>	<u>Dispatch Time</u>
1	Immediately
4	Within 2 hours
Up to 12	Within 6 hours

These standards should be applied with careful judgment and recognition that personnel committed to training other units or participating in R&D testing may be pre-empted for a response mission. Each strike team will assist other teams, as operational commitments permit. First-class travel must not be used except in extreme circumstances. In those cases where no other class of travel is available, and the travel must be performed, Commandant approval must be obtained following the procedures in Chapter 2 of the Joint Travel Regulations and COMDTINST M4600.8 (Series), Comptroller Manual, Volume IX. All requests for approval of first-class travel should be forwarded to Commandant (G-FPS) via Commandant (G-WER) for endorsement.

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- 7.F.2. b. Equipment Standards. NSF response equipment requested by the OSC will be dispatched by the most expeditious means available within 4 hours of the request. Except for operational repairs and routine maintenance, equipment shall be maintained in "Ready Standby" status. The equipment inventory of the NSF teams should be continually evaluated against operational experience and modified accordingly.
- c. Foreign Assistance. The NSF may be available to assist foreign governments if those resources are not required for an incident in the United States or its possessions. The requesting government will make a formal request via normal diplomatic channels to the U.S. Department of State (DOS) and agree to reimburse all NSF expenses. Commandant (G-WER) will review the request and coordinate NSF assistance to foreign governments. Additional information on pollution response and pollution response training assistance to foreign governments is found in COMDTINST 5010.10, Policy Guidance for Coast Guard Assistance to Foreign Governments for Pollution Response and Pollution Response Training.
3. Response Planning. Strike teams shall plan and organize their own resources for response actions, and plan for on-scene integration. Internal planning shall include plans for transportation and deployment of equipment and on-going review of removal techniques and plans for their use. On-scene integration planning will include review of local and RCP's, participation at RRT meetings, and continuous liaison with personnel in all levels of government (federal, state, and local) as well as key personnel in industry.
- a. Unit Planning. Each strike team shall:
- (1) Maintain a personnel duty rotation schedule;
  - (2) Plan for personnel and equipment transportation from the unit and conduct exercises that use these procedures; and
  - (3) Perform regular routine maintenance on operational equipment in accordance with Preventative Maintenance System (PMS) procedures.
- b. On-Scene Integration. As a minimum, each strike team shall:
- (1) Be represented at semiannual RRT meetings and maintain liaison with all representatives of the RRT;
  - (2) Assist in updating and reviewing regional and local contingency plans;
  - (3) Ensure that OSC's and RRT members in their area know the capabilities of the NSF and the strike team;
  - (4) Inform OSC's as to what support they must provide for NSF equipment and ensure that these requirements are included in local contingency plans;

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- 7.F.3.b. (5) Establish and maintain a working relationship with key personnel involved in environmental protection programs through attendance at conferences, seminars, training sessions, visits, and telephone conversations; and
- (6) Maintain liaison with all representatives to the RRT's, state EPA representatives, and managers of cooperative and clean-up contractors within their area of responsibility.

4. Training.

a. Team Personnel. Each strike team shall conduct unit training to maintain necessary special skills and knowledge. Team training includes service schools, industry training sessions, conferences, and practical experience oriented towards ship salvage, diving, damage control, petroleum handling and storage, tank vessel liquid cargo and fuel systems, removal techniques, handling of hazardous substances, and instruction techniques. Additionally, unit training shall include the following:

- (1) Instruction on service practices, such as practical factors for advancement, first aid, safety, Coast Guard administration, and travel claim procedures;
- (2) Cross-training among enlisted ratings to enable all personnel to deploy and operate response equipment, including semiannual hands-on drills; and
- (3) Resident training to meet the minimum training requirements listed in Figure 7-16.

b. Other Units. Each strike team shall annually train OSC staffs and other units that perform response activities, in accordance with administrative procedures and training schedules established by the area commander. Training will be coordinated with the OSC to stress response problems that are timely and of local significance. While the NSF is encouraged to train with industry, it is not appropriate to provide training (i.e., personnel, facilities or materials) for the exclusive benefit of industry. To the greatest extent possible, other federal, state, or local response personnel should also be encouraged to participate in training sessions. General training topics and activities include the following:

- (1) Unit pollution response equipment operation and maintenance;
- (2) Response strategies/priorities;
- (3) Hazardous substance handling and removal;
- (4) Clean-up contractor supervision;
- (5) Case documentation (311(k) and CERCLA);

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FIGURE 7-16

MINIMUM TRAINING REQUIREMENTS FOR STRIKE TEAMS AND NSF DIVE TEAM

<u>COURSE</u>	<u>ATTENDEES</u>
STRIKE TEAMS	
MSPOC	All enlisted
MK-6	3 enlisted (MK's only)
MK-23 Outboard Motor Maintenance	3 enlisted (MK's only)
Self-Contained Breathing Apparatus (SCBA) Regulator Repair	2 enlisted
Commercial Truck Driving	4 members
Port Operations Course; Response Module	All officers
Hazardous Materials Incident Response Operations Course (HMIROC)	All officers, 50% enlisted
Respiratory Protection (NIOSH-approved)	50% officers
Instructor Training (USN or other)	2 enlisted
Incident Mitigation and Treatment	1 officer
Emergency Medical Technician (EMT)	3 members
Marine Firefighting	2 members
NSF DIVE TEAM	
Bauer Compressor	4 enlisted
Medical Deep Sea Diving Technician	1 enlisted
Dive Unisuit Repair	2 enlisted
Ship Salvage Diving Officer	2 officers
Diver 1st Class	2 enlisted
Diver 2nd Class	9 enlisted
U.S. Divers Regulator Repair	11 enlisted

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- 7.F.4.b. (6) NSF equipment and OSC support requirements;
  - (7) Use of federal pollution funds;
  - (8) Contingency planning;
  - (9) Laws, regulations, and policies; and
  - (10) Hands-on exercises by response teams.
5. NSF Dive Team. The NSF Dive Team, a subunit of the AST, can assist OSC's in investigating, evaluating, and monitoring pollution response cases requiring diving or salvage operations. The Dive Team can additionally perform nonresponse operations in support of other Coast Guard mission areas. Capabilities include the following:
- a. Coast Guard helicopter salvage operations;
  - b. Coast Guard vessel electronics and naval engineering support and husbandry tasks (i.e., hull surveys, damage assessment, minor repairs, assistance in drydocking);
  - c. Underwater search and recovery;
  - d. Enforcement of laws and treaties (ELT) (surveying abandoned and sunken vessels for contraband); and
  - e. Aids-to-navigation (ATON) support.

The primary mission of the Dive Team is to support the MER Program. Support in other mission areas will be on a "not-to-interfere" basis and all costs will be reimbursed by the requesting unit. All activities performed by the NSF Dive Team will be reflected on the Dive Team's QAR.

6. Required Reports.
- a. Operational Status. Each strike team shall advise the area commander by priority message on the last day of each work week of the team's operational status. This message should follow the format in Figure 7-17. Commandant (G-WER) and the other strike teams should be included as information addressees on the message.
  - b. Advisories. Each strike team shall advise the area commander and the NRC by priority message whenever more than 50 percent of the personnel assigned to a team are operationally committed to response efforts. By priority message, advise the area commander whenever the equipment listed below cannot be placed in "Ready Standby" status within 4 hours, including unavailability due to deployment, repair, refurbishment, or routine maintenance. Except for deployment, the advisory shall also include an estimate of the time to restore to "Ready Standby" status. Operational equipment affected includes the following:

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FIGURE 7-17

NSF OPERATIONAL STATUS MESSAGE FORMAT

P 181145Z JAN 86  
FM COGARD NSF GULF MOBILE AL  
TO COMLANTAREA COGARD NEW YORK NY  
INFO COMDT COGARD WASHINGTON DC//G-WER//  
Other NSF Teams

ACCT CG-XXXXXX

UNCLAS //N16465//

SUBJ: OPERATIONAL STATUS

1. PERSONNEL ATTACHED           XX List the appropriate number of personnel
- A. ABOARD                       XX in each category.
- B. TRAINING                     XX
- C. RESPONSE                    XX
- D. FIELD UNIT TRAINING        XX
- E. R&D                         XX
- F. LIAISON                     XX
- G. LEAVE                        XX

2. OPERATIONAL DEPLOYMENTS AND PLANS: List status of personnel deployed on spill responses, training, or other operational activities. For personnel deployed on response, include NSF unit case number. Also include reference to operational activities anticipated for the following week.

3. EQUIPMENT

- A. CASREP: List equipment covered by CASREP's including reference to CASREP number.
- B. DEPLOYED: List equipment deployed on response actions including reference to NSF unit case number.

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- 7.F.6.b. (1) Air Deliverable Anti-Pollution Transport System (ADAPTS) prime movers and pumps;
- (2) Open Water Oil Containment and Recovery Systems; and
- (3) Mobile Command Post.
- c. Quarterly Activities Report (QAR), RCS-G-WER-14019. Within 15 days following the end of the quarter, each strike team and the NSF Dive Team shall submit the NSF QAR to Commandant (G-WER), via the area commander, in the format shown in Figure 7-18.
- d. Incident Summary. Brief, to-the-point, Incident Summaries, RCS-WER-14022, shall be submitted to the appropriate OSC, with copy to Commandant (G-WER), within 30 days of the team's release from an incident. In letter format, the report shall concisely:
- (1) Summarize strike team activities;
- (2) Describe strike team equipment used;
- (3) Assess strike team effectiveness;
- (4) Describe problems encountered;
- (5) Describe lessons learned;
- (6) Summarize expenses;
- (7) List personnel and equipment, including dates committed or hours of operation with supporting documentation for cost recovery from the responsible party; and
- (8) Enclose records or photographs that may assist the OSC in documenting costs to be recovered.
- e. Reimbursement Requests. Requests for reimbursement for actual expenses incurred as a result of the oil pollution incident with supporting documentation will be submitted via the OSC to the appropriate district commander. Requests for reimbursement for CERCLA-related responses should be submitted as follows:
- (1) For CERCLA-funded removal with EPA OSC, submit cost summary and Interagency Agreement with OSC certification to the EPA Region for forwarding to Commandant (G-WER) for processing.
- (2) For CERCLA-funded removal with Coast Guard OSC, submit cost summary and Interagency Agreement to OSC for certification and forwarding to Commandant (G-WER) for processing at EPA Headquarters.

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FIGURE 7-18

SAMPLE NSF/DIVE TEAM QUARTERLY ACTIVITIES REPORT

(UNIT) QUARTERLY ACTIVITIES REPORT RCS-G-WER-14019  
 \_\_\_\_\_ Quarter FY \_\_\_\_\_

I. Summary

A. External Time Use (Away From Unit)

1. Response	<u># Of Cases</u>	<u>Work-Day(s) *</u>
a. Oil	_____	_____
b. Hazardous Substance	_____	_____
c. Other	_____	_____
2. Strike Team Training (TEMDUIN)		_____
3. Training/Presentations Given By Unit		_____
4. Planning And Liaison		_____
5. Research And Development		_____
6. Diving Operations (Dive Team Only)		
a. Pollution Response	_____	_____
b. Other Mission Areas	_____	_____

B. Internal Time Use (At Unit)

1. Response	<u>Work-Hour(s) **</u>
a. Administrative Support	_____
b. Telephone Consultations With OSC's	<u>Oil/HS/Other</u>
2. Strike Team Training	_ / _ / _
3. Training/Presentations Given At Unit	_____
4. Planning And Liaison	_____

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FIGURE 7-18 (cont'd)

5. Equipment Maintenance	<u>Oil/HS/Other</u>
a. Preventive/Scheduled	<u>    /    /    </u>
b. Corrective/Unscheduled (includes maintenance while away from unit)	<u>    /    /    </u>
	<u>Work-Hours**</u>
6. Facility Maintenance (including self-help construction projects)	_____
7. Medical Monitoring	_____
8. Physical Fitness	_____
9. Administration	_____

II. Description Of Activities

- A. Response. Give a brief description of each case accounted for in the summary. Include in the narrative the name and location of the incident and the date(s) and nature of strike team involvement. Also specify the type of pollutant (oil or hazardous substance) and the number of sorties flown to transport personnel or equipment (indicate type of aircraft).
- B. Training Given By Unit. This includes marine safety office (MSO) training, OSC/RRT exercises, presentations given to federal, state or local groups, oil or hazardous spill conferences, etc.
- C. Training Received By Unit. List the following for all training accounted for in the summary:
  - a. All resident training courses attended.
  - b. Training at the unit:
 

<u>Total Work-Hours**</u>	<u># Of Members Trained</u>	
_____	_____	oil
_____	_____	hs
_____	_____	other
- D. Remarks. Indicate unusual problems, concerns, need for future equipment, etc.

\* Work-days are the actual days away from the unit. Any part of a day away from the unit will be counted as one full day.

\*\* Work-hours are the actual number of hours expended on a given activity at the unit. Any fraction of an hour will be counted as one full hour.

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- 7.F.6.e. (3) For monitoring of responsible party activities, either EPA or Coast Guard OSC, fund using non-incident specific CERCLA out-of-pocket cost funds provided by Commandant (G-WER) as part of CERCLA annual budget.