

# An FOSC's Guide to Environmental Response



Compiled and formatted by  
the Gulf Strike Team  
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## **Credit**

The information found in this guide is mostly a compilation of existing field guidebooks, documents, webpage information, and presentations on incident response. In particular, the previously distributed, Atlantic Strike Team's *On-Scene Coordinator: Desktop Reference on Roles and Responsibilities for Emergency Response Operations* is copied heavily. When possible, the source document will be noted, but the purpose of this guide is not scholarly pursuit but to collate and publish the best information available in the public domain to make the Coast Guard succeed in its Environmental Response mission. Thank you to all who contributed directly or indirectly, knowingly or unknowingly.

Special credit for inspiration is given to the National Oceanic and Atmospheric Administration's (NOAA) Emergency Response Division. This guide copies the format of their *An FOSC's Guide to NOAA Scientific Support* - a must have resource for Sector Command Center and FOSC personnel. NOAA personnel were extremely helpful and generous in assisting with questions regarding format and content.

## **Dedication**

This booklet is dedicated to past, present and future FOSCs - for all your tireless efforts to protect the public and the environment from harm. It is very important work. Semper Paratus.

**Note:** Although provided by the National Strike Force Gulf Strike Team, this document is not an official Coast Guard document. It does not reflect, represent, or form any part of the response policies of the Coast Guard or the Department of Homeland Security.

## Table of Contents

Chapter 1: Purpose .....	7
Purpose .....	7
Use .....	7
Questions or Comments .....	7
Chapter 2: Terminology .....	8
General – Zones and Waters.....	8
Coastal Zone.....	8
Coastal Waters .....	8
Inland Zone .....	8
Inland Waters.....	8
Navigable Waters .....	8
Oil Spill .....	10
Oil .....	10
Discharge.....	10
Oil Spill Classification .....	10
Reportable Quantity – Oil .....	10
Hazardous Substance Terminology.....	10
Hazardous Substance .....	10
Release .....	11
Hazardous Substance Release Classification .....	11
Reportable Quantity - Hazardous Substance:.....	11
Pollutant or Contaminant .....	11
Other Solid Waste .....	12
Hazardous Waste .....	12
Hazardous Material.....	12
Chapter 3: Regulatory Framework.....	13
National Response Framework (NRF) .....	13
National Oil and Hazardous Substance Pollution Contingency Plan (NCP) .....	13
General Overview .....	13
Purpose, Authority, and Scope .....	13
Subparts .....	14

Organizational Concepts and Elements .....	14
National Response Team .....	14
Regional Response Teams.....	15
Special Teams and Other Assistance .....	16
Clean Water Act (CWA).....	17
General Overview .....	17
Key Provisions .....	17
Oil Pollution Act of 1990 (OPA90).....	18
General Overview .....	18
Key Provisions .....	18
Comprehensive Environmental Response Compensation and Liability Act (CERCLA) .....	18
General Overview .....	18
Key Provisions .....	18
Superfund Amendment and Reauthorization Act (SARA) .....	19
General Overview .....	19
Key Provisions .....	19
Executive Orders (EO) .....	19
EO 12580 .....	19
EO 12777 .....	20
Resource Conservation and Recovery Act (RCRA) .....	20
Chapter 4: On-Scene Coordinator Responsibilities.....	21
General Duties .....	21
Information Gathering .....	21
Notification Requirements.....	21
Coordination and Consultation.....	22
Site Safety and Health.....	22
Public Information and Community Relations.....	22
Public Information .....	22
Community Relations.....	23
Reports, Documentation, and Cost Recovery .....	23
Reports.....	23
Documentation and Cost Recovery .....	23
Maritime Transportation System Recovery Unit (MTSRU) .....	23

Chapter 5: Funding.....	25
Introduction .....	25
Oil- Oil Spill Liability Trust Fund (OSLTF) .....	25
Access.....	25
Limitations.....	25
Hazardous Substance - CERCLA (Superfund) .....	25
Access.....	25
Limitations.....	26
Chapter 6: Oil Spill Response – Management and Operations.....	27
Incident Management.....	27
Phases of Response.....	27
Phase I – Discovery or Notification .....	28
Phase II – Preliminary Assessment and Initiation of Action .....	29
Phase III – Containment, Countermeasures, Cleanup, and Disposal .....	31
Phase IV – Documentation and Cost Recovery.....	32
Special Classifications / Considerations .....	33
Maximum Potential Spill .....	33
Worst Case Discharge .....	33
Spills of National Significance (SONS) .....	33
Use of Dispersants and other Alternate Response Technologies (ART) .....	33
Special Monitoring of Applied Response Technologies (SMART) .....	34
Chapter 7: Hazardous Substance Response.....	35
Introduction .....	35
Types of Response .....	35
Removal .....	35
Remediation .....	35
Authority to Act.....	36
OSC Authority.....	36
Coast Guard / EPA Relationship .....	36
Response under CERCLA .....	36
Comparison of CERCLA to Section 311 of FWPCA - Similarities.....	36
Comparison of CERCLA to Section 311 of FWPCA – Differences .....	36
Phases of Response.....	37

Community Relations During Removal Actions .....	38
Chapter 8: Salvage Operations.....	40
General.....	40
Casualty Assessment and Salvage Survey .....	40
Salvage Plan .....	41
Chapter 9: Planning and Preparedness.....	42
NCP Planning and Coordination Structure.....	42
Area Contingency Plans .....	42
Spill Response Exercises.....	42
Appendix A: Quick Reference Guide for Environmental Response .....	43
Appendix B: Site Safety Requirements under OSHA.....	44
Appendix C: FOSC References .....	45
Legal/Policy .....	45
Response .....	45
Safety .....	46
Salvage .....	47
Appendix D: EPA Regions .....	48
Appendix E: Coast Guard Districts .....	49
Appendix F: Coast Guard Sectors.....	50
Emergency Contact Information.....	51

## Chapter 1: Purpose

### Purpose

The purpose of this guide is to provide a quick, ready resource for U.S. Coast Guard (USCG) and Environmental Protection Agency (EPA) On-Scene Coordinators (OSC) or their representatives for response to oil and hazardous substance emergency response operations. Where applicable the guide references the National Contingency Plan or other guidance appropriately. There is no way to include all possible references or guidance for something as complex as incident response in a single document; however, it is hoped that this guide will assist you and your response personnel with responding to discharges and releases in the inland or coastal zone.

***Note: Both terms On-Scene Coordinator (OSC) and Federal On-Scene Coordinator (FOSC) are used in this document extensively. They are identical in meaning...OSC is used in the statutes and regulations and FOSC is the Coast Guard term used to connote OSC.***

### Use

This guide is available in hard copy and electronic versions.

**Hard Copy** – this handy sized booklet is designed to keep at a duty station or with response gear when access to a computer may be limited.

**Electronic** - the electronic versions are more powerful and contain links to additional information.

- **CD** – load the CD onto your computer for stand-alone access when the Internet is not available.
- **Internet** – for quick access, place the website link on your desktop:  
<http://www.uscg.mil/hq/nsfweb/>

### Questions or Comments

If you have questions or comments about this guide, contact the Gulf Strike Team at (251) 441-6601.

## Chapter 2: Terminology

### General – Zones and Waters

#### Coastal Zone

As defined for the purpose of the National Contingency Plan (NCP), means all United States waters subject to the tide, United States waters of the Great Lakes, specified ports and harbors on inland rivers, waters of the contiguous zone, other waters of the high seas subject to the NCP, and the land surface or land substrata, ground waters, and ambient air proximal to those waters. The term coastal zone delineates an area of federal responsibility for response action. Precise boundaries are determined by EPA/USCG agreements and specified in federal regional and area contingency plans.

#### Coastal Waters

For the purposes of classifying the size of discharges (see Oil Spill Classification below), means the waters of the coastal zone **except for the Great Lakes and specified ports and harbors on inland rivers.**

#### Inland Zone

Is the environment inland of the coastal zone excluding the Great Lakes and specified ports and harbors on inland rivers. The term inland zone delineates an area of federal responsibility for response action. Precise boundaries are determined by EPA/USCG agreements and specified in federal regional and area contingency plans.

#### Inland Waters

For the purposes of classifying the size of discharges (see Oil Spill Classification below), means the waters of the inland zone, **waters of the Great Lakes, and specified ports and harbors on inland rivers.**

#### Navigable Waters

As defined by Title 40 CFR 110.1, means the waters of the United States, including the territorial seas. The term includes:

- 1) All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;
- 2) Interstate waters, including interstate wetlands;
- 3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, and wetlands....
- 4) All impoundments of waters otherwise defined as navigable waters under this section;
- 5) Tributaries of waters identified in paragraphs (1) through (4) of this definition, including adjacent wetlands; and,

- 6) Wetlands adjacent to waters identified in (1) through (5) of this definition provided that waste treatment systems (other than cooling ponds meeting the criteria of this paragraph) are not waters of the United States.

## Oil Spill

### Oil

As defined by Section 311(a)(1) of the Clean Water Act (CWA), means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil, as defined by Section 1001 of the Oil Pollution Act (OPA) means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, but does not include petroleum, including crude oil or any fraction thereof, which is specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of section 101(14) of the Comprehensive Environmental Response, Compensation & Liability Act (CERCLA) & which is subject to the provisions of that Act.

**Note:** Oil does not include propane, LPG or LNG.

### Discharge

As defined by Section 311(a)(2) of the CWA, includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping of oil, but excludes discharges in compliance with a permit under section 402 of the CWA (National Pollutant Discharge and Elimination System (NPDES)). For purposes of the NCP, discharge also means substantial threat of discharge. Discharge is a term specific to oil spills whereas “release” denotes a hazardous substance incident.

### Oil Spill Classification

	Minor	Medium	Major
Coastal	<10,000 gallons	≥ 10,000 and <100,000 gallons	>100,000 gallons
	~240BBL		~2400BBL
Inland	<1,000 gallons	≥ 1,000 and <10,000 gallons	>10,000 gallons
	~ 24BBL		

BBL = Barrel; 42 US Gallons equals 1 BBL

**Note:** Any oil discharge that poses a substantial threat to public health or welfare of the United States or the environment or results in significant public concern shall be classified as a major discharge regardless of the quantitative measures.

### Reportable Quantity – Oil

A discharge of oil which causes a sheen upon or discoloration of the surface of the water or adjoining shorelines or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

## Hazardous Substance Terminology

### Hazardous Substance

Any substance designated pursuant to section 311(b)(2)(A) of the CWA; any element, compound, mixture, solution, or substance designated pursuant to section 102 of CERCLA; any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal

Act (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) has been suspended by Act of Congress); any toxic pollutant listed under section 307(a) of the CWA; any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. 7521 et seq.); and any imminently hazardous chemical substance or mixture with respect to which the EPA Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act (15 U.S.C. 2601 et seq.). The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance in the first sentence of this paragraph, and **the term does not include natural gas, natural gas liquids, liquified natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).**

## Release

As defined by section 101(22) of CERCLA, means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant).

***Note: The “environment” for CERCLA releases includes the water, ground, and air, not just water and adjoining shorelines as is the case for the CWA/OPA90.***

## Hazardous Substance Release Classification

- **Minor** release means a release of a quantity of hazardous substance(s), pollutant(s), or contaminant(s) that poses minimal threat to public health or welfare of the United States or the environment.
- **Medium** release means a release not meeting the criteria for classification as a minor or major release.
- **Major** release means a release of any quantity of hazardous substance(s), pollutant(s), or contaminant(s) that poses a substantial threat to public health or welfare of the United States or the environment or results in significant public concern.

***Note: The final determination of the appropriate classification of a release will be made by the OSC based on consideration of the particular release (e.g., size, location, impact, etc.). The law is intentionally vague to give the OSC the latitude to make the determination.***

**Reportable Quantity - Hazardous Substance:** A quantity, as set forth in 40 CFR 302.4.

## Pollutant or Contaminant

As defined by section 101(33) of CERCLA, shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring.

## Other

### Solid Waste

A Solid Waste can be either a **solid, liquid, semi-solid or contained gaseous material** that is 1) discarded, 2) has served its intended purpose, or, 3) is a manufacturing or mining by-product. The material is a RCRA Solid Waste irrespective of whether you 1) discard it, 2) use it, 3) reuse it, 4) recycle it, 5) reclaim it, or 6) store it or accumulate it for 1-5. A material is not a solid waste if it is exempted under 40 CFR 261.4(a) if it is one of the following: 1) domestic sewage, 2) a CWA point source discharge, 3) irrigation return flow, 4) special nuclear or by-product material, or 5) in-situ mining waste.

### Hazardous Waste

A solid waste (see above) is a Hazardous Waste if it is listed in 40 CFR 261.30, unless it has been specifically excluded. There are two means of classifying hazardous wastes – they are either classified by characteristic or they are listed. Characteristics that can make a solid waste a hazardous waste include the following: Ignitability (40 CFR 261.21); Corrosivity (40 CFR 261.22); Reactivity (40 CFR 261.23); Toxicity (40 CFR 261.24). Listed wastes are generated from non-specific and specific sources and are assigned waste numbers by the regulations (261.31-33).

### Hazardous Material

A substance or material that, which has been determined by the Secretary of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated. The term includes hazardous substances, hazardous wastes, marine pollutants, and elevated temperature materials as defined in 49 CFR Part 171, materials designated as hazardous under the provisions of 172.101, and materials that meet the defining criteria for hazard classes and divisions in part 173.

***Note: See Appendix A for a one-page summary of environmental response terms and regulatory authorities for response.***

## Chapter 3: Regulatory Framework

### National Response Framework (NRF)

The NRF presents the guiding principles that enable all response partners to prepare for and provide a unified national response to disasters and emergencies – from the smallest incident to the largest catastrophe. This important document establishes a comprehensive, national, all-hazards approach to domestic incident response.

It defines the key principles, roles, and structures that organize the way we respond as a Nation. It describes how communities, tribes, States, the Federal Government, and private-sector and nongovernmental partners apply these principles for a coordinated, effective national response. It also identifies special circumstances where the Federal Government exercises a larger role, including incidents where Federal interests are involved and catastrophic incidents where a State would require significant support. The NRF enables first responders, decision makers, and supporting entities to provide a unified national response.

**Note: The NRF replaces the former National Response Plan (NRP).**

Link to the NRF: <http://www.fema.gov/emergency/nrf/>

### National Oil and Hazardous Substance Pollution Contingency Plan (NCP)

#### General Overview

The NCP was enacted by the President in 1968 after a massive oil spill from the tanker *Torrey Canyon*, which spilled 37 million gallons of crude oil, resulting in extensive environmental damage. The plan provides the federal government with a blue print for responding to discharges of oil and releases of hazardous substances. The plan was updated in 1973, 1981, and 1994. The NCP is located in Title 40 Code of Federal Regulations, Part 300 and is referenced throughout this document (e.g., [300.1]).

Link to the NCP: <http://www.epa.gov/OEM/content/lawsregs/ncpover.htm>

**Recommendation: The NCP is a “must read” for all FOSCs and response personnel. See Appendix C for a complete list of references. Ones highlighted in red font are critical to understanding the Coast Guard’s jurisdiction and authority for environmental response.**

#### Purpose, Authority, and Scope

- The NCP provides organizational structure and procedures in preparing for and responding to discharges of oil and releases of hazardous substances [300.1]. It is required by CERCLA 105 and CWA 311 (d) [300.2].
- The NCP establishes On-Scene Coordinators (OSCs) for coastal (Coast Guard) and inland (EPA) zones [300.120]. See note below.
- The NCP provides for efficient, coordinated, and effective response to a discharge or release, including requirements for:
  - Activation of the national response organization
  - Federal, State, and area contingency plans
  - Procedures for involving states in response activities
  - Listing of federal trustees for natural resources

- National procedures for the use of dispersants and other chemicals
- The NCP applies to and is in effect when the National Response Framework (NRF) and its Emergency Support Functions (ESFs) are activated [300.3 (d)]

**Note:** *In some instances DOD, DOE, or other federal agency will be the OSC; see 300.120(c) & (d) for these exceptions.*

## Subparts

Subpart A	Introduction
Subpart B	Responsibility and Organization for Response
Subpart C	Planning and Preparedness
Subpart D	Operational Response Phases for Oil Removal
Subpart E	Hazardous Substance Response
Subpart F	State Involvement in Hazardous Substance Response
Subpart G	Trustees for Natural Resources
Subpart H	Participation by Other Persons
Subpart I	Administrative Record
Subpart J	Use of Dispersants and Other Chemicals

## Organizational Concepts and Elements

- Fundamental activities pursuant to the NCP [300.105 (b)]:
  - Preparedness, planning, and coordination
  - Notification and coordination
  - Response Operations
- Organizational elements created to perform these activities [300.105 (c)]:
  - National Response Team (NRT)
  - Regional Response Team (RRT)
  - On-scene coordinators (OSC)
  - Area Committees

## National Response Team

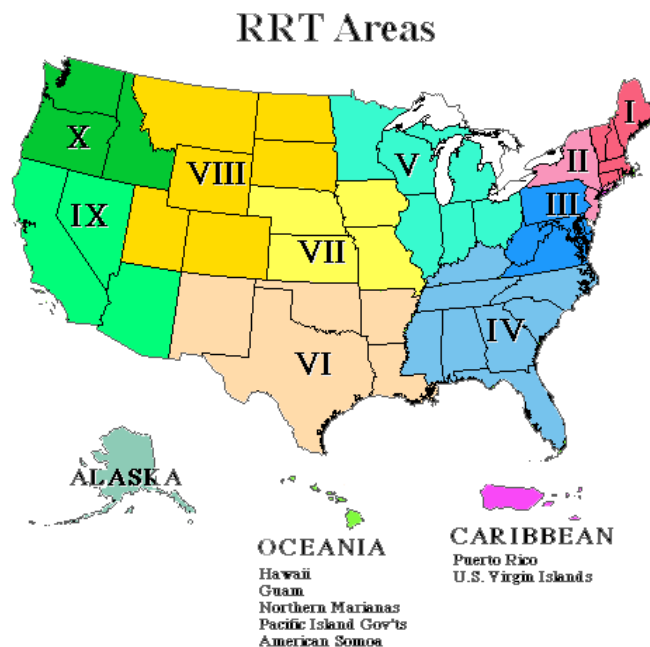
- National planning and coordination is done through the NRT [300.110].
- The NRT shall be chaired by the Administrator of the EPA and vice-chaired by a representative of the Coast Guard [300.110 (b)]
  - During an activation, the chairman shall be a member of the organization providing the OSC
- The NRT shall evaluate response methods and recommend changes to the NCP [300.2 & 300.110 (d)].
- The NRT shall provide policy guidance to the RRTs [300.110 (e)].
- Planning and preparedness responsibilities of the NRT include:
  - Maintaining national preparedness to respond
  - Assisting member agencies in preparedness, planning, and response
  - Ensuring coordination between federal, state, and local governments with private parties
  - Reviewing regional responses to oil discharges and hazardous substance releases
  - Assisting in developing a national exercise program
- The NRT shall be activated as an emergency response team under the following conditions:
  - When an oil discharge or hazardous release:
    - Exceeds the capability of the region
    - Transects regional boundaries
    - Involves a substantial threat to public health and welfare

- If requested by any NRT member

Link to the NRT: <http://www.nrt.org>

## Regional Response Teams

- Regional planning and coordination of preparedness and response is accomplished through the RRT [300.115 (a)].
- RRTs provide guidance to the Area Committees [300.115 (a)(2)]
- Two principle components of the RRT are:
  - Standing Team
    - Role is to assist the OSC and Area Committees
  - Incident Specific Team
    - Role is determined by the operational requirements of each specific response
- The RRTs are co-chaired by representatives from the EPA and Coast Guard [300.115 (c)].
- The RRT should make resources available during a response to the OSC [300.115 (f)].
- The RRT should:
  - Review local emergency response plans
  - Evaluate regional and local response to a discharge or release
  - Recommend revisions of the NCP
  - Conduct planning for the use of dispersants and chemical agents in accordance with Subpart J
  - Meet semi-annually to review RCPs, ACPs, and response actions carried out during the previous period
  - Provide activity reports to the NRT twice a year
- The RRT may be activated under the following conditions [300.115 (j)]:
  - When a discharge or release:
    - Exceeds the response capabilities of the OSC
    - Transects state boundaries
    - Involves a substantial threat to public health and welfare
    - Is a worse case discharge
  - Upon request from the OSC
  - During prolonged removal or remediation activities



**Note: The RRT approves alternate response technologies (e.g., dispersants, in-situ burning, etc.) that are not pre-approved during an emergency response.**

## Special Teams and Other Assistance

***Note: Special teams can be contacted directly by the FOSC at anytime. Contact numbers are on the last page of this document for easy reference.***

### ***The National Strike Force (NSF)*** [300.145 (a)].

The NSF was established by the Coast Guard to assist the OSC with preparedness and response operations. The NSF includes:

- Three Strike Teams (Atlantic, Gulf, and Pacific)
- Public Information Assist Team (PIAT)
- National Strike Force Coordination Center (NSFCC)
- The Strike Teams provide personnel for:
  - Training for spill response
  - Stabilizing and containing a spill
  - Contractor monitoring and oversight
  - Incident management and cost documentation
- The NSFCC can provide the FOSC with:
  - Technical assistance, equipment, and other resources
  - Assistance in coordinating the use of private and public resources
  - Review of the ACP
  - Assistance in locating spill response equipment
  - Coordination and evaluation of pollution response exercises
  - Inspection of prepositioned pollution response equipment
- PIAT can assist the FOSC with public information demands during a response

Link to the NSF: <http://www.uscg.mil/hq/nsfweb/>

### ***Environmental Response Teams (ERTs)*** [300.145 (b)]

The EPA's ERT can provide the FOSC with expertise in treatment technology, biology, chemistry, hydrology, geology, decontamination equipment, environmental assessment, and disposal of contaminated material.

Link to the ERT: <http://www.epa.gov/superfund/accomp/news/ert.htm>

### ***Scientific Support Coordinators (SSC)*** [300.145 (c)]

- Serve as principle advisor for scientific issues
- Generally provided by NOAA
- Serves on the FOSC's staff during response operations
- Support the RRT and Area Committees in preparing ACPs

Link to NOAA Office of Response: <http://response.restoration.noaa.gov/>

### ***U.S. Navy Supervisor of Salvage (SUPSALV)*** [300.145 (d)]

- Provide search, salvage, and recovery equipment

Link to SUPSALV: <http://www.supsalv.org/>

### ***Radiological Emergency Response Teams (RERTs)*** [300.145 (f)]

- Established by EPA's Office of Radiation Programs
- Provide assistance in radiological monitoring, analysis, health physics, and risk assessment
- Can provide on-site field analysis via mobile laboratories

Link to the RERT: <http://www.epa.gov/rpdweb00/rert/>

### ***National Pollution Funds Center (NPFC)*** [300.145 (h)]

- Responsible for addressing funding issues
- Provides funding for various response organizations
- Provides compensation to claimants who incurred damages from oil discharges when the responsible party fails to do so
- Recovers monies from persons liable for a discharge/release
- Provides funds to initiate natural resource damage assessments

Link to NPFC: <http://uscg.mil/hq/npfc/index.htm>

**Note:** *"The HAZMAT Response Special Teams Handbook" is available on the National Strike Force website <http://www.uscg.mil/hq/nsfweb/> and covers the capabilities of these teams and many others in more detail.*

## **Clean Water Act (CWA)**

### **General Overview**

Created in 1972, this is the principal federal statute protecting navigable waters and adjoining shorelines from pollution. Section 311 addresses pollution from oil discharges and hazardous substance releases.

### **Key Provisions**

- Discharging oil and hazardous material into the waters of the U.S. and adjoining shorelines is PROHIBITED [CWA 311 (b)(3)(4)].
- The President shall direct all removal efforts in the case of a discharge that is a substantial threat to public health and welfare [CWA 311 (c)(2)].
- All efforts by federal, state, and local government, and each owner and operator shall be in accordance with the National Contingency Plan (NCP) [CWA 311 (c)(3)].

- The President is required to establish regulations, methods, and procedures for removal of oil and hazardous substances as part of the National Response System [CWA 311(j)(1)(A)].
- The President is authorized to issue regulations to prevent discharges of oil from vessels and facilities [CWA 311(j)(1)(C)].
- The President is authorized to establish Area Committees to prepare Area Contingency Plans [CWA 311(j)(4)].

## Oil Pollution Act of 1990 (OPA90)

### General Overview

Created in response to the *EXXON VALDEZ* incident, the Oil Pollution Act of 1990 (33 U.S.C. 2701-2761) amended the Clean Water Act and addressed the wide range of problems associated with preventing, responding to, and paying for oil pollution incidents in navigable waters of the United States. It created a comprehensive prevention, response, liability, and compensation regime to deal with vessel- and facility-caused oil pollution to U.S. navigable waters. It also created the Oil Spill Liability Trust Fund.

### Key Provisions

OPA90 greatly increased federal oversight of maritime oil transportation, while providing greater environmental safeguards by:

- Setting new requirements for vessel construction and crew licensing and manning,
- Mandating contingency planning,
- Enhancing federal response capability,
- Broadening enforcement authority,
- Increasing penalties,
- Creating new research and development programs,
- Increasing potential liabilities; and,
- Significantly broadening financial responsibility requirements.

## Comprehensive Environmental Response Compensation and Liability Act (CERCLA)

### General Overview

CERCLA, also known as the Superfund Act, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment.

### Key Provisions

- Established the federal government's authority to designate certain substances as hazardous to the environment and public health [CERCLA 102].
- Established the responsibilities of a vessel or facility in the event of a discharge [CERCLA 103].
- Established response authorities in the event of a discharge that poses a substantial threat to the environment and public health [CERCLA 104].
- Established the National Contingency Plan as the guideline for response to hazardous substances, pollutants, and contaminants [CERCLA 105].
- Established the federal government's authority to respond beyond the actions of the State to protect public health, welfare, or the environment [CERCLA 106].

- Established liability provisions for responsible parties [CERCLA 107].

The law authorizes two kinds of response actions:

- Short-term removals, where actions may be taken to address releases or threatened releases requiring prompt response.
- Long-term remedial response actions, that permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but not immediately life threatening. These actions can be conducted only at sites listed on EPA's [National Priorities List](#) (NPL).

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the NPL.

CERCLA was amended by the [Superfund Amendments and Reauthorization Act](#) (SARA) on October 17, 1986. More about CERCLA: <http://www.epa.gov/superfund/policy/cercla.htm>

## Superfund Amendment and Reauthorization Act (SARA)

### General Overview

Created in 1986, amending CERCLA; it raised the limit on removal costs to \$2 million and time on removal actions to 1 year. It also authorized EPA to reimburse local governments for costs incurred in response to hazardous substance incidents and mandated that hazardous waste sites targeted for removal must comply with the Resource Conservation and Recovery Act (RCRA).

### Key Provisions

- Established requirements for public participation in Superfund response activities [SARA 117].
- Established the applicability of Superfund laws to the federal government [SARA 121].
- Required the Secretary of Labor to establish safety provisions for employees during hazardous waste operations (e.g., HAZWOPER standards in 29 CFR a910.120) [SARA 126].

## Executive Orders (EO)

### EO 12580

- Delegated the responsibility vested in the President by CERCLA to various agencies
- Established a National Response Team (NRT) for Superfund matters
- Established the Administrator of the EPA as chairman of the NRT and a representative from the Coast Guard as the vice-chairman
- Delegated authority to Coast Guard OSCs to issue administrative orders for releases and threatened releases involving the coastal zone
- Designates DOD/DOE as OSC for releases originating from DOD/DOE facilities
- Assigns FEMA authority to conduct temporary and permanent evacuations
- Designates the Public Health Service responsibility for investigating complaints of illnesses attributable to hazardous substance releases

## EO 12777

- Amended Executive Order 12580
- Delegated the responsibility vested in the President by CWA/OPA to various agencies
- Specified actions to be followed in the event of an accidental discharge or release of oil or a hazardous substance

## Resource Conservation and Recovery Act (RCRA)

RCRA is our nation's primary law governing the disposal of solid and hazardous waste. Congress passed RCRA on October 21, 1976 to address the increasing problems the nation faced from our growing volume of municipal and industrial waste. RCRA, which amended the Solid Waste Disposal Act of 1965, set national goals for:

- Protecting human health and the environment from the potential hazards of waste disposal.
- Conserving energy and natural resources.
- Reducing the amount of waste generated.
- Ensuring that wastes are managed in an environmentally-sound manner.

To achieve these goals, RCRA established three distinct, yet interrelated, programs:

- The [solid waste program](#), under RCRA Subtitle D, encourages states to develop comprehensive plans to manage nonhazardous industrial solid waste and municipal solid waste, sets criteria for municipal solid waste landfills and other solid waste disposal facilities, and prohibits the open dumping of solid waste.
- The [hazardous waste program](#), under RCRA Subtitle C, establishes a system for controlling hazardous waste from the time it is generated until its ultimate disposal – in effect, from "cradle to grave".
- The underground storage tank (UST) program, under RCRA Subtitle I, regulates [underground storage tanks](#) containing hazardous substances and petroleum products.

More about RCRA: <http://www.epa.gov/osw/laws-reg.htm>

## Chapter 4: On-Scene Coordinator Responsibilities

### General Duties

The FOSC directs response efforts and coordinates other efforts at the scene of a discharge or release in accordance with Area Contingency or other pertinent plans [300.120(a)/.135(a)], and FOSCs are authorized to take response measures deemed necessary to protect public health, welfare, and the environment [300.130(a)]. The FOSC is also responsible for ensuring persons designated to act on their behalf are properly trained and prepared to carry out the NCP.

### Information Gathering

The FOSC is required to collect pertinent facts about a discharge or release [300.135(c)], including:

- Source and cause of spill/release
- Identification of responsible parties
- Nature, amount, and location of discharged/released material
- Probable direction and time of travel of discharge or released material
- Potential for a “worse case discharge”
- Pathways to human and environmental exposure
- Potential impact on human health, welfare, safety, and the environment
- Potential impact on natural resources and property
- Priorities for protecting human health, welfare, and the environment
- Appropriate cost documentation

**Recommendation: Field verification of initial information is critical since amounts of material spilled/discharged are often under or misreported. If a medium sized incident is indicated by the initial report, it is advisable to send a Pollution Investigator (PI) and an FOSC Representative (FOSCR) to the scene - one to initiate the investigation and the other to initiate response actions with the responsible party. If the incident is very serious in nature (e.g., major marine casualty), then marine inspectors and/or marine casualty investigators should be dispatched immediately with the PI/FOSCR.**

### Notification Requirements

Notification of an oil discharge or release of a hazardous substance must be reported immediately to the National Response Center (NRC) (800) 424-8802 as per 33 CFR 153 and 40 CFR 302. In most cases, the responsible party or a third party makes the notification and the FOSC is notified by the NRC. If in doubt, verify that the NRC notification was made or have a watchstander make the report.

The OSC has obligations under the NCP to notify the following:

- Higher command/support agency as per organizational directives [300.135(f)]
- FEMA for potential major disaster situations [300.135(g)]
- Health and Human Services (HHS) for public health emergencies [300.135(h)]
- Natural Resource Trustees that may be impacted [300.135(j)]
- Appropriate public and private entities [300.135(n)]

Link to the NRC: <http://www.nrc.uscg.mil/nrchp.html>

## Coordination and Consultation

One key function of the FOSC is to coordinate response efforts with and consult other appropriate federal, state, local, and private response organizations [300.135 (d)]. It is convenient that the NRF mandates the use of the Incident Command System (ICS) for incident management because using a unified command (UC) structure gives the FOSC, state, and local incident commanders and the responsible party a system to coordinate and direct the response as a team.

The FOSC (or unified command) shall ensure that consultation occurs with the following entities as per the NCP:

- Appropriate state and local officials as outlined in the Area Contingency Plan [300.180].
- The RRT and National Strike Force Coordination Center (NSFCC) [300.135(e)].
- National Resource Trustees [300.135(j)]
- The Department of Interior (DOI) and Department of Commerce (DOC) when endangered species or habitats are threatened [300.135(k)]

**Recommendation: Active engagement of the RRT is a response “best practice” especially for unusual, difficult-to-resolve, cross-agency, or cross-jurisdictional issues. It is best to keep them briefed “early and often” if there are issues that you anticipate their approval on (e.g., alternate technologies, dispersant use, etc.).**

## Site Safety and Health

The safety of human life is paramount during all response efforts including search and rescue at the scene of a discharge/release as well as the safety of all response personnel [300.317]. The FOSC is primarily responsible for addressing worker health and safety at a response scene in accordance with 300.150 and 29 CFR 1910.120.

The very concise COMDTINST 6260.31A , Safety and Health Training for Emergency Response Operations, covers the OSHA requirements for all responders and should be read by all FOSCs and response personnel.

**Note: Appendix B summarizes COMDTINST 6260.31A for Coast Guard responders; OSHA requirements (aka HAZWOPER) also apply to volunteers and anyone involved in actual clean-up activities.**

**Recommendation: The FOSC should ensure that a Safety Officer is assigned promptly and that a Site Safety Plan is completed for the incident. The National Strike Force has personnel that can fill the Safety Officer role and/or monitor safety of responders in the field.**

## Public Information and Community Relations

### Public Information

FOSCs are required to keep the appropriate public and private parties informed [300.155(a)]. Timely press releases are pivotal in getting initial information about an incident to the public. Appointing a Information Officer and/or a Liaison Officer to handle public and media inquiries is essential on larger incidents. If needed and desired by the unified command, a Joint Information Center can be established for longer, higher visibility incidents. All federal news releases or statements by participating agencies should be cleared through the FOSC [300.155(b)].

**Recommendation: An FOSC should prepare “risk communication” messages in advance for a variety of incidents that could occur in his or her Area of Responsibility (AOR) based on ACP worst-case estimates in order to maintain a proactive public information posture during an incident. Call the Public Information Assist Team at anytime if you need to craft a message or need public affairs specialists for your incident: (252) 331-6000.**

## **Community Relations**

There are many strategies available to an FOSC to keep the community informed of ongoing operations: web pages, town meetings, press releases, fact sheets, etc. Now that Area Contingency Plans (ACPs) must address the use of volunteers on a response, the FOSC/UC must be prepared to deal with volunteer issues. ACPs should provide the FOSC with specific tasks/areas in which volunteers can be used, including: beach surveillance, logistical support, and wildlife treatment.

## **Reports, Documentation, and Cost Recovery**

### **Reports**

As requested by the NRT/RRT, the FOSC shall submit a complete report on removal operations and actions being taken [300.165(a)]; these reports are usually only required for major incidents or high-profile incidents but the RRT can request an FOSC Report for any incident. The FOSC must also submit a Situation Report – Pollution (SITREP – POL) to the respective RRT as developments occur and to higher authority in accordance with USCG District and Headquarters guidance.

### **Documentation and Cost Recovery**

The FOSC is required to record the situation and document it as it develops through all phases of the response, including actions taken, resources used/ordered, and problems encountered. ICS facilitates good documentation through standardized forms and processes. A Documentation Unit should be established for large, complex incidents to ensure all key decisions and copies of key documents (e.g., Incident Action Plans) are saved for follow-on reporting and documentation. Formal USCG correspondence (e.g., COTP Orders, Admin Orders, CG-2692) must also be maintained for the case file.

In addition to documenting operational decisions, FOSCs are responsible for ensuring cost documentation is maintained for actions taken under the CWA or CERCLA [300.315] and submitted to NPFC. Daily CG-5136 forms, certified contractor invoices (if applicable), and a summary report are submitted to NPFC by the FOSC. The OSTLF or CERCLA fund ceiling is maintained and reported via the SITREP-POL – obligations and expenditures must remain within the ceiling limit.

**Recommendation: The FOSC should document key decisions in written form either in a case log or in memorandum to the responsible party – note all dates and times that key decisions are made and conveyed. If you are too busy to do this function, then appoint an assistant as a recorder to do it for you.**

## **Maritime Transportation System Recovery Unit (MTSRU)**

The MTSRU is responsible for planning infrastructure recovery for Transportation Security Incidents (TSI) (see chapter 16 of the IMH) and other incidents that significantly impact the Marine Transportation System (MTS). The FOSC should activate the MTSRU if a significant impact to a waterway is indicated.

The MTSRU will track and report on the status of the MTS, understand critical recovery pathways, recommend courses of action, and provide all MTS stakeholders with an avenue of input to the response organization.

The major responsibilities of the MTSRU are:

- Identify, track and report impacts to the MTS.
- Coordinate and consult with MTS stakeholders.
- Solicit periodic and standardized feedback from impacted industries/stakeholders.
- Identify resources, agencies involved, and courses of action for the recovery of public infrastructure such as ATON, communications systems, and federal channels.
- Prioritize recovery operations (including ATON, dredging, salvage, cleanup, repair, etc), as appropriate.
- Monitor the economic consequences of recovery actions.
- Develop traffic management plans. Identify the need for, and prepare any special advisories or orders (i.e. Safety/Security Zone).
- Assess the need for MTS relief measures outside the impacted area. Implement measures (i.e. redirect cargos, establish alternate transportation modes) as necessary.

***Note: THE MTRSU can be requested from Area via the Coast Guard District.***

## Chapter 5: Funding

### Introduction

The National Pollution Funds Center (NPFC) oversees and manages funding for FOSCs for oil spills and hazardous substance releases. Contact your regional manager during working hours for detailed guidance on fund use. **After hours, contact the duty officer by calling (800) 759-7243, PIN 2073906.**

Link to the NPFC: <http://www.uscg.mil/npfc/>

***Note: Consult the NPFC Finance Resource Management Field Guide (FFARM) or the NPFC User Reference Guide for detailed instructions on funds management and cost tracking requirements.***

### Oil- Oil Spill Liability Trust Fund (OSLTF)

#### Access

If you answer YES to both of these questions, then OSLTF funding applies:

- 1) Was there a discharge of oil, or a substantial threat of a discharge of oil (i) into navigable waters; (ii) onto adjoining shorelines; (iii) into the waters of the economic exclusive zone; or (iv) will it affect natural resources under exclusive management authority of the U. S.?
- 2) Are further actions necessary to ensure effective and immediate removal, mitigation or prevention of the discharge or substantial threat of a discharge?

Use NPFC's on-line Ceiling and Number Assignment Processing System (CANAPS) to obtain a Federal Project Number (FPN) and initial ceiling amount.

#### Limitations

The following limitations apply to OSLTF use:

- 1) The pollutant must be oil as defined by 33 USC Section 2701(23); see Appendix A, comment section for oil, for additional guidance of the list of oils maintained by USCG Headquarters.
- 2) Removal funding comes from the \$50 million Emergency Fund subset of the OSLTF.
- 3) A maximum of \$500,000,000 per case is available to remediate natural resource damage assessments.
- 4) A maximum of \$1 billion is available to pay for certain costs and damages associated with oil spills.

***Note: LNG/LPG are not listed oils; therefore, the OSLTF cannot be used to respond to incidents involving these substances unless there is a threat from a listed oil (e.g., bunkers, diesel, etc.).***

### Hazardous Substance - CERCLA (Superfund)

#### Access

If you answer YES to these questions, then CERCLA funding applies:

- 1) Has a hazardous substance been released (or is there a substantial threat it will be released)?
- 2) Does the situation present an imminent and substantial threat to public health or welfare?
- 3) Is the responsible party failing to take appropriate action, or is it necessary to monitor its actions?

Use CANAPS to obtain a CERCLA Project Number (CPN) and initial ceiling amount.

## Limitations

The following limitations apply to Superfund use:

- 1) The release or substantial threat of a release of a hazardous substance, pollutant, or contaminant must impact the environment. "Environment" is defined in CERCLA as waters of the U.S., other surface waters, ground water, drinking water supply, land surface or sub-surface, or ambient air.
- 2) Removal funding is limited to no more than \$2,000,000 or 12 months duration per incident. EPA may grant waivers to this requirement.
- 3) FOSCs may not obligate more than \$250,000 for an incident without an approved Action memorandum from NPFC.
- 4) There is no provision for state access.
- 5) There is no provision for funding pre-assessment phase activities for NRDA.
- 6) There is no provision for claims by third parties.
- 7) The substance cannot be an oil as defined by 33 USC Section 2701(23).

***Note: LNG/LPG are not hazardous substances under CERCLA; therefore, the Superfund cannot be used to respond to incidents involving these substances.***

***Note: CERCLA shall be used if there is a hazardous substance mixed with an OPA oil.***

## **Chapter 6: Oil Spill Response – Management and Operations**

### **Incident Management**

The NRF establishes the National Incident Management System (NIMS) for managing incidents including response to oil spills and hazardous substance releases. Establishing an effective response management structure early and using the NIMS Incident Command System (ICS) planning and operational processes is pivotal to a unified and effective response. For more information on ICS and ICS forms:

<http://homeport.uscg.mil/mycg/portal/ep/home.do>

### **Phases of Response**

The NCP delineates four specific phases of response for Oil Spill operations which may run sequentially or concurrently depending on the magnitude and complexity of the incident. In addition to running the incident, the FOSC also has significant responsibilities to keep the Coast Guard chain-of-command informed and to coordinate efforts with other agencies and third parties. The final aspect that the FOSC must manage is public affairs; this encompasses outreach to public officials, the news media, and the public. The charts outlined below attempt to capture the key events or activities that typically occur in each Phase for many aspects a Coast Guard FOSC will face during a medium or major spill.

## Phase I – Discovery or Notification

Phase 1: Discovery or Notification			
FOSC Duties	Internal USCG Coordination	External Coordination:	
		Stakeholder	Public
Receive report from spiller or third part or NRC (ensure NRC is notified) [300.300(b)]	Initiate Critical Incident Communication (CIC) Protocol (if applicable)	Notify other agencies and stakeholders as per the NCP, ACP or local agreement [300.300 (d)]	Be prepared to issue public safety advisories
Evaluate actions needed based on preliminary information and District/unit protocols	Recall/notify unit personnel		
Proceed with response as per the Area, Facility or Vessel Contingency/Response Plan			

## Phase II – Preliminary Assessment and Initiation of Action

Phase 2: Preliminary Assessment			
FOSC Duties	Internal USCG Coordination	External Coordination:	
		Stakeholder	Public
Initiate a prompt preliminary assessment [300.305(a)]	Ensure follow-up communications are made up the chain of command (e.g., CIC)	Coordinate field verification with all involved parties	Be prepared to field media/public inquiries
Initiate casualty and/or pollution investigation (if applicable)	Augment command center with Incident Management Team (IMT) or unit personnel to facilitate information flow	Coordinate field verification with state and local responders	Be prepared to issue public safety advisories
Evaluate magnitude, severity, threat to public/environment; identify responsible party [300.305(b)]			
Ensure initial Incident Commander (IC) documents initial actions on an ICS 201			

Phase 2: Initiation of Action			
FOSC Duties	Internal USCG Coordination	External Coordination Stakeholder	Public
Determine if Responsible Party (RP) is taking appropriate effective and immediate actions [300.305(d)]	Ensure follow-up communications are made up the chain of command (e.g., CIC)	Request NOAA SSC assistance	Be prepared to field media/public inquiries
Issue RP a Notice of Federal Interest (NOFI)  Note: If RP is not taking effective actions, issue an Admin Order and Notice of Federal Assumption (NOFA)	Recall additional unit personnel based on WQSB for large incident  Open the OSLTF (see Chapter 5 for details)	Ensure state and local agencies with jurisdiction are part of the response organization	Be prepared to issue public safety advisories
Establish an initial response organization with the RP and identify initial objectives and a command post location	Request Strike Force, PIAT, DRAT, SERT or other special assistance as needed	Ensure that natural resource trustees are promptly notified [300.305(e)]	Issue initial Risk Communication message to the public
Ensure defensive actions are taken as soon as possible to prevent, minimize & mitigate threats (e.g., control the source, use of chemical IAW Subpart J) [300.310(a)]	Establish reporting intervals/battle rhythm for verbal and written (e.g., SITREP-POL) reports	Ensure applicable industry and Area Committee members are notified / requested to support the response effort	Initiate Joint Information Center (JIC) set-up, if needed
	Request NPFC to issue a Notice of Designation (NOD) to the RP if third party claims are likely	Notify RRT if event is major or high-profile	

### Phase III – Containment, Countermeasures, Cleanup, and Disposal

Phase 3: Containment, Countermeasures, Clean-up & Disposal			
FOOSC Duties	Internal Coordination	External Coordination	
		Stakeholder	Public
Ensure incident objectives focus on recovering oil and mitigating its effects [300.30(b)] IAW with ACP /RRT / NRT guidelines	Maintain reporting intervals/battle rhythm for verbal and written (e.g., SITREP-POL) reports	Establish method of regular communication with key stakeholders (e.g., Liaison Officer, webpage, etc.)	Issue press releases based on UC needs
Transfer command from initial IC to FOOSC / Unified Command (UC) (use 201 as basis of brief) & update incident objectives based on initial actions	Anticipate VIP visits from District and higher	Determine criteria for “How Clean is Clean”	Continue to field public/media inquiries, as needed
Establish operational period and begin Incident Action Plan planning cycle to move incident from reactive phase to proactive phase			Continue to issue public advisories, as needed
Ensure oil and contaminated material are disposed of IAW regulations [300.310(c)]			Be prepared to handle public VIP visits/requests for information

#### Phase IV – Documentation and Cost Recovery

Phase 4: Documentation and Cost Recovery			
FOOSC Duties	Internal Coordination	External Coordination	
		Stakeholder	Public
Ensure all aspects of the response are documented (e.g., IAPs, SITREPs, MISLE, key decisions, etc)	Close out verbal and written reports with “final” reports	Ensure documentation is submitted from agencies using PRFAs	Comply with FOIA requests
Ensure scientific documentation is collected for understanding research and development on improved response methods [300.315(b)]	Submit cost documentation for USCG costs (e.g., 5136 series) to NPFC [300.315(a)]		
Submit OSC report to the RRT/NRT IAW the NCP [300.315(c)]	Collate and submit MTSRU findings		
Complete casualty and pollution investigations			

## Special Classifications / Considerations

### Maximum Potential Spill

FOSCs should plan and execute their initial response actions based on the entire cargo/fuel capacity of the damaged tank(s), or in cases where the entire ship is at risk, as in a grounding, the total capacity on board. FOSCs should be particularly aware of the difficulty in detecting oil in conditions of fog, darkness, or restricted visibility, and should incorporate low visibility response considerations into their ACP.

From the inception of a response, and throughout its course, the FOSC/unified command must carefully document any necessary assumptions and ensure proper resources have been assigned. It is better to overestimate and mobilize response resources early. FOSCs are strongly encouraged to request the National Strike Force, Public Information Assist Teams, and any other special teams as early as possible in any cases they might be needed [ALCOAST 541/07].

### Worst Case Discharge

A worst case discharge is a discharge in adverse weather conditions of the entire cargo, and for offshore facilities, the largest foreseeable discharge in adverse conditions [300.5].

If an investigation determines that a discharge is a worst case discharge, the FOSC shall:

- Notify the NSFCC
- Require the implementation of the worst case portion of the tank vessel or facility response plan
- Implement the worst case portion of the ACP
- Take additional response actions as deemed appropriate 300.324 (a) –

Under the direction of the FOSC, the NSFCC shall coordinate use of private and public personnel/equipment, including Strike Teams, to respond to a worst case discharge [300.324 (b)].

### Spills of National Significance (SONS)

SONS is a spill that due to its severity, size, location, actual or potential impact on the public health and welfare or the environment, or the necessary response efforts are so complex that it requires extraordinary coordination to contain or clean up the discharge [300.5].

A discharge may be classified as a SONS by either:

- Administrator of the EPA for the inland zone
- Commandant of the Coast Guard for the coastal zone

### Use of Dispersants and other Alternate Response Technologies (ART)

The NCP addresses the use of Dispersants and Alternate Response Technologies (e.g., burning, other chemicals, etc.) as follows:

- Approved preauthorization plans for the use of dispersants and other chemicals shall be included in RCPs and ACPs [300.910 (a)]
  - FOSCs may authorize the use of these products without obtaining specific concurrence – **consult your ACP for guidance!**
- For spill situations not addressed in the preauthorization plans, the OSC may authorize the use of dispersants and other chemicals [300.910 (b)], provided:
  - FOSCs gain concurrence from the EPA representative to the RRT

- The products are listed in the NCP Product Schedule (Appendix J)
- The FOSC, with the concurrence of the EPA representative to the RRT, may authorize the use of burning agents [300.910 (c)]
- The FOSC may authorize the use of products NOT listed in the NCP Product Schedule, without concurrence from the EPA RRT representative, provided the FOSC [300.910 (d) ]:
  - Believes the use of the product is necessary to prevent or reduce a hazard to human life
  - Informs the EPA RRT representative as soon as possible

### **Special Monitoring of Applied Response Technologies (SMART)**

SMART is a program with a guidance document for FOSCs developed by the U. S. Coast Guard, the National Oceanic and Atmospheric Administration, Center for Disease Control and Prevention, and the Minerals Management Service to monitor response technologies during oil spills and hazardous materials releases. SMART establishes a monitoring system with defined protocols for rapid collection and reporting or real-time, scientifically based information to assist the Unified Command with decision-making during in-situ burning or dispersant operations.

Get smart on SMART: <http://response.restoration.noaa.gov/smart>

## Chapter 7: Hazardous Substance Response

### Introduction

FOSCs and response personnel must understand CERCLA and the Coast Guard's role in removal actions under the NCP and EO 12580. **COMDINST M16465.29 (series) is a must read** for all FOSCs and response personnel. Additionally, FOSCs and response personnel should understand the definitions “environment”, “facility”, “hazardous substance”, “release”, “removal”, “reportable quantity”, and “response” and read sections 101 through 111 of the Act with particular attention paid to sections 104(a), 104(b), 104(c)(1), 106(a), 106(b), 107(b), and 107(c)(3). It is also extremely helpful to understand Title 40 Code of Federal Regulations Part 261.

Note: COMDTINST M16465.29 is in the final stages of being updated (most recent version is dated 25 May 1983); EO 12316 referenced in the current version is superceded by EO 12580 referenced in this guide.

### Types of Response

CERLCA includes two types of response: removal and remedial actions.

#### Removal

Removal actions include all response actions permitted under section 311 of the FWPCA plus certain additional actions. A “removal” is an **emergency response** to mitigate an imminent or substantial threat to the environment or public health/welfare from a hazardous substance or pollutant or contaminant. The term “imminent or substantial” was intentionally left vague to give broad authority to the FOSC to act. Chapter 4.B of COMDTINST M16465.29 states, “an OSC need not determine with certainty that a hazardous substance has been released before initiating removal measures under the authority of the Act. In drafting [the Act], Congress intended , as they did for operations, that the federal government act promptly to control releases and, in cases where the identification of the substance is not readily apparent, **respond in favor of the environment and the public health and welfare**. Should a response action be initiated, it should be followed with the necessary analyses, tests, or surveys to determine if the material could be classified as a hazardous substance or pollutant or contaminant.

***Note: The CERCLA Fund can be accessed by the FOSC for a release or substantial threat. If in doubt, open the Fund.***

#### Remediation

Remedial actions under CERLCA are response operations that are relatively costly and lengthy, but not urgent in nature. Leaving the contaminants in the environment will cause harm to people or the environment, but the threat is not imminent or substantial to warrant an immediate removal. Typically, the Coast Guard does not conduct remedial actions. This responsibility has been delegated to the Environmental Protection Agency (EPA).

## Authority to Act

### OSC Authority

Under CERCLA, OSCs (FOSCs) have the following authority:

- To remove or arrange for the removal of releases and threatened releases of a) hazardous substances, b) pollutants or contaminants which may present an imminent and substantial endangerment to the public health or welfare.
- To issue orders to protect the public health and welfare and the environment.
- To enter establishments or other places where hazardous substances are or have been generated, stored, treated, disposed of, or transported from to inspect and obtain records, reports, samples, and information in support of response operations.

### Coast Guard / EPA Relationship

CERCLA is often perceived as an EPA law; however, the Coast Guard has major responsibility and authority for protecting the environment and the public in the coastal zone. Specifically, the Coast Guard retains the following:

- All CERCLA authority for releases and threats of releases originating from vessels
- Response to releases and threats of releases originating from facilities, other than hazardous waste management facilities, when such releases require “immediate removal” action. The EPA is responsible for conducting a response when the preliminary assessment indicates no need for immediate removal actions, or when the immediate removal is completed and the remaining cleanup involves planned removal or remedial action.
- Emergency response authority for releases and threats of releases originating from hazardous waste management facilities if - 1) immediate action is required pending arrival of an EPA OSC, and 2) unless otherwise agreed upon by the EPA and Coast Guard.

Coast Guard FOSCs should establish good working relationships with their OSC counterparts in the EPA via the Regional Response Team (RRT) process.

## Response under CERCLA

### Comparison of CERCLA to Section 311 of FWPCA - Similarities

The response provisions of CERCLA closely parallel those in section 311 of the FWPCA. Both statutes require notification by the responsible party, authorize a federal response, use the NCP as the blueprint for the response, create a special fund (e.g., OSLTF, SUPERFUND) to support government response costs, and establish liability, subject to certain defenses, for repayment of government costs by a third party.

### Comparison of CERCLA to Section 311 of FWPCA – Differences

CERCLA provides no authority for response to releases of oils; however, it adopts hundreds of substances listed or characterized as hazardous under four other environmental statutes and creates a broad generic category – “pollutants or contaminants” – to deal with hazardous substances not formally designated as hazardous.

The FWPCA (as amended) permits response only to discharges which threaten certain surface water (and adjoining shorelines). CERCLA response encompasses all environmental media – air, land, water, groundwater, and all surface waters.

## **Phases of Response**

As per the NCP, the phases of response under CERCLA are as follows:

### ***Discovery or Notification***

Any person in charge of a facility or vessel shall report releases to the NRC [300.405 (b)], and upon receipt of notification of a release from the NRC, the OSC shall notify the Governor, or designee, of the state affected [300.405 (e)]. If radioactive substances are present in the release, the EPA Radiological Response Coordinator shall be notified [300.405 (f)(3)].

### ***Removal Site Evaluations***

A removal site evaluation shall be undertaken by the lead agency as soon as possible [300.410 (b)]. This is similar to conducting an initial assessment and initiation of action for an oil spill. A removal preliminary assessment may include:

- Identification of the source and nature of the threat
- Evaluation of the magnitude of the threat
- Evaluation of whether a removal is necessary

A site inspection may be performed if more information is needed [300.410 (d)].

The OSC shall determine whether a release governed by CWA section 311 (c)(1) has occurred, and the OSC shall determine whether the release poses a substantial threat to health and public welfare [300.410 (e)].

A removal site evaluation shall be terminated when the OSC determines:

- There is no release
- The source is neither a vessel nor a facility as defined in 300.5 of the NCP
- The release does not involve a hazardous substance, pollutant, or contaminant that may present an imminent danger to public health and welfare
- The amount or quantity does not warrant a federal response
- The responsible party is providing appropriate response
- The removal site evaluation is completed

The results of the removal site evaluation shall be documented [300.410 (g)], and the OSC shall ensure that the natural resource trustees are promptly notified and coordinate all response activities with the trustees [300.410 (h)].

### ***Removal Actions***

The lead agency shall review the removal site evaluation to determine if removal action is appropriate, and when the responsible parties are known, it shall be determined whether they can and will perform the necessary removal actions promptly [300.415 (a) & 300.415 (a)(2)].

At any release that poses a substantial threat to public health and welfare, the lead agency may take all appropriate actions to prevent or mitigate a release. In determining appropriate removal actions, the following factors shall be considered [300.415 (b) & 300.415 (b)(2)]:

- Actual or potential exposure to human populations, animals, or the food chain
- Actual or potential contamination of drinking water supplies or sensitive ecosystems
- Nearby hazardous substance containers that may pose a threat of release
- Weather conditions that may affect hazardous substances
- High levels of hazardous substances in the soil

In carrying out a response to a release, the OSC may:

- Remove or arrange for the removal of a release
- Direct and monitor all federal, state, and private actions
- Remove or destroy a vessel releasing a hazardous substance

If the OSC determines that a release poses a substantial threat to public health and welfare, the OSC shall direct all federal, state, or private actions to remove the hazardous substances [300.415 (c)(2)], and if a release poses a substantial threat to public health and welfare, the OSC shall:

- Assess opportunities to use special teams and other assistance
- Request immediate activation of the RRT
- Take whatever additional actions are deemed necessary

The following actions are appropriate for removal actions:

- Security and site control
- Drainage controls
- Stabilization of berms, dikes, and impoundments
- Capping of contaminated soils or sludges
- Using chemicals to retard the spread of the release
- Excavation of highly contaminated soil
- Removal of bulk containers with hazardous substances
- Disposal procedures for hazardous substances
- Provisions for alternate water supplies

OSCs conducting removal actions shall submit reports to the RRT [300.415 (m)].

### **Community Relations During Removal Actions**

OSCs and community relations personnel should ensure that all appropriate public and private interests are kept informed and that their concerns are considered throughout a response [300.155 (a)].

- A Joint Information Center (JIC) should be established, as appropriate, to coordinate public affairs/community relations resources

A spokesperson shall be designated by the lead agency during all CERCLA removal cases [300.415 (n)].

This spokesperson shall:

- Inform the community of actions taken
- Respond to inquiries
- Provide information regarding the release

- Notify, at a minimum, immediately affected citizens, state, and local officials, and civil defense and emergency management agencies

## Chapter 8: Salvage Operations

### General

The purpose of this chapter is not to provide a detailed guide for salvage operations or to substitute for official guidance on marine casualties (e.g., Marine Safety Manual), but to inform the FOSC of the various issues that may require decisions or consideration during a response. Marine salvage, emergency lightering, diving, and firefighting are very specialized professions that require special consideration and qualified companies/individuals to perform in a safe and effective manner. Under the NCP, Navy - Supervisor of Salvage and National Strike Force Strike Teams provide the FOSC with technical expertise and field oversight of commercial salvage operations. The USCG Marine Safety Center's (MSC) Salvage Engineering and Response Team (SERT) provides the FOSC with naval architects who can calculate and verify stability data and assist with the approval of salvage, lightering, and tow plans during an incident, either on-site or remotely from the MSC.

SERT is comprised of 8-10 staff engineers who are on call 24 hours a day, 7 days a week to provide immediate salvage engineering support to the Coast Guard Captains of the Port (COTP) and FOSCs in response to a variety of vessel casualties. Specifically, SERT can assist the COTP and FOSC manage and minimize the risk to people, the environment, and property when responding to vessels that have experienced a grounding, allision, collision, capsizing, or structural damage. SERT provides this assistance by performing numerous technical evaluations including: assessment and analysis of intact and damaged stability, hull stress and strength, grounding and freeing forces, prediction of oil/hazardous substance outflow, and expertise on passenger vessel construction, fire protection, and safety.

SERT can be contacted as follows:

Salvage Team Duty Officer, cell phone: (202) 327-3985

Duty e-mail: [SERT.Duty@uscg.mil](mailto:SERT.Duty@uscg.mil)

Salvage Team Leader, cell phone: (202) 327-3987

For all non-emergent situations contact:

Salvage Assistant Team Leader cell phone: (202) 327-3986

On-line SERT Rapid Salvage Survey form:

[http://homeport.uscg.mil/mycg/portal/ep/contentView.do?order=asc&contentOID=83082&contentId=83082&contentType=EDITORIAL&BV\\_SessionID=@@@0814874799.1211066187@@@@&BV\\_EngineID=cccfadedmlfiggmcfjgcfghdghm.0](http://homeport.uscg.mil/mycg/portal/ep/contentView.do?order=asc&contentOID=83082&contentId=83082&contentType=EDITORIAL&BV_SessionID=@@@0814874799.1211066187@@@@&BV_EngineID=cccfadedmlfiggmcfjgcfghdghm.0) (click on the .pdf file in upper right hand corner)

### Casualty Assessment and Salvage Survey

One of the first steps that must be taken during an incident involving a damaged vessel is to conduct a casualty assessment and survey. The American Salvage Association recommends that the survey incorporate the following:

- Vessel survey (see U.S. Navy Salvor's Handbook checklists or SERT's Rapid Salvage Survey)
  - Condition of the vessel just prior to the casualty
  - Condition of vessel post-casualty
- Environmental conditions (e.g., weather, bottom type, sea state, tides/currents, access, etc.)
- Available resources (capability, location, ETA, etc.)

Typically, the responsibility for providing the survey is the vessel owner's, but the FOSC/Officer in Charge of Marine Inspection (OCMI) should have personnel on-scene verifying the information if conditions permit. While the vessel's Master, Chief Mate, and Chief Engineer are critical to vessel information/operation during a casualty assessment, the vessel's company should hire a marine salvor to conduct a complete survey. The salvage company should be reputable and provide a Salvage Master and Salvage Engineer. The FOSC should require a written survey as soon as possible after the incident and before anyone attempts to change the condition of the vessel.

## Salvage Plan

Once the assessment and survey are completed, the vessel's owners should submit a written Salvage Plan to the FOSC/OCMI (or Unified Command) for approval. The plan must also address towing requirements and final disposition (e.g., location, route, etc.) of the vessel. If the vessel is transiting to another or through another COTP zone, then the plan should be vetted with all interested parties prior to approval. The FOSC/OCMI may also want to require a risk assessment/safety plan for the salvage operations prior to commencing operations. The FOSC should thoroughly review the salvage plan and have SERT verify calculations and technical aspects carefully before granting approval to proceed.

If diving operations are required by the salvage plan, then ensure the company contracted to conduct the diving follows required safety regulations. If the casualty is to a U.S. vessel that has a Certificate of Inspection (COI), then commercial diving regulations apply (46 Code of Federal Regulations, Part 197, Subpart B). Check the regulations to verify applicability:

[http://www.access.gpo.gov/nara/cfr/waisidx\\_98/46cfr197\\_98.html](http://www.access.gpo.gov/nara/cfr/waisidx_98/46cfr197_98.html).

OSHA standards may also apply: <http://www.osha.gov/SLTC/commercialdiving/standards.html>.

Finally, variable on-scene conditions may require changes to the salvage plan. The FOSC/Unified Command should communicate to the vessel owner's representative the thresholds that require notification of the Unified Command and/or re-approval of the plan.

## Chapter 9: Planning and Preparedness

### NCP Planning and Coordination Structure

There are three levels of contingency planning under the NCP:

- National
- Regional
- Area

FOSCs are required to organize and direct Area Committees for the following:

- Preparing an Area Contingency Plan
- Working with appropriate federal, state, and local officials to enhance contingency planning and joint response
- Working with appropriate federal, state, and local officials to expedite decisions for the use of dispersants and other chemicals

### Area Contingency Plans

Area Contingency Plans are required to contain the following:

- Address the requirements to remove a worst case discharge
- Describe the area covered by the plan
- Describe the responsibilities of owners/operators in removing a discharge
- List equipment to ensure the effective removal of a discharge
- Include procedures for the use of dispersants
- Detail how the plan is integrated into other response plans
- Address the use of volunteers
- Contain a Fish and Wildlife and Sensitive Environmental Plan annex

### Spill Response Exercises

The FOSC is required to conduct drills periodically of removal capabilities without prior notice in areas where ACPs are required and under relevant **tank vessel** and **facility response plans**.

## Appendix A: Quick Reference Guide for Environmental Response

Term	Lead Agency	Plan	Law	Authority	Reportable Quantity (RQ)	Fund	Comments
Hazardous Substance (defined in 40 CFR 300.5)	USCG –Coastal EPA – Inland  DOD & DOE are lead agency for <i>releases</i> from their facilities & vessels	National Contingency Plan (NCP)	Comprehensive Environmental Response and Compensation Liability Act (CERCLA)	40 CFR Part 300 and 33 CFR 153	Listed in 40 CFR Part 302	CERCLA (also known as the Superfund)	The proper term to use with Hazardous Substance incidents is “release.” Hazardous Wastes are considered Hazardous Substances if they are “released” to the environment and are included in the list of RQs in 40 CFR 302. If in doubt as to who has lead, refer to 40 CFR Part 300.120.
Hazardous Waste	EPA	NCP	Resource Conservation and Recovery Act (RCRA)	40 CFR 260-281	Listed in 40 CFR Part 302	CERCLA	Hazardous Wastes are considered Hazardous Substances if they are “released” to the environment.
Oil (defined in 40 CFR 300.5)	USCG –Coastal EPA – Inland	NCP and Area Contingency Plan (ACP)	Clean Water Act as amended by the Oil Pollution Act of 1990	40 CFR Part 300 and 33 CFR 153	Sheen	Oil Spill Liability Trust Fund (OSLTF)	The proper term to use with an Oil Spill is “discharge.” USCG is lead for all <i>discharges</i> in the coastal zone, including discharges from facilities and vessels under the jurisdiction of another federal agency. If in doubt whether the oil discharged is an OPA oil, a list of petroleum oils is maintained by CG HQ
Hazardous Material*	DOT Note: USCG enforces DOT regulations for Hazardous Materials transported by water	N/A	49 USC 5103	49 CFR 171-176	Appendix A of 49 CFR 172.101	N/A – unless CERCLA or OSLTF criteria are met	By definition and due to their hazardous characteristics, many Hazardous Substances and Wastes and Oils are also Hazardous Materials for transportation and the appropriate plan and/or fund can be used to initiate a response to clean up the discharge or release. However, not all Hazardous Materials are Hazardous Substances, Wastes, or Oils (e.g., natural gas and natural gas derivatives).

## Appendix B: Site Safety Requirements under OSHA

### HAZWOPER Training Levels Associated with USCG Units and Operations for Emergency Response (taken from Enclosure (1) of COMDTINST 6260.31A and modified slightly)

HAZWOPER 1910.120	Worker Category	Worker Description	Training Requirements	Examples of USCG Units or personnel
(q)(4)	Skilled support personnel	Persons skilled in the operation of specialized equipment or support processes	Site Safety Briefing on Topics (55-59)	National Pollutions Fund Center
(q)(5)	Specialist employees	Persons who provide technical advice on hazardous materials or processes	Site Safety Briefing on Topics (55-59) AND Sufficient Training	Marine Safety Center National Strike Force
(q)(6)(i)	First Responder Awareness	Persons who witness a release or potential release and report it	Sufficient training and/or experience AND competencies (31-36)	All Coast Guard Operational Units
(ii)	First Responder Operations	Persons who respond to releases or potential releases, but respond defensively	8 hours AND competencies (25-30)	Station & ANT boat crews Sector, District, Area command centers Cutters (deploying VOSS/SORS) Sector field responders
(iii)&(iv)	Hazardous Materials Technician/Specialist	Persons directly acting to contain, control, and stop a release of hazardous materials	24 hours AND competencies (7-15 /16-24)	National Strike Force
(v)	On-Scene Incident Commander	Persons who assume control beyond first responder awareness level	24 hours AND competencies (1-6)	National Strike Force Sector field responders

## Appendix C: FOSC References

### Legal/Policy

- **National Response Framework:** <http://www.fema.gov/pdf/emergency/nrf/nrf-overview.pdf>

Emergency Support Functions (ESF) that the Coast Guard could be requested to support:

- ESF 1 – Transportation
- ESF 3 – Public Works and Engineering
- ESF 5 – Emergency Management
- ESF 9 – Search and Rescue
- **ESF 10 – Oil and hazardous Material Response**
- ESF 13 – Public Safety and Security
- Title 33 U.S. Code § 407, Refuse Act
- **Title 33 U.S. Code § 1251-1387, Federal Water Pollution Control Act (FWPCA), as amended**
- **Title 33 U.S. Code § 2701-2761, Oil Pollution Act of 1990**
- **Title 42 U.S. Code § 9601-9675, Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended**
- Title 42 U.S. Code § 1801-1812, Resource Conservation and Recovery Act (RCRA) of 1976
- Title 33 Code of Federal Regulations, Parts 2, 6, 88, 130, 135, 153, 154, 156, and 160
- **Title 40 Code of Federal Regulations, Parts 260-265, 300, 300 Appendices, 302, 310, and 355**
- Title 49 Code of Federal Regulations, Parts 172.101 Appendix, 173, 172.6 & 172.7
- Title 14 Code of Federal Regulations, Part 91 (Federal Aviation Administration)
- The International Convention for Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78)
- **ALCOAST 541/07 Coast Guard Environmental Response Doctrine**
- U.S. Coast Guard Marine Safety Manuals, COMDTINST M16000 (series)
- U.S. Coast Guard Alignment with the National Incident Management System and National Response Plan, COMDTINST 16000.27 (series)
- U.S. Coast Guard Financial Resource Management Manual, COMDTINST M7100.3C (series)
- **CERCLA Response Authorities and Associated Coast Guard Policies, COMDTINST M16465.29 (series)**

### Response

- **Unit's Area Contingency Plan**
- U.S. Coast Guard Incident Management Handbook, COMDTPUB P3120.17A  
<http://www.uscg.mil/hq/nsfweb/documents/FinalIMH18AUG2006.pdf>
- **U.S. Coast Guard Federal On Scene Coordinator (FOSC) Finance and Resource Management Guide (FFARM)**

- National Oceanic and Atmospheric Administration's Office of Response and Restoration:  
<http://response.restoration.noaa.gov/index.php>
  - Job Aids for Spill Response:
    - **An FOSC's Guide to NOAA Scientific Support**
    - Open Water Oil Identification
    - Dispersant Application Observer
    - Shoreline Assessment
    - Trajectory Analysis Handbook
    - Special Monitoring of Applied Response Technologies
  - Environmental Sensitivity Indices
  - Coast Guard ICS Forms
  - GNOME
  - CAMEO/ALOHA
- *Response to Marine Oil Spills*, International Tanker Owners Pollution Federation
- *The World Catalog of Oil Spill Response Products*

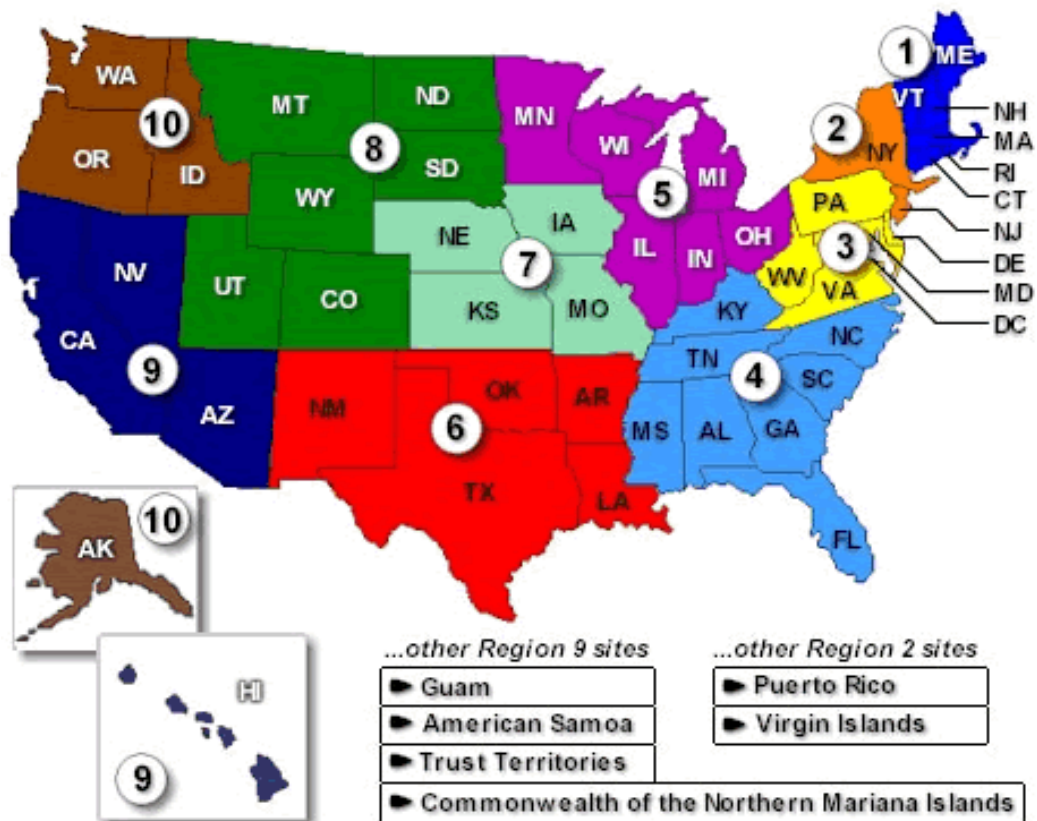
## Safety

- **Safety & Health Training for Emergency Response Operations, COMDTINST 6260.31A**
- **Title 29 Code of Federal Regulations, Parts 1910.120**
- Four Agency Guide (NIOSH/OSHA/USCG/EPA) – Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities
- American Conference of Governmental Industrial Hygienists (ACGIH), Threshold Limit Values for Chemical Substances
- American Conference of Governmental Industrial Hygienists (ACGIH), Threshold Limit Values and Biological Exposure Indices
- Department of Transportation (DOT) "Emergency Response Guidebook"
- National Institute for Occupational Safety and Health (NIOSH) Pocket Guide to Chemical Hazards
- U.S. Coast Guard Chemical Hazards Response Information System (CHRIS), COMDTINST M16465.12C

## Salvage

- **Title 46 Code of Federal Regulations, Part 197**
- U.S. Navy Salvage Manuals, Volumes 1-6
- U.S. Navy Towing Manual, Revision 3
- U.S. Navy Salvage Engineer's Handbook, Volume 1 Change 1
- U.S. Navy Salvor's Handbook
- Ship to Ship Transfer Guide (petroleum) – Second Edition – International Chamber of Shipping / Oil Companies International Marine Forum
- International Safety Guide for Oil Tankers and Terminals (ISGOTT) – Fourth Edition

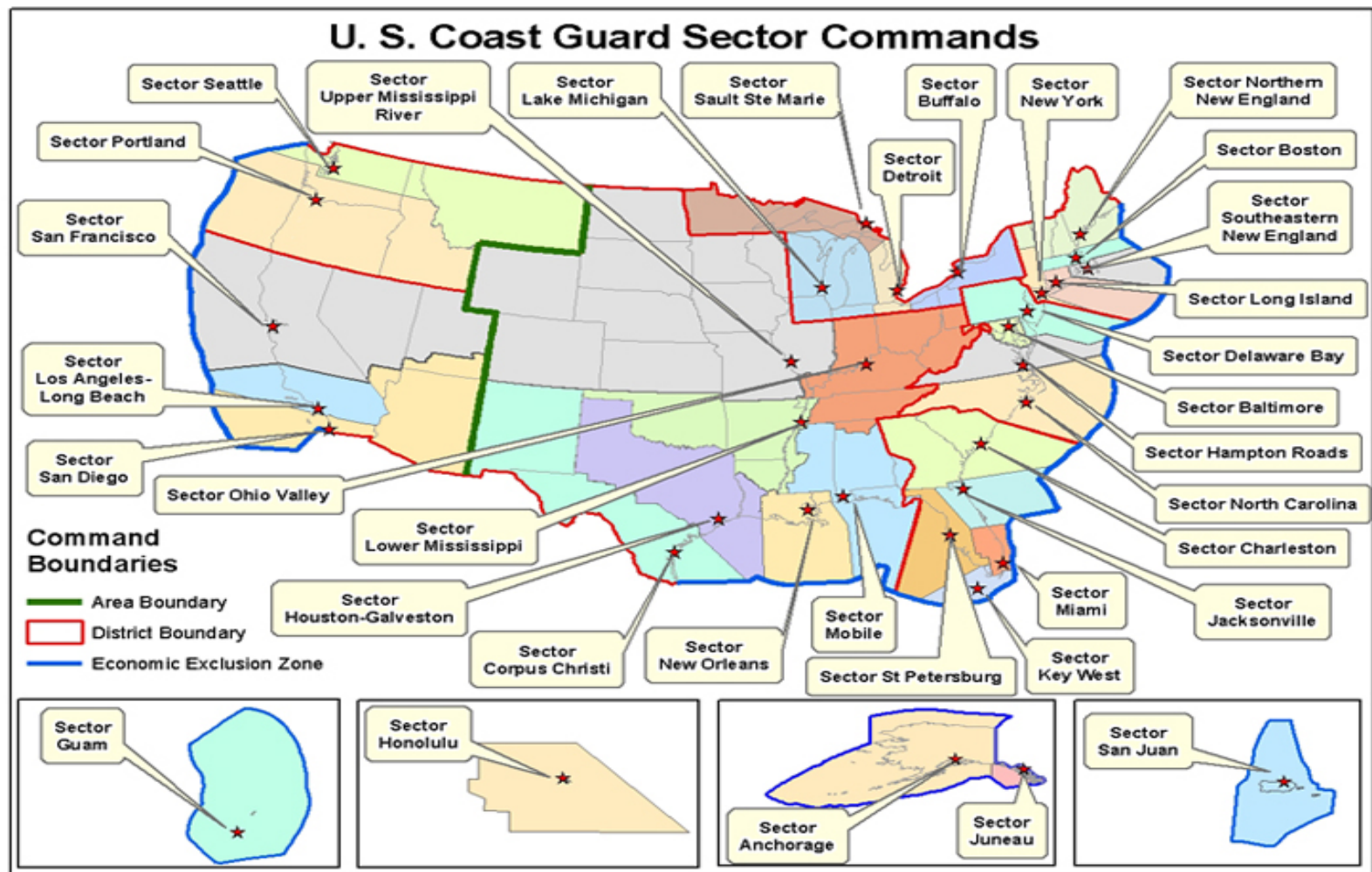
## Appendix D: EPA Regions



## Appendix E: Coast Guard Districts



## Appendix F: Coast Guard Sectors



v6.0

## Emergency Contact Information

Marine Safety Center - SERT Duty Officer	(cell phone)	1-202-327-3985
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National Pollution Funds Center (NPFC)	1-800-759-7243, PIN 2073906
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National Response Center (NRC)	1-800-424-8802
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***Note: The EPA Emergency Response Team (ERT) & Radiological Emergency Response Team (RERT) can be reached through the NRC***

### National Strike Force (NSF)

Coordination Center (NSFCC)	1-252-331-6000
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Public Information Assist Team (PIAT)	1-252-331-6000
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Atlantic Strike Team (AST)	1-609-724-0008
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Gulf Strike Team (GST)	1-251-441-6601
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Pacific Strike Team (PST)	1-415-833-3311
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Navy Supervisor of Salvage (NAVSEA Duty Office)	1-202-781-3889
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### NOAA Scientific Support Coordinators

District 1	1-617-223-8016
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District 5 (North)	1-206-849-9941
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District 5 (South)	1-732-371-1005
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District 7	1-206-849-9923
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District 8	1-206-849-9928
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District 9	1-206-849-9918
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District 11	1-206-321-3320
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District 13/14	1-206-849-9926
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District 17	1-206-440-8109
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Emergency Response Division 24/7 Number	1-206-526-4911
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