



Connecticut  
Maine  
Massachusetts  
New Hampshire  
Rhode Island  
Vermont

The  
Environmental Protection Agency's  
**INLAND AREA CONTINGENCY PLAN**  
for  
**Region I – New England**

Report Oil & Chemical Spills  
1-800-424-8802

United States Environmental Protection Agency  
Office of Site Remediation and Restoration  
Emergency Planning and Response Branch  
Boston, Massachusetts

## Letter of Promulgation

This Area Contingency Plan (ACP), and the corresponding Area Committee, are required by Title IV, Section 4202 of the Oil Pollution Act of 1990 (OPA), which amends Subsection (j) of Section 311 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. 1321 (j)) as amended by the Clean Water Act (CWA) of 1977 (33 U.S.C. 1251 et seq). As required, it was developed under the direction of a U.S. Environmental Protection Agency (EPA) On-Scene Coordinator (OSC) to address the requirements of the National Planning and Response System.

Through Executive Order 12777, the President delegated to the Administrator of EPA the responsibility for designating inland areas, appointing the committees for the inland areas, and approving the ACPs for inland areas. The Administrator designated the inland zone of the 10 pre-existing Standard Federal Regions as the areas for OPA planning purposes, and established the pre-existing Regional Response Teams (RRTs) as the Area Committees. In EPA Region I, the Regional Administrator re-delegated the authority to develop and approve ACPs to the Director of the Office of Site Remediation and Restoration (OSRR) (Delegation No. 2-91 September 29, 1995).

This ACP was developed in conjunction with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and the Region I Regional Oil and Hazardous Substances Pollution Contingency Plan (RCP). It contains the information required by OPA section 4202 for the purpose of addressing discharges or the substantial threat of discharges of oil, including and information regarding the structure of the National Oil and Hazardous Substances Response System (NRS), authorities, definitions, and abbreviations. Area-specific information includes federally-recognized tribal and state authorities, and procedures related to emergency response actions, notification of release/discharge, waste management and disposal, and cost recovery.

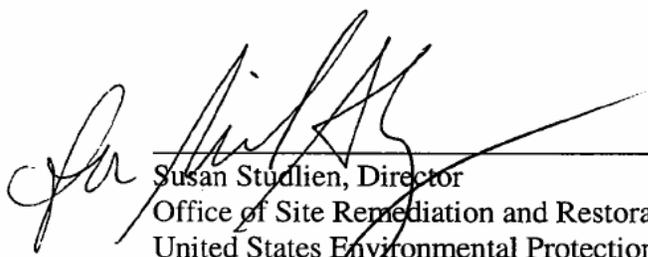
EPA's jurisdictional responsibilities are renewed in a Memorandum of Understanding (MOU) between the EPA Administrator, the Secretary of the Department of the Interior, and the Secretary of the Department of Transportation. This MOU is codified in Appendix B to 40 CFR 112 – Oil Pollution Prevention, and is effective February 3, 1994. EPA is responsible for non-transportation-related facilities landward of the coastline, and the U.S. Coast Guard is responsible for the seaward side of the coastline. Therefore, the geographic area this Plan addresses is the inland area of EPA Region I, including both the land and inland waters of the states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, and all federally-recognized tribal lands within these states. The EPA OSC for the Inland Zone is the Chief of the Emergency Response and Removal Section II.

The original version of this Plan is comprised of two volumes dated December, 1993. Volume I was revised in September, 1998. Volume II was not updated. This updated version of the Plan has been reformatted into one document, and is no longer comprised of two volumes. It has been revised and upgraded to include the use of web-based and geographic information system (GIS) technology. This Plan is available on the EPA Region I website at [www.epa.gov/region1](http://www.epa.gov/region1), and includes web links where ever possible to make the most current information available to the user. The environmentally sensitive areas in all six New England States are now available on the web,

presented on scalable maps that can be downloaded. This plan is effective on the date approved by the Director of EPA's Office of Site Remediation and Restoration. Recommendations or comments about this plan are invited, and should be sent to the address below.

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This plan will be kept under continual review. Changes, additional information, or corrections will be promulgated as necessary.

  
\_\_\_\_\_  
Susan Studien, Director  
Office of Site Remediation and Restoration  
United States Environmental Protection Agency  
Region I – New England

9-7-06  
Date



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## ABBREVIATIONS AND ACRONYMS

ACP:	Area Contingency Plan
AOT:	Vermont Agency of Transportation
APHIS:	Animal and Plant Health Inspection Service
Army CST:	U.S. Army National Guard Civil Support Detachment
ASCS:	Agricultural Stabilization and Conservation Service
ATSDR:	Agency for Toxic Substances and Disease Registry
BIA:	Bureau of Indian Affairs
BLM:	Bureau of Land Management
BOA:	Basic Ordering Agreement
BMF:	Massachusetts Bureau of Municipal Facilities
BRP:	Massachusetts Bureau of Resource Protection
BWP:	Massachusetts Bureau of Waste Prevention
BWSC:	Massachusetts Bureau of Waste Site Cleanup
CANUTEC:	Canadian Transport Emergency Center
CBIRF:	U. S. Marine Corps Chemical and Biological Incident Response Force
CERCLA:	Comprehensive Environmental Response, Compensation, and Liability Act of 1980
CDC:	Center for Disease Control
CFR:	Code of Federal Regulations
CHEMNET:	Chemical Response Network
CHLOREP:	Chlorine Emergency Plan
COE:	U.S. Army Corps of Engineers
CT DEP:	Connecticut Department of Environmental Protection
CWA:	Clean Water Act (33 USC 1321)
DEC:	Vermont Department of Environmental Conservation
DMR:	Department of Marine Resources
DOC:	Department of Commerce
DOD:	Department of Defense
DOE:	Department of Energy
DOI:	Department of the Interior
DOJ:	Department of Justice
DOL:	Department of Labor
DOMS	Department of Defense Director of Military Support
DOS:	Department of State
DOT:	Department of Transportation
DRAT:	District Response Advisory Team
DRG:	District Response Group
DRS:	Maine Division of Response Services
EC:	Environment Canada
ECF:	Environmental Contingency Fund
EMA:	Rhode Island Emergency Management Agency
EMD:	Emergency Management Division

EOE: Massachusetts Executive Office of Environmental Affairs  
 EPCRA: Emergency Planning and Community Right-to-Know Act (SARA Title III)  
 ERD: Emergency Response Division  
 ERT: Emergency Response Team (EPA)  
 ESA: Environmentally Sensitive Area (ESA)  
 ESF: Emergency Support Functions  
 FEMA: Federal Emergency Management Agency  
 FCO: Federal Coordinating Officer  
 FDA: Food and Drug Administration  
 FNS: Food and Nutrition Service  
 FPN: Federal Project Number  
 FRMAP: Federal Radiological Monitoring and Assessment Plan  
 FRP: Facility Response Plan  
 FS: Forest Services  
 FSIS: Food Safety and Inspection Service  
 FWPCA: Federal Water Pollution Control Act  
 FWSEA: Fish and Wildlife and Sensitive Environments Annex  
 GSA: General Services Administration  
 HAZMAT: Hazardous Materials Response Team  
 HHS: Department of Human and Health Safety  
 IC: Incident Commander  
 ICS: Incident Command System  
 IF&W: Department of Inland Fisheries and Wildlife  
 IJC: International Joint Commission  
 IJAT: International Joint Advisory Team  
 IMH: The U.S. EPA Incident Management Handbook  
 IO: Information Officer  
 JIC: Joint Information Center  
 LEPC: Local Emergency Planning Committee  
 MA DEP: Massachusetts Department of Environmental Protection  
 MASS: Modeling and Simulation Studies (NOAA)  
 MCP: Massachusetts Contingency Plan  
 ME DEP: Maine Department of Environmental Protection  
 MEMA: Maine Emergency Management Agency  
 MFCMA: Magnuson Fishery Conservation and Management Act  
 MMS: Mineral Management Service  
 MSO: Marine Safety Office  
 NCP: National Oil and Hazardous Substances Pollution Contingency Plan  
 NH DES: New Hampshire Department of Environmental Services  
 NIH: National Institutes of Health  
 NIMS: National Incident Management System  
 NMFS: National Marine Fisheries Service  
 NOAA: National Oceanic and Atmospheric Administration (Department of Commerce)  
 NPFC: National Pollution Fund Center  
 NPS: National Park Service  
 NPTM: National Pesticide Telecommunication Network  
 NRC\*: National Response Center

NRDA:	Natural Resource Damage Assessments
NRS:	National Response System
NRT:	National Response Team
NRU:	National Response Unit
NSF:	National Strike Force
NSCC:	National Scheduling Coordinating Committee
NWS:	National Weather Service
OCSR:	Connecticut Oil and Chemical Spill Response Division
OEP:	Public Health Service Office of Emergency Preparedness
OEPC:	Office of Environmental Policy and Compliance
OPA:	Oil Pollution Act of 1990
OPS:	Office of Pipeline Safety
ORIA:	Office of Radiation and Indoor Air
ORP:	Office of Radiation Programs (EPA)
OSC:	On-Scene Coordinator
OSH Act:	Occupational Safety and Health Act
OSHA:	Occupational Safety and Health Administration
OSLTF:	Oil Spill Liability Trust Fund
OSRR:	Office of Site Remediation and Restoration (EPA)
PHMSA:	Pipeline and Hazardous Materials Safety Administration (DOT)
PHS:	U.S. Public Health Service
PIAT:	Public Information and Assist Team (USCG)
POLREP:	Pollution Report
PREP:	The National Preparedness for Response Exercise Program
PRFA:	Pollution Removal Funding Authorization
PRP:	Potentially-Responsible Party
PSTN:	Pesticide Safety Team Network
RCP:	Regional Oil and Hazardous Substances Pollution Contingency Plan
RCRA:	Resource Conservation and Recovery Act
REET:	Regional Environmental Emergency Team
REO:	Regional Environmental Officer
RERT:	Regional Emergency Response Team
RI DEM:	Rhode Island Department of Environmental Management
RJRT:	Regional Joint Response Team
RROC:	Regional RCRA Off-site Coordinator
RP:	Responsible Party
RPM:	Remedial Project Manager
RRT:	Regional Response Team
SARA:	Superfund Amendment and Reauthorization Act of 1986

SERC:	State Emergency Response Commission
SDWA:	Safe Drinking Water Act
SMOA:	Superfund Memorandum of Agreement
SONS:	Spill of National Significance
SPCC:	Spill Prevention, Control, and Countermeasures Program
SSC:	Scientific Support Coordinator
SUPSALV:	U.S. Navy Supervisor of Salvage
TSCA:	Toxic Substances Control Act
UC:	Unified Command
USCG:	United States Coast Guard
USDA:	United States Department of Agriculture
EPA:	United States Environmental Protection Agency
USFWS:	United States Fish and Wildlife Service
USGS:	United States Geological Survey
USN:	United States Navy
VT ANR:	Vermont Agency of Natural Resources
VT DEC:	Vermont Department of Environmental Conservation

\*NRC - The NCP references both the Nuclear Regulatory Commission and the National Response Center. In order to avoid confusion, the NCP and this ACP will not abbreviate Nuclear Regulatory Commission and use the abbreviation "NRC" only with respect to the National Response Center.

## DEFINITIONS

Definitions contained herein, unless otherwise specified, are the same as those contained in the NCP, Section 300.5 ("Definitions") and OPA section 1001 ("Definitions").

Additional definitions are listed below:

**Area Committee:** As defined by sections 311(a)(18) and (j)(4) of the Clean Water Act (CWA), as amended by OPA, means the entity appointed by the President consisting of members from federal, state, local, and tribal agencies with responsibilities that include preparing an Area Contingency Plan for the area designated by the President. The Area Committee may include ex-officio (i.e., non-voting) members (e.g., industry and local interest groups).

**Area Contingency Plan (ACP):** As defined by sections 311(a)(19) and (j)(4) of CWA, as amended by OPA, means the plan prepared by an Area Committee, that in conjunction with the NCP, shall address the removal of a discharge including a worst-case discharge and the mitigation or prevention of a substantial threat of such a discharge from a vessel, offshore facility, or onshore facility operating in or near an area designated by the President.

**Bioremediation:** The deliberate introduction of microbiological cultures, enzyme additives, or nutrient additives into an oil discharge in order to significantly increase the rate of biodegradation to mitigate the effects of the discharge

**CERCLA:** The Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986.

**Boundary:** (1) A continuous demarcation line separating the Inland Zone from the Coastal Zone; (2) The demarcation line that separates United States response from Canadian response within the Gulf of Maine (as stated in the Joint Canada-United States Marine Pollution Contingency Plan and as determined by the World Court, in October 1984).

**Burning Agents:** Additives use either physical or chemical means to increase the combustibility of the materials to which they are applied.

**Chemical Countermeasures:** Those elements, compounds or mixtures that coagulate, disperse, dissolve, emulsify, foam, neutralize, precipitate, reduce, solubilize, oxidize, concentrate, congeal, entrap, fix, make the pollutant mass more rigid or viscous, or otherwise facilitate the mitigation of deleterious effects or the removal of the pollutant from the water. Chemical countermeasures include biological additives, dispersants, sinking agents, miscellaneous oil spill control agents, and burning agents but do not include sorbents.

**Coastal Waters:** The waters of the coastal zone (except for the Great Lakes, Lake Champlain, and specified ports and harbors on inland rivers). Precise boundaries are identified in U.S. Coast Guard (USCG)/U.S. Environmental Protection Agency (EPA) agreements, federal Regional Contingency Plans and Area Contingency Plans.

**Coastal Zone:** 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 identified in regional contingency plans. The USCG provides the OSC and the Chairmanship of the Regional Response Team (RRT), during environmental emergencies in this zone.

**Connecticut Department of Environmental Protection (CT DEP):** The lead state agency for response to the release of oil or hazardous substances in Connecticut.

**Contingency Plan:** (1) A document used by federal, tribal, state, and local agencies to guide their planning and response procedures regarding spills of oil, hazardous substances, or other emergencies; (2) a document used by industry as a response plan to spills of oil, hazardous substances, or other emergencies occurring upon their transportation vehicle, or at their facilities.

**Cooperative Agreement:** A legal instrument EPA uses to transfer money, property, services, or anything else of value, to a recipient to accomplish a public purpose in which substantial EPA involvement is anticipated during the performance of the project.

**Damages:** As defined by Section 1001 of the OPA, means any damages specified in section 1002(b) of the Act, and includes the cost of assessing these damages.

**Discharge:** As defined by Section 311(a)(2) of 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 CWA, discharges resulting from circumstances identified and reviewed and made a part of the public record with respect to a permit issued or modified under Section 402 of the CWA, and subject to a condition in such permit, or continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under Section 402 of the CWA, that are caused by events occurring within the scope of relevant operating or treatment systems. For purposes of the NCP, discharge also means substantial threat of discharge.

**Dispersants:** Those chemical countermeasures that emulsify, disperse, or solubilize oil into the water column, or promote the surface spreading of oil slicks to facilitate dispersal of the oil into the water column.

**Drinking Water Supply:** As defined by section 101(7) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), means any raw or finished water source that is or may be used by a public water system (as defined in the Safe Drinking Water Act [SDWA]) or as drinking water by one or more individuals.

**Emergency Planning and Community Right-to-Know Act (EPCRA):** Title III Section 300 of SARA; the legislation that created a system of state and local planning agencies for chemical emergencies and provided a way for communities to gain information about potential chemical hazards. EPCRA's mandates cover three main topics: emergency planning, emergency notification requirements, and requirements for reporting hazardous chemical inventories.

**Environment:** As defined by section 101(8) of CERCLA, means the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson Fishery Conservation and Management Act (MFCMA); and any other surface water, ground water, drinking water supply, land surface and subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.

**Environmentally Sensitive Area (ESA):** An especially delicate or sensitive natural resource that requires protection in the event of a pollution incident. Designations of areas considered to be sensitive can be found in Annex 1 of this document. In addition to this definition, Area Committees may include any areas determined to be "sensitive" for OPA planning purposes.

**Exclusive Economic Zone:** As defined by the OPA section 1001, means the zone established by Presidential Proclamation Numbered 5030, dated March 10, 1983, including the ocean waters of the areas referred to as "eastern special areas" in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990.

**Facility:** As defined by section 101(9) of CERCLA, any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or any site or area where a hazardous substance has been deposited, stored, disposed of, or placed or otherwise come to be located but does not include any consumer product in consumer use or any vessel. As defined by section 1001 of the OPA, any structure, group of structures, equipment, or device, (other than a vessel, which is used for one or more of the following purposes: Exploring for, drilling for, producing, storing, handling, transferring, processing, or transporting oil. This term includes any motor vehicle, rolling stock, or pipeline used for one of more of these purposes.

**Groundwater:** As defined by section 101(12) of CERCLA, means water in a saturated zone or stratum beneath the surface of land or water.

**Hazardous Substance:** As defined by Section 101(14) of CERCLA, means 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; 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 (TSCA). This 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 synthetic gas).

**Herding Agents:** Commonly defined as chemical countermeasures used to coagulate oil released to the environment to facilitate removal of that oil from the environment.

**Incident Command System (ICS):** A standardized on-scene emergency management construct specifically designed to provide for the adoption of an integrated organizational structure that reflects the complexity and demands of single or multiple incidents, without being hindered by jurisdictional boundaries. ICS is the structure outlined by the NRP using the NIMS construct.

**Inland Waters:** Those waters of the United States in the inland zone, waters of the Great Lakes, Lake Champlain, and specified ports and harbors on inland rivers.

**Inland Zone:** 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 responsibilities for response actions. Precise boundaries are determined by EPA/USCG agreements and identified in federal regional contingency plans. EPA provides the OSC and the Chairmanship of the RRT, during environmental emergencies in this zone.

**Lead Agency:** The agency that provides the OSC or IC to plan and implement response actions under the NCP. EPA, the USCG, another federal agency, or a state (or political subdivision of a state) operating pursuant to a contract or cooperative agreement executed pursuant to section 104(d)(1) of CERCLA, or designated pursuant to a Superfund Memorandum of Agreement (SMOA) entered into pursuant to subpart F of the NCP or other agreements may be the lead agency for a response action. In the case of a release of a hazardous substance, pollutant, or contaminant, where the release is on, or the sole source of the release is from, any facility or vessel under the jurisdiction, custody, or control of Department of Defense (DOD) or Department of Energy (DOE), then DOD or DOE will be the lead agency. Where the release is on, or the sole source of the release is from, any facility or vessel under the jurisdiction, custody, or control of a federal agency other than EPA, the USCG, DOD, or DOE, then that agency will be the lead agency for remedial actions and removal actions other than emergencies. The federal agency maintains its lead agency responsibilities whether the remedy is selected by the federal agency for non-NPL sites or by EPA and the federal agency or by EPA alone under CERCLA section 120. The lead agency will consult with the support agency, if one exists, throughout the response process.

**Local Emergency Planning Committee (LEPC):** A group of local representatives appointed by the State Emergency Response Commission (SERC) to prepare a comprehensive emergency plan for the local emergency planning district, as required by the Emergency Planning and Community Right-to-Know Act (EPCRA), Title II Section 301(c) of SARA.

**Maine Department of Environmental Protection (ME DEP):** The lead state agency for response to the release of oil or hazardous substances in Maine.

**Massachusetts Department of Environmental Protection (MA DEP):** The lead state agency for response to the release of oil or hazardous substances in Massachusetts.

**Miscellaneous Oil Spill Control Agent:** Any product, other than a dispersant, sinking agent,

surface washing agent, surface collecting agent, bioremediation agent, burning agent, or sorbent that can be used to enhance oil spill cleanup, removal, treatment, or mitigation.

**National Pollution Funds Center (NPFC):** As defined by section 7 of Executive Order 12777, the NPFC is the entity established by the Secretary of the Department of Transportation whose function is the administration of the Oil Spill Liability Trust Fund (OSLTF). This includes access to the OSLTF by federal agencies, states, and designated trustees for removal actions and initiation of natural resource damage assessments, as well as claims for removal costs and damages.

**Native American Tribe:** Any Indian tribe, band, nation, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians and has governmental authority over lands belonging to, or controlled by the tribe.

**Natural Resource Trustees:** Officials representing federal, foreign, tribal, and state governments who are authorized to act pursuant to Section 107(f) of CERCLA, Section 311(f)(5) of the CWA, or Section 1006 of the OPA when there is injury or threat to natural resources, including their supporting ecosystems, as a result of a release of a hazardous substance or a discharge of oil.

**National Response Plan:** The National Response Plan establishes a comprehensive all-hazards approach to enhance the ability of the United States to manage domestic incidents. The plan incorporates best practices and procedures from incident management disciplines—homeland security, emergency management, law enforcement, firefighting, public works, public health, responder and recovery worker health and safety, emergency medical services, and the private sector—and integrates them into a unified structure. It forms the basis of how the federal government coordinates with state, local, and tribal governments and the private sector during incidents.

**National Response System (NRS):** The mechanism for coordinating response actions by all levels of government in support of the OSC/RPM. The NRS is composed of the NRT, RRTs, OSC/RPM, Area Committees, and Special Teams and related support entities. The NRS is capable of expanding or contracting to accommodate the response effort required by the size or complexity of the discharge or release.

**Natural Resources:** Land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the exclusive economic zone defined by the Magnuson Fishery Conservation and Management Act of 1976), any state or local government, any foreign government, any Native American Tribe, or, if such resources are subject to a trust restriction on alienation, any member of a Native American Tribe.

**Navigable Waters:** As defined by 40 CFR 110.1, the term navigable waters includes: (a) 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; (b) Interstate waters, including interstate wetlands; (c) All other waters such as intrastate lakes, rivers,

streams, mudflats, sandflats, and wetlands, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters: (1) That are or could be used by interstate or foreign travelers for recreational or other purposes; (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; (3) That are used or could be used for industrial purposes by industries in interstate commerce; (d) All impoundments of waters otherwise defined as navigable waters under this Section; (e) Tributaries of waters identified in (a) through (d) of this definition, including adjacent wetlands; and (f) Wetlands adjacent to waters identified in (a) through (e) 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. Water of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with EPA.

**New Hampshire Department of Environmental Services (NH DES):** The lead state agency for response to the release of oil or hazardous substances in New Hampshire.

**Offshore Facility:** As defined by section 101(17) of CERCLA and section 311(a)(11) of the CWA, means any facility of any kind located in, on, or under any of the navigable waters of the United States, and any facility of any kind which is subject to the jurisdiction of the United States and is located in, on, or under any other waters, other than a vessel or a public vessel.

**Oil:** As defined by Section 311(a)(1) of 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 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 oil, but does not include petroleum, including crude oil or any fraction thereof, which is specifically listed or designated as a hazardous substance under paragraphs (A) through (F) of Section 101(14) of CERCLA (42 U.S.C. 9601) and which is subject to the provisions of that Act.

**Oil Spill Liability Trust Fund (OSLTF):** As defined by the NCP, the fund established under Section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. Section 9509).

**On-Scene Coordinator (OSC):** As defined by the NCP, the federal official predesignated by EPA or USCG to coordinate and direct federal responses under Subpart D of the NCP, or the official designated by the lead agency to coordinate and direct removal actions under Subpart E of the NCP.

**Person:** As defined by section 101(21) of CERCLA, an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States government, state, municipality, commission, political subdivision of a state, or any interstate body. As defined by section 1001 of the OPA, an individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, or any interstate body.

**Pollution Report (POLREP):** A message describing significant developments, during the course

of an incident.

**Potentially Responsible Party (PRP):** Any individual(s), or company(ies) identified as potentially liable under CERCLA for cleanup or payment for costs of cleanup of hazardous substance sites. PRPs may include individual(s), or company(ies) identified as having owned, operated, or in some other manner contributed wastes to hazardous substance sites.

**Regional Response Team (RRT):** The federal response organization (consisting of representatives from selected federal and state agencies) which acts as a regional body responsible for planning and preparedness before an oil spill occurs and for providing advice to the OSC in the event of a major or substantial spill.

**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), but excludes: Any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons; emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine; release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act, or, for the purposes of section 104 of CERCLA or any other response action, any release of source, byproduct, or special nuclear material from any processing site designated under section 102(a)(1) or 302(a) of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 et seq.); and the normal application of fertilizer. For purposes of the NCP, release also means threat of release.

**Remove or Removal:** As defined by section 311(a)(8) of the CWA, refers to containment and removal of oil or hazardous substances from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare of the United States (including, but not limited to, fish, shellfish, wildlife, public and private property, and shorelines and beaches) or to the environment. For the purpose of the NCP, the term also includes monitoring of action to remove a discharge.

**Responsible Party:** As defined by section 1001 of the OPA, means the following: (1) Vessels - In the case of a vessel, any person owning, operating, or demise chartering the vessel. (2) Onshore Facilities - In the case of an onshore facility (other than a pipeline), any person owning or operating the facility, except a federal agency, state, municipality, commission, or political subdivision of a state, or any interstate body, that as the owner transfers possession and right to use the property to another person by lease, assignment, or permit. (3) Offshore Facilities - In the case of an offshore facility (other than a pipeline or a deepwater port licensed under the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.)), the lessee or permittee of the area in which the facility is located or the holder of a right of use and easement granted under applicable state law or the Outer Continental Shelf Lands Act (43 U.S.C. 1301-1356) for the area in which the facility is located (if the holder is a different person than the lessee or permittee), except a federal

agency, state, municipality, commission, or political subdivision of a state, or any interstate body, that as owner transfers possession and right to use the property to another person by lease, assignment, or permit. (4) Deepwater Ports - In the case of a deepwater port licensed under the Deepwater Port Act of 1974 (33 U.S.C. 1501-1524), the licensee. (5) Pipelines - In the case of a pipeline, any person owning or operating the pipeline. (6) Abandonment - In the case of an abandoned vessel, onshore facility, deepwater port, pipeline, or offshore facility, the person who would have been responsible parties immediately prior to the abandonment of the vessel or facility.

**Rhode Island Department of Environmental Management (RI DEM):** The lead state agency for response to the release of oil or hazardous substances in Rhode Island.

**Spill of National Significance (SONS):** As defined by the NCP, means 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 effort, is so complex that it requires extraordinary coordination of federal, tribal, state, local, and responsible party resources to contain and cleanup the discharge.

**State Emergency Response Commission (SERC):** A group of officials appointed by the state governor to implement the provisions of SARA Title III. The SERC coordinates and supervises the work of the Local Emergency Planning Committees (LEPC) and reviews local emergency plans annually.

**Vermont Department of Environmental Conservation (VT DEC):** The lead state agency for response to the release of oil or hazardous substances in Vermont.

**Worst Case Discharge:** The single hypothetical incident involving the discharge of oil, which is most damaging to human health and the environment. It is usually assumed that the worst case discharge overcomes preventative countermeasures. For Region I, the worst case discharge is described in Section 4.1.2 of this ACP.

## INTERNET ADDRESSES

### **Canadian:**

Canadian Coast Guard .....	<a href="http://www.ccg-gcc.gc.ca/">www.ccg-gcc.gc.ca/</a>
Canadian Transport Emergency Center (CANUTEC) .....	<a href="http://www.tc.gc.ca/canutec/">www.tc.gc.ca/canutec/</a>
Environment Canada.....	<a href="http://www.ec.gc.ca/envhome.html">www.ec.gc.ca/envhome.html</a>
Environment Canada - Atlantic Region.....	<a href="http://www.atl.ec.gc.ca/index_e.html">http://www.atl.ec.gc.ca/index_e.html</a>
Environment Canada - Quebec Region.....	<a href="http://www.qc.ec.gc.ca/envcan/indexe.html">www.qc.ec.gc.ca/envcan/indexe.html</a>
National Preparedness Canada.....	<a href="http://www.epc-pcc.gc.ca">www.epc-pcc.gc.ca</a>

### **Federal:**

Army Corps of Engineers .....	<a href="http://www.usace.army.mil">www.usace.army.mil</a>
Bureau of Indian Affairs .....	<a href="http://www.doi.gov/bureau-indian-affairs.html">www.doi.gov/bureau-indian-affairs.html</a>
National Register of Historic Places .....	<a href="http://www.cr.nps.gov/places.htm">http://www.cr.nps.gov/places.htm</a>
National Response Center.....	<a href="http://www.nrc.uscg.mil">www.nrc.uscg.mil</a>
National Response Team .....	<a href="http://www.nrt.org">www.nrt.org</a>
National Weather Service .....	<a href="http://www.nws.noaa.gov">www.nws.noaa.gov</a>
National Park Service .....	<a href="http://www.cr.nps.gov">www.cr.nps.gov</a>
Region I Regional Response Team.....	<a href="http://www.uscg.mil/d1/staff/m/rrt/rrt1.html">www.uscg.mil/d1/staff/m/rrt/rrt1.html</a>
U.S. Coast Guard .....	<a href="http://www.uscg.mil">www.uscg.mil</a>
U.S. Coast Guard Area Contingency Plans .....	<a href="http://www.uscg.mil/d1/staff/m/acp.html">www.uscg.mil/d1/staff/m/acp.html</a>
U.S. Coast Guard Atlantic Strike Team.....	<a href="http://www.uscg.mil/hq/nsfweb/ast/index.html">http://www.uscg.mil/hq/nsfweb/ast/index.html</a>
U.S. Coast Guard District I.....	<a href="http://www.uscg.mil/d1/">www.uscg.mil/d1/</a>
U.S. Coast Guard Marine Safety Division.....	<a href="http://www.uscg.mil/d1/staff/m/index.htm">www.uscg.mil/d1/staff/m/index.htm</a>
U.S. Coast Guard National Strike Force.	<a href="http://www.uscg.mil/hq/nsfweb/nsf/command/index.html">http://www.uscg.mil/hq/nsfweb/nsf/command/index.html</a>
U.S. Coast Guard National Response Team .....	<a href="http://www.nrt.org/production/nrt/home.nsf">http://www.nrt.org/production/nrt/home.nsf</a>

EPA.....	<a href="http://www.epa.gov">www.epa.gov</a>
EPA Environmental Response Team.....	<a href="http://www.ert.org">www.ert.org</a>
EPA Oil Spill Program.....	<a href="http://www.epa.gov/oilspill/">www.epa.gov/oilspill/</a>
EPA On-Scene Coordinator.....	<a href="http://www.epaosc.org">www.epaosc.org</a>
EPA Radiological Emergency Response Program.....	<a href="http://www.epa.gov/rpdweb00/rert/index.html">www.epa.gov/rpdweb00/rert/index.html</a>
EPA New England.....	<a href="http://www.epa.gov/region01/">www.epa.gov/region01/</a>
<b>National Response Team</b> (members listed below).....	<a href="http://www.nrt.org">www.nrt.org</a>
Department of Agriculture.....	<a href="http://www.usda.gov/">http://www.usda.gov/</a>
Department of Commerce.....	<a href="http://www.commerce.gov/">http://www.commerce.gov/</a>
Department of Defense.....	<a href="http://www.defenselink.gov/">http://www.defenselink.gov/</a>
Department of Energy.....	<a href="http://www.energy.gov/">http://www.energy.gov/</a>
Department of Health and Human Services.....	<a href="http://www.os.dhhs.gov/">http://www.os.dhhs.gov/</a>
Department of Interior.....	<a href="http://www.doi.gov/">http://www.doi.gov/</a>
Department of Justice.....	<a href="http://www.usdoj.gov">www.usdoj.gov</a>
Department of Labor.....	<a href="http://www.dol.gov/">http://www.dol.gov/</a>
Department of State.....	<a href="http://www.state.gov/">http://www.state.gov/</a>
Department of Transportation.....	<a href="http://www.dot.gov/">http://www.dot.gov/</a>
Department of the Treasury.....	<a href="http://www.ustreas.gov/">http://www.ustreas.gov/</a>
Environmental Protection Agency.....	<a href="http://www.epa.gov/">http://www.epa.gov/</a>
Federal Emergency Management Agency.....	<a href="http://www.fema.gov/">http://www.fema.gov/</a>
General Services Administration.....	<a href="http://www.gsa.gov/">http://www.gsa.gov/</a>
Nuclear Regulatory Commission.....	<a href="http://www.nrc.gov/">http://www.nrc.gov/</a>
U.S. Coast Guard.....	<a href="http://www.uscg.mil/USCG.shtm">http://www.uscg.mil/USCG.shtm</a>

**States:**

**State of Connecticut**.....<http://www.ct.gov/>

Department of Environmental Protection .....<http://www.dep.ct.us>

Historic Preservation Office ..... <http://www.lib.uconn.edu/DoddCenter/ASC/CHPC/ctcrm.htm>

**State of Maine**.....<http://www.state.me.us/>

Department of Environmental Protection ..... <http://www.state.me.us/dep/index.shtml>

**State of Massachusetts**.....<http://www.mass.gov/portal/index.jsp>

Department of Environmental Protection ..... <http://www.state.ma.us/dep/>

Historic Preservation Office ..... [www.state.ma.us/sec/mhc](http://www.state.ma.us/sec/mhc)

**State of New Hampshire**..... [www.state.nh.us](http://www.state.nh.us)

Department of Environmental Services ..... [www.des.state.nh.us](http://www.des.state.nh.us)

Historic Preservation Office ..... [www.state.nh.us/nhdhr](http://www.state.nh.us/nhdhr)

**State of Rhode Island**..... [www.ri.gov/index.php](http://www.ri.gov/index.php)

Department of Environmental Management..... [www.state.ri.us/dem](http://www.state.ri.us/dem)

**State of Vermont** ..... <http://vermont.gov/>

Department of Environmental Conservation .....<http://www.anr.state.vt.us/dec/wmd.htm>

Historic Preservation Office ..... <http://www.vermonthistory.org/>



**Tribal:**

Federally Recognized

Wampanoag Tribe of Gay Head ..... <http://www.wampanoagtribe.net/Pages/index>

Penobscot Indian Nation ..... <http://www.penobscotnation.org/>

Passamaquoddy Tribe Pleasant Point ..... <http://www.wabanaki.com/index.html>

Passamaquoddy Tribe Indian Township Reservation ..... <http://passamaquoddy.com/>

Houlton Band of Maliseet Indians ..... <http://www.maliseets.com/>

Aroostook Band of Micmacs ..... <http://www.micmac-nsn.gov/>

Mohegan Tribal Nation ..... <http://www.mohegannation.org/>

Mashantucket Pequot Tribal Nation . <http://www.foxwoods.com/TheMashantucketPequots/Home/>

National Association of Tribal Historic Preservation Officers..... <http://www.nathpo.org>

Narragansett Indian Tribe ..... <http://www.narragansett-tribe.org/>

Petitioning for Federal Recognition

Schaghticoke Tribal Nation ..... [office@schaghticoke.com](mailto:office@schaghticoke.com)

Golden Hill Paugeesukg Tribe..... <http://paugussett.itgo.com/>

Mashpee Wampanoag Indian Tribal Council, Inc. .... <http://mashpeewampanoagtribe.com/>

Nipmuc Nation (Hassanamisco Band)..... <http://www.nipmucnation.org/>

**Other:**

American Petroleum Institute ..... [www.api.org](http://www.api.org)

CFR Online ..... <http://www.access.gpo.gov/nara/cfr/cfr-table-search.html>

NCP Online..... <http://www.great-lakes.net/partners/epa/acp-rcp/>

**National Weather Service Regional Offices**

Boston, MA.....<http://www.erh.noaa.gov/er/box/>

Burlington, VT.....<http://www.erh.noaa.gov/btv/>

Caribou, ME.....<http://www.erh.noaa.gov/er/car/>

Gray/Portland, ME.....<http://www.erh.noaa.gov/er/gyx/>

## **SECTION 1: INTRODUCTION**

The Oil Pollution Act of 1990 (OPA) and Executive Order 12777 required the United States Environmental Protection Agency (EPA) to complete Inland Area Contingency Plans (ACPs) for each Standard Federal Region. This document comprises an update to the September 1999 Region I Inland ACP.

### **1.1 Purpose and Objective**

The purpose of this ACP is to provide an action plan to respond to a release of oil and to promote timely and effective coordination among the entire spill community, including federal, state, tribal, local, and private entities in response to a discharge or substantial threat of discharge.

### **1.2 Authority and Applicability**

This Area Contingency Plan, and the corresponding Area Committee, are required by Title IV, Section 4202 of the OPA, which amends Subsection (j) of Section 311 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. 1321 (j)) as amended by the Clean Water Act (CWA) of 1977 (33 U.S.C. 1251 et seq).

Through Executive Order 12777, the President delegated to the Administrator of EPA the responsibility for designating inland areas, appointing the committees for the inland areas, and approving Area Contingency Plans for inland areas. The Administrator designated the inland zone of the 10 pre-existing Standard Federal Regions as the areas for OPA planning purposes, and established the pre-existing Regional Response Teams (RRTs) as the Area Committees. In Region I, the Regional Administrator re-delegated the authority to develop and approve ACPs to the Director of the Office of Site Remediation and Restoration (OSRR).

This ACP is written in conjunction with the National Oil and Hazardous Substance Pollution Contingency Plan (NCP) (40 CFR 300) and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA, 42 U.S.C. 9601), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA).

### **1.3 Scope**

This ACP applies to the Area defined below in Section 1.5 Geographic Boundaries, and is in effect for:

(1) Discharges of oil into or on the navigable waters, on the adjoining shorelines to the navigable waters, into or on the waters of the exclusive economic zone, or that may affect natural resources belonging to, appertaining to, or under the exclusive management

authority of the United States (OPA section 4201); and

(2) Releases into the environment of hazardous substances and pollutants or contaminants that may present an imminent and substantial danger to public health or welfare.

This ACP expands upon the requirements set forth in the NCP, augments coordination with state and local authorities, and integrates existing state, local, and private sector plans for the Area.

#### **1.4 Relationship to Other Plans**

Federal agencies responding to discharges of oil or releases of hazardous substances operate under the NCP, as modified by any joint international plan which applies if the incident affects an area spanning a national border of the United States. The Region I RCP applies only to Region I and contains more region-specific information. This ACP operates under the RCP for Region I, but applies primarily to discharges of oil into waterways or environmentally sensitive areas. The NCP, RCP, and ACP all exist within the structure of the National Response System (NRS) and involve only responses lead by federal agencies that are members of the NRT. See Section 2.3 for a list of these agencies.

The National Response Plan covers federal response to natural or man-made disasters of any type, including those involving oil or hazardous substances and involves federal agencies that are not members of the NRT. The National Response Plan is activated if the President declares a national emergency, at which point the Federal Emergency Management Agency (FEMA) may assume the role of lead agency, supplying a Federal Coordinating Officer (FCO) to direct the response. DHS may activate NRP components for National Special Security Events and potential terrorist threats. International joint plans have been written between the United States and its neighboring countries to direct a coordinated response between the U.S. and foreign government agencies in the event of an incident that crosses U.S. national boundaries. Two such plans pertaining to EPA Region I are listed below. Both are part of the Canada-United States Joint Inland Pollution Contingency Plan.

CANUSEAST: applying to incidents involving oil or hazardous substances within both Region I and New Brunswick, Canada; and,

CANUSQUE: applying to incidents involving oil or hazardous substances within both Region I and Quebec, Canada.

The NRS also includes within its structure, tribal, state, and local (municipality, county, or district) contingency plans and facility and vessel plans required by CWA and OPA. All plans within the NRS, including this ACP, are consistent in that they use the same terminology, and describe the same methods of incident command and response operations, and the same legal requirements. This ACP does not contradict other plans within the NRS. It provides contact information for personnel in the four coastal areas,

Region II and Canada for use in coordinating multi-area responses. In addition, the ACP supplies information specific to the Region I Inland Area that is useful in carrying out the activities described in other NRS contingency plans for Region I such as environmentally and economically sensitive area information, and contact information for sources of response personnel and equipment within Region I.

This ACP is used to direct all federal response activities in the inland zone of Region I except where federal or state law specifies otherwise. It is also used to organize multi-agency response efforts coordinated by federal agency personnel. When no federal assistance is required, tribal, state, and local activities or activities of a responsible party/potentially responsible party (RP/PRP) are covered by the tribal, state, local, facility, or vessel contingency plans.

The EPA Region I ACP has been developed in coordination with the NCP and the four USCG Area Contingency Plans (USCG ACPs) operating within Region I. The USCG ACPs were required by Commandant Notices 16471 of 30 September 1992 and 24 June 1996. USCG ACPs cover, in part, how to respond to an oil discharge within the coastal zone and include information similar to that included in this ACP. The Region I coastal zone, which includes all shoreline land areas and off-shore waters of the Atlantic Ocean, is completely within Coast Guard District 1, but is covered by four Coast Guard Sectors. Each USCG Sector has its own USCG ACP. Each USCG ACP is developed by an Area Committee chaired by the respective Coast Guard Captain-of-the-Port. The Captain-of-the-Port for a particular sector is the pre-designated USCG OSC for that Area.

The NCP applies to federal responses to all oil and hazardous substances incidents within the United States. The Region I RCP was prepared under the NCP. The ACPs for the inland zone and the four USCG sectors within the coastal zone of Region I have been prepared under the Region I RCP. Under these ACPs, OPA-mandated facility and vessel response plans have been prepared by all vessels and facilities meeting the requirements set forth in the OPA.

The following is a list of the USGC sectors and their coastal zone coverage.

- Sector Long Island Sound [(203)-468-4400, located in New Haven, Connecticut] covers the area extending through Long Island Sound and along the Atlantic Coast from Rye, New York to Watch Hill, Rhode Island.
- Sector Southern New England [(401)-435-2300, located in Providence, Rhode Island] covers the area extending along the Atlantic Coast from Watch Hill, Rhode Island to Manomet Point, in Plymouth, Massachusetts, including the coastal areas of Cape Cod and all islands off the Cape Cod coastline.
- Sector Boston [(617)-223-3201, located in Boston, Massachusetts] covers the area extending along the Atlantic coast from Manomet Point to the point where U.S. Rte 1 crosses the Massachusetts-New Hampshire Border at Salisbury, Massachusetts.

- Sector Northern New England [(207) 767-0303, located in Portland, Maine] covers the area extending along the Atlantic Coast from Salisbury, Massachusetts to the Maine-Canada border.

To view or download District 1 ACPs and a map showing the areas addressed by each, visit the internet web page at <http://www.uscg.mil/d1/staff/m/acp.html>.

When federal assistance is required to respond to an oil or hazardous substances incident within the Inland Zone of Region I, the EPA will be the lead agency and this ACP will apply. Federal response efforts directed to incidents occurring in the coastal zone will be led by the USCG, and the USCG ACP for the affected USCG area will apply. However, in cases in which the incident spans both Zones or there is a threat of transmission of oil or hazardous substances across the zone boundary, both the EPA and the USCG will cooperate to respond to the incident under the command of the lead agency's OSC. Refer to Appendix 1 of this ACP for the exact delineation of the jurisdictional boundary between the Inland and Coastal Zones in Region I.

## **1.5 Geographic Boundaries**

### **1.5.1 Region I Inland Plan**

The ACP covers only the Inland Zone of Region I. Region I is comprised of the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont and the lands of the federally-recognized Native American Tribes located within those States. See Appendix 2 for a list of federally recognized Native American Tribes in Region I, and tribes petitioning to be federally recognized. Region I is divided into the Inland Zone and the Coastal Zone. The Inland Zone includes all non-coastal land and waterways.

## **1.6 Areas of Special Economic and Environmental Importance**

In describing areas of special economic and environmental importance, several factors should be considered. The factors include, but are not limited to: the presence and proximity of natural resources, environmentally sensitive areas, endangered species habitats, population concentrations, drainage basins and appropriate geographic and/or topographic features, water supplies, beaches, ports, recreational areas, areas of seasonal significance, and migratory bird flyways.

### **1.6.1 Environmentally Sensitive Areas**

Environmentally sensitive areas refers to environments that may be considered habitat to fish and wildlife or contain significant biological resources other than fish and wildlife. Environmentally sensitive areas are broken down into three

separate categories: habitat, management areas and biological resource areas.

#### A. Habitat

- Marshes, fresh
- Swamps, fresh
- Riverine, fresh, small or large
- Sheltered sand/mud flats, sheltered scarps in bedrock
- Sheltered vegetated low banks
- Muddy unvegetated substrates, vegetated low banks
- Submerged aquatic vegetation
- Sheltered manmade structures, sheltered rocky shores
- Sheltered scarps in bedrock
- Mixed sand and gravel beaches
- Fine grained sand beaches
- Eroding scarps in unconsolidated sediments
- Exposed eroding banks in unconsolidated sediments
- Exposed muddy vegetated low bank
- Exposed rocky bank
- Exposed rocky cliff
- Gravel beach
- Lakes, large
- Rip rap structure
- Shelving bedrock shore
- Small lakes/ponds
- Solid vertical manmade structure
- Stream riffle/pool
- Vegetated steeply sloping bluff
- Wave cut platforms in bedrock
- Wetlands

#### B. Management Areas

- National/State Forests
- National/State Conservation Areas
- Federal/State/Local preserves
- Wildlife refuges
- Federal/State land designated for protection of natural ecosystems
- Proposed wildlife areas
- Federal/State sanctuaries
- Federal/State wilderness areas
- Federal/State Management Act designated areas
- Clean lakes program critical areas
- Federal/State designated scenic or wild rivers
- Federal/State waterfowl and game management areas
- State Lands
- Private conservation areas
- National/State/Local park not water dependent

### C. Biological Resource Areas

- Spawning grounds, breeding grounds or nesting areas
- Migratory pathways and feeding areas
- Critical habitat or habitat used by Federal/State designated or proposed endangered species
- Sensitive benthic communities and aquatic vegetation
- Terrestrial mammals concentration areas
- Endangered freshwater mussel beds
- Reptiles/Amphibians nursery areas, concentration areas
- Animals and plants that fall into endangered species

### 1.6.2 Economically Sensitive Areas

Economically sensitive areas refers to environments that are susceptible to the direct impacts of oil due to the economic value of the natural resources (e.g., from both a recreational and/or commercial perspective). Economically sensitive areas are broken down into three separate categories: water dependent commercial areas, water dependent recreational areas and anthropological areas.

#### A. Water Dependent Commercial Areas

- Drinking water intakes
- Industrial intakes
- Aquaculture
- Marinas
- Commercial fishing areas
- Shellfish
- Federal/State and private fish hatcheries
- Federal/State irrigation agricultural channels and water projects
- Specially designated residential, commercial, and industrial areas
- Cooling water intakes
- Agricultural areas
- Locks and Dams

#### B. Water Dependent Recreational Areas

- Boating
- Public recreational areas
- Sport fishing
- National/State/Local parks and beaches
- National seashore recreational areas
- National lakeshore recreational areas
- National river reach designated as recreational

## C. Anthropological Areas

- Native lands
- Historic landmarks
- Archeological sites
- Heritage program sites
- Historical sites
- Land trust areas
- Human use areas

### 1.6.3 Identification and Mapping of Sensitive Environments

The Oil Pollution Act of 1990 requires the Area Committee to identify areas of environmental and economic importance. The Area Committee relies on the Natural Resource Trustees, State Trustees and local officials to designate sensitive areas for inclusion in the ACP. Collection of sensitive areas information falls into two main efforts: first, raw data collection and database development; second, use of existing EPA Geographic Information System (GIS) environmental and economic coverages (map data layers). The information was gathered and organized into a Sensitive Areas Database that identifies locations of fish, wildlife, their habitats, and other sensitive environments. The database also provides a mechanism to be used during a spill response for timely identification of sensitive areas and prompt implementation of protection measures. This information is available on EPA's Region I website at [http://www.epa.gov/region1/oil\\_spills/inland\\_area\\_contingency\\_plan](http://www.epa.gov/region1/oil_spills/inland_area_contingency_plan).

## 1.7 Fish and Wildlife Service Response Plan

OPA Section 4201(b) amends subsection (d) of Section 311 of the FWPCA (33 U.S.C. 1321(d)) to require that this ACP include a fish and wildlife response plan, developed in consultation with the Department of the Interior. Accordingly, the ACP includes a Fish and Wildlife and Sensitive Environments Annex (FWSEA, also referred to as "the Annex"), developed for EPA by the Department of the Interior. The purpose of the Annex is to provide Federal On-Scene Coordinators with the information needed to (a) identify and protect fish and wildlife resources and sensitive environments, (b) contact natural resources trustees and managers, and (c) provide guidance in selecting appropriate response strategies for minimizing the adverse ecological effects of a spill, including the impacts associated with response activities.

## **SECTION 2: RESPONSE ORGANIZATION AND RESPONSIBILITY**

### **2.1 Duties of President Delegated Federal Agencies**

In Executive Order 12777, the President delegated certain functions and responsibilities vested in him by the OPA to the Administrator of the EPA for the Inland Zone and the Commandant of the USCG through the Secretary of Transportation for the Coastal Zone. These functions and responsibilities include designating Areas, appointing Area Committee members, determining the information to be included in ACPs, and reviewing and approving ACPs. For the coastal zones and inland zones respectively, the USCG and EPA shall assign a federal OSC to each Area to carry out these functions and responsibilities.

### **2.2 General Organization Concepts**

The Area Committees, in conjunction with the National Response Team (NRT) and the Regional Response Teams, serve a spill planning and preparedness role within the National Response System. Each Area Committee shall be comprised of federal, state, and local agency personnel. Under the direction of the federal OSC, each Area Committee for its assigned Area shall:

- Prepare and submit an ACP for approval;
- Work with state and local officials to enhance the contingency planning of those officials and to assure pre-planning of joint response efforts, including appropriate procedures for mechanical recovery, dispersal, shoreline cleanup, protection of sensitive environmental areas, and protection, rescue, and rehabilitation of fisheries and wildlife; and
- Work with state and local officials to expedite decisions for the use of dispersants and other mitigating substances and devices.

#### **2.2.1 National Response System and Policy**

The National Response System (NRS) was developed to coordinate all government agencies with responsibility for environmental protection, in a focused response strategy for the immediate and effective clean up of an oil or hazardous substance discharge. The NRS is a three tiered response and preparedness mechanism that supports the pre-designated federal OSC in coordinating national, regional, local government agencies, industry, and the responsible party during response.

The NRS supports the responsibilities of the OSC, under the direction of the Federal Water Pollution Control Act's federal removal authority. The OSC plans and coordinates the response strategy on scene, using the support of the National Response Team (NRT), Regional Response Team (RRT), local response structure,

and the responsible parties as necessary, to supply the needed trained personnel, equipment, and scientific support to complete an immediate and effective response to any oil or hazardous substance discharge.

The NRS is used for all spills, including a Spill of National Significance (SONS). When appropriate, the NRS is designed to incorporate a unified command and control support mechanism (unified command) consisting of the OSC, the state's Incident Manager, and the Responsible Party's Incident Manager. The unified command structure allows for a coordinated response effort which takes into account the federal, state, local and responsible party concerns and interests when implementing the response strategy.

A SONS is a rare, catastrophic spill event which captures the nation's attention due to actual damage incurred or a significant potential for adverse environmental impact. A SONS is defined as a spill which greatly exceeds the response capability at the local and regional levels and which, due to its size, location, and actual or potential for adverse impact on the environment is so complex, it requires extraordinary coordination of federal, state, local and private resources to contain and clean up. Only the Commandant of the Coast Guard or the Administrator of the EPA can declare a SONS.

National response policy as stated in Section 4201 of OPA 90, which amended Subsection (c) of Section 311 of the FWPCA, requires the federal OSC to "in accordance with the National Contingency Plan and any appropriate Area Contingency Plan ensure effective and immediate removal of a discharge, and mitigation or prevention of a substantial threat of a discharge, of oil or a hazardous substance:

- “(i) into or on the navigable waters;
- (ii) on the adjoining shorelines to the navigable waters;
- (iii) into or on the waters of the exclusive economic zone; or,
- (iv) that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States.”

In carrying out these functions, the OSC may:

- “(i) remove or arrange for the removal of a discharge, and mitigate or prevent a substantial threat of a discharge, at any time;
- (ii) direct or monitor all federal, state, and private actions to remove a discharge; and,
- (iii) recommend to the Commandant that a vessel discharging or threatening to discharge, be removed and, if necessary, destroyed.”

If the discharge or substantial threat of discharge of oil or hazardous substance is of such size or character as to be a substantial threat to the public health or welfare of the United States (including but not limited to fish, shellfish, wildlife, other natural resources, and the public and private beaches and shorelines of the United States), the OSC shall direct all federal, state, and private actions to remove the

discharge or to mitigate or prevent the threat of the discharge.

## **2.2.2 Response Management Systems**

The concept of unified command simply means that all who have a jurisdictional role (i.e. F/S/T/L government, and responsible parties) at a multi-jurisdictional incident contribute to the process of:

- Determining overall incident objectives;
- Selection of strategies;
- Insuring the joint planning of tactical activities;
- Insuring integrated tactical operations; and
- Making maximum use of available resources.

The On-Scene Coordinator is the pre-designated federal official responsible for ensuring immediate and effective response to a discharge or threatened discharge of oil or a hazardous substance. The U.S. Coast Guard designates OSCs for the U.S. coastal zones, while the U.S. EPA designates OSCs for the U.S. inland zones. The NCP (§300.175) also identifies federal agencies as having specific federal coordination responsibility.

EPA has adopted NIMS ICS as the response management system to organize significant emergency responses. The use of an effective response management system to organize and coordinate responses of significant magnitude is critical to the success of such a response. EPA is currently working on developing an Incident Management Handbook (IMH) to assist personnel in the use of ICS and DHS's NIMS doctrine during incident response operations and planned events. Upon completion of this handbook it will be included as an Appendix to this document.

Where appropriate, the OSC shall establish a unified command consisting of, at a minimum, the OSC, the State Incident Commander, and the Responsible Party representative. The OSC is responsible for assigning individuals from within the response community (federal, state, local or private), as necessary, to fill the designated positions in the NRS incident level response organization. It should be noted, however, that one individual may fill several of the designated positions. These assignments will be predicated on the nature of the spill and the need for extensive manning.

Under OPA 90, the responsible party is responsible for the cleanup of a discharge, and must submit appropriate response plans defining the structure to accomplish this task, to the maximum extent practicable. OPA further requires that certain owners/operators prepare tank vessel or facility response plans defining the structure to respond to the maximum extent practicable, to a worst case discharge, and to the substantial threat of such a discharge, of oil or a hazardous substance. The RP representative or qualified individual is responsible for implementing the vessel/facility response plan.

### 2.2.3 State Response Systems

The Governor of each state in Region I is requested to designate a lead agency and a representative to represent the state on the RRT. Each state representative may participate fully in all activities of the RRT. The state RRT representatives are expected to coordinate with the SERCs in their respective states in order to communicate and coordinate preparedness and pre-response planning activities between the state and the RRT. State and local government agencies are encouraged to coordinate the state contingency planning efforts for response to oil or hazardous substance releases or incidents with this plan and with requirements of SARA Title III.

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

The following are summaries of emergency preparedness measures for lead agencies and other state agencies for each state in Region I. Emergency response information for each state within Region I is located in Appendix 5.

#### 2.2.3.1 Connecticut

##### **Emergency Response - Oil Spills And Hazardous Substances Incidents:**

The Connecticut Department of Environmental Protection (CT DEP), Oil and Chemical Spill Response Division (OCSR), is the designated representative of Region I RRT for the state of Connecticut and is the lead agency for the state in addressing spills. The 24-hour notification number is (860) 424-3338.

According to Section 22a-449 of the Connecticut General Statutes (CGS), whenever there is a discharge of oil; petroleum; chemical liquids; solid, liquid, or gaseous products; or a release of hazardous wastes upon any land or into any of the waters of the state or into any offshore or coastal waters, which may result in pollution, the Commissioner of Environmental Protection will determine the best and most expedient method under the circumstances to remove or contain the discharge. Connecticut environmental law establishes "strict liability" for spills of most pollutants into the environment. This means that the person or business which caused the spill and the owner of the property where the pollution occurred are responsible for cleaning it up. The party that caused the spill and the property owner are responsible to contain the spill and report the spill immediately to the CT DEP OCSR.

The commissioner is responsible for determining the RP/PRP who caused the discharge and notifying, in writing, the chief executive officer and the local director of health of the municipality in which the discharge occurred. This notification must be provided in a timely manner.

According to the CT CGS, Section 22a-453, “The commissioner shall represent the state in its relations with the federal government and with any municipality and with any regional or interstate authority in all matters relating to oil; petroleum; chemical liquids; solid, liquid, or gaseous products; hazardous wastes pollution or contamination; or emergency resulting from the discharge, spillage, uncontrolled loss, seepage, or filtration of such substance or material or waste.”

**Other Agencies' Responsibilities and Requirements:** The OCSR of the CT DEP Bureau of Waste Management, is responsible for protecting the public and the environment from emergencies resulting from a release or discharge. The division also develops oil spill contingency plans for emergency situations, maintains a 24-hour state-wide emergency response capability, and supervises cleanup mitigation activities and contracts. Within the OCSR are five program divisions.

- Emergency Response Program - Assists communities in providing 24-hour state-wide emergency response network for spill incidents and releases of hazardous materials and petroleum products.
- Marine Terminal Program - Provides terminal spill prevention training for private oil spill cooperative operators.
- Environmental Health and Safety Actions Program - Executes mitigation spill cleanup by containing releases and removing hazardous materials.
- Spill Incident Preparedness and Prevention Program - Provides training and technical assistance to fire departments and municipal, industry, and business response groups. This program also maintains Long Island Sound spill response equipment.
- Outreach Program - Maintains communications with federal, state, and local agencies involved in spill mitigation and cleanup activities by providing technical expertise and services for containment and removal.

### 2.2.3.2 Maine

#### **Emergency Response - Oil Spills And Hazardous Substances**

**Incidents:** ME DEP is the designated representative of Region I RRT for the state of Maine and is the lead agency for the state in addressing spills, providing a 24-hour response capability with notification numbers as follows: in-state (800) 482-0777, out-of-state-business-hours (207) 822-6300 and out-of-state-non-business-hours (207) 657-3030 for oil spills; and in-state (800) 452-4664 and out-of-state (207) 624-7000 for hazardous substance releases. There are four ME DEP offices across the state of Maine. These offices are listed below.

- Northern Maine Regional Office  
Presque Isle, ME 04769  
(207) 764-0477
- Eastern Maine Regional Office  
Bangor, ME 04401  
(207) 941-4570
- Central Maine Regional Office  
Augusta, ME 04333  
(207) 287-7800
- Southern Maine Regional Office  
Portland, ME 04103  
(207) 822-6300

ME DEP must provide technical assistance to the RP/PRP and the responding personnel, and ensure compliance with Maine spill regulations and other pertinent federal and state rules and regulations. Technical assistance takes the form of chemical identification, handling, and hazard information; evaluation of the threat to environmental and public safety; personal protection recommendations; containment and cleanup methods; and resource identification and location. On large spills, or where the spiller fails to respond adequately, ME DEP staff respond on site to assist in the response effort, assuming the role of Senior Response Official if necessary.

During a response, staff of the Division of Response Services (DRS) of ME DEP assume the role of technical advisors to the RP/PRP and provide on-scene assistance to that individual, as well as to those individuals or agencies involved in the response. The Director of DRS is also the state Oil Spill Coordinator, who is defined as the person designated to act as the

Maine Commissioner of Environmental Protection's representative during an oil spill. In the event the RP/PRP does not respond to a spill, or is not responding adequately, the ME DEP staff in consultation with federal authorities will assume a role that would appropriately be called that of a Senior Response Official, to respond to the incident. However, if a structure exists within a local or county jurisdiction that provides a Senior Response Official, and that Senior Response Official is being utilized, DRS staff will stand ready to provide assistance to that Senior Response Official.

Once the immediate threat to public health and the environment has been mitigated, the incident is further stabilized and cleaned up under DRS supervision, most often by local cleanup contractors. Disposal of recovered material which is classified as a "special waste" or "non-recoverable oily waste" is referred by DRS staff to appropriate personnel in ME DEP.

**Other Agencies' Responsibilities and Requirements:** The role of liaison between a spiller and the different program areas of ME DEP is perhaps the greatest benefit that DRS can provide to those involved in a spill. The bureaus within the ME DEP as well as other state agencies have specific responsibilities in the event of a marine spill. State bureaus and agencies, and their responsibilities are listed below.

- Bureau of Remediation and Waste Management - The Bureau of Remediation and Waste Management will respond as necessary when notified of an oil spill. Bureau staff will be available to provide guidance on proper treatment, storage, and disposal of oil and oil-contaminated debris. The Bureau will also coordinate recovery damages and cleanup costs.
- Bureau of Land and Water Quality - The Bureau of Land and Water Quality will assist, at the direction of the Maine Oil Spill Coordinator, in the assessment of damages to natural resources. Staff will be able to provide information on the use of chemical countermeasures (i.e., herding agents, dispersants, and bioremediation).
- Bureau of Air Quality - The Bureau of Air Quality is responsible for monitoring and licensing air pollution and toxic emissions. In addition, bureau staff will provide guidance if in-situ burning is being considered as a response action.

- Office of Management Services - The Office of Management Services provides support on the use of Geographic Information System (GIS) to identify sensitive areas subject to possible contamination in the event of a spill along the coast of Maine.
- Department of Inland Fisheries and Wildlife (IF&W) - IF&W will assist the Maine Oil Spill Coordinator with identifying sensitive areas and resources in the marine and inland environments that may be threatened by oil spills. IF&W will orchestrate activities related to the implementation of the wildlife rehabilitation plan, including issuance of permits to handle oiled birds. IF&W is a state Trustee of Natural Resources under the Oil Pollution Act of 1990 for birds and some mammals (seals) in or near to the marine environment.
- Department of Marine Resources (DMR) - The DMR will monitor and assess the damage to the marine environment caused by oil spills, and will assist in delineating habitat areas for priority protection and cleanup. DMR is the state Trustee of Natural Resources under the Oil Pollution Act of 1990 for marine fish, marine mammals (except seals), and other marine resources.
- Department of Conservation - The Department of Conservation is the state Trustee of Natural Resources under the Oil Pollution Act of 1990 for state lands, parks, and preserves.
- Maine Emergency Management Agency (MEMA) - MEMA is responsible for carrying out a program for emergency preparedness. This includes a broad range of functions, such as fire fighting, police, medical and health services, rescue, engineering, evacuation and transportation, and emergency welfare.
- Governor's Office - In the event of a disaster beyond local control, an oil spill proclamation may be issued by the Governor. Once the proclamation is issued, the Governor may use all available resources of the state government and transfer the direction, personnel, or functions of state departments and agencies for the purpose of expediting emergency services.
- Maine Historic Preservation Commission - The Maine Historic Preservation Commission will assist in identifying sensitive coastline segments that contain or may contain significant archeological sites. The Commission will also assist by

recommending protection and cleanup methods for sensitive coastline areas. The Maine Historic Preservation Commission will assist in federal agency responsibilities under Section 106 of the National Historic Preservation Act during a major oil spill cleanup.

### **2.2.3.3. Massachusetts**

#### **Emergency Response - Oil Spills and Hazardous Substances**

**Incidents:** Through the Executive Office of Environmental Affairs (EOEA), the Massachusetts Department of Environmental Protection (MA DEP) is the designated representative of Region I RRT for the state of Massachusetts. The 24-hour notification number is (888) 304-1133. MA DEP is the Trustee for Natural Resources in Massachusetts. Their responsibilities include overseeing and approving response actions to oil discharges and hazardous substance releases to the environment and to ensure protection of the environment and public safety, health, and welfare. MA DEP responsibilities are outlined in Subpart B: Organization and Responsibilities of the Massachusetts Contingency Plan (MCP) (310 CMR 40.0100). There are four MA DEP offices across the state of Massachusetts. The 24-hour notification line can be used to report a spill or incident in any area of Massachusetts. The proper office, listed below, will be contacted.

- Western Regional Office  
Springfield, MA 01103  
(413) 784-1100
- Central Regional Office  
Worcester, MA 01605  
(508) 792-7650
- Metro Boston/Northeast Regional Office  
Wilmington, MA 01887  
(978) 661-7600
- Southeast Regional Office  
Lakeville, MA 02347  
(508) 946-2700

Staff from Emergency Response (ER), provided by MA DEP, are the personnel designated for responding to and ensuring the appropriate cleanup of oil discharges and hazardous substance releases to the environment. MA DEP ER personnel are responsible for emergency spill response and oversight of the environmental aspects of spill containment,

control, and mitigation. Staff within ER can provide hands-on response with absorbents and skirt booms if the situation requires this type of response. It is anticipated, however, that all "first responder" response will be conducted by local units of government and the various Hazardous Material Response teams located throughout the state. The RP/PRP must notify the MA DEP to be in full compliance with the statutory requirements listed in the MCP (310 CMR 40.0300) for oil and hazardous materials incidents.

Response actions conducted by the RP/PRP, other persons, and/or MA DEP personnel shall be in accordance with Subpart B: Organization and Responsibilities and Subpart D: Preliminary Response Actions and Risk Reduction Measures outlined in MCP [310 CMR 40.000].

**Other Agencies' Responsibilities and Requirements:** The MA DEP was originally a conglomeration of multiple divisions with different mandates and responsibilities, until 1988, when it was realigned into four Bureaus with responsibility for helping cities and towns, protecting natural resources, preventing pollution, and cleaning up contaminated areas and/or sites, respectively.

These four Bureaus are as follows:

- Bureau of Municipal Facilities (BMF): BMF administers grants and revolving loans to cities, towns, municipal water or sewer districts, and other regional entities in the Commonwealth to improve their environmental infrastructure.
- Bureau of Resource Protection (BRP): Incorporating MA DEP's wetlands and waterways, water pollution and water supply programs, BRP is responsible for identifying critical inland and coastal water resources, and devising strategies for protecting and preserving them.
- Bureau of Waste Prevention (BWP): BWP is composed of MA DEP's air quality, hazardous waste management, industrial wastewater, solid waste management, and toxics use reduction programs. BWP is appointed to prevent pollution before it happens and promote maximum reuse and recycling of residential, institutional, and industrial waste.
- Bureau of Waste Site Cleanup (BWSC): BWSC is responsible for ensuring immediate and effective response to environmental

emergencies, such as oil spills, as well as for assessment and cleanup of hazardous substances released to the environment.

- The responsibilities and requirements for other state agencies, with the exception of the above-mentioned bureaus, is currently unavailable pursuant to the MCP: 310 CMR Subpart B: Organization and Responsibilities, Sections 40.0102 through 40.0104: Roles of Other State Agencies and Organizations: Sections Reserved.

#### **2.2.3.4 New Hampshire**

##### **Emergency Response - Oil Spills and Hazardous Substance Incidents:**

The New Hampshire Chairman of the State Emergency Response Commission (SERC). Currently, a representative from the New Hampshire Department of Environmental Services (NHDES) attends the RRT meetings and reports back to the SERC. The State of New Hampshire Department of Safety, Office of the Fire Marshal is the primary agency for the state in responding to oil and hazardous substance incidents, under the State of New Hampshire Emergency Operations Plan. However, New Hampshire regulations for reporting and removal of oil discharges and hazardous substance releases are set forth in New State Env-Wm 1600, RSA 146-A and 147-A, Env-Wm 100-1000, and WMD-01-1, which are administered by the NHDES.

Personnel from the Waste Management Division of NHDES assume primary jurisdiction of the clean-up of oil and hazardous materials incidents. NHDES maintains an office that can also serve as a communication and coordination center during coastal incidents. The NHDES office is located at 50 International Drive in Portsmouth, New Hampshire. Within NHDES, there are three divisions that have a major role in oil and hazardous substance response. These are:

- Air Resources Division - is responsible for monitoring and controlling air pollution and toxic gas releases. To fulfill this function, the Air Resources Division provides field and laboratory services for analysis of air samples and general assistance in air pollution matters affecting the health and safety of responders and the public. Also, The Health Risk Assessment Program of the Air Resources Division performs technical risk assessments to evaluate the health risk associated with exposure to toxic chemicals released into the environment.

- Waste Management Division - provides direction on proper treatment, storage, and disposal of waste from oil or hazardous substance incidents. Waste Management Division serves as the liaison to EPA during hazardous waste and oil spill incidents and oversee the long-term cleanup of contaminated sites. The Waste Management Division administers the New Hampshire State Hazardous Waste Cleanup and Oil Pollution Control Funds and provides access to licensed waste transporters and cleanup contractors. The Waste Management Division maintains hazardous waste manifests which can be used for material identification and other purposes. In addition, the Waste Management Division conducts training in hazardous materials awareness and planning for local officials, generators, and the public.
- Water Division- provides water quality activities for surface water, and also oversees water supplies and wastewater treatment facilities. Additionally, the Water Division manages the states water resources, operates and maintains state owned dams, and protects the states wetlands.

**Other Agencies' Responsibilities and Requirements:** Eight other units of state government also have resources and expertise to aid response efforts. They are as follows:

- Department of Safety - assists in response efforts through the Division of Emergency Services, Communication & Management, Division of State Police, and the Division of Fire Safety. The Department of Safety provides 24-hour-notification communications facilities and back-up response communications infrastructure. Site security and crowd control, as well as evacuation and transportation-related logistics, are handled by the Department of Safety. The Department of Safety can also give technical assistance to local first responders and can assume incident command at the request of local public safety officials. Investigations of hazardous substance incidents are conducted by the Department of Safety to evaluate compliance with hazardous materials laws. The Department of Safety assists in notification and coordination of other state agencies and their activities. The Department of Safety maintains a communication center, the Emergency Operations Center, at 107 Pleasant Drive in Concord, NH. The Department of Safety assists in training and volunteer efforts during a response. The Department of Safety is responsible for evacuation procedures should evacuation become necessary. If the governor of New

Hampshire declares the incident to be a state emergency, Department of Safety will assume the role of lead state agency.

- Department of Fish and Game - monitors and assesses damage to fish and other aquatic life, and can assist in the collection of water samples.
- Department of Transportation - provides personnel and equipment for containment and cleanup of spilled oil, hazardous substances, and contaminated debris. The Department of Transportation also assists in traffic control and backup communications.
- New Hampshire National Guard - plays a role only in very large scale incidents, assisting the Department of Public Safety in site security, crowd control, and evacuation activities.
- Governor's Office - has the power to declare a state emergency and to marshal federal assistance. The Governor may also involve any other state agency not mentioned above in a response.
- Department of Resources and Economic Development - provides access points to public waterways and controls activities on state beaches.
- Department of Health and Human Services - provides consultation and training on health-related and radiological issues.

#### 2.2.3.5 Rhode Island

**Emergency Response - Oil Spills and Hazardous Substances Incidents:** The administrator of the Rhode Island Department of Environmental Management (RI DEM) Office of the Director is the designated representative of Region I RRT for the state of Rhode Island. The alternate representative is from the Office of Compliance and Inspection. The responsibilities of RI DEM are to oversee the cleanup and remediation of areas affected by a hazardous discharge and to judge when an area has been remediated according to federal and state guidelines. They provide a 24-hour emergency response capability: in-state 800-498-1336; out-of-state 401-222-3070. An alternate number during working hours (0830-1600) is 401-222-1360.

The primary duty of RI DEM's Emergency Response Team is to respond to and monitor the cleanup and remediation of spills and other emergency situations which pollute or threaten to pollute surface and/or groundwater, and public health and safety. In the event of a discharge, the Director, if he/she deems necessary, may require the initiation of monitoring, remedial, and cleanup actions. These actions may include, but may not be limited to, removing oil from surface waters, placing containment devices, monitoring to determine water quality, restoring impacted areas, and removing all oil-contaminated debris.

**Other Agencies' Responsibilities and Requirements:** Rhode Island Emergency Management Agency (RI EMA) is the coordination and communications center for Rhode Island state agencies. Several different state agencies have areas of expertise to contribute during a spill, and in the case of such an event, operate under a cooperative agreement that outlines the activities of the signatory agencies when a spill occurs. The agencies and their areas of expertise are listed below.

- RI EMA - is the coordination and communication center for the state of Rhode Island in an emergency situation;
- Rhode Island Fire Marshall - has expert knowledge and is available to advise responders on explosive and reactive spills; and
- Department of Health - has expert knowledge and is available to advise responders on radioactive incidents.

### **2.2.3.6 Vermont**

**Emergency Response - Oil Spills and Hazardous Substances Incidents:** The Vermont Agency of Natural Resources (VT ANR), Department of Environmental Conservation (DEC) is the designated representative of Region I RRT for the state of Vermont. The 24-hour emergency response number in-state is (800) 641-5005 and out-of-state is (802) 244-8721. The DEC serves as the state Senior Response Official for assessing environmental impacts that could result from spills, and for directing the cleanup of areas affected by an oil discharge and/or a hazardous substance release.

Within the DEC there are specialized persons trained to handle and respond to spills. The Spill Assessment Coordinator works full-time, holds regular business office hours, and can be contacted in

the event of a spill. Spill Duty Officers maintain rotating shifts 24 hours a day, 7 days a week, for complete coverage in an emergency situation in event of an oil spill and/or hazardous substance release during non-business hours and/or when the Spill Assessment Coordinator cannot be reached. The responsibilities of these personnel include responding to, assessing, and directing cleanup of oil discharges and/or hazardous substance releases.

**Other Agencies' Responsibilities and Requirements:** The Vermont Emergency Management Division (EMD), Department of Public Safety is the coordination and communications center for Vermont state agencies in the event of environmental disasters. Other state agencies and the areas of expertise they contribute during a spill are listed below.

- VT EMD - as stated above, the VT EMD is coordination and communication center for the state of Vermont in the event of an emergency; and,
- Agency of Transportation (AOT) - is responsible for road safety in the event of an emergency.

#### **2.2.4 Responsible Party Response Policy**

Under the statutory requirements of OPA 90, the responsible party has primary responsibility for cleanup of a discharge. The response shall be conducted in accordance with their applicable response plan. Section 4201(a) of OPA 90 states that an owner or operator of a tank vessel or facility participating in removal efforts shall act in accordance with the National Contingency Plan and the applicable response plan. Section 4202 of OPA 90 states that these response plans shall:

- “(i) be consistent with the requirements of the National Contingency Plan and Area Contingency Plans;
- (ii) identify the qualified individual having full authority to implement removal actions, and require immediate communications between that individual and the appropriate federal official and the persons providing personnel and equipment pursuant to clause (iii);
- (iii) identify, and ensure by contract or other means approved by the President, the availability of private personnel and equipment necessary to remove to the maximum extent practicable a worst case discharge (including a discharge resulting from fire or explosion), and to mitigate or prevent a substantial threat of such a discharge;
- (iv) describe the training, equipment testing, periodic unannounced drills, and response actions of persons on the vessel or at the facility, to be carried out under the plan to ensure the safety of the vessel or

facility and to mitigate or prevent the discharge, or the substantial threat of a discharge;  
(v) be updated periodically; and,  
(vi) be resubmitted for approval of each significant change.”

Each owner or operator of a tank vessel or facility required by OPA 90 to submit a response plan shall do so in accordance with applicable regulations. Non-transportation-related onshore facilities, marine transportation-related facilities, and tank vessel response plan regulations, including plan requirements, are located in 40 CFR 112.20 and 33 CFR Parts 154 and 155, respectively.

As defined in OPA 90, each responsible party for a vessel or a facility from which oil is discharged, or which poses a substantial threat of a discharge, into or upon the navigable waters or adjoining shorelines or the Exclusive Economic Zone is liable for the removal costs and damages specified in Subsection (b) of Section 1002 of OPA 90. Any removal activity undertaken by a responsible party must be consistent with the provisions of the NCP, the Regional Contingency Plan (RCP), the Area Contingency Plan, and the applicable response plan required by OPA 90. If directed by the OSC at any time during removal activities, the responsible party must act accordingly.

Each responsible party for a vessel or facility from which a hazardous substance is released, or which poses a substantial threat of a discharge, is liable for removal costs as specified in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 U.S.C. 9601 et seq.).

### **2.2.6 Tribal Response Systems**

According to 40 CFR 300.610, the head of the governing body of any federally-recognized Native American Tribe is the designated natural resource trustee for lands and resources belonging to that tribe. Section 311(j)(4) of the CWA calls for the inclusion of tribal as well as state and local representatives on the Area Committee. There are nine federally-recognized tribes within Region I with land holdings of various sizes and 13 tribes petitioning for federal recognition as of 2 March 1999. Two of the federally-recognized tribal organizations, the Passamaquoddy Tribe of Indians: Pleasant Point Reservation, and the Wampanoag Tribe of Aquinnah, do not occupy lands within the inland area. These two tribes are described in Section 300.180 of the Region I RCP. The federally-recognized tribes within the inland area of Region I and their lands are described below. A list of emergency contacts and petitioning tribes are included in Appendix 2.

- Houlton Band of Maliseet Indians - The lands of the Houlton Band of Maliseet Indians are comprised of four tracts totaling approximately 900 acres located in Houlton and Littleton, Maine along the Meduxnekeag River. The Houlton Band of Maliseet Indians does not presently have a comprehensive emergency response plan, but the tribe is working with the USCG, the Maine Department of Environmental Protection (ME DEP), and the EPA to formulate one. There are no sources of oil or hazardous substances on the lands of the Houlton Band of Maliseet Indians that are capable of producing a major discharge of oil or release of hazardous substances as defined in Section 2.11.2 of this ACP.
- Narragansett Indian Tribe - The Narragansett tribal lands consist of approximately 2,000 acres located in Charlestown, Rhode Island approximately 2 to 3 miles from the Atlantic Coast. The Narragansett Indian Tribe does have a oil and hazardous substances response plan in place that is currently being updated. There are no sources of oil or hazardous substances on Narragansett lands capable of producing a major discharge or release.
- Passamaquoddy Tribe of Indians: Indian Township Reservation - The Indian Township Reservation is located in Indian Township, Maine and occupies approximately 27,000 acres. Currently, no tribal oil or hazardous substances response plan is in place, but the tribe is working with the Washington County LEPC to develop a county-wide response plan. The only source of hazardous substances on the Indian Township Reservation is a water treatment facility that uses chlorine and is operated by the Passamaquoddy Tribe Department of Public Works. There are no sources of oil on the Indian Township Reservation capable of producing a major discharge of oil.
- Penobscot Indian Nation - According to a representative of the Penobscot Indian Nation, the lands of the Penobscot Nation extend along the Penobscot River, from Indian Island to a point approximately 200 miles upstream. These lands include the bed, banks, and islands of that reach of the Penobscot River and of all branches joining that reach. The Penobscot Indian Nation is currently working with area municipalities and Penobscot County authorities to establish a coordinated County Response Team. Olamon Industries, a plastics molding facility, is the only potential source for a major release of hazardous substances on Penobscot land. There are no sources of oil on Penobscot lands capable of producing a major discharge.

- Mashantucket Pequot Tribal Nation - The Mashantucket Pequot tribal lands consist of approximately 1,200 acres located in Mashantucket, Connecticut, which is part of Ledyard, Connecticut. The Mashantucket Pequot Tribal Nation maintains a one- person hazardous materials response team under the command of the Emergency Manager, and also contracts out some response capability. The Mashantucket Pequot Tribal Nation is currently in the process of developing an oil and hazardous substances response plan. There are no sources of oil capable of producing a major discharge on Mashantucket Pequot land. The only sources of hazardous substances on Mashantucket Pequot land capable of producing a major release is the wastewater treatment facility which has several 4,000- to 5,000-gallon tanks containing wastewater treatment chemicals. These tanks are vaulted and situated below ground surface, inside the facility and are not buried.
- Wampanoag Tribe of Aquinnah - The lands of the Wampanoag Tribe of Aquinnah consist of approximately 600 acres in Aquinnah, Massachusetts (formerly Gay Head, Massachusetts) on the western side of Martha's Vineyard. The Wampanoag Tribe of Aquinnah has no emergency response plan in place to date, but representatives of the Tribe have been involved in coordinated planning efforts with USCG, NOAA, and DOI. There are no sources of oil or hazardous substances on lands of the Wampanoag Tribe of Aquinnah capable of producing a major discharge or release.
- Aroostook Band of Micmacs - The lands of the Aroostook Band of Micmacs consist of approximately 1,000 acres on multiple tracts located on and around former Loring Air Force Base in Presque Isle, Maine. The Aroostook Band of Micmacs does not presently have an oil or hazardous substances response plan in place. At present, there are no sources of oil and hazardous substances on tribal land capable of producing a major discharge or release. However, the Aroostook Band of Micmacs is currently attempting to acquire the fuel tank farm of the former Loring Air Force Base. This tank farm is part of a site currently being remediated under CERCLA. It is not yet determined whether this acquisition will take place, or whether it will be feasible for the Aroostook Band of Micmacs to use this facility in the future. The tanks in the tank farm are empty at present.
- Mohegan Tribe - The Mohegan tribal lands cover approximately 600 acres and are located in Uncasville, Connecticut. The

Mohegan Tribe has an emergency oil and hazardous substances response plan in place through the tribal Fire Department. There are no sources of hazardous substances capable of producing a major release; however, the Mohegan Sun casino facility on Mohegan lands currently uses three oil tanks, each with a capacity of 10,000 gallons.

- For further information on Native American Tribes in Region I, contact the DOI BIA.

### **2.2.7 Other Stakeholders**

Under Unified Command, other stakeholders, such as volunteer or private organizations, may participate in a response. While not a part of the Unified Command, they are integral players and should be encouraged to participate.

## **2.3 National Response Team**

National planning, preparedness and coordination in pollution incidents is accomplished through the NRT. The NRT consists of representatives from the USCG, EPA, FEMA, DOD, DOE, USDA, DOC, HHS, DOI, DOJ, DOL, DOT, DOS, DHS, GSA, and Nuclear Regulatory Commission. For details on these agencies, see the NCP at 40 CFR 300.175 (b) and the RCP, Section 6. Other agencies may request membership on the NRT by forwarding such requests to the chairman of the NRT. The NRT is commissioned to maintain a national readiness to respond to a major discharge of oil or release of a hazardous substance. They do this by:

- Maintaining national preparedness to respond to a major discharge of oil or release of a hazardous substance, pollutant, or contaminant that is beyond regional capabilities;
- Developing procedures to build cooperation between all federal, state and local governments, and private organizations with regard to pollution response;
- Coordinating a national program to assist member agencies in planning and response and enhancing coordination of member agency preparedness programs;
- Monitoring national response-related research and development, testing, and evaluation activities of NRT agencies to enhance coordination and facilitate research in support of response activities; and
- Monitor response planning efforts of RRTs. The NRT will be activated in accordance with Section 300.34(g) of the NCP. Generally, activation will occur when a spill crosses regional boundaries or involves significant

population hazards and/or national policy issues. During response activities, it acts primarily to coordinate and oversee the response activities of the RRTs.

## **2.4 Regional Response Team**

Regional planning and coordination of preparedness and response actions are accomplished through the RRT. The RRT agency membership parallels that of the NRT but also includes state and local representations.

## **2.5 Area Committee**

The Area Committees, in conjunction with the NRT and the RRTs, serve a spill planning and preparedness role within the National Response System (NRS). Each Area committee shall be comprised of federal, state and local agency personnel and tribal representatives. In accordance with the OPA Section 4202 (4)(B), each “Area Committee, under the direction of the...OSC for its area, shall

- (i) prepare for its area the Area Contingency Plan required under Subparagraph (C);
- (ii) work with state and local officials to enhance the contingency planning of those officials and to assure preplanning of joint response efforts, including appropriate procedures for mechanical recovery, dispersal, shoreline cleanup, protection of sensitive environmental areas, and protection, rescue and rehabilitation of fisheries and wildlife; and
- (iii) work with state and local officials to expedite decisions for the use of dispersants and other mitigating substances and devices.”

Area planning and coordination and coordination of preparedness and response actions is accomplished through the Area Committee. The Area Committee membership includes federal, state, local, and tribal representation.

## **2.6 On-Scene Coordinators: General Responsibilities**

The NCP at 40 CFR part 300.120 describes the general responsibilities of OSCs. The OSC directs response efforts and coordinates all other efforts at the scene of a discharge or release. OSCs are pre-designated by the regional or district head of the lead agency. EPA and the USCG pre-designate OSCs for all areas in each region except for any facility or vessel under the jurisdiction, custody, or control of other federal agencies. The USCG designates federal OSCs for the coastal zones, while EPA designates federal OSCs for the inland zones.

Under OPA, the federal OSC has responsibilities related to the establishment of Area Committees and the development of ACPs. The federal OSC chairs the Area Committee and provides general direction and guidance for the committee as it prepares the ACP.

## **2.7 Notification and Communications**

The National Response Center (NRC) is the national communications center for handling activities related to response actions. The NRC acts as the single point of contact for all pollution incident reporting. Notice of an oil discharge or release of a hazardous substance in an amount equal to or greater than the reportable quantity must be made immediately in accordance with 33 CFR parts 300.300 and 300.405, respectively. Notification shall be made to the NRC Duty Officer, HQ USCG, Washington, DC, at (800)424-8802 or (202)267-2675. All notices of discharges or releases received at the NRC will be relayed immediately by telephone to the appropriate pre-designated Federal OSC.

Additional notifications shall be made as provided in Appendix 4, Notification Requirements.

### **2.7.1 State Notification Requirements**

#### **2.7.1.1 Connecticut**

The commissioner of the CT DEP must be immediately notified by the spiller or RP/PRP in the event of a discharge or spill. The CT DEP (OCSR) 24-hour emergency spill reporting phone number is (800) 424-3338. According to Section 22a-450 of the CGS, the person making the notification must report all facts which the commissioner requires to determine the necessary response action. There is no minimum reportable amount in the event of a spill in the state of Connecticut. Section 22a-450 states that the RP/PRP must submit a report to the CT DEP within 24-hours of the incident. The report must include, but is not limited to:

- location of discharge or release
- type and quantity of spill
- date and time of discharge or release
- cause of discharge or release
- name and address of owner of the ship, vehicle, machine, or establishment
- name and address of person making the report and relationship to owner

### **2.7.1.2 Maine**

In the event of a spill, the ME DEP must immediately be notified by the spiller or the RP/PRP. The 24-hour emergency response phone numbers are as follows: in-state (800) 482-0777; out-of-state-business hours (207) 822-6300, and out-of-state-non-business-hours (207) 657-3030 for oil spills; and in-state (800) 452-4664; out-of-state (207) 624-7000 for hazardous substances releases. The RP/PRP must also meet federal (listed above) and local notification requirements. There is no minimum reportable amount in the event of a spill in the state of Maine. According to the Maine Oil, Hazardous Materials and Solid Waste Laws of 1998, 38 MRSA § 1318-B, subsection 1, the RP/PRP causing the spill must report the release immediately to the Maine Department of Public Safety. There is a time limit of 2 hours following the spill to report the release. The RP/PRP must also submit to the ME DEP a spill prevention and control cleanup plan that meets the criteria of 38 MRSA § 1318-C, subsection 1. The plan must also include at the minimum the following information.

- time of discharge and/or release
- location of discharge and/or release
- mode of transportation or facility involved
- type and quantity of spill
- assistance required
- any other pertinent information

Under 38 MRSA § 550, a person who causes a discharge in violation of 38 MRSA § 543 is not subject to fines or civil penalties if that person reports the spill within 2 hours, promptly removes the discharge in accordance with the directions of the commissioner or his appointee, and reimburses the department for any disbursement made from the fund in connection with the discharge.

### **2.7.1.3 Massachusetts**

The MA DEP is to be immediately notified in the event of an oil discharge and/or hazardous substance release. The 24-hour notification number is (888) 304-1133. It is the responsibility of the spiller or the RP/PRP, pursuant to the MCP [310 CMR 40.0300], to orally notify the above-mentioned department by telephone within 2 hours of a sudden discharge of hazardous substances, as well as notify any other necessary departments/agencies (i.e., federal, state, local, etc.).

The reportable quantity for a sudden discharge of petroleum to the environment is 10 gallons pursuant to the MCP [310 CMR Subsections 40.0300 and 40.1600]. In the event of a reportable spill to the environment, various reports may be required depending on the circumstances of the discharge [see MCP (310 CMR 40.0400)].

#### **2.7.1.4 New Hampshire**

State of New Hampshire regulation Env-Wm1600 states that any person responsible for or having knowledge of, a discharge or release of oil must contact the NH DES during business hours at (603) 271-3899 or contact NH DES through state police at the numbers indicated below. Further, Env-Wm513, Env-Wm608, and Env-Wm706, state that any discharge of a hazardous waste or material which becomes a hazardous waste that poses a threat to human health or the environment, must report the spill to the DES at 603-271-3899. New Hampshire provides 24-hour emergency response capability through the New Hampshire State Police with the following notification numbers: within New Hampshire only at (800) 346-4009, and inside our outside of New Hampshire at (603) 271-3636.

Discharges of oil meeting **all** of the following criteria do not need to be reported under Env-Wm1600:

1. The discharge is less than 25 gallons.
2. The discharge is immediately contained.
3. The discharge and associated contamination are completely removed within 24 hours.
4. There is no impact to groundwater or surface water.

#### **2.7.1.5 Rhode Island**

Any and all persons who have knowledge of an oil and/or hazardous substance spill (i.e., RP/PRP, fire department, home owner, pedestrian, etc.) are required to report the spill immediately to RI DEM. Rhode Island 24-hour emergency response notification telephone numbers are: in-state (800) 498-1336; out-of-state (401) 222-1360 and (401) 222-2284. In the state of Rhode Island, there is no minimum reportable amount in the event of any type of spill. The RI DEM requires an incident report from the RP/PRP to be submitted 2 weeks after the spill. The incident report must contain the following information:

- time of discharge and/or release

- location of discharge and/or release
- mode of transportation or facility involved
- type and quantity of spill
- assistance required
- any other pertinent information

#### **2.7.1.6 Vermont**

In the event of a discharge of oil or a release of hazardous substances in the state of Vermont, the person(s) in control of the spill or the RP/PRP must immediately report the discharge to the DEC, Waste Management Division at (802) 241-3888, Monday through Friday, 7:45 a.m. to 4:30 p.m., or the Department of Public Safety, Emergency Management Division: in-state (800) 641-5005 and out-of-state (802)244-8721, 24 hours a day. The RP/PRP must also meet the above-mentioned federal notification requirements.

The minimum reportable amount in the event of a spill in Vermont is less than or equal to 2 gallons in the case of petroleum products; any amount that causes human health or environmental risk; or the equivalent to the reportable quantity under CERCLA as specified under 40 CFR Section 302.4, depending on the type of spill and the hazardous substance involved. An incident report from the person(s) in control of the spill is also required by the Waste Management Division within a maximum of 10 days following the spill. The report should be sent to The Vermont Department of Environmental Conservation, Waste Management Division, 103 South Main Street, Waterbury, VT 05671-0404, and must include the following information:

- time of discharge and/or release
- location of discharge and/or release
- mode of transportation or facility involved
- type and quantity of spill
- assistance required
- any other pertinent information

#### **2.7.2 Public Information**

In accordance with 40 CFR 300.415 (n), the lead agency shall designate a spokesperson who shall inform the community of actions taken, respond to inquiries, and provide information concerning the response action. All news releases or statements made by participating agencies shall be jointly coordinated and funneled through an Information Officer (IO) or a Joint Information Center (JIC). The spokesperson shall notify, at a minimum,

immediately affected citizens, tribal, state and local officials, and when appropriate, emergency management agencies. OSCs may consider use of the RRT to assist in media relations and other community involvement activities. RP/PRPs may also implement community involvement activities.

## **2.8 Determination to Initiate a Response and Special Conditions**

OPA Section 4201 states that the President shall, in accordance with the NCP and any appropriate ACP, ensure effective and immediate removal of a discharge, and mitigation or prevention of a substantial threat of a discharge of oil or hazardous substance. In carrying out this mandate, the President may direct or monitor all federal, state, and private actions to remove a discharge. The NCP at 40 CFR 300.130 states that EPA or the USCG is authorized to act for the United States to take response measures deemed necessary to protect public health or welfare or the environment from discharges of oil or releases of hazardous substances, pollutants, or contaminants except with respect to such releases on or from vessels or facilities under the jurisdiction, custody, or control of other federal agencies. The assigned federal OSC may initiate, or in the case of a discharge posing a substantial threat to public health or welfare is required to initiate and direct appropriate response activities. Upon approval by the federal OSC, state or local governments may initiate a government response. Initiation of a response by private parties is addressed in Section 2.2.4.

## **2.9 Response Operations**

Appendix 5 contains a list of response operations resources available for Region I.

### **2.9.1 Command Structure – Unified Command Organization**

It is the intention of EPA Region I that incidents be managed according to the principles listed below.

Incident Command System - the National Incident Management System (NIMS) model Incident Command System (ICS)

Unified Command - When a federal or state agency arrives on-scene to participate in managing a response action, the agencies will utilize a unified command structure to jointly manage the spill incident. In the unified command, decisions with regard to the response will be made by consensus and documented through a single Incident Action Plan (IAP) for each operational period.

Tribal or Local Government On-Scene Coordinators - The unified command may incorporate additional tribal or local government on-scene coordinators into the command structure as appropriate.

Organizational charts for the Unified Command & Command Staff and its subordinate units are shown below in Figures 1 and 2. They serve as examples and are not meant to be all-inclusive. The functions of the Unified Command & Command Staff must be accomplished during an incident; however, they can be performed by one individual or can be expanded, as needed, into additional organizational units with appropriate delegation of authority.

Figure 1

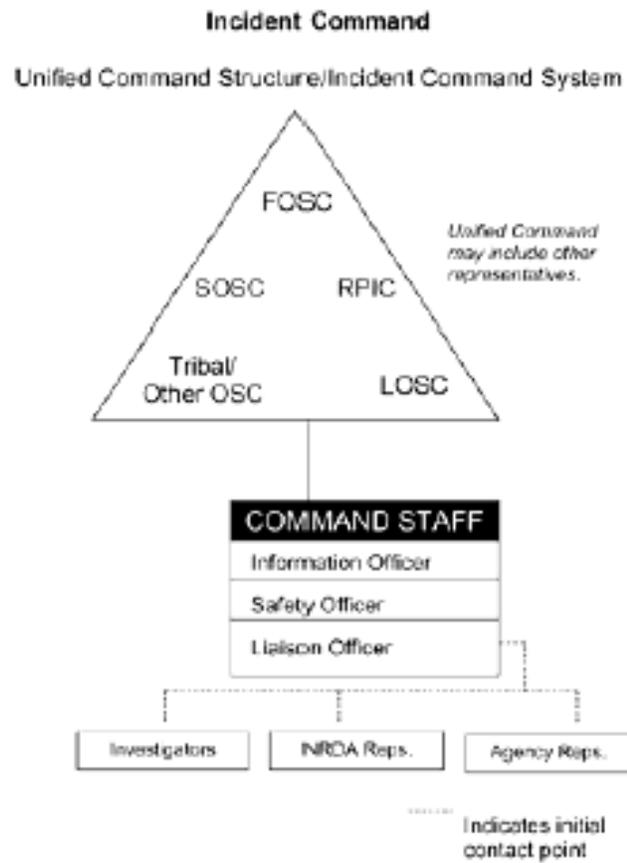
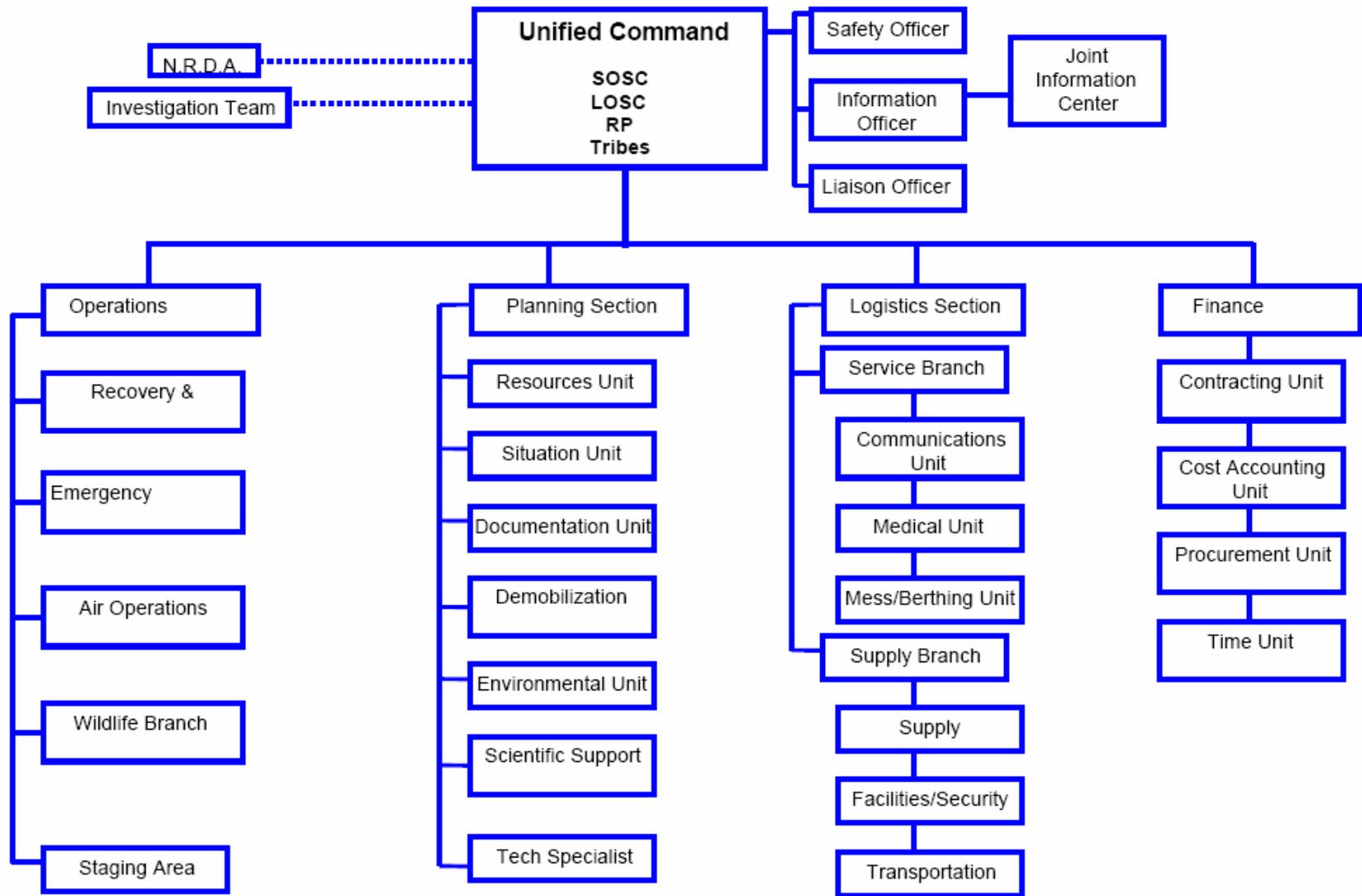
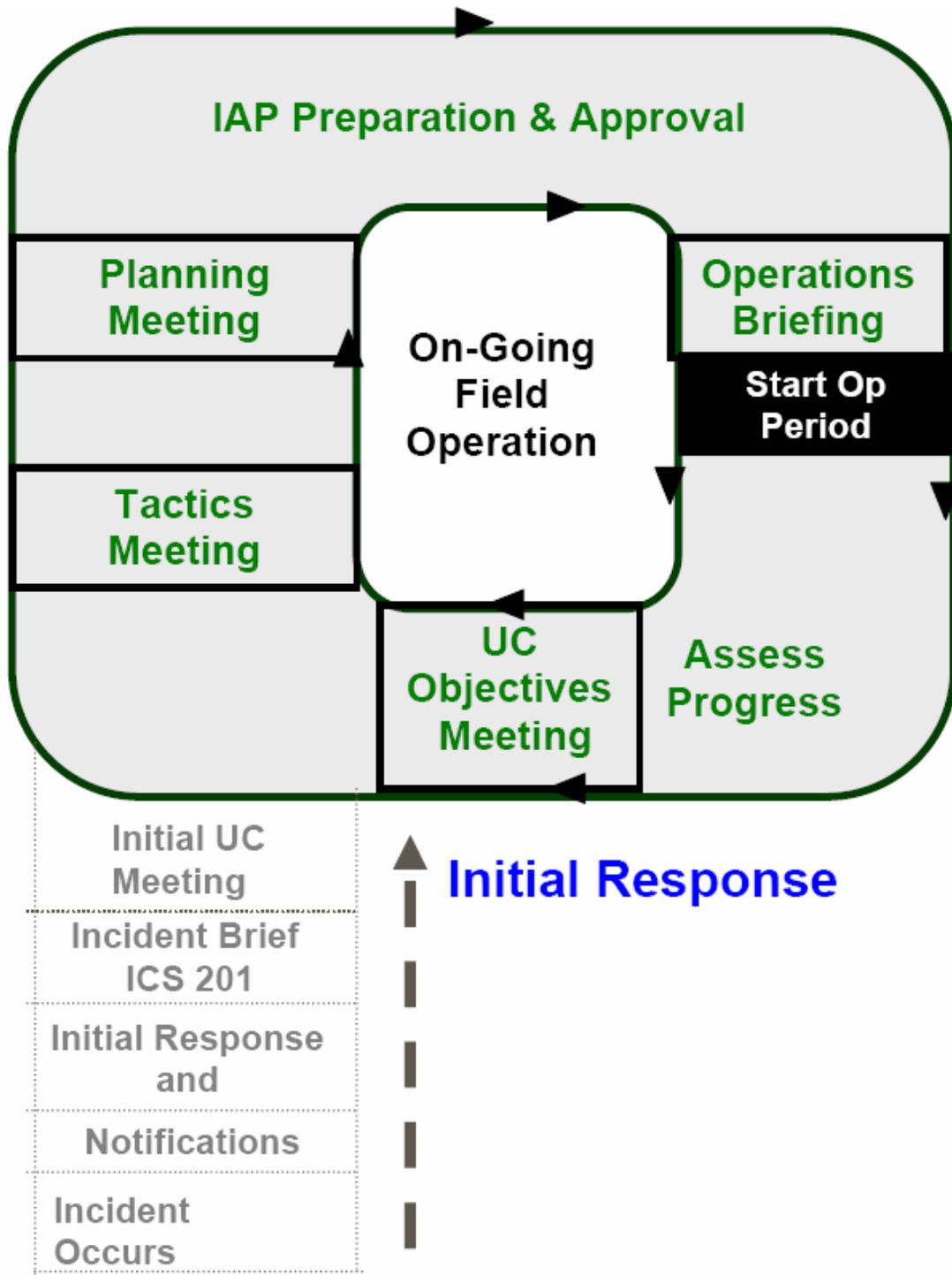


Figure 2



2.9.2 Command & General Staff Planning Cycle Guide



### **2.9.3 Command/Staff Elements: Roles & Responsibilities**

The Area Committee has adopted the NIMS-based Incident Command System (ICS) as the basic model for operating a coordinated response. Under the Unified Command Structure, the Federal government, state, and responsible party will each provide an On-Scene Coordinator (OSC), who will consult each other and share decision-making authority regarding spill response and clean-up management issues. Depending on the circumstances of the incident, a local or tribal entity may also provide an OSC. Together, these OSCs will jointly serve as the Unified Command.

Additional information regarding each of the positions within the Command Staff can be found in the Oil Spill Field Operations Guide (FOG) ICS-OS-420-1 dated June 2000. For positions or incident types not addressed by the FOG, refer to the US Coast Guard Incident Management Handbook 2001 Edition, (COMDTPUB P 3120.17 Apr 2001).

### **2.9.4 Incident Commander**

Incident Commanders for oil discharges and hazardous substance releases will, whenever possible and practical, be organized under the Unified Command Structure which includes, but not limited to:

- The pre-designated Federal On Scene Coordinator (FOSC);
- The State On Scene Coordinator (SOSC);
- The representative of the Responsible Party (RP); and
- The local and/or tribal On Scene Coordinators, as appropriate.

The Unified Command is responsible for the overall management of the incident. The Unified Command directs incident activities including the development and implementation of strategic decisions, approval of the incident action plan, and approves the ordering and releasing of resources.

### **2.9.5 Public Information Officer**

The Public Information Officer (PIO) is responsible for developing and releasing information, with Unified Command's approval, about the incident to the news media, incident personnel, and other appropriate agencies and organizations, in as timely a manner as possible. The PIO will obtain information from technical experts to provide to the press and other interested parties. The PIO is also responsible for controlling direct media access to staff within the Unified Command organization.

Keeping the public and other interested parties informed is always a primary incident objective. Staff members responsible for meeting this objective ensure elected officials and the community are well informed of the status of the incident, decisions made, and actions taken by the Unified Command. The ultimate purpose of public information efforts conducted during an environmental emergency is to ensure the public is well informed by issuing timely, credible, and coordinated releases of accurate information to the news media, government officials, and the public. Information may come from flyover or other video coverage, phone calls, on-site interviews, Web Site postings, public meetings, or other methods.

The RRT/Northwest Area Committee recognizes there is a shared responsibility among the Unified Command representatives to ensure accurate and credible information is made available. It is also the shared role of the Unified Command representatives to ensure appropriate staffing in all positions within the Incident Command System. However, given the importance of the Public Information Officer duties, and to ensure public confidence and trust, the Public Information Officer position must be filled by a qualified representative of a federal, state, tribal, or local agency. If no such agency representative is initially available, qualified, or willing to be the Public Information Officer, a responsible party representative may, upon the Unified Command's concurrence, fill that role. Furthermore, a transition to a responsible party designated Public Information Officer may occur with the concurrence of the Unified Command. Responsible parties are encouraged to designate an Assistant Public Information Officer, who will participate in all the meetings attended by and briefings made by the Public Information Officer.

### **2.9.6 Safety Officer**

The Safety Officer is responsible for monitoring and assessing hazardous and unsafe situations and developing measures for assuring personnel safety. Although the Safety Officer may exercise emergency authority to stop or prevent unsafe acts when immediate action is required, the Safety Officer will attempt to correct unsafe acts or conditions through the regular line of authority. The Safety Officer maintains awareness of active and developing situations, ensures the preparation and implementation of the Site Safety Plan, briefs personnel and includes safety messages in each Incident Action Plan.

### **2.9.7 Liaison Officer**

Incidents that are multi-jurisdiction, or have several agencies involved, may require the establishment of the Liaison Officer position on the Command Staff.

Keeping the public and other interested parties informed is a primary incident objective. Staff members responsible for meeting this objective ensure that elected officials and the community are well informed of the status of the incident, the decisions made and actions taken by the Unified Command. The ultimate purpose of public information efforts conducted during an environmental emergency is to ensure the public is well informed by issuing timely, credible and coordinated releases of accurate information to the news media, government officials and the public.

The liaison officer has the following responsibilities:

- Serve as the initial point of contact for participating federal, state, and local agencies with a vested interest in the response;
- Maintain a spill response summary distribution list for public and private entities requesting spill response status reports;
- Receive and coordinate all calls from public and private entities offering assistance or requesting information; and,
- Identify public and private concerns related to the status and effectiveness of the spill response.

EPA Region I recognizes there is a shared responsibility among the Unified Command representatives to ensure accurate and credible information is made available. It is also the shared role of the Unified Command representatives to ensure appropriate staffing in all positions within the Incident Command System. However, given the importance of the Liaison Officer duties, and to ensure public confidence and trust, the Liaison Officer position must be filled by a qualified representative of a federal, state, tribal, or local agency. If no such agency representative is initially available, qualified, or willing to be the Liaison Officer, a responsible-party representative may, upon the Unified Command's concurrence, fill that role. Furthermore, a transition to a responsible party designated Liaison Officer may occur with the concurrence of the Unified Command. Responsible parties are encouraged to designate an Assistant Liaison Officer, who will participate in all the meetings attended by and briefings made by the Liaison Officer.

### **2.9.8 Natural Resource Damage Assessment (NRDA)**

NRDA involves identifying the type and degree of impacts to public biological and cultural resources in order to assist in restoring those resources. NRDA may involve a range of field surveys and studies used to develop a monetary damage claim, or may involve immediately

developing a restoration plan with the responsible party. NRDA activities for small spills typically involve simplified assessment methods and minimal field data collection.

Given that the goals of NRDA are outside the sphere of most emergency spill response actions, NRDA activities generally do not occur within the structure, processes, and control of the Incident Command System. However, particularly in the early phases of a spill response, many NRDA activities overlap with environmental assessment performed for the sake of spill response. Because NRDA is carried out by natural resource trustee agencies and/or their contractors, personnel limitations may require staff to perform NRDA and response activities simultaneously. Therefore, NRDA staff should remain coordinated with the spill response organization, and need to work directly with the Unified Command, Environmental Unit, Wildlife Rescue/Rehabilitation Branch and the NOAA Scientific Support Coordinator to resolve any problems or address areas of overlap. While NRDA resource requirements and costs may fall outside the responsibility of the Logistics and Finance sections, coordination is again important.

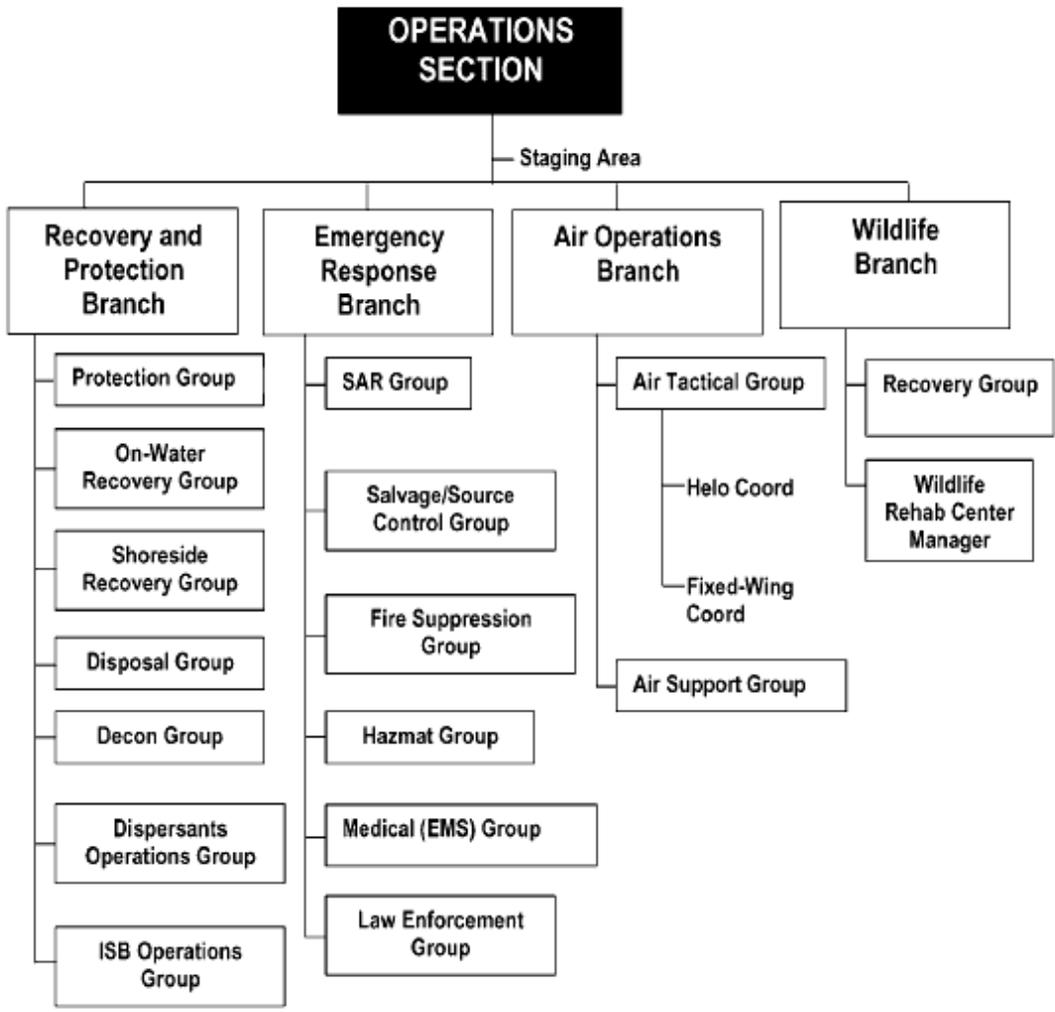
### **2.9.9 Incident Investigation**

Investigators from federal and state agencies will not normally be a part of the Unified Command. While personnel may report to individuals that are part of the UC, the investigators should be separate so as not to introduce polarizing forces into the Unified Command system.

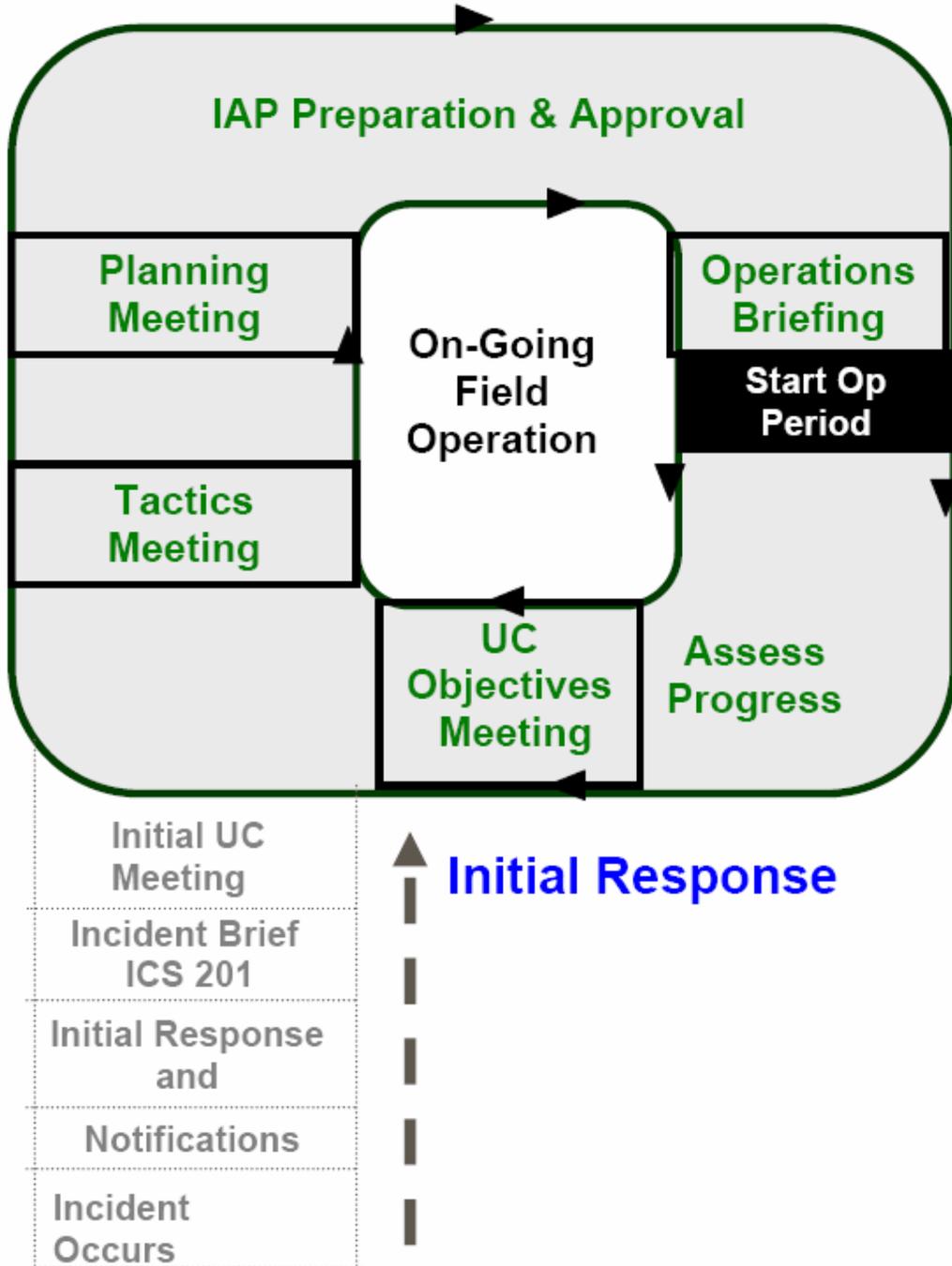
### **2.9.10 Operations Section Organization**

The following is an organizational chart of the Operations Section and its subordinate units. It serves as an example and is not meant to be all-inclusive. The functions of the Operations Section must be accomplished during an incident; however, they can be performed by one individual or can be expanded, as needed, into additional organizational units with appropriate delegation of authority.

Information regarding the Operation Section and Staff positions within the command can be found in the Oil Spill Field Operations Guide (FOG), Incident Command System, 2000 Edition (ICS-OS-420-1 dated June 2000) or the US Coast Guard Incident Management Handbook 2001 Edition, (COMDTPUB P 3120.17 Apr 2001).



## 2.9.11 Operations Planning Cycle Guide



## **2.10 Multi-Area Responses**

In the event that an actual or threatened discharge or release moves from the area covered by one area contingency plan into another area, the authority to initiate pollution control actions shall likewise shift. In the event that an actual or potential incident affects areas covered by two or more area plans, the response mechanisms called for by both plans shall be activated. There shall be only one OSC at any time during the course of a response operation. Should a discharge or release affect two or more areas, the lead agency shall give prime consideration to the area vulnerable to the greatest threat, in determining which agency should provide the OSC. If there is disagreement as to the area most impacted or vulnerable, then the RRT will decide who the OSC should be.

The NRT will be notified in the event of a discharge which transcends regional boundaries and, if necessary, the NRT will be activated to support the pre-designated OSC in coordination of cleanup efforts, personnel and equipment in the affected regions.

## **2.11 Special Teams Forces and Other Assistance Available to OSCs**

### Agency for Toxic Substances and Disease Registry

The Agency for Toxic Substances and Disease Registry (ATSDR) maintains appropriate disease/exposure registries, provides medical care and testing of individuals during public health emergencies, develops, maintains, and informs the public concerning the effects of toxic substances, maintains a list of restricted or closed areas due to contamination, conducts research examining the relationship between exposure and illness, and conducts health assessments at contaminated sites. The ATSDR also assists the EPA in identifying most hazardous substances at CERCLA sites, develops guidelines for toxicological profiles of hazardous substances, and develops educational materials related to the health effects of toxic substances. ATSDR resources are an important tool for the OSC to use in assessing the possible effects of an environmental emergency on the public's health. A response team consisting of an emergency response coordinator, toxicologist, chemist, physician, and an environmental health scientist will be made available within twenty minutes of the call.

ATSDR may address a number of health issues including health team coordination, contingency planning, decontamination procedures, first aid/medical treatment protocols, public affairs, health threat assessment sampling plans, worker safety and health, evacuation/reentry consultation, exposure pathway assessment, and health information. ATSDR's main office is located in Atlanta, GA, and may be contacted 24 hours per day at 404-639-0615. A regional office is co-located with EPA's office in Boston, and can be contacted at 617-918-1490.

#### Department of the Interior (DOI) (USFWS and USGS)

There are numerous agencies within the DOI that the OSC coordinates with during an incident response, as shown in 40 CFR 300.23(b)(7). The two primary agencies are the U. S. Fish & Wildlife Service and the U. S. Geological Survey. The Point of Contact (POC) in the DOI is Andy Raddant, who can be contacted during the day at 617-223-8565 or via cell phone at 617- 592-5444.

##### *U. S. Fish & Wildlife Service (USFWS)*

A detailed description of the roles and responsibilities of the USFWS can be found in the Annex 1. The USFWS can provide the OSC information on the location of migratory birds, endangered species, and wildlife habitats. They deal with problems such as dispersal of birds and coordination of wildlife habitats. They also manage and can provide information on wildlife refuges within the region. The USFWS can assist the OSC in other aspects of response, such as shoreline assessments, compiling background information on and developing criteria for countermeasures use, assessing spill impacts, and developing restoration plans. USFWS involvement is determined on a case by case basis.

##### *U. S. Geological Survey (USGS)*

The USGS can provide expert advice in geology, geochemical data, groundwater hydrology, and ground and surface water data.

#### Department of Justice (DOJ)

The DOJ can provide advice on complicated legal questions arising from discharges or releases, and federal agency responses. In addition, the DOJ represents the federal government, including its agencies, in litigation relating to such discharges or releases. Other legal issues or questions shall be directed to the federal agency counsel for the agency providing the OSC for the response.

## Department of Labor (DOL)

### *OSHA Occupational Safety and Health Administration (OSHA)*

OSHA will provide the OSC with advice, guidance, and assistance regarding hazards to personnel involved in removal or control of oil discharges and hazardous substance releases, and in the precautions necessary to prevent hazards to their health and safety. Typically, they do not need to be called except where specific guidance is needed. They will usually respond to large or lengthy response efforts involving many people, where they will make their own determinations about on-scene safety precautions and make recommendations directly to the OSC. The liaison with OSHA is Robert Hooper, Assistant Regional Administrator for Technical Support in Boston, MA. He can be contacted during the day at 617-565-9860.

### *Environmental Monitoring and Support (EMS) Laboratory*

EMS Laboratory located in Las Vegas, NV, can provide rapid aerial color or color reversal photography. These photos can be taken within 12 to 24 hours of contacting the EMS Laboratory. A full briefing can be provided by their assigned on-scene project officer 24 to 30 hours after the overflight. The photography can aid the OSC in environmental damage assessment, response scope planning, and response effectiveness. Similar rapid service is available for night mapping using thermal IR scanners.

## Environmental Photographic Interpretation Center (EPIC)

EPIC is a field station of the Landscape Ecology Branch (LEB), Environmental Sciences Division - Las Vegas (ESD-LV). EPIC can provide excellent low level, high resolution aerial color photography. Services can be arranged through EPA Region I within 24 hours.

## Environmental Response Team (ERT)

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

The ERT can provide access to special decontamination equipment for chemical releases; advice to the OSC in hazards evaluation; risk assessment; a multimedia sampling and analysis program; on-site safety, including

development and implementation plans; cleanup techniques and priorities; water supply decontamination and protection; application of dispersants; environmental assessments; degree of cleanup required; and disposal of contaminated material. The ERT also provides both introductory and intermediate level training courses to prepare response personnel.

OSC or RRT requests for ERT support should be made directly to the Edison, New Jersey office. The 24-hour phone number for ERT is (732) 321-6660.

### Marine Salvage Operations

For marine salvage operations, OSCs with responsibility for monitoring, evaluating, or supervising these activities should request technical assistance from DOD, the Strike Teams, or commercial salvage operators as necessary to ensure that proper actions are taken.

Marine salvage operations generally fall into five categories: afloat salvage; offshore salvage; river and harbor clearance; cargo salvage; and rescue towing. Each category requires different knowledge and specialized equipment. The complexity of such operations may be further compounded by local environmental and geographic conditions.

The nature of marine salvage and the conditions under which it occurs combine to make such operations imprecise, difficult, hazardous, and expensive. Thus, responsible parties or other persons attempting to perform such operations without adequate knowledge, equipment, and experience could aggravate, rather than relieve, the situation.

### National Decontamination Team (NDT)

The NDT is the federal, technical resource for decontamination science to provide support for actions that contribute to the protection of human health, the environment, and national security. NDT will coordinate, communicate, and deliver scientific and engineering expertise, both domestically and internationally, to support hazardous materials response organizations.

The team is made up of structural engineers and industrial hygienists to assess safety of impacted structures; materials and HVAC engineers to develop decon strategies for buildings; biochemist and analytical chemists to advise on contaminant behavior and by-products; and deconologist for specialized waste treatment, transportation, and disposal options, including establishing decon procedures for unusual cases. The NDT has a 24-hour capability to respond, is available to assist EPA OSCs, will operate under

NIMS within ICS, and is available to participate in drills and exercises. They can be reached at 513-487-2420.

#### National Response Center (NRC)

The NRC is the 24-hour communications center of the National Response Team. It is located at Coast Guard Headquarters in Washington, DC. The NRC receives telephone reports of oil spills and chemical releases nationwide through its toll free number, (800) 424-8802, and immediately relays them to the pre-designated federal On-Scene Coordinator for appropriate action. It will also channel OSC and RRT reports to the NRT, when necessary.

#### Public Information Assist Team (PIAT)

The Public Information Assist Team (PIAT) is an element of the NSFCC staff which is available to assist OSCs to meet the demands for public information during a response or exercise. Its use is encouraged any time the OSC requires outside public affairs support. Requests for PIAT assistance may be made through the NSFCC or NRC.

#### Scientific Support Coordinator (SSC)

Scientific Support Coordinators (SSCs) from either EPA's Environmental Response Team or NOAA may be designated by the OSC as the principal advisors for scientific issues, communication with the scientific community, and coordination of requests for assistance from state and federal agencies regarding scientific studies. The SSC strives for a consensus on scientific issues affecting the response, but ensures that differing opinions within the community are communicated to the OSC.

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

The OSC can obtain NOAA SSC assistance 24 hours a day by directly contacting the SSC Headquarters at (206) 343-3432, or by contacting the Regional SSC directly. The pre-designated Regional SSC for this area and

primary contact for all NOAA services is Steve Lehmann, who can be contacted at 617-223-8016 during the day and via cell phone at 617-877-2806.

NOAA SSCs are assigned to USCG Districts and are supported by a scientific support team that includes expertise in environmental chemistry, oil slick tracking, pollutant transport modeling, natural resources at risk, environmental tradeoffs of countermeasures and cleanup, and information management. SSCs support the Regional Response Teams and the Area Committees in preparing regional and area contingency plans and in conducting spill training and exercises. For area plans, the SSC provides leadership for the synthesis and integration of environmental information required for spill response decisions in support of the OSC.

#### USCG District Response Group and District Response Advisory Team

The District Response Group (DRG) is a framework within each Coast Guard district that organizes district resources and assets to support USCG OSCs during a response to a pollution incident. Coast Guard DRGs assist the OSC by providing technical assistance, personnel, and equipment, including the Coast Guard's pre-positioned equipment. Each DRG consists of all Coast Guard personnel and equipment in its district, including fire fighting equipment, additional pre-positioned equipment, and a District Response Advisory Team (DRAT) that is available to provide support to the OSC in the event that a spill exceeds local response capabilities. Support from the DRG or DRAT must be obtained through the federal OSC.

The National Pollution Funds Center (NPFC) is responsible for implementing those portions of the OPA that have been delegated to the USCG. The NPFC is responsible for addressing funding issues arising from discharges and threats of discharges of oil. The daytime phone number for the NPFC duty officer 202-493-6700, and the after hours pager number is 800-759-7243, PIN: 20773906.

#### USCG National Strike Force (NSF)

The USCG National Strike Force Coordination Center, located in Elizabeth City, North Carolina, coordinates the three Coast Guard Strike Teams (Atlantic, Gulf and Pacific). The three Strike Teams provide trained personnel and specialized equipment to assist the OSC in training for spill response, stabilizing and containing the spill, and in monitoring or directing the response actions of the responsible parties and/or contractors. The OSC has a specific team designated for initial contact and may contact that team

directly for any assistance. The NSFCC can provide the following support to the OSC:

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

The Strike Teams are equipped with specialized containment and removal equipment and have rapid transportation (i.e. aircraft, trucks) available or at their disposal. Strike Teams can provide communications support, advice, and assistance for oil and hazardous substances removal. These teams also have knowledge of shipboard damage control and are equipped with specialized containment and removal equipment. When possible, the Strike Teams will provide training for emergency task forces to support OSCs and assist in the development of RCPs and ACPs.

### U.S. NAVY

The U.S. Navy (USN) is the federal agency most knowledgeable and experienced in ship salvage, shipboard damage control, and diving. The USN has an extensive array of specialized equipment and personnel available for use in these areas as well as specialized containment, collection, and removal equipment specifically designed for salvage related and open sea pollution incidents.

The Supervisor of Salvage (SUPSALV) can provide salvage expertise and maintains a warehouse on each coast stockpiled with salvage and response gear. (See NSFCC Spill Response Resource Inventory <SRRI> for a listing of SUPSALV equipment.)

#### *Navy Superintendent of Salvage*

As stated in the NCP, SUPSALV is the primary federal resource for marine salvage operations. SUPSALV is located at Cheatham Annex outside of

Williamsburg, VA, and maintains an inventory of ready cleanup equipment. In the event of a medium or major spill, they can provide pollution response equipment within 14 hours.

The SUPSALV pollution control equipment, complete with operators and maintenance support, is available to federal OSCs on a cost reimbursable basis. Either the responsible party or the OSC can fund SUPSALV operations. Formal requests for SUPSALV assistance must be made through the Chief of Naval Operations, Navy Command Center, Washington, DC.

SUPSALV can also provide the OSC with phone consultations, evaluations of proposed salvage plans, and salvage engineers available for dispatch to the scene upon request. SUPSALV requires two to six hours to mobilize their equipment. None of the equipment will be flown in for operations. All of the equipment will be trucked in by highway and will take approximately 14 hours, once mobilized, to arrive on scene. SUPSALV is prepared to provide personnel and equipment which are as self-supporting as transportation permits; however, some support elements must be provided from local resources.

SUPSALV may be contacted as follows:

- a. For information and informal "heads up" notification:  
24 Hours (NAVSEA Duty Officer) (703) 602-7527/7528
- b. For official requests for mobilization and response:  
24 Hours (CNO Duty Captain) (703) 695-0231

Early "heads up" calls are encouraged, appreciated, and valuable, even if the extent of the response has not yet been determined, and especially if there is a chance that mobilization will be needed later.

Non-Navy requests for emergency assistance should be directed through the RRT in accordance with the NCP. U.S. Coast Guard requests can be initiated directly in accordance with the Navy/Coast Guard MOU found in Volume X of the Coast Guard Marine Safety Manual.

## **2.12 Worker Health and Safety**

Response actions under the ACP will comply with the provisions for response action worker safety and health in 29 CFR 1910.120.

In a response action taken by a responsible party, the responsible party must assure that an occupational safety and health (OSH) program consistent with

29 CFR 1910.120 is made available for the protection of workers at the response site.

In a response taken under the ACP by a lead agency, an OSH program should be made available for the protection of workers at the response site, consistent with, and to the extent required by, 29 CFR 1910.120. Contracts relating to a response action under the ACP should contain assurances that the contractor at the response site will comply with this program and with any applicable provisions of the OSH Act and state OSH laws.

When a state or political subdivision of a state, without an OSHA-approved state plan, is the lead agency for response, the state or political subdivision must comply with standards in 40 CFR Part 311, promulgated by EPA pursuant to section 126(f) of SARA. The state is the lead OSHA representative in Vermont. Connecticut operates a plan that covers state employees only. Maine, Massachusetts, New Hampshire, and Rhode Island are under federal plans.

Requirements, standards, and regulations of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) (OSH Act) and of state laws with plans approved under section 18 of the OSH Act (State OSH laws), not directly referenced in paragraphs (a) through (d) of this section, must be complied with where applicable. Federal OSH Act requirements include, among other things, Construction Standards (29 CFR Part 1926), General Industry Standards (29 CFR Part 1910), and the general duty requirement of section 5(a)(1) of the OSH Act (29 U.S.C. 654(a)(1)). No action by the lead agency with respect to response activities under the ACP constitutes an exercise of statutory authority within the meaning of section (b)(1) of the OSH Act. All governmental agencies and private employers are directly responsible for the health and safety of their own employees.

### **2.13 Public Information and Community Relations**

During an incident, it is imperative to give the public prompt and accurate information on the nature of the incident and the actions underway to mitigate the damage. 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. They should coordinate with available public affairs/community relations resources to carry out this responsibility. At the discretion of the OSC or lead agency, a JIC shall be established or a person designated to coordinate this effort.

EPA OSCs should coordinate all community and media concerns with the EPA Office of Public Affairs. The guidelines used by the Office of Public Affairs at emergency response sites are included in Community Relations in Superfund: A Handbook, January 1992 (EPA/540/R-92/009).

## **2.14 Documentation and Cost Recovery**

Responsible parties are liable for damage claims and removal costs resulting from discharges or substantial threats of discharges of oil into or upon the navigable waters of the United States. For cases where the responsible party is either unknown, or is unable or unwilling to meet this obligation, the Oil Spill Liability Trust Fund (OSLTF) will pay for removal costs and claims. The OSLTF is administered by the Coast Guard's National Pollution Funds Center (NPFC) in Arlington, VA, whose concurrent missions are to provide OSCs with the financial resources to ensure timely and effective response, to ensure legitimate damage claims are liquidated expeditiously, and to ensure proper documentation of expenditures to facilitate cost recovery from responsible parties.

Government expenses must be properly documented in order to recover costs. Below are cost accounting and evidence gathering recommendations. The NPFC has published a Technical Operating Procedures for Resource Documentation manual (TOPS) to assist OSCs, which contains all required forms and reports. This section will summarize the most important spill funding issues; readers are referred to the USCG website <http://www.uscg.mil/npfc/Publications/tops.htm> for details.

The primary person available to the OSC when discussing oil spill removal funding is the Case Officer. The NPFC assigns a Case Officer to every pollution case in which an OSC accesses the OSLTF. The Case Officer, representing a team of financial and legal specialists at NPFC, tracks the case to assist the OSC, to ensure compliance with the TOPS and to facilitate cost recovery. Funding questions which cannot be answered on scene can be directed to the Case Officer, who will generally only come on scene when requested by the OSC.

Properly completed resource documentation facilitates timely reimbursement to government agencies and contractors involved in a removal, and should be completed as soon after the time of an activity as possible, preferably daily. When completed, resource documentation must provide a complete audit trail so that compliance with applicable regulations and procedures can be verified.

Complying with documentation requirements can become complex, but methods exist to assist in this documentation. One standard method is the Pollution Incident Daily Resource Reporting System (PIDRRS), however, an NPFC approved alternate record keeping system may also be used. PIDRRS is a series of forms, instructions, and submission schedules, described in detail in the TOPS. It is based on the use of Standard Rates, which are published dollar rates for particular personnel resources, services, or products. Contractors use rates as prescribed in their BOA or as agreed to with the Contracting Officer, and Coast Guard Units use standard rates found in the Commandant Instruction 7310.0 (series). Other Government agencies may have a publication listing their standard rates, and if so should provide this to the OSC. If not, that agency should execute a Pollution Funding Authorization Agreement with the OSC. An NPFC-approved alternate system for government agencies must be an existing system for documenting activities and costs, and must be approved by the NPFC in advance.

A three level system has been developed to help determine the complexity of a case and its required resource documentation. The OSC will determine which level best applies to an incident. The following criteria are designed to assist the OSC in making this determination:

Level I - Routine

- 1) Total government costs will not exceed \$50,000;
- 2) Removal activities will probably be completed within one to two weeks;
- 3) Removal activities are localized.

Level II - Moderately Complex

- 1) Total costs are between \$50,000 and \$200,000;
- 2) Removal activities occur at several locations;
- 3) Several external resources such as a strike team, a state agency or other government units are involved; and
- 4) Removal activities will take longer than two weeks to complete.

Level III - Significantly Complex

- 1) Total costs exceed \$200,000;
- 2) Removal activities involve numerous contractors;
- 3) Removal activities occur at several locations; and
- 4) As in Level II, there are several external resources involved.

In each level, the contractors and other government agencies are responsible for submitting their invoices on a timely basis. Other government agencies should submit an SF-1080 and the contractors use their normal invoicing procedures as prescribed in their contract. The OSC will review resource documentation submitted, compare the daily resource documentation against the SF-1080's and invoices, and certify the receipt of services as reflected on the documentation.

Persons and government agencies which incur damages as a result of discharges or substantial threats of discharges of oil are entitled to compensation and OPA 90 provides for a mechanism to expedite this process. The Responsible Party is primarily liable for satisfying legitimate claims expeditiously. If the Responsible Party is either unknown, or is unable or unwilling to meet this obligation, or the claim is denied or remains unpaid for 90 days the NPFC will pay the claim from the OSLTF. This applies to both uncompensated removal costs and uncompensated damages resulting from the discharge. Section 1002 of OPA 90 describes damages as including natural resources, real or personal property, subsistence use, revenues, profits and earning capacity, and public services. The responsible party, as designated by the OSC, is required to advertise, in a manner directed by the NPFC, the name, address, telephone number, office hours, and work days of the person or persons to whom claims are to be presented and from whom claim information can be obtained.

If the responsible party denies responsibility, proves unwilling or unable to deal with claims, or refuses to advertise, the NPFC will assume the role of responsible party for the purpose of receiving and paying claims. As such, the NPFC will advertise as described above, listing either their offices in Arlington, VA, or a locally established claims office, as deemed appropriate by the OSC and NPFC for the case.

#### **2.14.1 Access to the Fund**

When responding to an oil pollution incident, and when deemed appropriate, the OSC assigns a Federal Project Number (FPN) and assigns a dollar ceiling. As removal activities proceed, if it appears costs will exceed the original ceiling the OSC requests an increase to the ceiling.

The costs of all purchases, contracts, services, and authorizations of activity are applied against the ceiling. Each contractor or government agency is responsible for keeping track of their costs during the removal and for staying inside the limits given them by the OSC, or requesting more if needed.

### 2.14.2 State Access to the Fund

OPA '90 authorizes the President, upon request of the Governor of a State, to obligate the OSLTF for payments not to exceed \$250,000 per incident, for removal costs consistent with the National Contingency Plan, required for the immediate removal of a discharge, or the mitigation or prevention of a substantial threat of a discharge, of oil. The responsibility for implementing this section of the Act has been delegated to the NPFC. The NPFC has published a TOPS for State Access, and promulgated regulations at 33 CFR Part 133 entitled, "State Access to the Oil Spill Liability Trust Fund for Removal Costs Under the Oil Pollution Act of 1990."

There are three methods available to states and/or political subdivisions thereof for payment of removal costs:

- Direct State Access to the OSLTF
- Execute a Pollution Removal Funding Authorization Agreement with the federal OSC or;
- File a claim after the fact with either the Responsible Party or the NPFC.

Requests to directly access the Fund must be made by Governors or their designated representatives to the OSC. The OSC reviews the request for eligibility under the Act and applicable regulations, then approves or denies the Governor's request. The regulations provide minimum standards to guide the OSC in making eligibility decisions. States are required to coordinate their removal actions with the OSC and retain records of expenditures. The provisions of the Federal Grant and Cooperative Agreement Act and the regulations of the U.S. Department of Transportation regarding Federal assistance programs apply to payments from the Fund, and are described in the TOPS.

In the alternative, the OSC may, at their discretion, execute a Pollution Removal Funding Authorization Agreement with the State, which effectively acts as a contract between the State and the OSC. In this Agreement, both parties agree certain types of removal activities are authorized and costs associated with each are spelled out. Lastly, States may pay for their activities themselves, then file a claim for reimbursement with either the OSC or the Responsible Party, as appropriate.

## **SECTION 3: PLANNING AND PREPAREDNESS**

The Area Committee should be added to the flow charts and diagrams where appropriate. The Area Committee serves as a planning and preparedness body to support the federal OSC and is encouraged to include membership from federal, state, and local governments and private entities (as ex-officio members). Area Committees are not response support bodies, and are not required to participate in response efforts, but should be comprised of response personnel.

### **3.1 Planning and Coordination Structure**

#### **3.1.1 National Response Team**

As described in Section 300.110 of the NCP, the NRT is responsible for national planning and coordination. The NRT's membership consists of the federal agencies with responsibilities, interest and expertise in various aspects of emergency response to pollution incidents. The EPA serves as chairman and the Coast Guard serves as vice-chairman of the NRT, except when activated for a specific incident. The NRT is primarily a national planning, policy and coordination body and does not respond directly to incidents. The NRT provides policy guidance prior to an incident and assistance as requested by an OSC via an RRT during an incident. NRT assistance usually takes the form of technical advice, access to additional resources/equipment, or coordination with other RRTs.

#### **3.1.2 Regional Response Team (RRT)**

As described in Section 300.115 of the NCP, the RRTs are responsible for regional planning and coordination. There are 13 RRTs, one for each of the ten federal regions and Alaska, the Caribbean and the Pacific Basin. Each RRT has federal and state representation. EPA and the Coast Guard co-chair the RRTs. Like the NRT, RRTs are planning, policy and coordinating bodies, and do not respond directly to incidents. The RRTs develop Regional Contingency Plans for their regions. These plans address region specific issues and provide guidance to the OSCs for developing their area plans. The RRTs also provide one level of review for the Area Contingency Plans. The RRTs may be activated for specific incidents when requested by the OSC. If the assistance requested by an OSC exceeds an RRT's capability, the RRT may request assistance from

the NRT. During an incident the RRT may either be alerted by telephone or convened. The cognizant RRTs will also be consulted by the OSC on the approval/disapproval of the use of chemical countermeasures when that decision has not been pre-approved.

### **3.1.3 Area Committees**

Section 4202(a) of OPA amends Section 311(j) of the CWA to require that the Area Committee, under the direction of the federal OSC for its Area, shall be responsible for: preparing an Area Contingency Plan for its Area; working with state and local officials to enhance the contingency planning of those officials and to assure preplanning of joint response efforts, including appropriate procedures for mechanical recovery, dispersal, shoreline cleanup, protection of sensitive environmental areas, and protection, rescue, and rehabilitation of fisheries and wildlife; and working with state and local officials to expedite decisions for the use of dispersants and other mitigating substances and devices. The primary role of the Area Committee is to act as a preparedness and planning body. Area Committees are made up of experienced environmental/response representatives from federal, state and local government agencies with definitive responsibilities for the area's environmental integrity. Each member is empowered by their own agency to make decisions on behalf of the agency and to commit the agency to carrying out roles and responsibilities as described in this plan. The pre-designated federal On-Scene Coordinator for the area will serve as chairman of the Committee. He/she will designate the vice-chairman, select the Committee members, and provide general direction and guidance for the Committee. The OSC should solicit the advice of the RRT to determine appropriate representatives from federal and state agencies. The Area Committee is encouraged to solicit advice, guidance, or expertise from all appropriate sources and establish subcommittees as necessary to accomplish the preparedness and planning tasks.

Committee participants may include facility owner/operators, shipping company representatives, cleanup contractors, emergency response officials, marine pilots associations, academia, environmental groups, consultants, response organizations, and concerned citizens. The OSC will appoint the subcommittee members. The OSC directs the Area Committee's development and maintenance of the Area Contingency Plan.

The function of area committees is to enhance the involvement of local officials and geographic specific federal/state agencies in area planning.

#### **3.1.4 State**

As provided by Sections 301 and 303 of SARA, the state emergency response commission (SERC) of each state, appointed by the governor, is to designate emergency planning districts, appoint local emergency planning committees (LEPCs), supervise and coordinate their activities, and review local emergency response plans. The SERC is also to establish procedures for receiving and processing requests from the public for information generated by Title III reporting requirements and to designate an official to serve as coordinator for information.

#### **3.1.5 Local**

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

#### **3.1.6 Tribal**

As stated in Section 300.610 of the NCP, “the tribal chairmen (or heads of the governing bodies) of Indian tribes, as defined in Section 300.5, or a person designated by the tribal officials, shall act on behalf of the Indian tribes as trustees for the natural resources belonging to, managed by, controlled by, or appertaining to such Indian tribe, or held in trust for the benefit of such Indian tribe, or belonging to a member of such Indian tribe if such resources are subject to a trust restriction on alienation. When the tribal chairman or head of the tribal governing body designates another person as trustee, the tribal chairman or head of the tribal governing body shall notify the President of such designation. Such officials are

authorized to act when there is injury to, destruction of, loss of, or threat to natural resources as a result of a release of a hazardous substance.”

## **3.2 Federal Contingency Plans**

There are three levels of federal contingency plans: national (the NCP), regional (RCPs), and by area (ACPs). These plans are available for inspection at EPA’s region 1 library at One Congress Street, Suite 1100, Boston, Massachusetts, 02114. The NCP is also available on the internet at <http://www.epa.gov/oilspill/pdfs/40cfr300.pdf>. The RCP and ACP applicable to Region I are available on the internet at [http://www.uscg.mil/d1/staff/m/rrt/RCP\\_public.pdf](http://www.uscg.mil/d1/staff/m/rrt/RCP_public.pdf), and <http://www.epa.gov/region1/topics/emergencies/oilspills.html>, respectively.

### **3.2.1 The National Contingency Plan**

The purpose and objectives, authority, and scope of the NCP are described in Section 300.1 through 300.3 of the NCP.

### **3.2.2 Regional Contingency Plans**

The RRTs, working with the states, shall develop federal RCPS for each standard federal region, Alaska, Oceania in the Pacific, and the Caribbean to coordinate timely, effective response by various federal agencies and other organizations to discharges of oil or releases of hazardous substances, pollutants, or contaminants. RCPs shall, as appropriate, include information on all useful facilities and resources in the region, from government, commercial, academic, and other sources. To the greatest extent possible, RCPs shall follow the format of the NCP and coordinate with State emergency response plans, ACPs (described in Section 300.210(c) of the NCP), and Title III local emergency response plans (described in Section 300.215 of the NCP). Such coordination should be accomplished by working with the SERCs in the region covered by the RCP. The RCP shall contain lines of demarcation between the inland and coastal zones, as mutually agreed upon by USCG and EPA.

### **3.2.3 Area Contingency Plans**

In order to provide for a coordinated, effective federal, state, and local response, each OSC shall direct the Area Committee to develop an ACP for response in the Area. ACPs shall be developed for all Areas, because OSCs in the designated Areas have responsibility for discharges and releases, which often exceed the jurisdiction and capabilities of other responders. Boundaries for Areas are determined by EPA Regional Administrators for the inland zones. COTP areas are the Areas for the coastal zone. Jurisdictional boundaries of local emergency planning districts established by states, described in Section 300.205(c) of the NCP, shall, as appropriate, be considered in determining geographical boundaries of the designated Areas. The designated Areas may include several such local emergency planning districts, or parts of such districts. In developing the ACP, OSCs shall direct the Area Committees to coordinate with SERCs and LEPCs in the affected Area. The ACP shall provide for a well-coordinated response that is integrated and compatible with all appropriate response plans of state, local, and other non-federal entities, and especially with Title III local emergency response plans, or in the Area Committee's area of responsibility. The ACP shall, as appropriate, identify the probable locations of discharges or releases; the available resources to respond to multi-media incidents; where such resources can be obtained; waste disposal methods and facilities consistent with local and state plans developed under the Solid Waste Disposal Act, 42 U.S.C. 6901 et seq.; and a local structure for responding to discharges or releases.

The federal lead agency, EPA or USCG, shall periodically conduct drills of removal capability, without prior notice, in areas for which ACPs are required and under relevant tank vessel and facility response plans. The drills may include participation by federal, state, and local agencies, the owners and operators of vessels and facilities in the area, and private industry.

### **3.3 Local Emergency Response Plans**

The regulations that implement SARA Title III are codified at 40 CFR Part 355. Each LEPC is to prepare an emergency response plan in accordance with section 303 of SARA Title III and review the plan once a year, or more frequently as changed circumstances in the community or at any subject facility may require. Such Title III local emergency response plans should be closely coordinated with applicable Area contingency plans and state emergency response plans. To assure coordination with the SARA Title III program, it is recommended that the Area Committee include appropriate LEPC or other Title III representation.

### **3.4 Relationship to Other Plans**

This Area Contingency Plan (ACP) is mandated by the NCP as an integral part of local preparedness to respond effectively to oil spills and releases of hazardous substances. It is referenced as a supporting plan to the Regional Contingency Plan of federal Region I.

#### **3.4.1 Plan Integration**

Regional response policies and preparedness activities, concerning both inland and coastal issues, are currently addressed through the RRT, and outlined in the Regional Contingency Plan, which is approved by both the EPA and USCG co-chairs. Plan integration is currently provided by overlapping membership on coastal and inland Area Committees by the state representative of the RRT, as well as by participation by EPA Region I in the appropriate coastal Area Committee and subcommittees.

#### **3.4.2 Integration with Facility and Vessel Response Plans**

Facility and vessel response plans, required by Section 4202(a)(5) of OPA, shall be reviewed and approved for consistency with this Plan (ACP). During a response, the OSC shall meet with the other responding parties to coordinate and integrate the response described in this plan with all other relevant plans including, but not limited to, federal, state, local, tribal, and private plans. The Area Committee will review effectiveness and integration of all plans based upon actual responses, exercises, and all other relevant information leading to enhancement of these plans.

#### **3.4.3 Other Non-Governmental Plans**

- SPCC

Part 112 of 40 CFR outlines the requirements for both the prevention of, and the response to, oil spills. The prevention aspect of the regulation requires preparation and implementation of spill prevention, control and countermeasures (SPCC) plans. SPCC plans are developed and maintained bulk oil storage facilities. EPA administers the SPCC program for the purpose of assuring SPCC plans are generated, compliant, and implemented. All non-

transportation related facilities within EPA's jurisdiction, are required to develop plans necessary to contain a discharge of oil and prevent it from reaching navigable waters. SPCC plans must include design and engineering plans, including the installation of certain equipment, most notable secondary containment systems, such as dikes, barriers and diversionary flow paths such that spills into waters of the U.S. will be prevented.

When such design and engineering controls are not practicable for a facility, the owner must provide a detailed contingency plan following the criteria outlined in 40 CFR Part 109. Some of these criteria include the establishment of notification procedures, identification of resources, and provisions for specific actions. For transportation-related on-shore and off-shore facilities, such as vessels, the Department of Transportation (DOT) issues regulations concerning the safe handling of hazardous materials. The Minerals Management Service of the Department of the Interior is also responsible for certain off-shore fixed facilities.

- Facility Response Plans
- Co-Op/Mutual Aid Plans
- Joint Canada-US Plan (JCP)
- Local River/Bay Cooperative Plans

### **3.5 Planning and Response Strategy**

This plan incorporates the general planning and response strategy as outlined in the NCP and in the Vessel/Facility Response Plan regulations. In order to accomplish the goal of providing an action plan to respond to a discharge and to promote the timely and effective coordination among the spill community the area committee strategy focuses on four major elements: prevention, notification, response, and feedback.

#### **3.5.1 Prevention**

The best protection of the public health and environment is through the prevention of a discharge or release of oil or hazardous substances. Prevention requires the assessment of operations relative to risk and an identification of measures to reduce the risk of spills.

The Oil Pollution Act of 1990 requires that the ACP be implemented in conjunction with the National Contingency Plan, and adequate to

remove a worst-case discharge, and to mitigate or prevent a substantial threat of such a discharge.

### **3.5.2 Notification**

It is universally accepted that the earlier equipment arrives on-scene in an incident, the greater the capability of containing and controlling the spill and initiating a successful cleanup. An effective response requires the immediate notification of the appropriate government authorities and first responders.

Federal regulations require that notification of an oil discharge or a hazardous substance release must be made immediately to the National Response Center at (800) 424- 8802. Statutory requirements for notification are in Section 311, et seq, of CWA and Section 103, et seq, of CERCLA, respectively. Notification requirements are codified in:

- 33 CFR 153 Control of Pollution by Oil and Hazardous Substances, Discharge Removal
- 40 CFR 110 Discharge of Oil
- 40 CFR 117 Determination of Reportable Quantities for Hazardous Substances
- 40 CFR 302 Designation, Reportable Quantities and Notification

A further description of discovery and notification procedures can be found in 40 CFR 300.300.

### **3.5.3 Response**

The phases of operational response for oil are outlined in the NCP (see 40 CFR, sections 300.300 - 300.320). These phases include:

- (1) discovery and notification
- (2) preliminary assessment and initiation of action
- (3) containment, countermeasures, cleanup, and disposal
- (4) documentation and cost recovery

The OPA provides additional authority for carrying out a response. Under section 4201 of the OPA, the President may:

- remove or arrange for the removal of a discharge, and mitigate or prevent a substantial threat of a discharge, at any time;
- direct or monitor all federal, state, and private actions to remove a discharge; and,
- remove and, if necessary, destroy a vessel discharging, or threatening to discharge, by whatever means are available.

Furthermore, if a discharge results in a substantial threat to the public health or welfare of the United States (including but not limited to fish, shellfish, wildlife, other natural resources, and the public and private beaches and shorelines of the United States), the OSC shall direct all federal, state, and private actions to remove the discharge or to mitigate or prevent the threat of the discharge.

### **3.6 Natural Resources Damage Assessment**

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

DOI is the federal natural resource(s) trustee for migratory birds, certain anadromous fish, endangered species, and DOI-managed lands such as National Parks and Recreation Areas and Wildlife Refuges. The DOI Office of Environmental Policy and Compliance manages the Department's natural resources trust and response programs for natural and technological incidents, such as oil spills, hazardous substance releases, radiological accidents, floods, hurricanes, and earthquakes, that may affect natural resources or Departmental lands or facilities. This includes supervision of DOI's participation in contingency planning, response activities, technical assistance, and training exercises.

The DOI Office of Environmental Policy and Compliance is the initial contact for notification and for overall coordination of its trustee activities. USFWS is the program manager for endangered species, anadromous fish, and the lands in the National Wildlife Refuge system, and will be among those involved for DOI in spill incidents because of its responsibility for these resources. Those agencies such as DOD, DOE, the Department of Agriculture, U.S. National Forest Service, and NOAA may serve as co-trustees with DOI. At the time of a spill, the federal

trustees and trustees of affected tribal and local communities will meet and select one agency to act as the Lead Administrative Trustee (LAT). A trustee group will be created to ensure the best possible coordination of natural resource trustee activities such as data gathering, damage assessment, and negotiations with RP/PRPs. DOI and DOC (NOAA) can also provide technical assistance to those agencies for the initiation of damage assessment procedures. The federal damage assessment regulations for oil discharges mandated under OPA were developed by NOAA and are now final. The regulations developed by DOI under CERCLA and CWA authorities apply to discharges of oil and releases of hazardous substances and are in effect and available for trustee guidance and use.

Specific natural resource trustee activities which may be expected to begin during a response include, but are not limited to, convening the trustee group, developing and implementing initial sampling plans, establishing the lead administrative trustee, developing initiation requests to the OSLTF, selecting appropriate assessment strategies, and implementing longer-term assessment studies.

In Region I, trustee support is activated through the DOC/NOAA and DOI/USFWS RRT representatives (See Appendix 6).

### **3.7 Other Planning Requirements**

Facilities may be subject to multiple federal and state planning requirements involving other regulations. It was proposed that the ACP list other planning requirements which may be similar or consistent with those of OPA. The publication by the NRT of the Integrated Contingency Plan guidelines consolidates a number of planning requirements. The Area Committee supports the consolidation of emergency response planning requirements into a single facility response plan.

### **3.8 Resource Protection**

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

Sources of resource information are provided in this section. Planning is the preferred means of identifying protection strategies, as it reduces time required to implement effective protective measures and improves coordination through prior personal contact between responsible agencies. Where planning has not been completed, early notification and coordination with the appropriate agencies is critical. This section identifies types of resources to be considered for protection.

### **3.8.1 Environmentally and Economically Sensitive Areas**

Environmentally sensitive areas (ESAs) include, but are not limited to, federal, tribal, state, and locally-managed natural resource areas, endangered species habitats, potable water intakes, marinas, and archeological and tribal use areas. Owners/operators, in the preparation of their FRPs, should also incorporate locally-managed environmentally and economically sensitive area information into the FRP.

Appendix 7, Environmentally and Economically Sensitive Areas within Region I, identifies fish and wildlife resources and their habitats and other important sensitive areas requiring protection from any direct or indirect effects from discharges. Appendix 7 contains a database report which includes an ESA number, ESA name, ESA location details, emergency contact and telephone number, ESA category name, and endangered species status. The ESA number is a unique identification label given to each ESA.

**Fish and Wildlife:** USFWS Field Response Coordinators are the primary federal contact for information about migratory birds, endangered and threatened species, and fish and wildlife at risk as a result of spills in the inland and coastal zones. The list of current USFWS personnel and their geographic areas of expertise and/or responsibility is found in Appendix 6.

### **3.8.2 Culturally Significant Areas**

Response efforts will attempt to protect historical and cultural resources in the course of a response. The National Register of Historic Places is the most comprehensive list of legally recognized culturally or historically significant properties and structures. The National Register includes the following: all historic areas in the National Park System; National Historic Landmarks which have been designated by the Secretary of the Interior as significant to all Americans; and properties significant to the nation, state, or community which have been nominated by the federal, state, and local agencies and others and have been approved by the NPS. Information on the National Register of Historic Places can be found on the Internet at [www.cr.nps.gov/nr/nrhome.html](http://www.cr.nps.gov/nr/nrhome.html). In addition to the National Register, Connecticut, Massachusetts, Rhode Island, and Vermont have separate State Registers and all states have listings of sites of cultural or historical value which have not yet been nominated for placement on the National Register.

Identification of culturally sensitive sites in the vicinity of a release or discharge can be accomplished by contacting the State Historic Preservation Office (SHPO) or Tribal Historic Preservation Office (THPO). A SHPO is generally associated with the State Historical Preservation Commission, which may or may not be within a department of state government. Section 101 (d)(2) of the National Historic Preservation Act provides that a THPO may assume all or any part of the functions of a SHPO with respect to tribal lands, provided a formal plan is submitted to the NPS describing how the proposed THPO functions will be carried out. A list of SHPO and THPO contacts for Region I is provided in Appendix 8. These contacts are generally available during business hours only.

Additionally, DOI's NPS has responsibility for sites located on federal lands within the region, and can provide assistance concerning these resources. If a release or spill should occur in the vicinity of a tribal land, the tribal emergency contact should be contacted directly. In addition to the tribal contact, the EPA New England Regional Indian Program Manager should be notified. The emergency contacts for federally-recognized tribes are included in Appendix 2.

### **3.9 National Preparedness for Response Exercise Program**

The federal lead agency, USEPA or U.S. Coast Guard (USCG), shall periodically conduct drills of removal capability, without prior notice, in areas for which ACPs are required and under relevant tank vessel and facility response plans. The drills

may include participation by federal, tribal, state and local agencies, the owners and operators of vessels and facilities in the area, and private industry.

The National Preparedness for Response Exercise Program (PREP) was developed to establish a workable exercise program which meets the intent of OPA. The PREP incorporates exercise requirements of the USCG, USEPA, the Department of Transportation (DOT) Pipeline and Hazardous Material Safety Administration (PHMSA), and the Mineral Management Service (MMS).

The PREP guidelines are not regulations. However, the four federal agencies have agreed that participation in PREP will satisfy all federal oil pollution response exercise requirements imposed by the OPA 90. Although participation in PREP is voluntary, those choosing not to participate in PREP are required to comply with the exercise requirements in the regulations imposed by each of the four regulatory agencies.

PREP is a structured system of internal and external exercises. The internal exercises are conducted wholly within a plan holder's organization, testing the various components of a response plan to ensure the plan is adequate for the organization to respond to an oil or hazardous substance spill. Currently, the response plans and exercises only address oil response, but may eventually address hazardous substance response.

Internal exercises include:

- Qualified Individual Notification Exercise
- Emergency Procedures Exercise for vessels and barges
- Spill Management Team Tabletop Exercises; and
- Deployment Exercise.

The internal exercises will be self-certified and self-evaluated by the plan holding organization. Each plan holder will be on a triennial cycle for exercises, which began January 1, 1994. Within this triennial cycle, each plan holder must exercise the various components of the entire response plan. The PREP document contains a list of 15 core components. These are not all-inclusive. A plan may have more or fewer components, but these generally should be in the plan. The completion of the required internal exercises over the 3-year period will satisfy the regulatory requirements for exercising the entire plan once every 3 years.

The external exercises include Area Exercises and Government Initiated Unannounced Exercises. Area Exercises test the interaction of the plan holder with the entire response community in a specific Area. For the purpose of the PREP, "Area" is defined as that specific geographic area for which a separate and distinct ACP has been developed. The Area Exercises will exercise the governmental-industry interface for pollution response. The PREP goal is to conduct 20 Area Exercises per year throughout the country, with the federal

government leading six exercises and industry leading the other 14 exercises. The Area Exercises will be realistic exercises, including equipment deployment. The exercises will be developed by a design team consisting of federal, tribal, state, and local government, and industry representatives. The Area Exercises will be scheduled by the National Scheduling Coordinating Committee (NSCC), which will receive input from the Area Committees and the Regional Response Team (RRT) Co-Chairs. The various levels of input are designed to ensure all tribal, state, local, and area concerns are taken into consideration when scheduling the exercises.

Government Initiated Unannounced Exercises give the agency with primary regulatory responsibility the opportunity to evaluate the response preparedness of an industry.

PREP guidelines are available through the USCG on the internet at <http://www.uscg.mil/hq/g-m/nmc/response/msprep.pdf>.

## **SECTION 4: OPERATIONAL RESPONSE PHASES**

### **4.1 Assessment/Classification of Discharge**

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

When an oil or hazardous substances incident occurs, the first response personnel on-scene are usually local public safety officials. Either they or someone else notifies the NRC. The NRC notifies the predesignated OSC. The OSC must then notify the trustees of actually or potentially affected natural resources. The OSC then makes an initial assessment of the incident to determine if federal assistance is required and if any immediate action is necessary to safeguard the public health and welfare. If the required response does not exceed the capabilities of tribal, state, or local response agencies, then they, along with the RP/PRP, conduct the response under the guidance of the OSC. If the OSC decides federal assistance is required, or if tribal or state officials request federal assistance, the OSC notifies the NRT, RRT, and any specialized federal units whose expertise will be required. The OSC then assumes IC or establishes a UC as described in Section 2.2.2.

#### **4.1.1 Spill of National Significance**

As described in Section 2.2.1, an oil discharge and/or hazardous substance release may be classified as a SONS by the Administrator of the EPA for discharges and/or releases occurring in the inland zone and the Commandant of the USCG for discharges and/or releases occurring in the coastal zone. For a SONS in the inland zone, the EPA Administrator may name a senior agency official to assist the OSC in communicating with the affected parties and the public and in coordinating international, federal, tribal, state, and local resources at the national level. This strategic coordination will involve, as appropriate, the NRT, RRT(s), the Governor(s) of the affected state(s), and the mayor(s) or other chief executive(s) of local governments.

#### **4.1.2 Worst Case Discharge**

The adequacy to remove a worst case discharge, or substantial threat of such discharge, is currently addressed through the NCP which outlines federal resources available to the OSC from RRT agencies.

Facilities which pose a significant and substantial threat to the environment have provided certification that they have, by contracts or approved means, the resources capable of removing a worst case discharge from their facility. All FRPs will be reviewed for approval, which will include adequate resources to remove a facility worst case discharge. Among the requirements for approval, FRPs will also be required to be integrated with local emergency plans, prepared under the SARA Title III Emergency Planning and Community Right-to-Know Act (EPCRA).

The authority and responsibility for planning and exercising local emergency plans is vested at the local government level, through requirements of EPCRA. The state and local governments and industry have the most detailed knowledge of the local area and the situations of risk. Accordingly, LEPCs are in the best position to develop plans which adequately address hazards in their community. Currently, the Area Committee does not include membership of local government.

In terms of prevention of oil spills, including a worst case discharge, the Spill Prevention, Control, and Countermeasures (SPCC) Program, administered through EPA, requires all non-transportation-related facilities within EPA's jurisdiction, to develop plans necessary to contain a discharge of oil and prevent it from reaching navigable waters. It requires facilities to develop engineering and design plans, including the installation of certain equipment, most notable secondary containment systems, such as dikes, barriers and diversionary flow paths such that spills into waters of the United States will be prevented. As far as area spill history is concerned, there have been 17 major oil discharges (over 10,000 gallons) within the inland area since 1990.

When such design and engineering controls are not practicable for a facility, the owner must provide a detailed contingency plan following the criteria outlined in 40 CFR Part 109. Some of these criteria include the establishment of notification procedures, identification of resources, and provisions for specific actions. For transportation-related on-shore and off-shore facilities, such as vessels, the DOT issues regulations concerning the safe handling of oil and hazardous materials. DOI MMS is also responsible for certain off-shore fixed facilities.

#### AREA WORST CASE DISCHARGE SCENARIO

The worst case discharge involves the rupture of a three million gallon gasoline storage tank coupled with the breach of the facility secondary containment system. The incident occurs in Burlington, Vermont with ninety percent of the spill discharging to Lake Champlain. Three public water intakes are immediately impacted.

Conditions at time of spill:

- |    |                   |                  |
|----|-------------------|------------------|
| 1. | Time of Year      | Mid April        |
| 2. | Winds             | Out of the South |
| 3. | Air Temperature   | 40°F             |
| 4. | Water Temperature | 35°F             |
| 5. | Precipitation     | Light Rain       |
| 6. | Visibility        | Less than 1 mile |

Initial discharger notifications would include:

NRC

USCG Station in Burlington

VT DEC

USEPA Region I - OSC

Custodians of threatened water intakes.

Initial Actions would include attempting to control the source of the release, deploying available boom, evaluating the extent of the spill, and making a determination whether to shut down the threatened water intakes. The Burlington USCG Station would provide the first federal official on the scene.

Within the first five hours a unified command post would be established in Burlington including the OSC, state representatives, local government, and representatives of the RP. Due to the size of the spill and the limitation of resources within the area, the OSC would mobilize contractors, fund management specialists, and other federal resources as may be required.

Additional Complications:

Lake Champlain borders the states of Vermont and New York, USEPA Regions I and II, the Missisquoi National Wildlife Refuge, and Canada.

Further notifications would include:

U.S. Army Corps of Engineers  
USEPA Region II  
Affected Natural Resource Trustees  
RRT members, as appropriate  
Canadian Government (Environment Canada)

The OSC would direct all clean-up activities through the incident command system. Funding of operations would be a combination of RP direct funding and OSC access to the OSLTF with appropriate enforcement and cost recovery documentation.

## **4.2 Operational Response Objectives**

The priority response objective is protection of public health and safety, which includes response worker health and safety. Protection of the environment and public welfare (infrastructure) are also important response objectives, but are subordinate to public and worker safety. The Region I RCP describes priorities outlined in the NCP to be used in planning response strategy in greater detail.

## **4.3 Health and Safety**

### **4.3.1 Worker Health and Safety**

The OSC is responsible for ensuring the safety of all responders involved in responses for which his/her agency is the lead agency. Section 300.150 of the NCP (40 CFR 300.150) describes federal requirements for worker health and safety during response activities under the NCP, regardless of the lead agency. This section is incorporated herein by reference.

Section 18 of OSHA encourages states to develop and operate their own job safety and health programs. The Occupational Safety and Health Administration (OSHA) approves and monitors state plans and provides up to 50 percent of an approved plan's operating costs. Vermont is the only state within Region I operating a complete state plan. Connecticut operates a plan that covers state employees only.

### **4.3.2 Decontamination**

Personnel responding to oil or hazardous substances incidents may become contaminated with substances from the scene in the course of response activities. A decontamination plan should be developed as part of the safety plan for an emergency response. The initial decontamination plan is based on a worst-case situation or assumes no information is

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

In addition to routine decontamination procedures, emergency decontamination procedures must be established. In an emergency, the primary concern is to prevent the loss of life or severe injury to site personnel. If immediate medical treatment is required to save a life, decontamination should be delayed until the victim is stabilized. If decontamination can be performed without interfering with essential life-saving techniques or first aid, or if a worker has been contaminated with an extremely toxic or corrosive material that could cause severe injury or loss of life, decontamination must be performed immediately. During an emergency, provision must also be made for protecting medical personnel and disposing of contaminated clothing and equipment.

#### **4.4 Federal Management and Disposal**

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

The statutory authority for RCRA is provided by the Solid Waste Disposal Act, as last amended by the Hazardous and Solid Waste Amendments (1984). The amended regulations applied to recovered oils and oily wastes. In 1992, EPA promulgated new used oil regulations as 40 CFR Part 279, incorporating the previous used oil fuel requirements formerly codified at 40 CFR 266, Subpart E (1986 - 1992 CFRs).

It is federal policy to recycle waste and used oils rather than dispose of them. Under the pre-1992 used oil regulations, used oil destined for recycling (in any way other than burning for energy recovery) was exempt from regulation as a hazardous waste. The 1992 used oil management standards addresses all current recycling activities. Recycling of waste oils and oily wastes is included in applicable state hazardous waste management regulations.

##### **Management Methods:**

**Non-Hazardous Used Oil:** Non-hazardous used oil may be disposed of in an industrial or a municipal solid waste landfill (each state may have additional, more stringent requirements), in accordance with 40 CFR 257 and 258.

Used Oil: The used oil management standards at 40 CFR Part 279 apply **only** to "used oil", defined as any oil that has been refined from crude oil, used, and, as a result of such use, contaminated by physical and chemical impurities. If used oil is destined for disposal, the 40 CFR Part 279 regulations reference the RCRA hazardous waste management standards.

Waste Oil: Mixtures of waste oil (i.e., spilled, unused product oils) and used oil are regulated as used oil.

Waste Oil and Oily Waste: Waste oil and oily wastes are subject to the hazardous waste management regulations at 40 CFR Parts 124, 260-266, 268, and 270.

## **4.5 State Management and Disposal**

### **4.5.1 Connecticut**

The CT DEP OCSRSD facilitates the disposal of contaminated soils, debris, sorbent, and wastewater. The OCSRSD is responsible for approving the transportation and disposal of wastes from spill cleanups. CT DEP classifies oil spill residue as "Connecticut Regulated Waste". The CT DEP has a list of qualified and licensed professionals to handle spill residue, including disposal and treatment facilities and licensed waste haulers.

#### Management Methods:

According to Section 22a-449 of the CGS, the Commissioner of Environmental Protection determines the best and most expedient method under the circumstances to remove or contain the discharge.

#### Disposal Methods:

Section 22a-454 states that only waste management facilities permitted by the commissioner are admitted to collect, store, treat or dispose of waste oil, petroleum, chemical liquids, or hazardous wastes. The permit must be in writing and contain the terms and conditions that the commissioner deems necessary. The permit is valid for a fixed term not to exceed 5 years.

Burning Oil: The burning of oil in Connecticut is unacceptable in most cases. However, if deemed necessary by the OSC, in situ burning may be required and executed in compliance with all federal regulations.

Oil-contaminated debris: Oil contaminated debris may be collected and incinerated at a permitted facility or composted in place after chipping or grinding. The CT DEP will determine the method on a case-by-case basis.

Oil-contaminated soil: The only disposal option for oil-contaminated soil is thermal treatment at a permitted facility.

Oil-contaminated sorbent: The only option for disposal of oil-contaminated sorbent is incineration at a permitted facility.

Oil-contaminated water: After removal of free oil, vacuum trucks may be decanted behind booms during emergency recovery operations only at the discretion of the CT DEP on a case-by-case basis. In some instances, the water may require carbon filtration prior to permitted discharge to clean surface water or sanitary sewer systems.

#### **4.5.2 Maine**

ME DEP's DRS addresses issues related to waste management and disposal. Only ME DEP staff are authorized to approve transportation and disposal of hazardous substances from spill cleanups. The Maine Oil Spill Coordinator is the Director of DRS, Bureau of Remediation and Waste Management, and will act as the Maine Commissioner of Environmental Protection's representative during a marine oil spill. ME DEP classifies oil spill residues, under the Maine Contingency Plan, as "Special Waste" or "Non-Recoverable Oily Waste". ME DEP has a list of contacts that are qualified and licensed to handle spill residue, including licensed waste haulers and disposal and treatment facilities.

Management Methods:

Bioremediation: Procedures for the use of biological countermeasures are contained in the NCP, Subpart J. The OSC must obtain permission from the EPA and state representatives to the RRT before they can be applied. As the state's representative on the RRT, the Maine Oil Spill Coordinator must authorize the use of chemical and biological countermeasures.

Booms: Booms are typically classified according to form or location of use, including a flotation designed to contain or divert oil and prevent oil from splashing over the top of the boom; a skirt to prevent oil being carried beneath the boom; a ballast unit designed to hold the skirt perpendicular to the current flow; and a longitudinal strength member to join boom sections and provide an anchor.

Burning oil spills: The Maine Oil Spill Coordinator is responsible for determining whether in situ burning may be used for oil spills in Maine. The Maine Oil Spill Coordinator will consult the DEP Bureau of Air

Quality on all in situ burns unless delay would hamper an immediate response, which could result in long-term damage to natural resources.

**Dispersants:** Chemical dispersants are effective in areas where environmental or logistical considerations will not allow the deployment of cleanup equipment and personnel. However, dispersants are not effective for oil spills in waters with low temperatures, low salinity, broken ice, or high energy.

**Herding Agents:** Herding agents are most effective in areas with low energy. They are usually applied at low dosage rates, and may be applied more rapidly than conventional booms. Due to these factors, added to potential low toxicity, herding agents are suitable for areas such as marinas or salt marshes.

**Mechanical Recovery of Oil:** In offshore areas, mechanical cleanup with skimmers usually begins immediately after containment measures have been implemented. Oil skimmers are used, in various sizes depending on the spill, to recover oil from the surface of the water.

**Disposal Methods:**

**Oil-contaminated debris:** Oily debris, as defined in the state of Maine, includes sorbents, seaweed, carcasses, and any other materials contaminated with oil as a result of a spill. Oily debris must be disposed of in accordance with federal and state law. State regulations (DEP Chapter 405.6) state the oily debris can be landfilled or incinerated and the resultant ash landfilled. The ME DEP has a contract with the Mid-Maine Waste Action Committee in Auburn for disposal of combustible oily debris.

**Oil-contaminated soil:** Oil-contaminated soil can be disposed of in various ways: land application/land farming; composting; and/or thermal treatment, depending on the circumstances.

**Oil-contaminated sorbent:** Oil-contaminated sorbents are considered by the state of Maine as oil-contaminated debris.

**Oil-contaminated water:** Oil-contaminated water undergoes an oil/water separation process at waste oil facilities, after which, the contaminated water may be drummed; disposed of by discharge, with approval, to a wastewater treatment plant and/or sanitary sewer; or released to or applied to land. In some cases, the water may require carbon filtration and/or air stripping before discharge.

Waste oil: Waste oil is typically disposed of by burning in a waste oil burner. Waste oil is any petroleum-based oil which has become unusable for its original purpose due to the presence of impurities or loss of original properties. The requirements of Chapter 860 of DEP Regulations must be met for storage and transportation of waste oil.

### 4.5.3 Massachusetts

In Massachusetts, disposal options for waste generated from a spill vary depending on the contaminant. These options are listed below. In the event of an oil spill, only MA DEP personnel and/or a Licensed Site Professional (LSP) are authorized to approve the transportation and disposal of hazardous substances during and from spill cleanups. MA DEP classifies oil spill residues, under the MCP, as “Remediation Waste”. MA DEP has a list of qualified and licensed professionals to handle spill residue, including disposal and treatment facilities and licensed waste haulers. Various permits are required for facilities and for waste haulers recycling and handling solid waste, and can be found in 310 CMR 30.000: Solid Waste Regulations.

Management Methods:

MCP 310 CMR Subpart D: Preliminary Response Actions and Risk Reduction Measures, Section 40.0400.

Disposal Methods:

Burning oil: The burning of oil spills in Massachusetts is unacceptable in most cases. However, if deemed necessary by the OSC, in situ burning may be required and executed in compliance with all federal regulations.

Oil-contaminated debris: Possible options for disposal of oil-contaminated debris are disposal in a licensed landfill, and incineration, with the resultant ash being landfilled.

Oil-contaminated soil: The only disposal option available for oil-contaminated soil is thermal treatment.

Oil-contaminated sorbent: As with oil-contaminated debris, the only option for disposal of oil-contaminated sorbent is incineration, with the resultant ash being landfilled.

Oil-contaminated wastewater: After the removal of free oil, wastewater can be drummed, released to the surface water and/or land, or discharged, with approval, to a wastewater treatment plant and/or a sanitary sewer.

There are various rules that apply to each option, and one or more option is chosen depending on the related circumstances. In some cases, if necessary, wastewater will go through a carbon filtration process before release.

#### **4.5.4 New Hampshire**

Spilled virgin oil and contaminated debris are not considered hazardous wastes in New Hampshire unless they have hazardous properties (e.g. flammability). These materials can be disposed of in solid waste landfills, and incinerators or thermal treatment facilities if they do not have hazardous properties. Personnel from the NH DES have the authority to approve disposal of oil and oil-contaminated wastes and their transportation from the scene of a discharge. NH DES personnel also coordinate the disposal and transportation of hazardous substances from the scene of a hazardous substances incident. NH DES maintains a list of permitted waste transporters that can be used to transport oil and hazardous waste. This list is available at <http://www.des.nh.gov/orcb/doclist/pdf/Transporters.pdf>. State and local authorities in New Hampshire are able to utilize the State of New Hampshire Contract for Chemical Waste Pickup and Disposal, And Petroleum and Hazardous Waste Cleanup and Disposal, which sets predetermined rates for specified cleanup services. Additionally, the NHDES has contracts in place which allow it to hire contractors and consultants to respond to oil and hazardous materials incidents. These contracts may be activated if the RP/PRP-lead efforts were found to be inadequate relative to the scale of the incident. NH DES also maintains a list of 41 licensed disposal facilities within 200-radial miles of Portsmouth Harbor. As a group, these facilities, of which five are in New Hampshire, have a total disposal capacity of over 12,000 tons of waste per day.

##### **Disposal Methods:**

**Burning oil:** The burning of oil spills in the inland zone of New Hampshire is unacceptable in most cases.

**Oil-contaminated debris:** Oil-contaminated debris is disposed of at facilities on the NH DES list described above. The list includes thermal treatment, incinerator, and landfill facilities.

**Oil-contaminated soil:** Oil-contaminated soil can be disposed of at facilities on the NH DES list described above. The list includes thermal treatment, incinerator, and landfill facilities. However, NH DES encourages the disposal of oil-contaminated soil through thermal desorption.

Oil-contaminated sorbent: Oil-contaminated sorbent is disposed of at facilities on the NH DES list described above. The list includes thermal treatment, incinerator, and landfill facilities.

Oil-contaminated wastewater: NH DES encourages recycling of wastewater from a spill. Ultimately, disposal of liquid water/oil mixtures is arranged by the RP/PRP and is usually handled by a cleanup contractor.

#### **4.5.5 Rhode Island**

The Rhode Island Emergency Response Team facilitates the disposal of contaminated soils, debris, sorbent, and wastewater. Only Emergency Response personnel are authorized to approve the transportation and disposal of wastes from spill cleanups. Spill residue is allowed in Rhode Island; the RI DEM, however, does not have a list of qualified and/or licensed contacts available to handle spill residue, with the exception of licensed waste haulers. RI DEM groups oil spill residues under the classification of “Solid Waste” as virgin material.

##### **Management Methods:**

Chemical countermeasures are used only with the prior consent of the Chief of the DEM Office of Compliance and Inspection. Initially, mechanical methods are used to clean up oil discharges and chemical releases, unless otherwise permitted by the Chief of the DEM Office of Compliance and Inspection. RI DEM has a list of licensed waste haulers to be contacted when removing oil-contaminated debris from a site or area of a spill.

##### **Disposal Methods:**

According to the state of Rhode Island, oil spill cleanup debris can be removed only to the following locations: special facilities constructed within a licensed sanitary landfill; asphalt manufacturers or others that are licensed waste management facilities approved by the DEM; and any out-of-state facility that will agree to take the material and that is allowed to accept it for that particular state.

Burning oil: In most cases, burning oil is unacceptable in the state of Rhode Island. However, if deemed necessary by the OSC, in situ burning may be required and executed in compliance with all federal regulations.

Oil-contaminated debris: Options for oil-contaminated debris for Rhode Island are incineration, with the resultant ash being landfilled, and /or

disposing of the debris in a licensed sanitary landfill designed for hazardous waste.

Oil-contaminated soil: Rhode Island uses thermal treatment and/or landfilling in the case of oil-contaminated soil depending on the degree of contamination.

Oil-contaminated sorbent: Options for oil-contaminated sorbent are similar to oil-contaminated debris in respect to incineration, but use of a licensed sanitary landfill for the disposal of such sorbent is limited.

Oil-contaminated water: After removal of free oil, the contaminated water can be drummed, or disposed of by discharge with approval to a local wastewater treatment plant or sanitary sewer depending on the circumstances. In some cases, the water may require carbon filtration and/or air stripping before discharge.

#### **4.5.6 Vermont**

In Vermont, disposal options for waste generated from a spill vary depending on the contaminant and waste media. These options are listed below. In the event of an oil spill, only the VT DEC Spill Duty Officer is authorized to approve the transportation and disposal of hazardous waste during and from spill cleanups. VT DEC classifies oil spill residues as VT 02 if the waste is greater than 5% oil by weight. Although VT DEC has no qualification system, they do have licensed professionals they contact to handle spill residue, including disposal and treatment facilities, hazardous substances remediation contractors, and licensed waste haulers. No state permits are required for facilities, but in order to dispose of waste, permission from the facility must be acquired and the facility must be EPA-approved to handle hazardous waste.

##### Management Methods

Take all appropriate immediate actions to protect human health and the environment including, but not limited to, emergency containment measures. For further information, refer to Vermont Hazardous Waste Management Regulations [7-105(a)(1)(A)&(B)].

##### Disposal Methods

Burning oil: In most cases, the burning of oil spills is unacceptable in Vermont. However, if deemed necessary by the OSC, in situ burning may be required and executed in compliance with all federal regulations.

Oil-contaminated debris: In Vermont, oil-contaminated debris is disposed of by landfill or incineration with the resultant ash landfilled, depending on the situation.

Oil-contaminated soil: Options for the disposal of oil-contaminated soil in the state of Vermont are thermal treatment and/or land applying/land farming.

Oil-contaminated sorbent: As with oil-contaminated debris, oil-contaminated sorbent is disposed of by incineration, with the resultant ash landfilled.

Oil-contaminated water: After removal of free oil, the contaminated water can be drummed; disposed of by discharge with approval to a local wastewater treatment plant or sanitary sewer; or released to the land or surface water depending on the circumstances. In some cases, the water may require carbon filtration before discharge.

## **SECTION 5: STATE AND LOCAL INVOLVEMENT IN RESPONSE**

### **5.1 General**

Subpart F of the NCP addresses state involvement in hazardous substance response and is incorporated herein by reference. Section 6 of the RCP identifies commonwealth/state participation in a response.

### **5.2 EPA/STATE/LOCAL MOA**

The federal, state, and local MOAs may establish the nature and extent of EPA and state and local interaction during EPA lead and state or local lead responses (including Indian tribes). EPA shall enter into MOA (MOU) discussions if requested by a state or local government.

Refer to the NCP (at Section 300.505) for a discussion of state MOAs.

## **SECTION 6: TRUSTEES FOR NATURAL RESOURCES**

The OSC shall ensure that the trustees for natural resources are promptly notified of discharges. The OSC shall coordinate all response activities with the affected natural resource trustees and shall consult with the affected trustees on the appropriate removal action to be taken. Where the OSC becomes aware that a discharge may affect any endangered or threatened species, or their habitat, the OSC shall consult with the appropriate natural resource trustee.

### **6.1 Designation of Federal Trustees**

The President is required to designate in the NCP those federal officials who are to act on behalf of the public as trustees for natural resources. Federal officials so designated will act pursuant to Section 107(f) of CERCLA, Section 311(f)(5) of the CWA, and Section 1006 of the OPA. As defined in Section 1001 of the OPA, natural resources includes land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the exclusive economic zone).

The following individuals shall be the designated trustee(s) for general categories of natural resources: the Secretary of Commerce; the Secretary of the Interior; the Secretary for the land managing agency for natural resources located on, over, or under land administered by the United States (DOI, USDA, DOD, and DOE); and the head of authorized agencies for the management or protection of natural resources located in the United States but not otherwise described in this section or in the NCP.

Section 300.600 of the NCP designates the natural resources for which each federal trustee is responsible, and is incorporated herein by reference. Pursuant to Section 1006 of the OPA, the governor of each state shall designate state and local officials who may act on behalf of the public as trustee for natural resources and shall notify the President of the designation.

Under Section 1006 of the OPA, the governing body of any Indian tribe shall designate tribal officials who may act on behalf of the tribe or its members as trustee for natural resources and shall notify the President of the designation.

The head of any foreign government may designate the trustee who shall act on behalf of that government as trustee for natural resources.

## **6.2 Functions of Trustees**

Under Section 1006(c) of the OPA, natural resource trustees shall:

- Assess natural resource damages for the natural resources under their trusteeship; and ,
- Develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent, of the natural resources under their trusteeship.

In addition, the federal trustees may, upon request of and reimbursement from a state or Indian tribe, assess damages for the natural resources under the State's or tribe's trusteeship.

Refer to RCP Subpart G for a discussion of federal and state trustees. Refer to Appendix 3 for a contact list of state trustees.

## **SECTION 7: PARTICIPATION BY OTHER PERSONS**

NCP subpart H addresses participation by other persons and is incorporated herein by reference.

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

Landowners are also encouraged to participate in planning and response. The landowner is a valuable resource due to his/her local knowledge. The landowner, to the extent practical and based on the federal OSC's judgment, may be included in the planning and response activities, under direction of the federal OSC. Landowners that provide access to or are affected by a spill have jurisdiction over their lands, and warrant special consideration by the responding agency or unified command. In the event that an incident poses, or has the potential to pose an imminent threat to human health and/or the environment, it is in the best interest of the landowner to provide access to an OSC.

In addition, OPA authorizes filing of claims against OSLTF by other persons. To file a claim, contact the Director, NPFC, Suite 1000, 4200 Wilson Boulevard, Arlington, VA 22203-1804, telephone 202-493-6700.

## **SECTION 8: ADMINISTRATIVE RECORD FOR EMERGENCY RESPONSE**

Subpart I of the NCP addresses administrative recordkeeping for selection of response actions and is incorporated herein by reference to the extent that it applies to emergency response.

## **SECTION 9: USE OF DISPERSANTS AND OTHER CHEMICALS**

Subpart J of the NCP addresses the use of dispersants and other chemical countermeasures, and is incorporated herein by reference. In addition, section 4202(a) of the OPA requires that each Area Committee work with state and local officials to expedite decisions for the use of dispersants and other mitigating substances and devices. For convenience, the ACP collectively refers to dispersants and other chemicals listed in Subpart J of the NCP, as “chemical countermeasures.”

### **9.1 Chemical Methods**

The use of chemical agents is highly controlled and requires specific approvals prior to use. Several factors to be considered are listed below:

1. For chemicals to be effective, they must be applied as soon as possible before the oil weathers.
2. The application of chemicals represents a very large logistical undertaking in terms of physical transportation of materials and equipment, application efforts, training requirements, and cost. Logistics support should be pre-planned and staged.
3. The proper chemical must be chosen, taking the following into consideration:
  - (a) The availability of the chemical;
  - (b) The effectiveness of that chemical on the type of product spilled;
  - (c) The salinity of the water;
  - (d) Weather and sea conditions;
  - (e) Biogeochemical impacts of the chemical into the environment;
  - (f) Political and public considerations;
  - (g) The desired chemical reaction; and
  - (h) The effect of that chemical reaction on other on-going cleanup efforts.

## 9.2 Types of Chemical Agents

**Collecting Agents (herder):** Collecting agents are used to prevent spread of the oil slicks and are applied at a specific ratio to the size of the area impacted.

**Dispersing Agents:** Dispersing agents may be used to reduce toxic concentrations, accelerate biological decomposition or reduce flammability of the product. They are usually applied with a coarse spray and then agitated with prop wash or fire hoses. Oil is not considered to be recoverable once a dispersing agent is applied. The oil will remain in the environment until bacteriological degradation is complete. Dispersants are usually not 100% effective. The remaining oil may recombine and/or resurface and require further action.

**Sinking Agents:** Sinking agents are chemicals used to transport oil from the surface to the bottom. Because of possible bottom contamination, the use of sinking agents is prohibited.

**Biological Agents:** Biological agents are nutrients, enzymes, microbiological additives introduced to the spill site to expedite the biological degradation process.

**Burning Agents:** Burning agents improve the combustibility of a spilled material. Sorbent materials are usually treated and used as wick to maintain the burning process. The introduction of lighter oil to improve combustion is to be discouraged. Burning agents should be used as a last resort.

**Gelling Agents:** Gelling agents are currently under research and development. They chemically solidify the pollutant to aid in recovery activities. Some pollutants need to be heated in order to return them to their original state.

### *In-Situ Burning*

RRT policy on the use of in-situ burning in or off the coast of Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont is defined in an MOU among EPA, USCG, and affected Federal and State natural resource trustees. This MOU is included as Appendix 9. The MOU does not apply to incidents that occur in Connecticut or off the coast of Connecticut (Long Island Sound). Decisions to use in-situ burning in those areas are made on a case-by-case basis in accordance with Subpart J of the NCP.

A checklist has been developed by the RRT that includes necessary steps and considerations in making the decision to use in-situ burning in a response. The checklist is included in Appendix 10 of this document.

For in-situ burning operations, SMART recommends deploying one or more monitoring teams downwind of the burn, at sensitive locations such as population centers. The teams begin sampling before the burn begins to collect background data. After the burning begins, the teams continue sampling for particulate concentration trends, recording them manually at fixed intervals and automatically in the data logger, and reporting them to the Monitoring Group Supervisor if the level of concern is exceeded. The Scientific Support Team forwards the data, with recommendations, to the unified command.

### *Chemical Countermeasures*

RRT policy on the use of chemical countermeasures varies by area. Use of chemical countermeasures during response operations within the zone of Sector Boston and Sector Providence is governed by the Massachusetts/ Rhode Island Dispersant Pre-Authorization Policy (Appendix 11). Use of chemical countermeasures during response operations within USCG Sector Portland is governed by Sections 4720 through 4728 of the Maine and New Hampshire ACP (Appendix 12). These policies have been approved by all responsible natural resource trustees. A policy directing the use of chemical countermeasures in Long Island Sound is currently under development as part of the Long Island Sound ACP. A copy of the Long Island Sound Dispersant Policy will be included in this document with the policy is finalized. Additionally, the RRT has developed a unified command decision worksheet to aid responders in making the decision to use dispersants throughout Region I (Appendix 13).

### *Dispersant and In-Situ Burning Monitoring Program*

To monitor the effectiveness and results of chemical countermeasures and in-situ burning, the RRT uses the Special Monitoring of Applied Response Technologies (SMART) program. SMART is a cooperatively designed monitoring program jointly developed by NOAA, USCG, EPA, CDC, and the Minerals Management Service. SMART relied on small, highly mobile teams that collect real-time data using portable, rugged, and easy to use instruments during dispersant and in-situ burning operations. Data are channeled to the unified command to assist in decision making and to address critical questions such as the following:

- Are particulate concentration trends at sensitive locations exceeding the level of concern?
- Are dispersants effective in dispersing the oil?

General descriptions of SMART monitoring of dispersant use or in-situ burning are included below. For a more detailed discussion of SMART, refer to the SMART Guidance Document included in Appendix 14.

### *Dispersants*

To monitor the efficacy of dispersant application, SMART recommends three options, or tiers.

Tier I: A trained observer, flying over the oil slick and using photographic job aids or advanced remote sensing instruments, assesses dispersant efficacy and reports back to the unified command.

Tier II: Tier II provides real-time data from the treated slick. A sampling team on a boat uses a fluorometer to continuously monitor for dispersed oil one meter under the dispersant-treated slick. The team records and conveys fluorometer data to the NOAA Scientific Support Team, which it forwards with recommendations to the unified command. Water samples are also taken for later analysis at a laboratory.

Tier III: By expanding the monitoring efforts in several ways, Tier III provides information on where the dispersed oil goes and what happens to it. Two fluorometers are used on the same vessel to monitor at two water depths. Monitoring is conducted in the center of the treated slick at several water depths, from one to ten meters. A portable water laboratory provides data on water temperature, pH, conductivity, dissolved oxygen, and turbidity.