



# **Chapter 1000**

## **Introduction**



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## Introduction

Pursuant to the National Contingency Plan (NCP; 40 CFR Part 300), area committees have been established for each area of the United States that has been designated by the President. The area committees are comprised of personnel from Federal and state agencies who coordinate response actions with tribal and local governments and with the private sector. Area committees, under the coordinated direction of Federal On-Scene Coordinators (FOSC), are responsible for developing Area Contingency Plans (ACPs). Area committees are also required to work with the response community to develop procedures to expedite decisions for the use of alternative response measures.

The NCP also establishes the National Response Team (NRT) and 13 Regional Response Teams (RRTs) who are responsible for national and regional planning and preparedness activities before a response action and support to the FOSC and State On-Scene Coordinator (SOSC) when activated during a response. RRT membership consists of designated representatives from key federal response and support agencies together with affected states.

In the Northwest Area (defined as the coastal and inland zones of Idaho, Oregon, and Washington), these two groups have joined together to accomplish all planning and preparedness activities and jointly publish the Northwest Area Contingency Plan (NWACP). The purpose of the NWACP is:

1. To provide for orderly and effective implementation of response actions to protect the people, natural resources, and property of the coastal and inland zones of the Northwest area, including the states of Washington, Oregon, and Idaho from the impacts of a discharge or substantial threat of discharge of oil or a release or substantial threat of a release of a hazardous substance from inland and marine sources.
2. To promote the coordination of and describe the strategy for a unified and coordinated federal, state, tribal, local, potential responsible party, response contractor, response cooperative, and community response to a discharge or substantial threat of discharge of oil or a release or substantial threat of a release of a hazardous substance from inland and marine sources.

3. To be consistent with the NCP and to be adopted as the Regional Contingency Plan (RCP) and Area Contingency Plan for the northwest.
4. To provide guidance to all Facility and Vessel Response Plan reviewers and Plan holders to ensure consistency with the Area Contingency Plan.
5. To be a guidance manual for responders.

This plan is intended for use as a guideline for response actions to spill incidents and to ensure consistency in response to spills. Federal and state rules require that a Responsible Party (RP), or spiller, must be able to manage spills with a pre-designated response management organization that accommodates a unified command structure in recognition of federal, state, tribal or local jurisdiction.

Many Region 10 Regional Response Team/NW Area Committee (RRT/NWAC) member agencies have specific responsibilities during and following a weapon of mass destruction (WMD) incident or other terrorist act. No one document or plan can serve as a complete response guide for a WMD/terrorist incident.

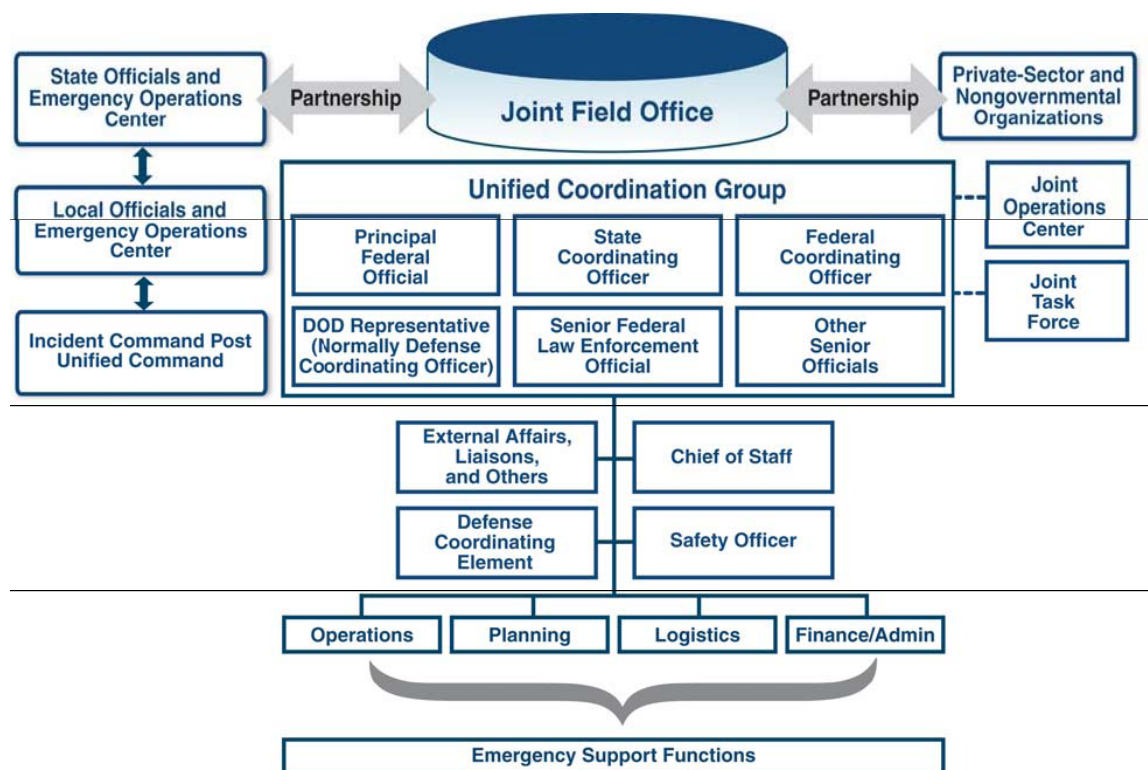
In February 2003, the President of the United States issued Homeland Security Presidential Directive No. 5 (HSPD-5), Management of Domestic Incidents, which directed the Department of Homeland Security to develop a National Response Plan and a National Incident Management System to ensure coordination at all levels for a response to an incident of national significance. In March 2003, the US Department of Homeland Security (DHS) was officially stood up and a number of federal agencies and portions of other departments were merged under this new umbrella organization, including RRT-members the US Coast Guard, the Federal Emergency Management Agency, and portions of the Department of Health and Human Services. DHS issued the Initial National Response Plan (INRP) on September 30, 2003, and publicly announced the availability of the new National Response Plan (NRP) on January 6, 2005 (document dated December 2004) which shall provide one unified plan for the federal government's response to acts of terrorism, disasters, and other large incidents. After an initial 120-day phase-in period, the NRP superseded the Federal Response Plan, the Federal Radiological Emergency Response Plan (FRERP), and the Interagency Domestic Terrorism Concept of Operations Plan (CONPLAN). The NRP does not, however, replace the National Contingency Plan. The NRP broke new ground in integrating all levels of government in a common incident management framework. It incorporated incident coordination roles for Federal agencies as defined by several new laws and Presidential directives. Nine months after Katrina's landfall, a notice of change to the NRP was released, incorporating preliminary lessons learned from the 2005 hurricane season. Stakeholders suggested changes to the NRP – both structural and substantive. Stakeholders have advised that both the initial NRP and its 2006 iteration were bureaucratic and internally repetitive. Users also suggested the NRP was still insufficiently national in its focus, which is to say that it should speak more clearly to the roles and responsibilities of all parties involved in response. Moreover, it was evident that the NRP and

its supporting documents did not constitute a true operational plan in the sense understood by emergency managers. Its content was inconsistent with the promise of its title. In the last several years, operational planning on a national basis for specific types of incidents has matured. Both public and private sectors are making significant homeland security investments to strengthen the Nation's response capability. January 2008 brought the approval of the National Response Framework (NRF) which supersedes and replaces the NRP. By adopting the term "framework" within the title, this document is now more accurately aligned with its intended purpose. Effective response to an incident is a shared responsibility of governments at all levels, the private sector and NGOs, and individual citizens. This Framework commits the Federal Government, in partnership with local, tribal, and State governments and the private sector, to complete both strategic and operational plans for the incident scenarios specified in the National Preparedness Guidelines. These plans will ultimately improve significantly the Incident Annexes to this Framework, which have been carried forward from the NRP.

The NRF renamed some of the entities with responsibilities for managing and/or coordinating a response to a nationally significant incident. The National Operations Center (NOC) at DHS Headquarters integrates and provides overall steady state threat monitoring and situational awareness for domestic incident management on a 24/7 basis. DHS and other federal agencies listed in the NRF provide representatives at the National Operations Center (NOC). The Assistant to the President for Homeland Security is responsible for interagency policy coordination regarding domestic incidents. The Principal Federal Official (PFO) will coordinate the activities of other Federal officials, acting under their own authorities, to ensure consistency of Federal support as well as the overall effectiveness of Federal incident Management. Federal entities, including the PFO, will come together in the Joint Field Office (JFO) to improve efficiency and effectiveness of the Federal incident coordination activities. Agencies with a large role in a particular response may be asked to provide Senior Officials to operate within the Unified Coordination Group and Unified Coordination Group Staff to ensure the federal government is speaking with one voice. Figure 1000-1 is excerpted from the National Response Framework and shows the relationships among the various organizations.

On March 1, 2004, after close collaboration with state and local government officials and representatives from a wide range of public safety organizations, DHS issued the National Incident Management System (NIMS) which provides a consistent nationwide approach for Federal, State, local, and tribal governments and private sector and non-governmental organizations to work effectively and efficiently together to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size, or complexity. The incident management system outlined in the NWACP is consistent with NIMS. The NIMS Guidance was subsequently re-drafted in August, 2007 just prior to the release of the NRF.

The National Response Framework and NIMS documents may be accessed at <http://www.fema.gov/emergency/nrf/mainindex.htm>



Note: Per Notice of Change of the National Response Plan to the National Response Framework the Interagency Incident Management Group is now the Unified Coordination Group and the Homeland Security Operations Center is now the National Operations Center.

**Figure 1000-1**

Initial response to an act of terrorism from chemical warfare agents or radiological materials may not likely differ greatly from a response to other hazardous materials incidents. Terrorism response for biological agents and explosives may differ significantly from typical hazardous materials incidents. It may be unclear at the initial on-set of a response whether the cause was accidental or an act of terrorism. Local responders will be first to arrive on scene to assess the situation and possibly take initial response measures to contain or stop the release. A terrorist incident will always be treated as a crime scene and preservation of evidence is critical. Coordination is required between law enforcement who view the incident as a crime scene, and other first responders who view the incident as a hazardous materials problem or disaster site. Although protection of life remains paramount, the protection and processing of the crime scene is imperative so that perpetrators may be identified and apprehended.

The responsibilities for response to a WMD incident lie with multiple agencies and the RRT/NWAC should be prepared to provide resources under the National Response System (NRS) during a response to a terrorist incident. It is possible that a major public health and environmental incident could be the result, perhaps even the intent, of this type of incident. The RRT/NWAC may be needed to address critical short-term issues while a larger response infrastructure is developed under the full National Response Plan. Parallel response actions by RRT/NWAC

member agencies may be on-going under the NRS prior to and during NRF activation.

The National Incident Management System (NIMS) Incident Command System is the recognized standard with which management systems must demonstrate compatibility and is the measure by which regulatory agency plan reviewers, exercise evaluators and spill responders will gauge the adequacy of response actions. While this system allows considerable operational flexibility, it includes a collaborative planning process that delineates key management position responsibilities, common use of forms, essential Incident Action Plan elements and response personnel and equipment resource tracking methods.

Under the new NIMS Guidance, Incident Resource typing, for both equipment and overhead personnel typing protocols will be forthcoming. Resource Typing, which is based upon capability, will provide a basis for which resources can be requested to support response to incidents nationwide. For example, the Coast Guard Sector will provide trained and qualified Type III Command and General Staff personnel, with some key Type III Unit Leader positions within the Sections.

### **1100 Authority**

The Federal Water Pollution Control Act (FWPCA)(33 USC 1321 et seq.) and the Comprehensive Emergency Response Compensation and Liability Act (CERCLA or Superfund) address development of a National Planning and Response System. As part of this system, in conjunction with the National Contingency Plan (NCP), area contingency plans are to address responses to worst-case discharges of oil or hazardous substances, and mitigation or prevention of a substantial threat of discharge from a vessel, offshore facility, or onshore facility. The Area Committee is given the responsibility for working with the response community to plan for joint response efforts, including spill containment, mechanical recovery, use of dispersants, in-situ burning, shoreline cleanup, protection of sensitive areas, and protection, rescue, and rehabilitation of fish and wildlife.

### **1110 Federal**

Designating areas, appointing area committee members, determining information to be included in, and review of area contingency plans, has been delegated by Executive Order 12777 of 22 October 1991, to the Commandant of the U.S. Coast Guard (USCG) (through the Department of Homeland Security) for the coastal zone, and to the Administrator of the Environmental Protection Agency (EPA) for the inland zone. The coastal zone and inland zone are defined in the NCP (40 CFR 300.5). The EPA has responsibility for response in all areas inland of the coastal zone. The Coast Guard has designated as Areas, those portions of the Captain of the Port (COTP) zones that are within the coastal zone and for which area committees will prepare area contingency plans. COTP zones are described in Coast Guard regulations (33 CFR Part 3). This is the ACP for Coast Guard COTP Zones Puget Sound and Portland, the States of Washington, Oregon and

Idaho, and the Environmental Protection Agency's Inland Region Ten excluding Alaska.

### **1120 Washington State**

**The Northwest Area Contingency Plan.** The NWACP has been adopted as the state's Oil and Hazardous Substance Spill Prevention and Response Plan as required by statute (see Chapter 90.56.060 RCW). This plan applies to the activities of all state and local agencies involved in managing oil and hazardous substance spills where federal, state, and local agencies respond to a spill or potential spill of oil or hazardous substances.

**Ecology is the lead agency.** The Washington State Department of Ecology (Ecology) is designated (see Chapter 90.56.020 RCW) as the State's lead agency, "to oversee prevention, abatement, response, containment, and cleanup efforts with regard to an oil or hazardous substance spill to waters of the state. The director is the head of the state incident command system in response to a spill of oil or hazardous substances and shall coordinate the response efforts of all state agencies and local emergency response personnel." The Ecology incident commander will coordinate with other state agencies and be the principal state spokesperson in the incident command as an advocate for all state interests.

If a responsible party fails to respond in a manner deemed reasonably consistent with this policy and NWACP, the FOSC or Ecology may assume the lead for a portion of or the entire response. Ecology will closely coordinate with other members of the unified command prior to taking such action.

**Cooperation with Other Government Entities.** It is the policy of the State of Washington that it will co-manage spills of oil or hazardous substances in close cooperation with federal, local, and tribal officials as provided in this plan. A coordinated approach is the best means to provide the best protection of the state's public health and safety, natural resources, and private property.

### **1130 Oregon State**

This plan satisfies requirements set forth in Oregon Revised Statutes 468B.495-500 and 466.620 and replaces the Oil and Hazardous Materials Spill Contingency Plan, for the Oregon Coast, Columbia River and Willamette River to Willamette Falls (Volume II). This plan also satisfies ORS 401, 453.347, 466.620 and 469.611 and is part of the requirements of Title III Section 303 of the Superfund Amendments and Re-authorization Act of 1986. It also replaces the Oil and Hazardous Materials Emergency Response Plan (For inland spills and non-coastal waters) [formerly Annex O]. It is intended to be consistent with all other existing plans. The Oregon State Department of Environmental Quality (DEQ) is the lead State agency on the Area Committee and provides the lead for oil and hazardous substance spill prevention efforts, contingency planning, and cleanup oversight for spills affecting state air, water, or land resources.

**1140 Idaho State**

This plan, in conjunction with the Idaho Hazardous Materials Incident Command and Response Support Plan, functions as an appendix to Annex Z of the Idaho Emergency Plan, Part II, Natural and Man-made Disasters. This plan may be activated independent of the Idaho Emergency Plan. Its primary purpose is to provide effective, coordinated emergency response support to local government by federal, state, and private agencies for incidents involving the release or potential release of oil and hazardous substances in Idaho. It also provides guidance to state personnel who may encounter an incident involving oil or hazardous substances and to define the support role of specific state agencies. This plan can be initiated at the request of local governments when their capabilities have been exceeded. Authority for implementation of the plan is derived from Executive Order 96-01, the Idaho Environmental Protection and Health Act (Idaho Code §39-101 et seq), the Hazardous Waste Management Act (Idaho Title 39 Chapter 44), Radiation and Nuclear Material Act (Protection from Radioactive Materials) (Idaho Title 39, Chapter 30, Section 3005), Idaho Hazardous Substance Emergency Response Act (Idaho Title 39, Chapter 71) and the Disaster Preparedness Act (Idaho Title 46, Chapter 10).

**1200 Reserved for Future Use****1300 Area Committee Purpose and Objectives**

The Area Committee's primary objective is to plan for a safe, appropriate, and timely response to all reports of oil or hazardous substance spills. The Coast Guard has authority to respond in the Coastal Zone, the Environmental Protection Agency in the Inland Zone, and Washington, Oregon, and Idaho respond within their respective state boundaries. Each agency responds to reports of discharges of oil or releases of hazardous substances to determine their nature and immediate impact on the public health and the environment. If a responsible party is conducting proper response actions, the appropriate on-scene coordinator will use best judgment in determining the need for and scope of agency involvement.

**1400 Geographic Boundaries**

The geographic boundaries of this plan are the states of Washington, Oregon, and Idaho, which include COTP zones for Puget Sound and Portland and EPA Inland Region Ten, excluding Alaska. All waterways that mark the boundary between two states (e.g., the Columbia and Snake Rivers) are the joint, shared responsibility of both states. Spills affecting, or with the potential to affect, shared water must be reported to both states and both states will normally participate in the unified response.

The boundaries between the Coast Guard and EPA areas of responsibility are shown in Table 1-1 and graphically at <http://www.rtt10nwac.com/Maps/Default.aspx>, they can also be downloaded in PDF form: [BoundaryMaps.zip](#). The boundary for undesignated waters is either:

1. 100 yards upstream from the mouth of any river which discharges into a salt-water body, or
2. The first bridge crossing such a river, whichever is nearer to the coastal area of responsibility.

**Table 1-1 Area of Responsibility Boundaries Between EPA and Coast Guard for Major Oregon and Washington Waters**

River Name/Body of Water	Boundary
<b>Oregon</b>	
Alsea River	Line North from Mouth of Eckham Slough
Chetco River	Route 101 Bridge Brookings to Harbor
Clatskanie River	Spokane, Portland and Seattle Railroad Bridge One Mile North of Clatskanie
Columbia River	Bonneville Dam
Columbia River: Columbia Slough	North Lombard Street Bridge
Columbia River: Lewis & Clark River	Highway 101 Business Bridge
Columbia River: Scappoose Bay	Line East of Milton Creek
Columbia River: Skipanon River	Warrenton - Astoria Highway (East Harbor Drive Bridge in Warrenton)
Columbia River: Youngs River	Highway 101 Business Bridge
Coos Bay: Catching Slough	Permanent bridge on Coos River Road (junction of Coos River and Catching Slough)
Coos Bay: Coalbank Slough	Highway 101 Bridge
Coos Bay: Coos River	First Bridge on Coos River, upriver from Catching Slough
Coos Bay: Haynes Inlet	Mean High Water Mark of Haynes Inlet
Coos Bay: Isthmus Slough	Bascule Bridge at Bunker Hill
Coos Bay: Kentucky Slough	East Bay Drive Bridge
Coos Bay: North Slough	Mean High Water Mark of North Slough
Coos Bay: South Slough	South Slough - Mean High Water Mark on South Slough
Coos Bay: Joe Ney Slough	South Slough - Bridge at Crown Point Road
Coos Bay: Willach Slough	East Bay Drive Bridge
Coquille River	Route 101 Bridge in Bandon
Elk River	Route 101 Bridge
Little Nestucca River	Route 101 Bridge
Nehalem River	Highway 101 Bridge
Nestucca River	Pacific Avenue in Pacific City – Bridge
Rogue River	Route 101 Bridge Wedderburn to Gold Beach
Sandy River	Interstate 84 Bridge at Troutdale
Siletz River	Route 101 Bridge Kernville to Gleneden Beach
Siuslaw River	Line South from Cushman
Tillamook Bay	Mean High Water Mark
Tillamook River	Netarts Highway Bridge

**Table 1-1 Area of Responsibility Boundaries Between EPA and Coast Guard for Major Oregon and Washington Waters**

River Name/Body of Water	Boundary
Umpqua River	Line North of Scholfield Road/Umpqua Highway intersection
Umpqua River: Smith River	First Bridge Upstream of Confluence with the Umpqua River
Willamette River	Oregon City Falls
Yachats River	Route 101 Bridge
Yaquina Bay	Mean High Water Mark
Yaquina River	Butler Bridge at Toledo
Yaquina River: Depot Slough	Bridge on Old Toledo - Yaquina Road
Yaquina River: King Slough	Mean High Water Mark
<b>Washington</b>	
Big Quilcene River	North Quilcene Avenue Bridge
Chuckanut Creek	Highway 11 Bridge
Chehalis River	Route 107 Bridge South of Montesano
Clallam River	State Highway 112 Bridge
Columbia River	Bonneville Dam
Columbia River: Elochoman Slough (Cathlamet)	USCG Jurisdiction Throughout
Columbia River: Lake River	Bridge at Ridgefield, WA
Columbia River: Vancouver Lake Flushing Channel	Flood control gate at NW Lower River Road, Vancouver, WA
Columbia River: Washougal River	Railroad Bridge at Washougal
Cowlitz River	Route 4 Bridge at Kelso
Deep Creek	State Highway 112 Bridge
Deep River	State Highway 4 Bridge
Deschutes River	4th Avenue Bridge at Olympia
Dosewallips River	Route 101 Bridge
Duckabush River	Route 101 Bridge
Dungeness River	Dungeness Bridge in Sequim
Duwamish River	Pacific Highway South Bridge
East Twin River	State Highway 112 Bridge
Ebey Slough	I-5 Bridge in Everett
Elwha River	State Highway 112
Grays River	Route 4 Bridge at Roseburg
Hama Hama River	Route 101 Bridge
Hoko River	State Highway 112 Bridge
Hoquiam River	Route 101 Bridge
Humptulips River	Route 109 Bridge
Kalama River	Interstate 5 Bridge
Lake Washington Ship Canal (Lake Washington/Lake Union)	Montlake Bridge in Seattle
Lewis River	Interstate 5 Bridge at Woodland

**Table 1-1 Area of Responsibility Boundaries Between EPA and Coast Guard for Major Oregon and Washington Waters**

River Name/Body of Water	Boundary
Little Quilcene River	Rogers Street Bridge
Naselle River	Route 101 Bridge
Nisqually River	I-5 Bridge
Nooksack River	Slater Road North of Marietta
North River	Route 105 Bridge
North Nemah River	Route 101 Bridge at Nemah
Palix River	Route 101 Bridge
Puyallup River	I-5 Bridge
Pysht River	Bridge Northwest of Pysht, North of Highway 112
Queets River	Route 101 Bridge at Queets
Quillayute River	Entrance of Dickey River
Quinalt River	Quinalt River Bridge East of Taholah
Sail River	State Highway 112 Bridge
Salt Creek	Bridge on Camp Hayden Road
Sekiu River	State Highway 112 Bridge
Skagit River, North Fork	Route 511 Bridge Five Miles Southwest of Mount Vernon
Skagit River, South Fork	Bridge at Conway
Skokomish River, South Fork	Route 106 Bridge
Snohomish River	Interstate 5 Bridge
Sooes River	Bridge Approximately 1 Mile South of Mukkaw Bay entrance
Steamboat Slough	I-5 Bridge Near Everett
Stillaguamish River	Great Northern Railroad Bridge at Silvana
Union River	State Highway 300 Bridge
Waatch River	Bridge East of Makah Air Force Station
Whatcom Creek	Holly Avenue Bridge in Bellingham
West Twin River	State Highway 112 Bridge
Willapa Bay: South Fork Willapa River	Highway 101 Bridge
Willapa Bay: Willapa River	Highway 101 Bridge
Wiskah River	Route 12 Bridge at Aberdeen

For spills originating on land, but either impacting or threatening to impact navigable waters, determination of the appropriate federal agency (EPA or the USCG) for response shall be made by considering the area of responsibility to which the largest impact may occur.

According to Section 300.140(b) of the NCP, if a discharge or release affects more than one zone, determination of the FOSC shall be based on the area vulnerable to the greatest threat. If the area vulnerable to the greatest threat cannot be determined, the Unified Command shall establish an Incident Command System that adequately accounts for effective response in both zones. If transition of

FOSC from one agency to another is necessary, the transition shall follow the guidelines outlined in Section 1410 of this plan.

According to Section 300.135(b) of the NCP, the first federal official affiliated with a National Response Team member agency to arrive on scene of a discharge or release should coordinate activities under the NCP and is authorized to initiate, in consultation with the pre-designated FOSC and prior to his/her arrival on scene, any necessary actions normally carried out by the FOSC. Arrival of the first federal official on scene does not affect the designation of the appropriate FOSC.

#### **1410 Transition of OSCs**

There are occasions when command responsibilities must transition from one On-Scene Coordinator (OSC) to another, from one federal or state OSC (FOSC or SOSC) to another, or from a SOSC to a FOSC. The transition in FOSCs is often necessitated by a determination of where the greatest impact of a spill is likely to take place. For example, a spill may originate in the inland zone where EPA has primary responsibility, but the majority of the impact from the spill may occur in the coastal zone where the USCG has responsibility.

Regardless of the circumstances that necessitate a transition in jurisdictional agency, clear and effective communication is essential to an efficient and safe response. Every effort must be made to share all pertinent information. This exchange of information could involve multiple issues and various amounts of detail, depending on the complexity of the spill. It should include, but is not limited to:

#### **Current Situation**

- Status of the source & spill
- Review of the Incident Action Plan (IAP) & Site Safety Plan
- Review of Site Communications
- Discuss Resources En-route & On-Scene

#### **Organizational Structure**

- Unified Command & RP Representation
- ICS Organizational Chart Review
- Schedule of Meetings

#### **Site Visit and Walk Through**

#### **Spill Investigation/Legal Issues**

- Cause of Spill
  - Investigation & Evidence

## Notifications

- What notifications have been made?
  - Stakeholders? Tribes?
  - Local Issues & Economics?

## Wildlife and Environment

- Wildlife Impact Issues
- Endangered Species
  - Environmentally Sensitive Areas

## Public Affairs and Media

It is preferred that both OSC's are present through one complete operational period and planning cycle. The transition from one OSC to another should not be considered complete until the on-coming OSC acknowledges they are comfortable and the transition is documented. Further, when transition between federal agencies is necessary after the Oil Spill Liability Trust Fund is opened and a Federal Project Number (FPN) assigned, it should be documented in a Pollution Report (POLREP). Both agencies must also submit cost documentation to account for funds expended during their tenure as OSC.

## 1500 National Response System

### 1510 National Response Structure

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

The three tiers are the National Response Team, Regional Response Team, and the OSC. The National Response System is described in the NCP (40 CFR 300). The NRS does not remove the primary responsibility of initiating and completing a proper response by the responsible party. The NRS is used for all spills. When appropriate, the NRS is designed to incorporate a unified command and control support mechanism consisting of the FOOSC, the SOOSC, and the Responsible Party's Incident Manager and, when appropriate, tribal and local representatives.

### 1520 National Response Team

The NRT consists of 16 federal agencies with responsibilities, interests, and expertise in various aspects of emergency response to pollution incidents. The EPA serves as chair and the Coast Guard as vice-chair of the NRT, except when activated for a specific incident, when the lead response agency representative serves

as chair. The NRT is primarily a national planning, policy and coordination body and does not respond directly to incidents. The NRT provides policy guidance prior to an incident and assistance as requested by a FOSC 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.

### **1530 Regional Response Teams**

There are 13 RRTs, one for each of the ten federal regions and Alaska, the Caribbean and the Pacific Basin. Each RRT has federal and state representation. EPA and the Coast Guard co-chair the RRTs. RRTs are planning, policy, and coordinating bodies, and may be activated during a major incident to assist the FOSC with resources. The RRT operating in the Northwest Area has agreed to use this Area Contingency Plan as the Regional Contingency Plan (RCP). They also provide guidance support and approval for pursuing certain response strategies.

Regional Response Teams (RRTs) may be activated for specific incidents when requested by the FOSC. If the assistance requested by a FOSC exceeds an RRT's capability, the RRT may request assistance from the NRT. During an incident the RRT may either be alerted by telephone or convened. Activation procedures for RRT10 may be found in Section 9126 of this Plan. The cognizant RRTs will also be consulted by the FOSC on the approval/disapproval of the use of alternative response technologies (i.e. in-situ burning, dispersants, bio-remediation, and other chemical counter - measures) when that decision has not been pre-approved.

### **1540 Area Response Structure**

The Northwest Area Committee member agencies have adopted and will manage spill incidents according to the following principles:

- **Incident Command System.** The signatory agencies will use the National Incident Management System (NIMS) model Incident Command System (ICS);
- **Unified Incident Command.** When more than one of the signatory agencies arrive on-scene to participate in managing a response action, the agencies will utilize a unified command structure to jointly manage the spill incident. In the Unified Incident Command (UC), whenever possible, decisions with regard to the response will be made by consensus and documented through a single Incident Action Plan (IAP). When a consensus cannot be reached, the FOSC has the ultimate decision-making authority;
- **Unified Area Command.** For very large single incidents or multiple, simultaneous incidents involving a large number of resources and/or impacting a large geographic area, a Unified Area Command may be established. The Unified Area Command has the responsibility to: set overall incident-related objectives and priorities, allocate critical resources based on those priorities, ensure the incident/incidents are properly managed, and ensure that incident objectives are met and do not conflict with each other. The Unified Area

Command has overall responsibility for setting response priorities and objectives, which are then carried out by field Incident Command System/Unified Command (ICS/UC) organization(s);

- **Tribal and Local Government On Scene Coordinators.** The unified command may incorporate additional tribal or local government on scene coordinators into the command structure as appropriate;
- **Responsible Party Command Structure.** The person or persons responsible for a spill incident shall utilize an incident command system, which is capable of rapidly, and readily integrating into the NIMS based ICS/UC organization utilized by the NWACP signatory agencies; and
- **Response Plan Approval.** The National Oil and Hazardous Substance Contingency Plan (NCP) 40 CFR 300 requires that vessel and facility response plans be compatible with the applicable Area Plan. Washington and Oregon State laws have similar provisions in RCW 90.56.210 and OAR 340-141-0140(7) and (9). Therefore, it is the policy of the Area Committee that vessel and facility contingency plans be consistent with the NWACP.

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

During responses to oil and hazardous substance spills, local agencies may be involved as part of the UC, and may provide agency representatives who interface with the command structure through the Liaison Officer or the SOSC. When a UC is used, an Incident Command Post (ICP) and Joint Information Center (JIC) shall be established. The ICP shall be as near as practicable to the spill site. All responders (federal, state, tribal, local, and private) should be incorporated into the response organization (Figure 1000-2) at the appropriate level.

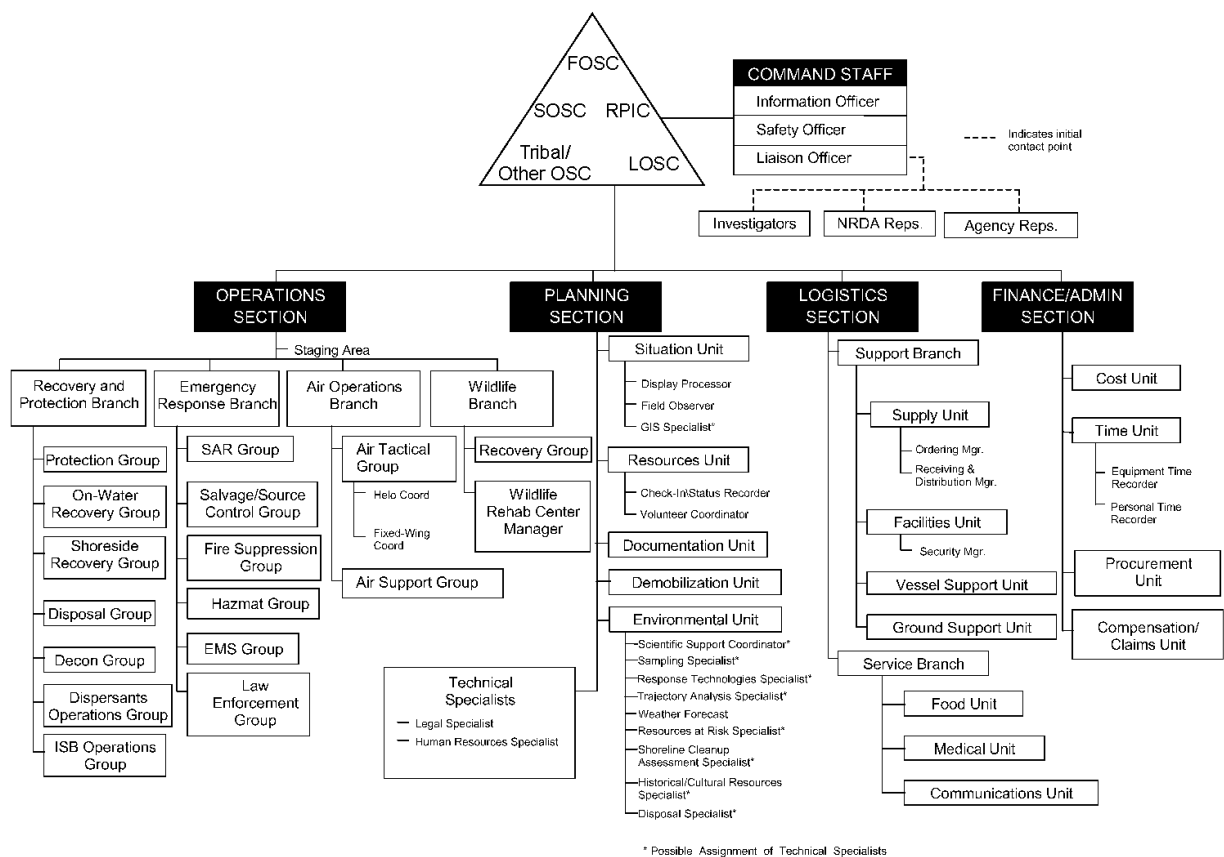


Figure 1000-2

For incidents of national significance, as defined by the National Response Plan, a number of additional organizations will be established. The National Operations Center (NOC) at DHS Headquarters integrates and provides overall steady state threat monitoring and situational awareness for domestic incident management on a 24/7 basis. DHS and other federal agencies listed in the NRP provide representatives at the NOC. The Incident Advisory Council (IAC) facilitates national-level domestic incident management and coordination of federal operations and resources for certain incidents defined in HSPD-5. The Assistant to the President for Homeland Security is responsible for interagency policy coordination regarding domestic incidents. The Principal Federal Official (PFO) represents the Secretary of Homeland Security as the senior Federal official on scene. The PFO ensures overall coordination of Federal domestic incident management activities and resource allocation on scene, ensuring the seamless integration of Federal incident management activities in support of State, local, and tribal requirements. Federal entities, including the PFO, will come together in the Joint Field Office (JFO) to improve efficiency and effectiveness of the Federal incident coordination activities. Agencies with a large role in a particular response may be asked to provide a Senior Agency Official to operate within the JFO Coordination Group to ensure the federal government is speaking with one voice.

**1541 Federal On-Scene Coordinators**

USCG Sector Seattle and Sector Portland maintain and manage emergency response teams for response to discharges of oil and hazardous substances in the coastal zone. These teams vary in size based on the nature of the incident. In all cases, they are tasked with assessing the discharge to determine response measures, monitor and supervise pollution countermeasures, deploy pollution control equipment as available and necessary until a contractor arrives, document all phases of the response, conduct investigations, and act for the FOSC until their arrival.

The EPA Emergency Response Program consists of emergency response FOSCs located in the regional office in Seattle and field offices in Boise, Coeur d'Alene, and Portland. Additional FOSCs for EPA Region 10 are located in Anchorage, Alaska, but they may respond to any location throughout the region, or throughout the country, as needed. The FOSCs are responsible for determining the source, cause, and responsible party, as well as initiating source control and enforcement actions as appropriate. Additional responsibilities include ensuring containment cleanup and disposal are carried out adequately, notification of all Natural Resources Trustees, and coordination of activities with federal, state, tribal, and local agencies to monitor their performance. EPA also has access to technical assistance contractors who can provide technical oversight and other resources at spills and uncontrolled hazardous waste sites. In some cases, EPA's technical assistance contractor may arrive on scene prior to the FOSC. Prior to arrival of the EPA OSC, the EPA contractor will cooperate with on-site agencies but will take direction through the EPA OSC only. EPA's contractor has technical response personnel and equipment located in Seattle and Portland.

**1542 Washington Response System**

The Washington State Response system is designed to provide coordinated state agency response, in cooperation with federal agencies for effective cleanup of oil or hazardous substance spills. In Washington state:

The Washington State Department of Ecology (Ecology) acts as state Incident Commander for oil or hazardous substance spills or threatened spills to waters of the state. Ecology provides 24-hour response to oil and hazardous substance spills when any amount of regulated waste or hazardous substance is released to the air, land, or water, or whenever oil is spilled on land or to state waters. The agency maintains spill response teams in Olympia, Seattle, Bellingham, Vancouver, Spokane, and Yakima that provide round-the-clock response service to emergencies that pose an immediate threat to human health and the environment. In addition, Ecology:

- Confirms emergency notifications;
- Determines the source and cause of an incident;
- Identifies the responsible party for an oil spill or hazardous substance release;

- Assumes responsibility for incident management and cleanup if the responsible party is unavailable, unresponsive, or unidentified;
- Sets state cleanup standards and ensures that source control, containment, cleanup and disposal are accomplished;
- Assists in monitoring and ensuring the safety of first responders and other personnel;
- Determines the need for and initiates appropriate enforcement actions;
- Coordinates spill response with other state and federal agencies and tribal and local jurisdictions using the National Incident Management System (NIMS) model of Incident Command System (ICS);
- Establishes a Joint Information Center (JIC) with involved agencies and the responsible party to provide current and accurate information to the community;
- Conducts on-site inspections of commercial vessels and oil handling facilities.
- Investigates the cause of commercial vessels and oil handling facility spills;
- Provides maritime expertise, such as advice on salvage operations;
- Leads, activates, and coordinates the Natural Resource Damage Assessment (NRDA) team which also includes the state departments of Fish and Wildlife, Health, Natural Resources, and Community, Department of Archeology and Historic Preservation, and the state Parks and Recreation Commission;
- Participates in the activities of the Wildlife Branch of the Operations Section of the ICS and
- Notifies the appropriate resource trustee agency of injury to fish, shellfish, habitat, and other wildlife.

Under the Washington Response System, the Washington State Patrol (WSP) assumes responsibility as Incident Commander and acts as the lead state agency responsible for cleanup activities when oil and hazardous substance spills occur on state highways. WSP also:

- Assists local jurisdictions with law enforcement and evacuations;
- Represents local jurisdictions as designated Incident Commander;

- Coordinates and maintains liaison with other state agencies involved with an incident;
- Assists in receiving and disseminating warning information;
- Provides communications and technical support to the incident;
- Provides radiological monitoring;
- Provides aerial reconnaissance of the impacted area;
- Coordinates fire resources when an emergency mobilization is authorized for a hazardous substance incident; and
- Provides 24-hour, statewide communications support.

The **Washington Military Department's Emergency Management Division (EMD)** maintains capabilities to make 24-hour notifications to Ecology, WSP and other appropriate local, tribal, state, and federal agencies. EMD also:

- Activates the state Emergency Operations Center (EOC) when required;
- Coordinates state agency response activities within the state EOC, including procurement of state resources, as requested;
- Provides public information officer support to JICs or Incident Command Posts; and
- Provides communication links on an ongoing basis.

**During oil and hazardous substance spills and releases, the Washington Department of Fish and Wildlife (Fish and Wildlife):**

- Coordinates the activities of for the rescue and rehabilitation of wildlife injured during oil and hazardous substance spills and releases;
- Assists in identification of fish and wildlife protection needs; and
- Assists in reconnaissance and NRDA efforts.

The state **Department of Health** is responsible for handling environmental spills and releases involving radioactive substances and biological agents. They assist in determination of public health impacts to fish and shellfish harvesting and consumption.

The state **Department of Natural Resources** assists is the identification of aquatic habitat/state lands protection needs.

The state **Office of Archaeology and Historic Preservation** assists in the identification of historic/archaeological resource protection needs.

The state **Parks and Recreation Commission** assists in response activities involving state parks lands and property.

**Local jurisdictions** are usually the first responders to oil and hazardous substance spills and releases. Under the Washington Response System, local jurisdictions must designate a local Incident Command agency, usually a fire department, or they may delegate that responsibility to WSP. Under SARA, Title III, Local Emergency Planning Committees (LEPCs) may be involved with planning, training, and assisting with interagency coordination. They may also activate their local Emergency Operations Center to support on-scene operations, make notifications, and respond to requests for resources and other assistance.

#### **1543 Oregon State Response System**

The Oregon State Response system is designed to provide coordinated state agency response, in cooperation with federal agencies, for effective clean up of an oil discharge or hazardous substance release. Specific responsibilities of state agencies for planning and response are outlined in Section 1722.

#### **1544 Idaho State Response System**

Local Fire Departments and Departments of Emergency Management are the primary response authority for all oil spills and hazardous materials releases. It is the state's intent to SUPPLEMENT local response activity, not supplant it. This plan and the Idaho Hazardous Materials Incident Command and Response Support Plan are to be implemented when local capabilities have been exceeded by the incident. The Incident Command System, when implemented by local government during initial response, will allow the state to become part of the response network without disrupting local efforts.

#### **1545 Pacific States/BC Oil Spill Task Force**

The Pacific States/British Columbia Oil Spill Task Force was established to provide cooperative and coordinated oil spill response and prevention efforts. Since its formation in March 1989, it has grown to include the states of Alaska, Oregon, Washington, Hawaii, and California, and the Province of British Columbia, Canada. The environmental agencies of the five western states and British Columbia have agreed to work together to improve coordinated spill response in the following ways:

- Sharing state resources and assist state OSCs during major spills if requested;
- Observing state spill drills and response activities;
- Conducting joint spill drills to better coordinate trans-boundary response efforts;

- Debriefing after major spills or drills to determine changes necessary for improving spill prevention or response across state and national boundaries;
- Meeting regularly to share information and coordinate state and provincial policies with federal agencies;
- Coordinating implementation efforts, such as making rules and regulations as consistent as possible; and
- Collaborating on regional initiatives to address such issues as coastwise vessel traffic, spill data collection, and places of refuge.

**West Coast Mutual Aid**

During major and catastrophic spills on the West Coast, it may be necessary to expedite the cross boundary transfer of additional response capabilities that can only be provided by private contractors. Many of these contractors have signed commitments with facility and/or vessel operators that, if released to another spill, would place them out of compliance with their federal or state/provincial approved spill contingency plan.

The members of the Pacific States/British Columbia Oil Spill Task Force are the primary state and provincial spill prevention and response agencies for Alaska, British Columbia, Washington, Oregon, California, and Hawaii. In an effort to expedite and enhance the response to major West Coast spills, the Pacific States/British Columbia Oil Spill Task Force members pre-approved and signed the 1993 mutual aid agreement which will be activated by the unified command if additional resources are needed. The purpose of the agreement is to set specified conditions whereby contingency plan holders may be allowed to meet temporarily reduced response standards in order that their response equipment may be available for mutual aid. This agreement thereby assures that most of the spill response equipment on the West Coast will be available to respond rapidly in the event of a major spill.

Some West Coast states set planning standards (benchmarks) and let the plan holder and response contractors decide how they will be met. All major contractors have commitments under several contingency plans. This makes equipment “cascading” more difficult. To implement this policy of mutual aid, Task Force members have adopted minimum requirements for resident, non-cascadable response resources. These minimum requirements for resident response systems assure the continued ability of plan holders to initiate effective response action at their facility/vessel, should a spill occur while a portion of their response capability is out of the region for purposes of mutual aid. See [http://www.oilspilltaskforce.org/docs/agreements\\_resolutions/MutualAid96.pdf](http://www.oilspilltaskforce.org/docs/agreements_resolutions/MutualAid96.pdf)

**1600 Regional Response Team Standing Membership**

A list of all RRT members' agency addresses and contact phone numbers can be found in Section 9122-9125. Activation procedures may be found in Section 9126 of this Plan.

**1610 RRT Co-Chairs**

- U.S. Coast Guard, District 13 and
- U.S. Environmental Protection Agency, Region 10

**1620 Federal On-Scene Coordinators****1621 Inland Area**

- Environmental Protection Agency, Region 10 (located in Seattle, Boise, Portland, and Anchorage)

**1622 Coastal Area**

- U.S. Coast Guard, Sector Portland, and
- U.S. Coast Guard Sector Seattle

**1630 Federal RRT Representatives**

- Department of Agriculture (U.S. Forest Service);
- Department of Commerce (NOAA);
- Department of Defense (U.S. Army Corps of Engineers);
- Department of Energy;
- Department of Health and Human Services;
- Department of Interior;
- Department of Justice;
- Department of Labor (OSHA);
- Department of Transportation;
- Federal Emergency Management Agency (Department of Homeland Security); and
- General Services Administration (GSA).

**1640 State Representatives**

- State of Idaho, Bureau of Homeland Security;
- State of Oregon, Department of Environmental Quality; and
- State of Washington, Department of Ecology.

**1650 Tribe Representatives**

- Makah Indian Tribe

## **1700 Response Policy**

### **1710 National Response Policy**

The National Response Policy is to ensure that all applicable laws and regulations are carried out. Those laws and regulations are intended to ensure effective and immediate removal of a discharge, mitigation, or prevention of a substantial threat of a discharge of oil or release of hazardous substances, and overall protection of human health and the environment.

### **1711 High-Seas Policy**

Application of the Intervention on the High Seas Act (33 USC 1471 et seq.): Under authority of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969, governments party to the present convention may take such measures on the high seas as may be necessary to prevent, mitigate, or eliminate grave and imminent danger to their coastline or related interests from oil or hazardous substances pollution or threat of pollution. The pollution or threat of pollution may result from a maritime casualty or acts related to such a casualty, which may reasonably be expected to result in major harmful consequences. In the event of a ship collision, stranding, or other incident on board or external to a ship outside U.S. Territorial waters which creates a potential threat of pollution by oil or hazardous substances, all available information shall be relayed to the Coast Guard which will determine whether or not grave and imminent danger to our coastline or related interests exists. Once that determination is made, the designated FOSC shall take measures to prevent, mitigate, or eliminate the threat.

### **1712 Coast Guard Policy**

The Coast Guard will respond, consistent with the policy outlined in the Northwest Area Contingency Plan. The Coast Guard may elect not to dispatch representatives to reported discharges where representatives of another cognizant government agency are responding. However, if Federal removal is indicated within the Coastal Zone, the Coast Guard will respond. If the responsible party is conducting proper removal, the Coast Guard On-Scene Coordinator will use best judgment in determining the need for the presence of Coast Guard personnel on scene. General Coast Guard policy for pollution response is provided in Volume VI of the Coast Guard Marine Safety Manual; Thirteenth Coast Guard District policy is provided in Appendix 38 to Annex C to the CCGD13 Standard Operating Procedures.

### **1713 Environmental Protection Agency Policy**

By statute, EPA is the FOSC for inland spills of oil or hazardous substances. In most instances, EPA is not the first responder on scene. EPA works in cooperation with other responders, but has not delegated their responsibility as FOSC. In all spill situations, it is EPA's intent to contribute to the response by working with the local, state, tribal authorities, general public, and Federal agencies to ensure the information needed to maximize the effectiveness of the response effort is easily accessible. During a response to a release, the potentially responsible par-

ties (PRP), if known, available, and willing, are generally given the opportunity to adequately respond. The U.S. EPA works closely with the PRPs when they are known and willing to take action to ensure that the release reaches an adequate and rapid conclusion with a minimum impact on the environment. In the event of a spill where the PRP is not identified, does not respond to contain or clean up the spill, or does an inadequate job responding, EPA responsibilities may include taking over the response or assuming a co-lead role in a unified command with state and local responders.

#### **1714 Department of Defense and Department of Energy Policies**

In the case of the Department of Defense (DOD) or Department of Energy (DOE), when a response to a release or threat of a release of a hazardous substance, pollutant, or contaminant is on, or the sole source of the release is from any facility or vessel under the jurisdiction, custody, or control of DOD or DOE, those agencies shall provide FOSCs responsible for taking all response actions. DOD will be the removal response authority with respect to incidents involving DOD military weapons or munitions or weapons or munitions under the jurisdiction, custody, or control of DOD. For oil spills on DOD facilities, the Coast Guard or EPA is the pre-designated FOSC, as appropriate.

#### **1720 State Response Policy**

##### **1721 Washington State Policy**

Washington State law has established the Washington State Department of Ecology (Ecology) as the pre-designated State OSC (SOSC) for all oil and hazardous substance spills in state waters. As such, Ecology is also responsible for supporting Federal response actions. In this role, Ecology effectively represents all State agencies and the interests of the State and its citizens. Ecology will respond to any significant discharge or threatened discharge. Ecology will provide local geographic and environmental information; identify and prioritize vulnerable resources in consultation with other resource agencies through the NRDA team; fund orphan oil spills through the Oil Spill Recovery Act (OSRA); and coordinate with other State agencies. The State of Washington has devised parallel statutes on water pollution and marine transportation safety that meet, or in some cases exceed, those standards set forth in federal legislation. Chapter 90.48 of the Revised Code of Washington (RCW) has made it unlawful to cause or permit the discharge by any means, of polluting matter into the waters of Washington State. Additionally, this Act designates the State of Washington as a participant in the federal permit program. It is the policy of the state to use the unified command system (UCS) (as described in Section 2000 of this plan) during response to significant spills or threatened spills.

##### **1722 Oregon State Policy**

This Area Contingency Plan provides a description of Oregon's statewide oil and HAZMAT response system and outlines the responsibilities of all those who may be involved in an incident. It provides for a coordinated Oregon state agency response. Oregon has a hazardous material training system that organizes and coordinates the development and delivery of cost effective, quality hazardous mate-

rials training and education. The program consists of providing basic HAZMAT training and providing discipline-specific training to identified target groups. The proficiency series consists of specific qualification levels and is provided to first responders. This program is coordinated through the Department of Public Safety Standards and Training.

To ensure a reasonable emergency response time to all parts of the state, a system of state funded regional hazardous materials response teams consisting of highly trained individuals has been developed. The teams are equipped and trained by the state and manned for the most part by individuals from local fire departments and other emergency providers.

The Office of the State Fire Marshall has developed a computerized call-up system. The system provides data on the location and type of hazardous materials stored around the state. It also provides technical information on various hazardous materials and guidance on emergency response procedures. This plan, together with the information system, the training program, and the regional teams is designed to insure that all emergency responders are adequately prepared for HAZMAT incidents.

The Oregon Department of Environmental Quality (DEQ) is the lead agency for oil or hazardous material spills, except for spills or releases from chemical weapons at the Umatilla Chemical Depot. The Oregon Office of Emergency Management is the lead state agency for spills or releases from chemical weapons at the Umatilla Chemical Depot. The Oregon Department of Human Services is the lead state agency for all incidents involving hazards to human beings, communicable disease agents, or radiation emergencies other than transportation accidents. The Oregon Department of Energy (ODOE) is the lead state agency for radioactive materials transportation incidents. The lead state agency will provide a state on-scene coordinator (SOSC) to direct state response and to assist the FOSC. Assistance which may be requested of the State includes guidelines for the disposal of oily waste, identification, and prioritization of vulnerable resources, local geographic and environmental information, counsel on cleanup and restoration standards, medical/toxicological information through State health officials and identification of unknown pollutants.

### **State Assistance**

- **Abandoned Chemicals.** The Oil and Hazardous Materials Fund may be used by DEQ to contract for emergency removals of materials presenting public health and environmental risk if the owner, property owner, or responsible party is unable to act. This assistance may be on a cost reimbursement basis;
- **Drug Lab Chemicals.** Requests for use of DEQ's Drug Lab Cleanup Fund must come through a law enforcement agency; and

- Financial reimbursement is also available through the State Fire Marshall's Office for HAZMAT Team response within the terms of the response contract.

### **1723 Idaho State Response Policy**

Idaho uses a collaborative system in responding to hazardous materials incidents. A single phone call to the state provides immediate access to virtually any resource needed at a hazardous materials incident. The state plays a key role in facilitating and fostering the collaborative efforts and the Bureau of Homeland Security is responsible for ensuring that emergency response is timely and effective. Local, state, and federal responses are expected to be coordinated and in support of local efforts.

Unified Command and NIMS is the standard method of operation. The state's representative to command under emergency or disaster conditions is designated by the Idaho Adjutant General. It is policy in Idaho that responders operate only within the scope of their training and the state has set clear training guideline in the Idaho Hazardous Materials Incident/WMD Command Response and Support Plan. The Idaho Division of Environmental Quality directs long-term site remediation efforts with the cooperation and support of other state and federal agencies.

### **1730 Multinational Policy**

The United States and Canada share responsibilities in numerous locations covered by this plan. The northern boundary of the States of Washington and Idaho is the Canadian border. U.S. and Canadian OSCs will cooperate fully to respond to pollution incidents that affect or threaten to affect both parties. Toward this end, the Canada-United States Joint Marine Pollution Contingency plan for spills of oil and other harmful substances (CANUSPAC) ([http://www.ccg-gcc.gc.ca/eng/CCG/ER\\_International\\_Agreements](http://www.ccg-gcc.gc.ca/eng/CCG/ER_International_Agreements)) and the Canada-United States Joint Inland Pollution Contingency Plan (CANUSWEST) ([www.canuswest.com](http://www.canuswest.com)) provide guidance for a joint response.

If a spill or potential spill may impact or does impact Canadian waters or territory, the FOSC will alert Thirteenth Coast Guard District's Response Division, and/or EPA Region 10 and recommend activation of CANUSPAC or CANUSWEST and the respective Regional Joint Response Team (RJRT). The FOSC will then contact the Canadian response organization as necessary to coordinate response. If a spill in Canadian marine waters threatens to impact U.S. waters, the Canadian response organization will contact the Thirteenth Coast Guard District's Response Division, who will activate CANUSPAC and notify COTP Puget Sound. In cases involving inland waters or land, the Canadian response organization will contact EPA Region Ten. A RJRT co-chair may activate the CANUSWEST or CANUSPAC if the spill poses a threat to Canada or spreading has already occurred, or the magnitude of the spill makes a request for assistance necessary.

Any pollution incident posing a substantial threat to the other country shall be reported immediately by the Canadian National Environmental Emergencies Center (NEEC) (1-819-997-3742) or the U.S. National Response Center (NRC) (1800-424-8802), depending on the incident location. In addition, the EPA Region Ten duty officer in Seattle shall notify the Environment Canada duty officer in Vancouver, or vice versa, in the event of an incident with cross-border impacts.

This Area Contingency Plan is compatible with the CANUSPAC and CANUSWEST Joint Contingency Plans.

**1740 Reserved for Future Use**

**1750 Responsible Party Policy**

**Responsible Party Conformance with NWACP**

The National Contingency Plan requires that response plan holders, “prepare and submit a plan for responding, to the maximum extent practicable, to a worst case discharge, and to a substantial threat of such a discharge, of oil or a hazardous substance. These response plans are required to be consistent with applicable Area Contingency Plans.”

The requirement for facility and vessel response plans to be consistent with the Northwest Area Contingency Plan applies to:

- Vessel and Facility Contingency Plan: content, review, and approval;
- The execution and evaluation of spill drills and exercises; and
- The management of spill response actions.

Failure to adequately conform to the NWACP may result in: rejection of a spill contingency/response plan; non-credit for a drill; or federal and/or state agencies assuming direct control of a spill response action. However, it is also the policy of the NW Area Committee that the unified command will encourage the party responsible for a spill incident, to maintain the primary responsibility for managing the response action so long as they:

- Actively and cooperatively participate in the unified command structure;
- Provide an organization which is compatible with NIMS ICS;
- Provide regular communication and documentation that assures adequate response resources are being rapidly mobilized in proportion to the size of the incident as discussed in the following section; and
- Follow their approved spill contingency/response plan (if applicable) unless otherwise directed, or a deviation is agreed to, by the unified command.

**Requirement for a Full and Rapid Response**

During the initial stages of some spill response actions adequate response resources are not rapidly mobilized to the scene of significant oil spills. The reasons for this are:

- It is often difficult to obtain precise information on the quantity of oil or hazardous material, which has actually been released and is likely to continue to be released until the source is controlled
- Notification may be delayed;
- There is a tendency of some responsible parties to be very conservative in estimating the quantity of oil spilled due to liability considerations;
- Miscommunication can occur as to the actual extent of personnel and equipment which has been ordered, and as to the time of arrival. Similarly, estimates are sometime overly optimistic;
- Response contractors may experience difficulty in mobilizing in a timely fashion a portion of their response resources for various reasons; and
- In some cases, state and federal on-scene coordinators are cautious in making sure responsible parties do not mobilize unnecessary resources, which would needlessly increase the cost of the response action.

However, adequate response resources must be rapidly mobilized if initial source control, containment and cleanup efforts are to be successful. Experience in the Northwest has found that it is much more cost-effective and far less damaging to natural resources to contain an oil spill rather than to remove it from the water and beaches.

Therefore, it is the policy of the Northwest Area Committee that the response to a spill incident should be promptly “ramped-up” to provide adequate equipment and trained personnel to effectively respond to the highest quantity of product that will most likely be released. If it is determined that excessive response resources are ordered or mustered they may be canceled or demobilized to help control the cost of the response action to the responsible party and responding agencies.

If a responsible party fails to respond in a manner deemed reasonably consistent with this policy and NWACP, the FOSC or SOSC may assume the lead for a portion of or the entire spill. The agency proposing to assume lead for the clean up will closely coordinate with other members of the unified command prior to taking such action.

Another reason that rapid response and containment is important is that, while the Northwest Area has one of the best spill response systems in the world, there are

certain weaknesses in the response community's ability to mount a fully effective response. These weaknesses are:

- **Coastal Response.** During certain times of the year, it is very difficult to mount an effective response action for spills in the outer coastal environment. This difficulty is due to the long transit distance from the major Columbia River and Puget Sound equipment stores to the outer coast. Once equipment arrives on-scene in the coastal environment, sea state and meteorological conditions (such as fog, wind, and rain) may dramatically limit or terminate effective oil booming and on-water oil recovery efforts;
- **Response in Shallow Marine Embayments.** Diversion and containment booming and intertidal shoreline clean-up is very difficult in many of the Northwest's environmentally sensitive shallow marine estuaries such as the Columbia River, Padilla Bay and the Nisqually Delta. Once oil enters these intertidal areas, extensive environmental damage is likely and recovery technology has minimal effectiveness. In these environments, conventional shoreline clean-up activities themselves can cause extensive damage and are therefore seldom used; and
- **Response to Catastrophic Oil Spills<sup>1</sup>.** Should a catastrophic oil spill occur, it is likely that there will not be adequate response resources in the Northwest Area to manage and clean-up the spill. Therefore, the Northwest Area will rely in part on mutual aid from other West Coast and other jurisdictions to provide much of the necessary response resources. In order to expedite decision-making on West Coast mutual aid, the Pacific States/British Columbia Oil Spill Task Force adopted a Mutual Aid Plan (see Section 1545).

### **Umbrella Vessel Contingency Plans**

Washington and Oregon require vessel oil spill contingency plans from all tank vessels and cargo and passenger vessels (300 gross tons and over) to be submitted for review and approval. There are two options vessel owners and operators have to meet these vessel contingency plan requirements. The first option is to submit a company-specific vessel oil spill contingency plan to the states. The other option is to enroll in one of the organizations that operate umbrella vessel contingency plans.

The Washington State Maritime Cooperative (WSMC) and the Maritime Fire and Safety Association (MFSA) provide contingency plan coverage, primary response contractors, and a spill management team to enrolled vessels for a per trip fee. These contingency plan services are provided for immediate response coverage, with the intention to transition to the responsible party within the first 24 hours of the oil spill response. The WSMC provides this coverage in Puget Sound, Strait

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<sup>1</sup> Note: Where a catastrophic onshore oil discharge or Hazardous Material release may impact or potentially impact a navigable waterway, it may be that both the U. S. Coast Guard and the U. S. Environmental Protection Agency, upon consultation, provide Unified Command representation during the initial phases of an incident.

of Juan de Fuca, and the Washington Coast. The MFSA provides coverage for the Lower Columbia River and Lower Willamette River.

Vessels enrolled with WSMC or MFSA are expected to follow the approved umbrella contingency plan throughout the duration of the spill response. The State and Federal On-Scene Coordinators must approve any deviation from the vessel contingency plan. All changes in ICS command staff to allow enrolled party representatives to participate must be approved by the unified command. Where inadequate staff replacements are available to the enrolled party the regulatory agencies may contract with qualified local persons to fill organizational posts. Representation by an enrolled vessel owner or operator's selected ICS staff and qualified individual is not guaranteed after the removal of the cooperative's pre-approved representatives.

Note: The U. S. Coast Guard Non-Tank Vessel Response Plan regulations may impact the Blanket Plans in Washington and Oregon. Sectors Seattle and Portland will keep their respective state partners up-to-date.

