Chapter 4000

Planning

Northwest Area Committee Expectations:

- Northwest Area Committee members and those responding within the region are fully aware of key policies, expectations, and procedures in the Northwest Area, including:

- Dispersant *In-Situ* Burning, and surface washing agent use,
- Disposal and Decanting,
- Gasoline and flammable liquids,
- Bioremediation,
- Places of Refuge,
- Staffing the Environmental Unit,
- Permitting, and
- Endangered Species Act and National Historical Properties Act Compliance.

Critical Elements of Chapter 4000:

- Offers compliance guidance for many applicable laws and regulations.
- Describes the policy for developing Geographic Response Plans and the use of alternative countermeasures.
- Describes volunteer policy and organizational structure for incorporating volunteers into a response.

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Planning

4100 Planning Section Organization

Planning Section function and staff positions can be found in the National Incident Management System (NIMS) Guidance. The pattern for response will follow the NIMS Incident Command System (ICS) processes and position descriptions. Where NIMS ICS does not describe a process or organizational requirement, the incident specific need will be addressed during the incident.

4200 Roles and Responsibilities

The Planning Section is responsible for the collection and evaluation of incident situation information, preparing situation status reports, displaying situation information, maintaining status of resources, developing an Incident Action Plan, and preparing required incident related documentation. This is done under the direction of the Planning Section Chief. All functions not assigned by the Section Chief remain the responsibility of the Section Chief.

Additional information concerning staffing and function of the Environmental Unit (EU) is provided in Section 4213, below, due to its unique application to spill response.

4210 Planning Section Chief Responsibilities

The Northwest Area Committee (NWAC) views the Planning Section Chief position as critical to the success of a response and to the protection of human life, the environment, and the economy. It is expected that responsible parties (RPs) and agencies will assign experienced and qualified Planning Section chiefs to this position. It is also expected that the Planning Section Chief will ensure a robust and inclusive “prep for tactics” work period and include the appropriate staff from the Operations Section and EU.

4211 Planning for Dispersant Use

Once Unified Command (UC) sets objectives to consider the use of dispersants, it is critical that the Planning Section Chief establish and communicate a timeframe to complete the decision process and set a time for a UC dispersant decision meeting. The Planning Section Chief consults with the Environmental Unit Leader (EUL) when setting the timeframe.

4212 Situation Unit

The NWAC's expectation is that the Situation Unit will be able to collect, synthesize, present, and disseminate information for the response. This will require robust staffing and access to technology.

4213 Environmental Unit

Other than protecting human life and safety, reducing impacts on natural, cultural, and economic resources is the key motive in responding to an oil or hazardous substance spill or release. The EU is the central point within the Planning Section for determining how to best protect those resources.

4213.1 Environmental Unit Responsibilities

The EU is responsible for:

- Identifying all natural resources, economic resources, and cultural/historic properties likely to be affected by the spill or release and recommending priorities to protect these resources (see Section 9408, "Resources at Risk Response Tools" for an operational checklist for completing ICS form 232 – Resources at Risk);
- Providing guidance for the implementation of protection strategies contained within Geographic Response Plans (GRPs);
- Working with the Operations Section to establish any additional environmental protection strategies not identified in GRPs;
- Working with the Operations Section to coordinate wildlife rescue/rehabilitation activities;
- Developing a Shoreline Cleanup Assessment Team (SCAT) Plan (see Section 9421, "Shoreline Cleanup and Assessment [SCAT] Response Tools");
    - Establishing and managing the SCAT
    - Using SCAT information to recommend shoreline cleanup recommendations, priorities, and restrictions
    - Providing guidance regarding "how clean is clean" decisions;
- Providing technical review and recommendations regarding the use of alternative technologies;
- Developing a disposal plan (note: Washington State Disposal Guidelines are provided in Chapter 9000, "Response Tools");
- Providing information to the Joint Information Center and Incident Commander/Unified Command regarding natural resource concerns/impacts;
- Coordinating with Natural Resource Damage Assessment activities;
- Coordinating with the Wildlife Branch and Air Operations Branch on issues involving wildlife hazing.

4213.2 Environmental Unit Leader Staffing Policy

The NWAC and Region 10 Regional Response Team (RRT 10) recognize that there is a shared responsibility to manage a response among the UC

representatives. Moreover, it is broadly recognized that the critical phase of any response, regardless of size, occurs during the initial hours after the spill or release. Given the importance of the EU's duties, and because the responsibility and knowledge base for public resources lies with trustee agencies, it is in everyone's best interest to ensure that early critical response decisions are made by the most knowledgeable individuals quickly, efficiently, and effectively. Therefore, it is the policy of the NWAC that the EU be led by a representative of a government natural resource trustee or environmental agency, if available. If no such agency representative is initially available or willing to lead the EU, an RP representative may fill that role. Furthermore, as the response action matures, a transition to an RP-designated EUL may occur with the concurrence of the UC. The NWAC also encourages spill response plan holders and RPs to designate a Deputy EUL, who will participate in all the meetings attended and briefings made by the EUL. These meetings and briefings include, but are not limited to, the following pre-identified ICS scheduled events:

- Initial ICS 201 briefing,
- Command and general staff meetings,
- Tactics meetings,
- Planning meetings,
- Operations meetings,
- UC briefings, and
- Press conferences.

4213.3 Washington State Policy on Environmental Unit Leadership

As the response matures, Washington State agrees that the Trustee EUL will co-lead the EU with an RP. The Co-Leader situation will continue until such time that the Trustee representative in the EU and the UC agree to an RP lead only. For moderate to large incidents, the Co-Leaders will primarily attend meetings together, so it may be important to designate an Assistant EUL. The Assistant EUL's job is to stay in the EU to ensure that assignments made by the Co-Leaders are carried out and complete other duties as assigned by the Co-Leaders.

4213.4 Environmental Unit Staffing

All trustee resource agency staff with environmental information/expertise should initially report to the EU. This includes technical specialists (e.g., Scientific Support Coordinator [SSC]) identified elsewhere within the ICS organization. However, it is recognized that the SSC is an independent advisor to the Federal On-Scene Coordinator (FOSC). Technical specialists might include:

- Sampling Specialist,
- Response Technology Specialist,
- Trajectory Analysis Specialist,
- Weather Forecast Specialist,
- Resources at Risk Specialist,
- Shoreline Cleanup Assessment Specialist,

- Historical/Cultural Resources Specialist, and
- Disposal Specialist.

4214 Special Emphasis: Resources at Risk

The Resources at Risk (RAR) Summary provides information about locations in the incident area that are sensitive due to environmental, archaeo-cultural, or socioeconomic RARs. Typically, the ICS 232 – Resources at Risk form is completed within the EU. The ICS 232 form identifies and prioritizes incident-specific priorities and issues. The EUL, with input from resource trustees, will complete this form for each operational period. See Section 9408, "Resources at Risk Response Tools" for guidance on completing an ICS 232 form.

Sources and types of information for the ICS 232 form may include, but are not limited to, the following:

- Environmental Sensitivity Index (ESI) Maps,
- Environmental Response Management Application Northwest,
- Washington State Coastal Atlas,
- Oregon Incident Response Information System,
- Washington Department of Fish and Wildlife Priority Habitat and Species,
- Geographic Response Plans,
- Watersheds and Aquifers,
- Threatened and Endangered Species,
- Nautical Charts, other maps, and
- Tribal Reservation Lands and Usual and Accustomed (U&A) areas.

The GRPs contain pre-identified strategies or tactics to address the protection or mitigation of risk for some—but not all—RARs. Strategies may need to be developed for an incident specific resource at risk. It is possible that a resource may not be able to be protected from potential impacts; however, it is important to know what resources may be at risk within the incident area. The EU may provide guidance to the Operations Section on how to best implement protection strategies, including considerations of Endangered Species Act (ESA) and cultural resources.

4215 Marine Transportation System Recovery Unit

The Marine Transportation System (MTS) Recovery Unit is responsible for planning infrastructure recovery for transportation security incidents and other incidents that significantly impact the MTS. The MTS Recovery Unit Lead will track and report on the status of the MTS, understand critical recovery pathways, recommend courses of action, and provide all MTS stakeholders with an avenue of input to the response organization.

4300 Compliance Guidance

See Sections 9401, "Northwest Area Contingency Plan Permit Summary Table" and 9402, "Permit Tracking Template" during a response.

4310 Statutory Guidance Federal

4311 Comprehensive Environmental Response, Compensation and Liability Act, 1980

The Comprehensive Environmental Response, Compensation, and Liability Act, also known as Superfund, was enacted by Congress in 1980 and is defined in 42 United States Code (USC) 9601 et seq. Its purpose is to provide for liability, compensation, cleanup, and emergency response for hazardous substances or pollutants or contaminants (as defined by the statute) released into the environment and the cleanup of inactive hazardous waste disposal sites. Emergency and time critical actions for pollutants or contaminants may only be taken when these releases pose an *imminent and substantial threat to human health or the environment*. The National Oil and Hazardous Substance Pollution Contingency Plan (NCP), 40 Code of Federal Regulations (CFR) 300.415 outlines factors that shall be considered in determining the appropriateness of an emergency or time-critical response action. These factors include:

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

4312 Federal Water Pollution Control Act as Amended by Clean Water Act and Oil Pollution Act 1990

As listed in 33 USC 1251 et seq., the objective of the Federal Water Pollution Control Act (FWPCA) as amended by the Clean Water Act and Oil Pollution Act of 1990 (OPA) is to restore and maintain the chemical, physical, and biological integrity of the nation's waters. The goals of this act include:

- Eliminate pollutants discharged into navigable waters;
- Attain water quality, which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and around those waters;

- Prohibit the discharge of toxic pollutants;
- Provide federal financial assistance to construct publicly owned waste treatment works;
- Require states to provide waste treatment management plans;
- Conduct research to develop technology to eliminate the discharge of pollutants into the navigable waters, waters of the contiguous zone, and the oceans; and
- Develop national policy for the control of non-point sources of pollution.

4313 National Historic Preservation Act

This section discusses obligations required of state and federal responders to protect cultural and historic properties during an emergency response and procedures to follow to meet those obligations. For the FOSC, this section adopts a national *Programmatic Agreement on Protection of Historic Properties During Emergency Response Under the National Oil and Hazardous Substance Pollution Contingency Plan (PA)*. This section also fulfills the FOSC's responsibility to ensure that historic properties are appropriately considered in planning for an emergency response (Section IV. A. of the PA).

See Section 9403, "Compliance Guide for National Historic Preservation Act During an Emergency Response."

Responses Conducted Under NCP Authority

Overview

The National Historic Preservation Act (NHPA) of 1966 (Public Law 89-665) requires agencies using federal funds to identify, evaluate, and, where significant, protect historic, archaeological, and traditional cultural properties. This act also authorizes the National Register of Historic Places, expanding federal recognition to historic properties of local and state significance. The National Park Service in the United States Department of the Interior (DOI) administers both programs. Regulations for these programs are contained in 36 CFR Part 60, National Register of Historic Places, and 36 CFR Part 65, National Historic Landmarks Program.

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

Archaeological research and inventory in Oregon, Washington, and Idaho is incomplete, and the data that do exist are not disclosed in order to prevent looting and vandalism. The primary contact for responders seeking information and expertise on local culturally sensitive areas is the State Archeologist in the State Historic Preservation Office (SHPO) for the state and the Tribal Historic Preservation Officer (THPO) for the affected tribal lands. It is important that

responders be aware of the types of archaeological, cultural, or historic materials that they are likely to encounter while responding to an oil spill or hazardous materials release and that they immediately notify the FOSC/UC if these types of materials are discovered.

The Regional Response Team (RRT)/NWAC will review response strategies outlined in the GRPs when they are developed or revised to identify and revise any strategies that may adversely impact archaeological, cultural, or historic resources. These resources are protected under federal, tribal, and state laws. To avoid any inadvertent impacts on cultural and historic resources, responders are required to utilize existing hardened access paths and paved areas when approaching shorelines, and cleanup teams are to remain on beaches.

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

The NHPA was written for planned actions and does not adequately address federal actions under an emergency response. To fill that gap for environmental emergencies, the Advisory Council on Historic Preservation, the National Conference of State Historic Preservation Officers, and eight federal agencies, including the United States Coast Guard (USCG) and United States Environmental Protection Agency (EPA), developed and signed the PA.

Note that circumstances of a response may involve a THPO. Not all tribes have a formally designated THPO, and the FOSC may need to consult with a tribal representative on cultural issues instead. Wherever this document refers to a THPO, this also implies a tribal representative for tribes with no THPO.

Before the PA can be used, an RRT needs to adopt the NHPA into its Regional or Area Contingency Plan (ACP) (Section VII. C. of the NHPA). As such, RRT 10 incorporates by reference the NHPA into the NWACP. Subsequently, the adoption of the NHPA into the NWACP will satisfy the USCG and EPA FOSC Section 106 responsibilities for all individual undertakings carried out in accordance with the NHPA and this plan as allowed under 36 CFR 800.14(b), the implementing regulations for the NHPA.
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It is necessary to define the term “emergency response” because, as stated in the title, the NHPA is an agreement regarding protection of historic properties during an “emergency response” under the NCP. The NHPA states that “an ‘emergency’ shall be deemed to exist whenever circumstances dictate that a response action to a release or spill must be taken so expeditiously that normal consideration of the Section 106 process is not reasonably practicable.” Note that “emergency response” is not defined in the NCP, and instead all cleanups of a discharge or a

release are regarded as a "removal," whether an emergency or planned. A planned removal will follow the requirements under 36 CFR 800.

Nevertheless, the term "emergency response" is widely used to distinguish a planned response from an unplanned response for administrative purposes, particularly within the EPA. With few exceptions, most oil responses under the OPA are unplanned and thus considered emergencies. The USCG deals almost exclusively with oil spills, and so almost all responses performed by the USCG are emergencies. However, with hazardous substances responses under Comprehensive Environmental Response, Compensation, and Liability Act, many are planned and indeed require an Action Memorandum (approval and funding mechanism) before a removal can begin.

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

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

<u>Determining Presence of Historic Properties/Cultural Resources</u>
The FOSC must first determine if there are any historic properties or cultural resources to consider during an emergency response. The FOSC may not be trained to recognize such properties or resources, or the resources may be buried and not visible. Therefore, the FOSC should assume that the emergency response location contains historic properties and cultural resources and notify the SHPO/THPO at the beginning of the response to ascertain the status of the response location. Even if the FOSC is given the "all clear" from the SHPO/THPO, he or she should proceed cautiously, especially if the response involves excavations.

To reduce the burden of notifying the SHPO/THPO of all emergency responses, the FOSC can consult the list of types of locations and spills/releases that are categorically excluded, provided in Section 9403, "Compliance Guide for National Historic Preservation Act During and Emergency Response." However, there are four overriding factors noted in this list that would still require consultation with the SHPO/THPO. Therefore, the most prudent path is to notify the SHPO/THPO of all emergency responses.

SHPO/THPOs can help the FOSC by monitoring National Response Center (NRC) emails for any potential concerns. SHPOs should note that The EPA and USCG do not respond to all NRC notifications and can verify if an FOSC was dispatched by calling the phone duty officer.

FOSC Obligations

The FOSC will give appropriate consideration to historic properties and cultural resources as defined by the NHPA during an emergency response.

Once the FOSC has determined that a response location involves historic properties or cultural resources, he or she consults with the SHPO/THPO to make informed decisions. By means identified in this plan, the FOSC will inform the SHPO/THPO of the location and nature of the emergency response and actions to take for all emergencies to which the FOSC responds. The SHPO/THPO can respond to the FOSC's notification by telephone or in person.

The FOSC may make emergency response decisions that adversely affect historic properties, but those decisions must take historic property information into account prior to authorizing actions that might affect such property.

An informed decision is one in which the FOSC has:

- Notified, consulted, and taken into account comments of the SHPO, federal land-managing agencies, and tribes;
- Consulted with a Historic Properties Specialist;
- Reviewed cultural information contained in the GRP for the area; and
- Determined whether a categorical exclusion applies.

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

Cultural and Historic Property Specialist

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

Under ICS, the Historic/Cultural Resource Specialist will be placed in the EU within the Planning Section. This position is referred to as the "Historical/Cultural Resources Technical Specialist" in the USCG Incident Management Handbook and the "Historical/Cultural Resources Specialist" in the EPA Incident Management Handbook. This position coordinates on technical matters with the

SHPO/THPO on behalf of the FOSC. However, the FOSC makes all governmental decisions.

If the SHPO or THPO responds to an incident in person or visits the Incident Command Post, the visit would typically be a short one, meant to assess the situation and provide any needed advice to the FOSC. The SHPO/THPO should not serve in the UC as a Historic/Cultural Resource Specialist since that person reports to the FOSC and the FOSC consults with the SHPO/THPO.

Even if the response is led by the potentially responsible party, the obligation to meet the Section 106 requirements of NHPA remains with the FOSC in UC.

4314 Endangered Species Act

Responses to oil spills or hazardous substance release may impact species listed as "endangered" or "threatened" under the ESA, 50 CFR 402.02 and, in accordance with Section 7 of the ESA, federal agencies must consult with the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) and/or the United States Fish and Wildlife Service (USFWS) regarding any activities that may affect a listed species.

The NOAA SSC and DOI Regional Environmental Officer (REO) can help facilitate the consultation process and coordinate appropriate listed species expertise, as appropriate.

The FOSC is responsible for initiating consultation to determine impacts to threatened or endangered trustee species by spill response actions. This consultation is undertaken regarding the federal action taken by the FOSC in response to the spill, not regarding impacts of the spill itself.

The nature of a response does not allow for a normal consultation process, which can take 135 days to complete, so emergency consultation processes are followed (see 50 CFR 402.02). Under the emergency consultation process it is the FOSC's responsibility to engage in consultation with USFWS and NMFS. This is facilitated by the NOAA SSC and DOI REO, who consult and engage the assistance of the USFWS and NMFS regarding methods to help mitigate and minimize impacts on listed species and critical habitat(s). The NMFS and USFWS have developed emergency consultation procedures to allow action agencies to incorporate endangered species concerns into their emergency response activities.

The documentation associated with emergency consultation under the ESA is completed after the response is finished. NMFS and USFWS are able to provide technical assistance to the FOSC in complying with Section 7 of the ESA.

In 2001, the USCG, EPA, the DOI's Office of Environmental Policy and Compliance and USFWS, and the NOAA NMFS and NOAA Fisheries and National Ocean Service signed an Interagency Memorandum of Agreement (MOA) regarding Oil Spill Planning and Response Activities under the FWPCA's

National Oil and Hazardous Substances Pollution Contingency Plan and the ESA. This MOA provides guidance on how the USCG, EPA, USFWS, and NMFS work collaboratively before, during, and after an emergency and provides templates for required documentation and processes.

See Section 9404, "Region 10 Regional Response Team/Northwest Area Committee Endangered Species Action Compliance Guide for Federal Responders During Emergency Response." Section 9404 also provides guidance and templates for initiating consultation.

The MOA among the USCG, EPA, DOI, USFWS, and National Ocean Services may be found here:
https://www.nrt.org/Main/Resources.aspx?ResourceType=ESA MOA&ResourceSection=2

Notifying Trustee Agencies
See the "Required Notifications" section at the beginning of this plan for notification numbers.

4315 Resource Conservation and Recovery Act

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

4316 National Environmental Policy Act

As defined by 42 USC 4321 et seq., the purposes of the National Environmental Policy Act are:

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

4317 National Responsible Party Policy

Under the FWPCA as amended by the OPA, the RP has primary responsibility for cleanup of a discharge. Per FWPCA Section 311 and OPA Section 4201, an owner or operator of a tank vessel or facility participating in removal efforts shall act in accordance with the NCP and the applicable response plan. FWPCA Section 311(j)(5)(C) as implemented by OPA Section 4202 states that these response plans shall:

- Be consistent with the requirements of the NCP and ACPs;

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

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

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

4318 State and Local Compliance Guidance

4319 Responsible Party

Specific responsibilities of the RP are as follows:

- Assess spill or release;
- Robustly staff the response with a spill management team;
- Establish a command post, in concurrence with the other On-Scene Coordinators (OSCs);
- Document/identify the type and quantity of oil or hazardous substance spilled or released;
- Contain the oil or hazardous substance spilled or released and protect the environment, with a particular emphasis on sensitive areas;
- Provide input relative to cleanup priorities (i.e., waste minimization);
- Perform timely and effective cleanup;

- Dispose of oil, oily waste, and hazardous substances;
- Restore damaged environment/natural resources;
- Communicate with local, state, and national response agencies and organizations;
- Communicate with media;
- Pay for damages;
- Take steps to prevent reoccurrence of spills or releases; and
- Collect and care for wildlife, in conjunction with responsible state, local, and federal agencies.

The RP has the opportunity to conduct damage assessment when required by the state/federal agencies and/or when appropriate given the RP's available resources as determined by the UC.

4320 Washington Compliance Guidance

Any person responsible for discharging oil or hazardous substances to the waters of the state must immediately notify the NRC and the Washington State Emergency Management Division.

The owner or operator of a regulated vessel must notify the state of any vessel emergency that results in the discharge or substantial threat of discharge of oil to state waters or that may affect the natural resources of the state within one hour of the onset of that emergency. The purpose of this notification is to enable the department to coordinate with the vessel operator, contingency plan holder, and USCG to protect the public health, welfare, and natural resources of the state and to ensure that all reasonable spill preparedness and response measures are in place before a spill occurs.

Waters of the state include lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, sewers, and all other surface waters and watercourses within the jurisdiction of the State of Washington. For the notification requirements for spills or releases of dangerous waste or hazardous substances to other than waters of the state, see Chapter 7000, "Hazardous Substances Unique Information."

Under the Revised Code of Washington (RCW) 90.48.335, 90.48.336, and 90.48.142, Washington State has no limit on the liability of the RP for cleanup of a spill or damages caused by a spill. In addition, any party owning oil or having control over oil that enters the waters of the state in violation of RCW 90.48.320 shall be strictly liable, without regard to fault, for the damages to persons or property, public or private, caused by such entry.

If the RP is unknown, fails to respond, or fails to respond in a manner deemed adequate by the State On-Scene Coordinator (SOSC) or the FOSC, the state or federal agency having jurisdiction may exercise the authority to take over the response and recover expenses from the spiller (RCW 90.48.335).

4321 Oregon Compliance Guidance

Under Oregon state law, for all oil spills to water or reportable quantities of hazardous substances, the RP is required to immediately notify the Oregon Emergency Response System and the NRC. (See the "Required Notifications" section at the beginning of this plan for notification numbers.) The RP is also encouraged to notify local response agencies through the 911 system.

Any person owning or having control over any oil or hazardous material spilled or released or threatening to spill or release is strictly liable without regard to fault. Any person, who fails to clean up oil or hazardous materials immediately, when under obligation to do so, is responsible for the expenses incurred by the Oregon Department of Environmental Quality (DEQ) in carrying out the cleanup project. Any person who does not make a good faith effort to carry out a cleanup project is liable to DEQ for damages not to exceed three times the amount of expenses incurred by DEQ.

If a spiller is unknown or fails to respond, or the response is considered inadequate, DEQ may exercise the authority to take over the response or contract for the cleanup of the spill or release. DEQ may recover the costs of the cleanup (Oregon Revised Statutes [ORS] 466.645).

4322 Idaho Compliance Guidance

Idaho law requires that the party responsible for a spill of oil or hazardous materials immediately contact the Idaho Office of Emergency Management and Emergency Medical Services Center. (See the "Required Notifications" section at the beginning of this plan for notification numbers.)

The Idaho Hazardous Substance Control Act provides that the RP is strictly liable for emergency response to hazardous materials incidents.

4323 Prevention Laws

4323.1 Washington Prevention Laws

Washington has an extensive spill prevention program for vessels and oil handling facilities. All types of large commercial vessels are required to comply with Washington's rules for safe bunkering (refueling). Vessel inspectors conduct inspections to ensure safe bunkering operations. Cargo and passenger vessels with capacity of 300 gross tons and larger are specifically screened for potential risk by Washington State Department of Ecology (Ecology) vessel inspectors to determine risk and mitigate risks through a system of Accepted Industry Standards. Inspectors also assess whether vessels are able to make appropriate oil spill notifications in accordance with the vessels contingency plan.

Washington has a Voluntary Best Achievable Protection Program for companies operating tank vessels that agree to voluntarily meet the state's Best Achievable Protection standards, including operational procedures, personnel policies, management practices, and safety technology.

The State Pilotage Act requires that local licensed marine pilots be on board all vessels over 1,600 gross tons guiding them through Puget Sound waters. This act also requires tug escorts for virtually all laden oil tankers over 40,000 deadweight tons.

All oil handling facilities must comply with operating and design standards and have approved operations manuals, spill prevention plans, and training and certification programs. Additionally, all vessels delivering oil and the major land-based oil handling facilities are required to pre-boom all high rate oil transfers whenever it is safe and effective to do so. Many smaller transfer operations also pre-boom oil and fuel transfers and are required to have spill response and containment equipment on hand to ensure that spills are quickly contained and cleaned up. Oil transfer inspectors conduct routine inspections of all these facilities to determine if operations are being conducted in compliance with oil transfer rules and that required equipment is on site and in operating condition.

4323.2 Vessel Traffic System in Puget Sound

East of Dungeness Spit, participation in the Puget Sound Vessel Traffic System is mandatory for the following vessels:

- Vessels of 300 gross tons or more propelled by machinery;
- Vessels of 100 gross tons or more carrying one or more passengers for hire;
- Commercial vessels of 26 feet or more engaged in towing; and
- Each dredge or floating plant (33 CFR 161.101).

West of Dungeness Spit, participation in the cooperative Vessel Traffic Management System, as described in 33 CFR 161 Subpart B, is mandatory for the following vessels:

- Each vessel of 30 meters or more in length.

Each vessel towing alongside or astern or pushing ahead an object or objects where:

- The combined length of the vessel towing and object being towed (including towline) exceeds 45 meters; and/or
- The vessel or object being towed is over 25 meters in length.

4323.3 Oregon Prevention Laws

In accordance with ORS 776.405, no person shall pilot any vessel upon any of the pilotage grounds established under ORS 776.025 or 776.115 without being a licensed pilot under this chapter or a pilot trainee under the on-board supervision of a pilot licensed under this chapter.

This does not apply to:

- The master of a vessel under fishery, recreation, or coastwise endorsement provided under 46 USC Chapter 121;
- A vessel registered with the State Marine Board or a similar licensing agency of another state; or
- The master of a foreign registered fishing or recreational vessel, exempted by the board, of not more than 100 feet in length or 250 gross tons international.

4324 Local Government Requirements

4324.1 Washington Local Government Requirements

Under RCW 38.52, local government has the responsibility to prepare for emergencies, including oil spills and hazardous materials releases. Some key responsibilities and authorities that relate to oil and hazardous substance spill planning and response are described below.

"Emergency Management" means the preparation for and carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural, technological, or human caused, and to provide support for search and rescue operations for persons and property in distress (RCW 38.52.010 [1]).

Each political jurisdiction (county, city and town) is directed to establish a local organization for emergency management. Each local organization shall have a director appointed by the executive head of the political subdivision, subject to the direction and control of such executive officer or officers (RCW 38.52.070 [1]).

Each political subdivision shall have the power to enter into contacts and to incur obligations necessary to combat disaster. Each political subdivision can exercise the powers herein without regard to time consuming procedures and formalities prescribed by law (except constitutional requirements) (RCW 38.52.070 [2]).

The director of each local organization for emergency management may, in collaboration with other public and private agencies within this state, develop or cause to be developed mutual aid arrangements for reciprocal emergency management aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements must be consistent with the state emergency management plan and program, and during emergencies it is the duty of each local organization for emergency management to render assistance in accordance with the provisions of such mutual aid arrangements (RCW 38.52.091).

The governor and the executive heads of political subdivisions are directed to utilize the services of all public agencies, and the officers and personnel of all public agencies are directed to cooperate with the emergency management

organizations of the state upon request, notwithstanding any other provision of law. The governor; the chief executive of counties, cities, and towns; and the emergency management directors of local political subdivisions appointed in accordance with RCW 38.52.110, in the event of a disaster, after proclamation by the governor of the existence of such disaster, shall have the power to command the service and equipment of as many citizens as considered necessary in the light of the disaster proclaimed (RCW 38.52.110).

4325 Disposal Guidelines

It is critical for the OSC in an immediate removal operation to recognize that contaminated soils, dredge spoils, drums, tanks, refuse, water, or other associated materials are to be considered hazardous wastes and must be disposed of as such in accordance with RCRA, as well as local and state regulations managing the disposal of hazardous wastes. Many of the removal actions employed by the OSC will create a situation in which the OSC has assumed the responsibility as a generator of hazardous wastes. These wastes then become subject to the "cradle to grave" manifesting procedures currently in effect under the governing RCRA regulations. The OSC must ensure that the hazardous waste generated from his or her removal actions is transported by an approved hazardous waste hauler to an approved hazardous waste facility. The OSC should consider the possibility of employing on-site treatment (e.g., incineration, biological treatments, chemical treatments, waste stream treatment methods, etc.). Approved and effective on-site treatment is often the best course, as it resolves the problem of simply transporting the waste to another location where it still may cause a problem.

Specific disposal information will be added to this section as it is developed. Also, for local disposal options, consult the GRP for the specific area being considered.

4325.1 Washington Disposal Guidelines

Disposal practices in the state of Washington shall be performed in accordance with state disposal guidelines. Guidelines are available from Ecology and can be found in Section 9405, "Disposal Guidance for Washington State and Oregon State."

4325.2 Oregon Disposal Guidelines

DEQ's general policy is that recovered oil and oily debris is to be recycled and reused whenever possible, thereby reducing the amount of oily debris to be burned on site or disposed of at a solid waste landfill. Spilled oils and oil contaminated materials resulting from control, treatment, and cleanup shall be handled and disposed of in a manner approved by DEQ. General guidelines for the handling, storage, and recycling/reuse or disposal of wastes can be seen in Section 9405, "Disposal Guidance for Washington State and Oregon State."

4325.3 Idaho Disposal Guidelines

Reserved

4326 Use of Volunteers to Assist in Oil Spill Responses

The use of volunteers to assist in oil spill responses is recognized in 40 CFR 300 Part 185 (c), the NCP. The NCP defines "volunteer" as "any individual accepted to perform services by the lead agency which has authority to accept volunteer services" (for examples, see 16 USC 742f(c)). A volunteer is subject to the provisions of the authorizing statute and the NCP.

During an initial response before a need for volunteers has been expressed, the ICS structure may not contain positions specifically dedicated to volunteer management. The Liaison Officer will query other ICS Sections and Units concerning the need for the use of volunteers, or if there is interest expressed by the public and therefore a need to respond to requests for volunteers exists, the Liaison Officer will assign a Volunteer Coordinator to manage the work. If there are a significant number of volunteers needed, the Planning Section Chief will establish a Volunteer Unit under Planning.

Volunteers fall into two general categories:

- Affiliated volunteers are individuals associated with an Affiliated Volunteer Organization prior to an incident. They usually have received sufficient training to allow them to contribute to their host organizations, although individuals may not be trained in oil spill response.
- Non-affiliated volunteers are individuals not affiliated with an existing Affiliated Volunteer Organization. After a spill has occurred, convergent volunteers may express a spontaneous desire to participate in a response effort, but may have little or no oil spill response training.

Human health and safety is the first priority in a decision regarding use of volunteers. The benefit of volunteer efforts must be weighed against concerns for volunteer safety. Based on the conditions specific to an incident, the UC will determine the suitability of integrating volunteers, whether affiliated or convergent, into an oil spill response.

4326.1 Affiliated Volunteer Organizations

Affiliated Volunteer Organizations generally hold a nonprofit status and provide some form of training, maintain an affiliated volunteer database, and have volunteer functions to facilitate current volunteer experience and communication. These groups also accept donations of money or materials.

4326.2 Non-Affiliated Volunteers

Oil spills typically receive significant press coverage and engender strong public concern for public health and injury to wildlife and the environment. This visibility and concern motivates citizens to assist where they can in the oil spill response. The opportunity for the public to volunteer during an oil spill can be helpful for their emotional experience and can assist in altering public perception in a positive manner.

Once a decision has been made to call for convergent volunteers, the Volunteer Coordinator within ICS may work with local emergency managers or an Affiliated Volunteer Organization to organize a volunteer intake and registration process.

4326.3 Volunteer Policy of the Regional Response Team/Northwest Area Contingency Plan

The general policy accepted by the RRT/NWACP is that volunteers will be used in low risk activities and only after receiving safety training appropriate for their designated activities. If volunteers are used for higher risk activities such as wildlife rehabilitation or pre-cleaning beaches, specialized training and in some cases licensing may be required.

- Priority will be given to volunteers associated with an Affiliated Volunteer Organization and with documented specialized training.
- Non-affiliated volunteers must participate through either local government or an Affiliated Volunteer Organization.
- Use of unpaid, convergent volunteers will supplement, not replace, the work of professional responders hired by the RP.
- For safety, liability, and management reasons, volunteers will not be used during hazardous material or incidents involving weapons of mass destruction.

4326.4 Decision to Use Volunteers

The UC will decide whether volunteers will be used in a specific incident, as well as in what roles/capacities they may serve, for what duration. The decision to use volunteers will be made by the UC after discussion of the advantages and disadvantages associated with a particular incident, with advice from legal representatives because volunteer coordination in an oil spill offers complications not normally encountered in a response. The UC should consider the following issues when deciding whether to utilize volunteers.

- Non-wildlife unaffiliated volunteers do not usually participate in the physical removal or remedial activities during oil spill response. The Planning, Operations, and Logistics Sections will need to incorporate volunteer efforts into many aspects of their duties. This paradigm shift will require time and effort during an Incident Command Post's daily routine.
- The timing of the Incident Action Planning process could be more immediate than the lead time volunteer training and deployment might require. The cycles could be mismatched and difficult to manage.
- Unaffiliated volunteers are "just in time" trained. This creates a higher risk of injury and liability than other oil spill responders who are trained and exercised on a regular basis.
- More risk and cost may be required to train volunteers at a minimum level, which could achieve a lower performance result at a higher threat to safety.

- Using volunteers at the Incident Command Post may create an information security risk.
- There are many agencies involved in oil spill response. UC should be aware of any litigious issues between agencies and subsequent access to sensitive information.
- If there is no RP for a spill, the responsibility of volunteer liability will need to be determined.

4326.5 Federal Agency Volunteer Management Policy

The three primary federal regulations governing oil spill response—40 CFR 300 (NCP), 29 CFR 1910.120 (Occupational Safety and Health Standards/Hazardous Waste Operations and Emergency Response) and 40 CFR 311 (Worker Protection)—do not exclude the use of volunteer organizations. However, all spill response operations must comply with these regulations. Various health and safety requirements for different on-site activities are outlined in 29 CFR 1910.120. In addition, various federal property owners (e.g., United States Department of Defense and Department of Energy) may have specific regulations, policies or national security concerns regarding the use of volunteers. The USCG requires each volunteer to sign a "hold harmless" clause. The legal representatives of these organizations must be consulted prior to employing volunteers.

The USCG and EPA have signed a Memorandum of Understanding with the Corporation for National and Community Services for the management of non-affiliated volunteers. This agreement is preliminary in nature, and more work must be done at the federal level to implement it locally.

The USCG Auxiliary is chartered to assist the USCG as authorized by the Commandant and by Congress. In the states of Washington, Oregon, Idaho, and Montana (known as the 13th USCG District) there are approximately 1,781 Auxiliarists, or citizen volunteers. Their functions include all missions authorized by law except military operations and law enforcement. They are involved with marine safety, environmental protection, search and rescue, aircraft operations, seamanship training, weather training, radio and computer operations, public education instruction, aids to navigation, vessel safety checks, support during disasters, recruiting assistance, and safety patrols. As the roles and responsibilities of the USCG expand under the Department of Homeland Security, the Auxiliary is taking on more non-traditional roles. In their post-9/11 role, Auxiliarists may be established and organized to tackle myriad duties with specific training.

4326.6 Washington Volunteer Management Policy

Ecology has established a system to pre-register volunteers and operators of "vessels of opportunity "who have expressed interest in being trained and available to assist in responding to oil spills (before, during, or after). Some Washington plan holders have contracted access to pre-trained "vessels of opportunity" that are able to deploy boom, assist in oil recovery, and support logistical needs during a response. These assets are accessed through the company's response contractors.

4326.6.1 Washington Volunteer Wildlife Rescue Operations

Oiled wildlife response programs throughout the world regularly incorporate the volunteers as a part of their overall rescue strategy. In Washington State, volunteers are used in combination with paid staff and consultants.

Wildlife Volunteers

- The Washington Department of Fish and Wildlife is recognized as the "affiliated organization" for the purpose of recruiting and training, volunteers for oiled wildlife rescue.

See Section 9310, "Northwest Wildlife Response Plan" for a description of the Wildlife Branch duties and responsibilities.

4326.6.2 Washington Volunteer Emergency Worker Program

Washington State's Emergency Worker Program is designed for use during emergencies, disasters, and related incidents. Local governments, with the Washington Military Department, Emergency Management Division providing assistance, implement the Emergency Worker Program. While this program has generally been used for search and rescue missions, local officials may elect to implement it for volunteers in oil spills for specific tasks. However, if local emergency management agencies elect to implement this program for oil spill response, they will need to be integrated into the Incident Command structure established by the state and federal OSCs for the spill. The following are some of the job classes of emergency workers that have been established in the Emergency Worker Program:

- Administrative assistance such as recruiting, coordinating, and directing oil spill support activities;
- Communication assistance that is carried out in accordance with approved state or local emergency operations and communication plans;
- Fire service assistance, including fighting fires, rescuing persons, or protecting property. This job class does not include volunteer fire fighters while operating under RCW 41.24;
- Mass care assistance, including the provision of food, clothing, and lodging for persons who may be temporarily displaced or for oil spill response workers; and
- Public education assistance involving public education and informational activities necessary to keep the public informed during an oil spill.

This list is just a summary of the potential activities for volunteers under the Emergency Worker Program that may be appropriate during an oil spill. Emergency workers will be assigned to an emergency worker class in accordance with their skills, abilities, licenses, and qualifications. Emergency workers must register in their jurisdiction of residence or in the jurisdiction where their volunteer organization is headquartered. Please refer to Chapter 118-04 of the Washington Administrative Code or contact local emergency management agencies.

4326.7 Oregon Volunteer Management Policy

State agencies may provide limited training, but have no resources to manage volunteer organizations.

Human health and safety is the first priority in decisions regarding use of volunteers. Volunteers will normally only be used in very low risk activities and only after receiving appropriate safety training. Volunteers with documented specialized training will be given higher priority for use.

4326.8 Idaho Volunteer Management Policy

The State of Idaho has several statutes that allow for use of volunteers, and there are limited immunities. Idaho's plans and policies would require training consistent with 29 CFR 1910.120.

4326.9 Makah Tribe Volunteer Management Policy

The Makah Office of Marine Affairs has created an ordinance to address the rapid training of tribal members to participate in a response. The following table shows the training requirements.

Public Interest Volunteers	
Wildlife rescue and recovery On the beach In the water wading In small boats	 4 hours 4 hours 4 hours
Wildlife cleaning at staging areas outside the "hot zone"	4 hours
Beach cleanup (especially the cleaning of oil-effected stones, etc.)	4 hours
Visitors to the "Hot Zone"	
Personnel who may be required to perform on-site duties during the response mode of operation	24 hours
Full time employees of contractors and those giving the 4-hour Hazardous Waste Operations and Emergency Response (HAZWOPER)	40 hours
Conducting Overflights – Helicopter Emergency Egress Device System (HEEDS) training	8 hours

4400 Geographic Response Plans

GRPs are an annex to the NWACP and a key element of both facility and vessel contingency plans. GRPs have two main functions:

1. From a planning perspective, the GRPs provide a description of sensitive biological, cultural, and economic resources that must be addressed to be in compliance with:
   - The NCP (40 CFR 300.210(3)(i).), which requires ACPs to describe areas of special economic or environmental importance that could be impacted during an oil spill; and

- The NHPA, which contains applicable, relevant, and appropriate requirements; the GRPs also address sensitive historic and prehistoric resources.

2. From an operational perspective, the GRPs guide responders in the first 12 to 24 hours of an oil spill by:
   - Providing prioritized lists of tactical response strategies to be implemented during the early hours of an oil spill (usually before the formation of UC);
   - Providing detailed information for booming strategies that could be utilized to minimize impacts on predetermined sensitive resources.

Once the UC is formed, additional operational strategies and tactics will be relayed to the field in the form of the ICS 204 work assignment sheets.

Because the GRPs are the primary tool used during an initial phase of the response, and fairly broad in their scope, they are not intended to minimize impacts on all possible sensitive areas that could be affected by an oil spill. Likewise, the GRPs are not intended to be an exhaustive list all of the tactical strategies that could, or should, be implemented during a spill.

Guiding Principles for GRPs

1. The safety and health of responders always takes precedence over the protection of sensitive environmental resources.
2. Source control and containment are always a higher priority over GRP strategy deployments.
3. The protection strategies in the GRPs have been designed for use with persistent oils and may not be suitable for other petroleum or hazardous substances (see Section 4622 for Gasoline Policy).
4. Environmental conditions (wind, currents, and tides), together with the physical limitations of existing spill response technology, may preclude the effective protection of some areas.
5. Once a coordinated response has been established during an oil spill incident, booming strategy selection and prioritization are refined and supplemented based on real-time assessments. UC has the authority to supersede the strategies proposed in the GRPs.
6. Response personnel may find it necessary to deviate from the exact details provided for deploying a particular strategy. An on-site evaluation of actual conditions is often needed to determine whether a strategy is safe to deploy and whether it will be effective under existing environmental conditions or effective for the particular type of oil involved. Therefore, field personnel should use their best judgment to modify existing strategies based on real-time conditions and notify Command accordingly. Field personnel are also encouraged to notify the Command Post regarding any opportunities for deploying additional strategies that might be used to take advantage of incident-specific conditions.

GRP Response Strategies:

In general, GRPs include the following types of response strategies:

- No action: Appropriate when weather, sea, or other conditions make deployments unsafe and/or infeasible and when response actions or site access will cause further environmental damage (e.g., wetlands);
- Collection booming with on-water recovery: Deploying various types of boom to collect oil for mechanical removal using sorbent materials, vacuum trucks, or near shore skimming devices;
- Exclusion Booming: Deploying various types of boom to reduce oiling in sensitive areas; and
- Deflection Booming: Deploying various types of boom to divert oil away from a sensitive area and/or divert oil toward a collection point.

GRPs do not include:

- *In-situ* Burning: Burning oil on the water, usually requires containment by fire-resistant boom (see Section 4617 for more NWAC policy on *in-situ* burning use); and
- Dispersants: Applying chemical agents, usually by aircraft, to aid in breaking up surface slicks and dispersing oil within water column (see Section 4610, below, for more NWAC policy on dispersant use).

Sensitive Resources Addressed by GRPs

The NCP (40 CFR 300.120 (3) (i) requires that Area Committees identify and prioritize sensitive areas requiring protection. In the NWACP, sensitive areas are broken into three main categories, described below.

Environmentally Sensitive Resources

Key natural resource areas are identified using a wide of range data provided by resource trustees, tribes, plan holders, spill response organizations, contingency plan holders, and other interested stakeholders during the process of GRP development and review. The ESI maps developed by NOAA are one example of the type of natural resource information available (http://response.restoration.noaa.gov). When appropriate, tactical response strategies are designed for implementation during the early hours of an oil spill to reduce impacts on those areas, and trajectory models or other assessment techniques are used to establish initial response priorities.

Historically or Culturally Sensitive Resources

Information on sensitive historic and cultural sites is coordinated through contact with t tribal governments, state archaeologists, and the DOI. Due to the sensitive nature of this information, the specifics regarding the location and nature of such sites are not included in the GRP documents. However, to ensure that tactical response strategies do not inadvertently harm historical and culturally sensitive sites, historic preservation specialists are consulted to review the GRP documents prior to finalization.

Socioeconomically Sensitive Resources
Economically sensitive areas are facilities or locations that rely on a body of water to be economically viable and that could be severely impacted by an oil spill. Economically sensitive areas are broken down into three separate categories: critical infrastructure, water dependent commercial, and recreational areas. Information on economic resources will be gathered for inclusion as an appendix to the GRPs as they are being updated.

Geographic Scope of the GRPs

GRPs have been developed for all marine waters of Washington and Oregon and for many of the inland waterways, including the Columbia River from the mouth to the confluence with the Snake River (Washington/Oregon), Lower Snake River (Washington), Spokane River (Washington), Nisqually River (Washington), Clark-Cowlitz Rivers (Washington), Lower Deschutes River (Oregon), Clearwater and Lochsa Rivers (Idaho), and the Pend Oreille River (Idaho). For a complete list of GRPs, with links to those available in electronic format, go to http://www.oilspills101.wa.gov/northwest-area-contingency-plan/geographic-response-plans-grps/list-of-geographic-response-plans/ .

For More Information

A fact sheet describing the development, maintenance, and testing of the GRPs is available on the RRT/NWAC website at http://www.rrt10nwac.com/FactSheets.aspx.

4410 Evaluation Criteria for Geographic Response Plans

Specific strategies for response to spills in sensitive areas are detailed in the GRP. Below is a list of some of the biological, cultural, and booming criteria used to determine whether it is appropriate to develop and maintain GRP strategies at specific locations. These criteria are not intended to be exhaustive or ranked in order of priority, but rather to help frame the evaluation of GRP strategies.

Key Criteria for Biological Sites, Species, and Habitats of Concern

1) **Temporal considerations –**
   a) What is the expected recovery time for habitats or fish and wildlife resources?
   b) What is the residence time of the oil?
2) **Substrate –**
   a) What is the exposure risk? What is the likelihood that a habitat or species will be exposed to direct contact with surface oil or to dispersed/dissolved oil in the water column?
   b) Given the substrate is cleanup feasible?
3) **Habitat quantity, quality, and pattern –**
   a) Is the impacted habitat considered scarce at local, regional, or statewide scales?
   b) Is the size of the impacted habitat significant compared to other sites in the region?

c) Is species diversity or endemism high? Is this true year-round or is it seasonal?
d) Is abundance of fish and/or wildlife high? Is this true year-round or is it seasonal?
e) What life stages of organisms are present?
f) Is the habitat important to threatened or endangered species?
g) What is the status of the habitat's integrity (i.e., is the area undeveloped or highly altered)?
h) Does the habitat have a special designation or status (i.e., Marine Protected Area, biological research area, restoration site, etc.)?
i) Is the habitat and/or its associated fish and wildlife resources especially susceptible to injury by oil?

Key Criteria for Archeological and Cultural Sites of Concern

1) **Deployment –** Does the act of deploying the GRP strategy threaten the archeological site (anchoring the boom, parking vehicles, etc.)?
2) **Purpose –** Will implementing the GRP strategy type (collection, diversion, deflection) negatively impact the site?
3) **Review –** If either of the above is possible, then a review of the site records is necessary to determine the exact location and sensitivity of the site. If the site records are old or insufficient, then a field visit is necessary.
4) **Significant developments –** Are there significant developments that may cause any concern about the impacts irrelevant (housing developments etc.)?
5) **Additional criteria for archaeological sites without existing GRP strategies include:**
   a) **Impacts.** Does the site extend below the high tide line?
   b) **Vulnerability.** Will it be damaged or destroyed if oil were to hit the area (or by the placement of response equipment in the area, e.g., vacuum trucks, etc.)?
   c) **Integrity.** Has the site been disturbed yet, or is it still intact?
   d) **Historic Importance.** Is the site nominated for, or already on, the National Register of Historic Places or the state equivalent?
   e) **Tribal Importance**. Does the site hold special tribal importance?
   f) **County Importance**. Does the site hold special county importance?
   g) Feasibility. Is booming the site feasible?

Examples Socioeconomic Sites of Concern

Critical Infrastructure:

- Drinking water intakes;
- Energy/power generation intakes, locks and dams; and
- Federal/state irrigation agricultural channels and water projects.

Water Dependent Commercial Areas:

- Industrial intakes;
- Agricultural irrigation intakes;
- Aquaculture;

- Marinas;
- Commercial fishing and shellfish harvest areas;
- Federal/state and private fish hatcheries; and
- Specially designated residential, commercial and industrial areas (e.g., floating homes and live aboard marinas).

Water Dependent Recreational Areas

- Boating;
- Public recreational areas
- Sport fishing;
- National/state/local parks and beaches;
- National seashore recreational areas; and
- National river reach designated as recreational.

Key Criteria for the Use of Boom

1) **Effectiveness** – Is booming the most effective strategy for reducing oil spill impacts? Would other alternatives such as a phone call to an operator, shutting off a water intake, or closing a tidal gate be as effective?
2) **Safety –** Determine if the safety of human responders will be put at risk for limited likelihood of strategy success.
3) **Determine –** What type of booming strategy would be the most effective at reducing oil impacts to the resource under prevailing conditions—collection, deflection, or exclusion?
4) **Evaluation –** Evaluate the site for advantageous characteristics based on:
   a) **Anchoring substrate.** Does the substrate allow responders to easily anchor the boom?
   b) **Accessibility.** Can the site be easily accessed by vessels or vehicles?
   c) **Time to arrive on scene.** How long will it take to get to the site?
   d) **Potential for oiling.** Is the site located near shipping activity or fueling operations?
   e) **Beach substrate.** Use NOAA ESI or Washington State Department of Natural Resources ShoreZone classification to determine vulnerability to oiling and likely oil longevity based on the shoreline type.
   f) **Type and quantity of boom**. How many sections of boom and what size anchors will be required for deployment? What is the anchoring depth? What type of boom tending will be required? Will this tending be complicated by the amount of time it takes to arrive at the site or the difficulty of access? Is the amount of boom required reasonable (<1000 feet).
   g) **Prevailing weather – especially wind and waves.** Is a booming strategy realistic for prevailing conditions?
   h) **Tidal influence.** At extreme lows, will there be nothing but mud flats (very difficult to tend boom when it is stuck in the mud), or at extreme highs, will the entire face of a coastal marsh be underwater (thus exposing the entire perimeter to oil)?
   i) **Influence of currents**. What velocities can be expected?

j) **Feasibility.** Depends on: boom size, boom length, number and size of anchors, capability of the recruited workboats (to tow boom, set and recover anchors, shelter boat crews, carry boom and associated equipment); the experience of the boat crew; and the effectiveness of the anchoring system (both on shore and in water).

4500 General Hierarchy of Response Priorities

Specific strategies for response to spills in sensitive areas are detailed in the GRP. The general hierarchies of response priorities are:

- Ensure the safety of citizens and response personnel,
- Control the source of the spill,
- Maximize protection of environmentally sensitive areas,
- Contain and recover spilled product,
- Recover and rehabilitate injured wildlife,
- Manage a coordinated response effort,
- Remove oil from impacted areas,
- Minimize damage to economically sensitive areas, and
- Keep the public and stakeholders informed.

4600 Response Technologies for Oil Spills

Though mechanical cleanup and recovery is always the initial and primary response tool, other response technologies are considered by RRT 10 and NWAC to be integral components of effective spill response that should be available for use, as appropriate, in a timely and efficient manner. The use of response technologies such as *in-situ* burning, dispersants, and other oil spill cleanup agents should be considered when the environmental benefit of their use is expected to outweigh adverse effects.

The NCP, Section 300.910 (Subpart J) outlines the circumstances under which chemical agents or other additives may be used to remove or control oil discharges. Section 300.910(a) allows RRTs and Area Committees, as part of their planning process, to address procedures, including Preauthorization Plans, to be followed in making decisions on the use of these agents. This gives the EPA representative to the RRT and, as appropriate, the state representative to the RRT with jurisdiction over navigable waters threatened by a release or discharge of oil, as well as United States Department of Commerce (DOC), and DOI natural resource trustees the ability to approve, disapprove, or approve with modifications any Preauthorization Plans developed by RRTs and Area Committees. Section 300.910(b) authorizes the FOSC, with the concurrence of the EPA representative to the RRT and, as appropriate, of the state representative to the RRT with jurisdiction over navigable waters threatened by a release or discharge of oil and, when practical and in consultation with the DOC and DOI natural resource trustees, to authorize the use of dispersing, surface-washing, surface-collecting, bioremediation, or burning agents on a case-by-case basis. It is the policy of RRT 10 to also consult with appropriate tribal governments with off-reservation treaty

rights in navigable waters threatened by a release or discharge of oil, when practicable. Section 300.910(d) further authorizes the FOSC to use any agent listed above without requesting permission if its use is necessary to prevent or substantially reduce a hazard to human life.

The Commandant of the USCG has pre-designated the USCG Captains of the Port under his/her jurisdiction as FOSC for oil spills and has delegated authority and responsibility for compliance with Section 311 of the FWPCA (Clean Water Act) to them. The Administrator of EPA has designated EPA OSCs as FOSCs for the inland zone and has delegated authority and responsibility for compliance with Section 311 of the FWPCA (Clean Water Act) to them. Decisions regarding the use of any dispersing, surface-collecting, bioremediation, or burning agent on the international border with Canada will include consultation with the Joint Coastal Pollution Response Team (Coastal JRT).

As required by Section 300.905 of the NCP, in order for a FOSC to authorize the use of a dispersing, surface-washing, surface-collecting or bioremediation agent, it must be listed on the NCP Product Schedule. Burning agents are not listed on the NCP Product Schedule. The EPA maintains the NCP Product Schedule, which can be found at https://www.epa.gov/emergency-response/ncp-product-schedule-products-available-use-oil-spills. The Product Schedule does not authorize or pre-approve use of any of the listed products. However, the FOSC may not authorize use of a product that is not listed on the Product Schedule unless its use, in the judgment of the FOSC, is necessary to prevent or substantially reduce a hazard to human life.

The Product Schedule includes the following categories of chemical agents or additives:

Bioremediation agents
Bioremediation agents are microbiological cultures, enzyme additives, or nutrient additives that are deliberately introduced into an oil discharge and that will significantly increase the rate of biodegradation to mitigate the effects of the discharge.

Dispersants are chemical agents that 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.

Surface washing agent is any product that removes oil from solid surfaces, such as beaches and rocks, through a detergency mechanism and does not involve dispersing or solubilizing the oil into the water column.

Surface collecting agents are chemical agents that form a surface film to control the layer thickness of oil.

Miscellaneous oil spill control agent is any product, other than a dispersant, sinking agent, surface collecting agent, bioremediation agent, burning agent, or sorbent, that can be used to enhance oil spill cleanup, removal, treatment, or mitigation.

Any of these chemical response measures may warrant consideration during a response, depending on conditions. All require approval in accordance with the NCP.

4610 Dispersant Use Policy

It is particularly important that materials are strategically stockpiled and that decisions regarding the use of dispersants and *in-situ* burning be made as quickly as possible to increase their effectiveness on marine oil spills. Accordingly, the RRT 10 and NWAC have established Pre-Authorization Zones, Case-by-Case Authorization Zones, and No Use Zones for the use of dispersants. A policy has also been established to define the conditions under which *in-situ* burning may be conducted on a pre-authorized or case-by-case basis and conditions under which burning will not be allowed. The FOSC, with the assistance of the UC, will determine if the use of these response technologies meets the pre-authorization criteria established for RRT 10 and NWAC area of responsibility. Our understanding of dispersant and *in-situ* burning efficacy and toxicity is evolving, and the appropriateness of their application is subject to change based on field and laboratory testing. As new information becomes available, these policies will be revisited, modified, and enhanced as appropriate.

Areas within RRT 10 and NWAC area of responsibility fall into three different zones with respect to dispersant use: a Pre-Authorization Zone, Case-by-Case Authorization Zones, or No Dispersant Use Zones (see “Regional Response Team 10 Dispersant Use Zones Summary Table” in Section 4614, below; see Figure 4000-1 for a presentation of the process for making decisions regarding dispersant use in Case-by-Case Authorization Zones).

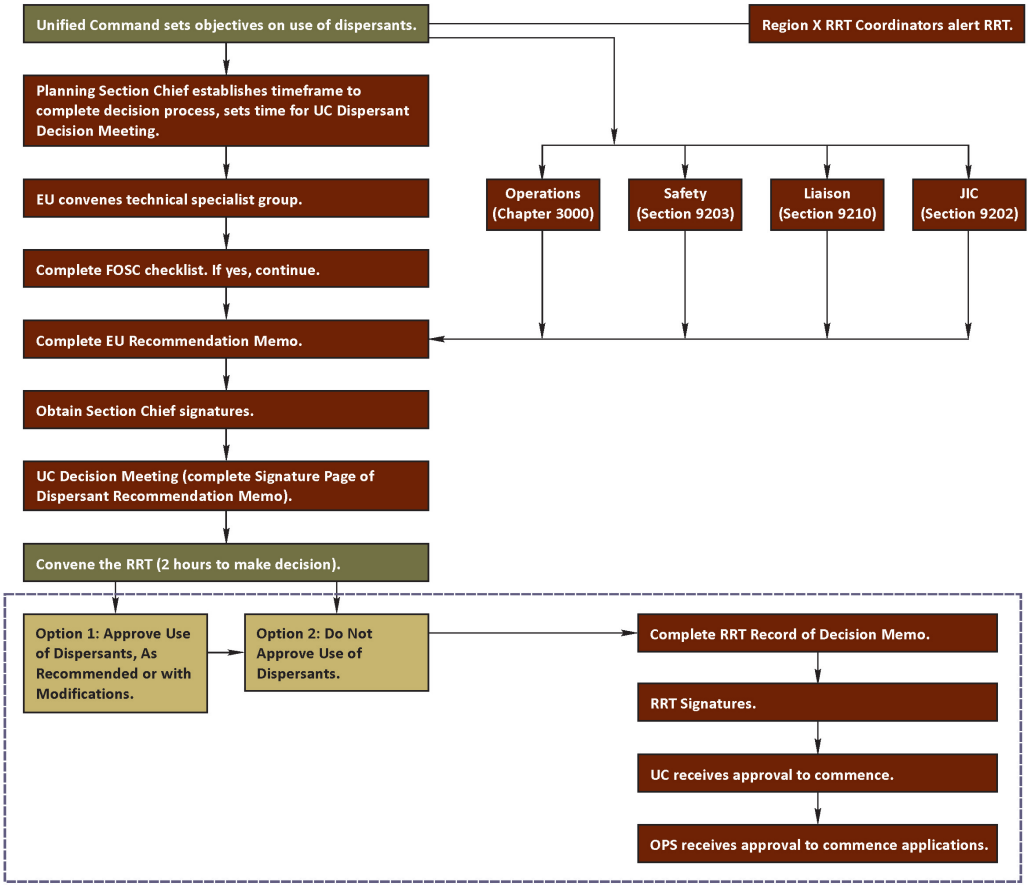


Figure 4000-1 Process for Decision Making Regarding Use of Dispersants in Case-by-Case Approval Zones

4611 Dispersant Pre-Authorization Zone

Within a designated Pre-Authorization Zone, the FOSC may authorize the use of dispersants without further concurrence or consultation with the RRT. Typically, the FOSC working in a UC will trigger a process to evaluate the applicability of dispersant use by setting that as an objective, ideally during the initial UC Objectives meeting. It is expected that the FOSC Checklist will be completed by the Technical Specialists within the EU, with input from appropriate members of the Operations Section, Liaison, and Information Officer, as needed. The RRT will be notified by the FOSC as soon as practicable following a dispersant use decision.

The Dispersant Pre-Authorization Zone is defined as follows:

- United States marine waters 3 to 200 nautical miles from the coastline outside of Puget Sound and Strait of Juan de Fuca or an island shoreline except for waters designated as a part of a National Marine Sanctuary and the Makah Tribe U&A marine area or waters within three miles of the border of the Country of Canada or the Makah Tribe U&A marine area (see Figure 4000-2).

4612 Dispersant Case-by-Case Authorization Zones

According to Section 300.910(b) of the NCP, in all areas outside the Pre-Authorization Zone, FOSC authorization to use dispersants requires the concurrence of the EPA and state representatives to the RRT with jurisdiction over the waters threatened by the release or discharge, and consultation with the DOI and DOC representatives to the RRT. It is the policy of RRT 10 to also consult with appropriate tribal governments with off-reservation treaty rights in the navigable waters threatened by a release or discharge of oil, when practicable. The FOSC and UC should forward the completed Dispersant Recommendation Memo along with the RRT Record of Decision Memo to the RRT for consideration in their concurrence and consultation process. A decision from the RRT on dispersant use is expected within 2 hours of activation.

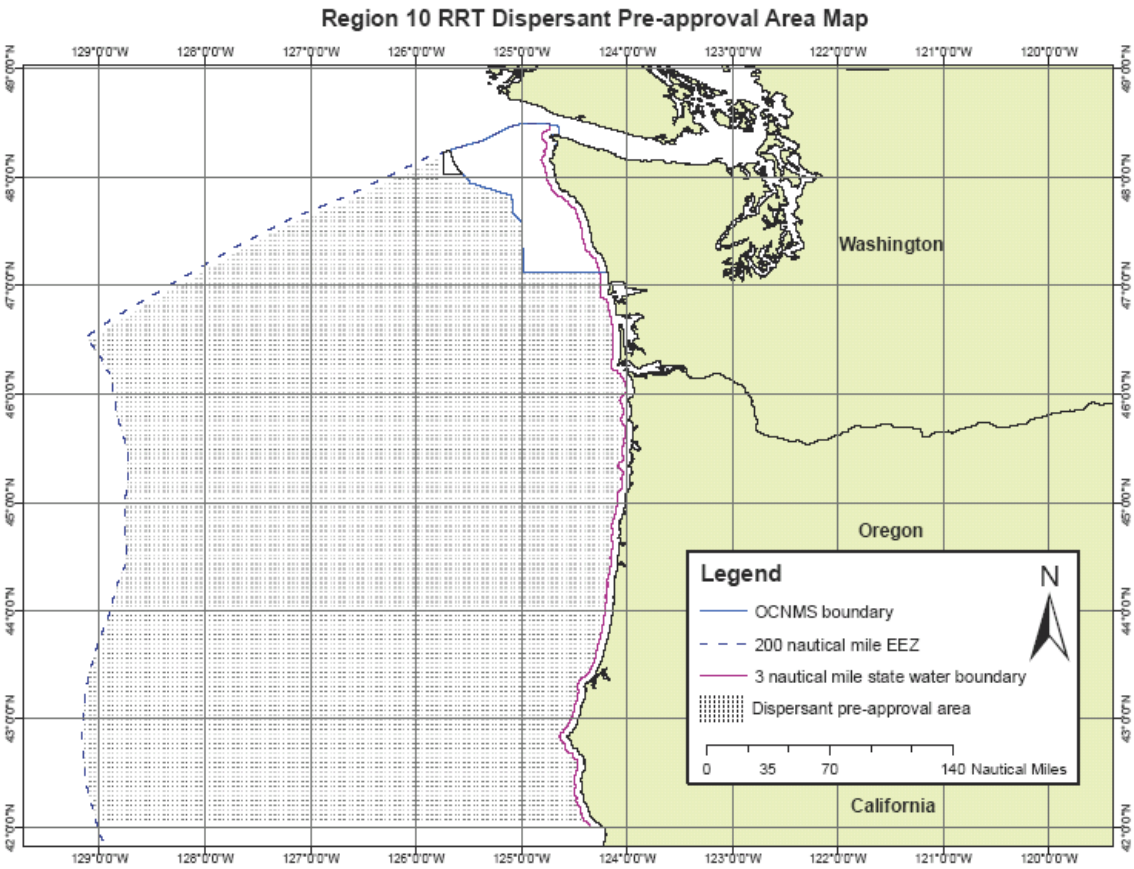


Figure 4000-2 Dispersant Pre-Authorization Zone

The Dispersant Case-by-Case Authorization Zones are defined as follows:

- All United States marine waters in Puget Sound and the Strait of Juan de Fuca that are both within 3 nautical miles of the coastline or an island shoreline and greater than 10 fathoms (60 feet) in depth, except any area located within a designated No Dispersant Use Zone (see Section 4613, below).

- Waters designated as a part of a National Marine Sanctuary and waters that are part of the Makah Tribe U&A marine area that are also greater than 10 fathoms (60 feet) in depth.
- Waters of the Strait of Juan de Fuca and North Puget Sound from Point Wilson to Admiralty Head and north, and greater than 10 fathoms (60 feet) in depth.
- Marine waters within 3 miles of the borders of the Makah Tribe U&A marine area and the country of Canada. In consideration of the use of dispersants within 3 miles of the Makah Tribe U&A marine area, the RRT 10 will consult with the Makah Tribal government. In considering the use of dispersants within 3 miles of the international border with Canada, RRT 10 will consult with the Coastal JRT, composed of representatives of the United States and Canadian governments.

4613 No Dispersant Use Zones

There are some areas in RRT 10 and NWAC area of responsibility where the RRT and NWAC have determined it is not appropriate to use dispersants. In these areas, dispersants may be used only if, in the judgment of the FOSC, they are required to prevent or substantially reduce a hazard to human life. In this case, the FOSC should document this determination. The RRT will be notified by the FOSC as soon as practicable following a dispersant use decision. An After Action report will be completed.

The No Dispersant Use Zones are as follows:

- Marine waters that are both less than 3 nautical miles from the coastline and less than or equal to 10 fathoms (60 feet) in depth;
- Marine waters south of a line drawn between Point Wilson (48º 08' 41" N, 122º45' 19" W) and Admiralty Head (48º 09' 20" N, 122º 40' 42" W); and
- Freshwater environments.

4614 Region 10 Dispersant Use Zones Summary Table

Regional Response Team 10/Northwest Area Committee Dispersant Use Zone Summary Table

Dispersant Pre-Authorization Zone	United States marine waters 3 to 200 nautical miles from the coastline outside Puget Sound and the Strait of Juan de Fuca or an island shoreline except for waters designated as a part of a National Marine Sanctuary and the Makah Tribe Usual and Accustomed marine area or waters within 3 miles of the border of the Country of Canada or the Makah Tribe Usual and Accustomed marine area
Dispersant Case-by-Case Authorization Zone	■ All United States marine waters in Puget Sound and the Strait of Juan de Fuca that are both within 3 nautical miles from the coastline or an island shoreline and greater than 10 fathoms (60 feet) in depth

Regional Response Team 10/Northwest Area Committee Dispersant Use Zone Summary Table

	■ Waters designated as a part of a National Marine Sanctuary and waters that are part of the Makah Tribe Usual and Accustomed marine area which are also greater than 10 fathoms (60 feet) in depth.
Dispersant Case-by-Case Authorization Zone (continued)	■ The Strait of Juan de Fuca and North Puget Sound from Point Wilson to Admiralty Head and north, and greater than 10 fathoms (60 feet) in depth. ■ Marine waters within 3 miles of the borders of the Makah Tribe Usual and Accustomed marine area and the country of Canada.
No Dispersant Use Zones	■ Marine waters that are both less than 3 nautical miles from the coastline and less than or equal to 10 fathoms (60 feet) in depth. ■ Marine waters south of a line drawn between Point Wilson (48º 08' 41" N, 122º45' 19" W) and Admiralty Head (48º 09' 20" N, 122 40' 70" W). ■ Freshwater environments.

4615 Role of RRT

RRT 10 and member agencies have various roles related to the use of dispersants within federal waters in the RRT 10 area of responsibility. See Section 1220 Standing and Incident-Specific Regional Response Team for additional information on roles and authorities of the RRT. The following provides more specific guidance on the role of RRT 10 in each designated zone:

a. Dispersant Pre-authorization Zone: There is no additional guidance required from the RRT prior to the application of dispersants within a Pre-Authorization Zone. The FOSC Checklist will be completed prior to use of dispersants. An Incident After-Action Report will be provided by the FOSC to all interested RRT members after the emergency response is over.

b. Case-by-Case Dispersant Authorization Zone (see Figure 4000-1): For areas in a Case-by-Case Authorization Zone, in order to authorize the use of dispersants, the FOSC will prepare a recommendation memo and request an activation of RRT 10 for a decision. The purpose of the activation is for the FOSC to outline the basis for the request to authorize dispersant use, and pursuant to 300.910(b) of the NCP, seek concurrence from the EPA representative to the RRT and, as appropriate, the RRT representatives from the states with jurisdiction over the navigable waters threatened by the release or discharge. This activation will also serve as consultation with the DOC and DOI natural resource trustees. It is the policy of RRT 10 to also consult with appropriate tribal governments with off-reservation treaty rights in navigable waters threatened by a release or discharge of oil, when practicable. Oil trajectory, potential impact areas, and the respective sensitivities of the RARs in those areas should be considered. The RRT members will sign the Record of Decision memo

and send it to the FOSC. An Incident After-Action Report will be provided to all interested RRT member agencies after the emergency response is over. An outline of suggested information to include in an Incident After-Action Report is provided in Section 4623, below.

c. No Authorization Zone: It has been determined that some areas within the RRT 10 area of responsibility are not appropriate for dispersant use. If, however, an FOSC determines that dispersant use is necessary to substantially reduce a hazard to human life, the FOSC will notify the RRT Co-Chairs as soon as practicable following a decision to use dispersants and provide an Incident After-Action Report to all interested RRT member agencies. An outline of suggested information to include in an Incident After-Action Report is provided in Section 4623, below.

   An Incident After-Action Report with relevant information on the spill incident and the dispersant application will be provided to all interested RRT member agencies after the emergency response is over.

In addition to the FOSC Dispersant Authorization Checklist and the Dispersant Decision Memo, the appropriate Technical Specialists within the EU will prepare a map outlining the area proposed for dispersant application, including any pertinent information.

For case-by-case dispersant decisions, once the RRT has made a decision on the use of dispersants, Technical Specialists within the EU will also prepare a Recommendation Memo to capture the specific details, conditions, constraints, and any other pertinent information from the RRT linked to the use of dispersants. This memo, addressed to the FOSC from the key RRT members (EPA Co-Chair, affected State representative, and representatives from the DOC and DOI), will then be signed by each key member of the RRT involved in the decision and sent to the FOSC.

4616 Special Monitoring of Applied Response Technologies Protocols for Dispersants

Special Monitoring of Applied Response Technologies (SMART) is a cooperatively designed monitoring program for *in-situ* burning and dispersants. SMART relies 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 UC to address critical questions about effectiveness and effects. Monitoring data can assist the UC with decision-making for dispersant and *in-situ* burning operations.

It is the policy of the NWAC and RRT 10 that the SMART protocols will be used, to the extent possible, for monitoring after the application of dispersants. Additional detail on the SMART protocols may be found at http://response.restoration.noaa.gov/smart. To monitor the efficacy of dispersant application, SMART recommends three options, or tiers, described below.

Tier I
A trained observer flying over the oil slick assesses dispersant efficacy and reports back to the UC. Tier I monitoring, at a minimum, must be conducted during any dispersant application.

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 1 meter under the dispersant treated slick. The team records and conveys fluorometer data, with recommendations, to the UC. Water samples will be taken for later chemical analysis at a laboratory.

Tier III
By expanding the monitoring efforts in several ways, Tier III provides information on the dispersed oil movement and fate. (1) Two fluorometers are used on the same vessel to monitor at two water depths; (2) Monitoring is conducted in the center of the treated slick at several water depths, from one to ten meters; and (3) A portable water laboratory provides data on water temperature, pH, conductivity, dissolved oxygen, and turbidity.

4617 Region 10 *In-Situ* Burning Policy and Plan
The RR 10 *In Situ* Burning Policy and Plan for ocean and coastal waters and the inland zone has been developed based on the recognition that in some instances, the physical collection and removal of oil is infeasible or inadequate, and the use of *in-situ* burning as an oil spill response technique must be considered.

4617.1 Authority for RRT 10 *In-Situ* Burning Plan
Subpart J of the NCP provides that RRTs and Area Committees shall address the use of appropriate burning agents as part of their planning activities in responding to oil spills. Further, Subpart J encourages RRTs and Area Committees to develop Preauthorization Plans to be included in the ACP and identify the specific contexts in which burning agents should and should not be used [40 CFR 300.910(a)]. The entirety of Sections 4617, 4618, and 4619 constitutes the RRT 10 Preauthorization Plan.

Preauthorization and Case-by-Case zones have been established to delineate locations and conditions under which burning operations may take place in RRT 10.

The FOSC/UC shall follow the RRT 10 *In Situ* Burning Decision Tree (Figure 4000-3) and the Protocols for *In Situ* Burning (see Section 4619, below) in this Preauthorization Plan as well as guidance provided in Section 9407, "*In-Situ* Burning Operational Planning Tool" when a decision has been made to consider the use of *in-situ* burning operations to mitigate spilled oil.

Authorization in Case-by-Case Zones
Subpart J of the NCP provides that the FOSC, with the concurrence of the EPA representative to RRT 10 and the state(s) with jurisdiction over the navigable waters threatened by the release or discharge, and in consultation with the DOC and DOI trustee representatives to RRT 10, may authorize the use of burning agents on oil spills, not covered in the Preauthorization Plan, on a case-by-case basis [40 CFR 300.910(c)]. Tribes will be afforded substantially the same treatment as states (40 CFR 300.5 *State*). Thereby, tribal representation will be required for preauthorization concurrence or concurrence on a case-by-case application of burning agents in waters under tribal jurisdiction.

Substantial Threat to Human Life
The FOSC may authorize the use of burning agents for any oil spill when, in the judgment of the FOSC, the use of burning agents is necessary to prevent or substantially reduce a hazard to human life [40 CFR 300.910(d)].

EPA has delegated its authority for authorization of appropriate burning agents to the EPA representative to RRT 10. RRT 10 representatives from the DOC, DOI, and the states of Washington, Oregon, and Idaho have been delegated authority by their respective agencies or state governments to represent natural resource trustee concerns and to serve as consultants to the FOSC on these matters.

4617.2 Scope of Regional Response Team 10 In Situ Burning Plan

The RRT 10 *In Situ* Burning Plan allows the FOSC and/or UC to use burning agents to:

- Prevent or substantially reduce a hazard to human life;
- Reduce the environmental impact of the spilled oil; or
- Reduce economic losses to critical infrastructure and public property as a result of the spill.

While the NCP does not require RRT approval for the use of *in-situ* burning as a response technology when burning agents are not utilized, the USCG, EPA, DOI, DOC, and member states of RRT 10 have agreed that, regardless of the need for RRT authorization, the notification protocols and implementation guidance in this plan are appropriate for all oil spill responses in Federal Region 10 where *in-situ* burning is used as an applied response technology. *In situ* burning to remediate oil spills occurring in Federal Region 10 will be conducted in accordance with this plan. This plan includes:

- *In situ* burning at offshore, near-shore, or inland oil spills,
- *In situ* burning where burning agents (a.k.a. “accelerants”) are not used, and
- *In situ* burning where burning agents (a.k.a. “accelerants”) are used.

This plan is not intended to cover burning of stockpiled debris.

4617.3 Definition of "Ignition"

Subpart J of the NCP does not define or prohibit ignition as a method to initiate *in-situ* burning of an oil spill. Further, the use of ignition is not considered the use of a burning agent in the initiation of or sustained combustion of spilled oil.

4617.4 Definition of "Burning Agents"

Subpart J of the NCP specifically addresses authorization procedures for the use of "appropriate burning agents." A burning agent, also called an "accelerant," is defined as an additive that, through physical or chemical means, improves the combustibility of the materials to which it is applied [40 CFR 300.5]. The process of *in-situ* burning, through deliberate action as an applied response technology, often includes the use of burning agents to assist with ignition and, at times, with sustained combustion. The NCP does not require technical product data submissions for burning agents and does not include burning agents on the NCP Product Schedule [40 CFR 300.915(e)].

4618 Elements of RRT 10 Policy and Plan for In Situ Burning

In situ burning operations will be conducted within the jurisdiction of RRT 10 in accordance with this *In Situ* Burning Policy and Plan. Key elements of the plan are as follows:

1. The plan establishes a geographically defined Preauthorization zone. All areas not identified as in the Preauthorization zone will be designated as Case-by-Case zones.
2. In the Preauthorization zone, burning agents can be utilized, without further RRT approval, to conduct *in-situ* burning of spilled oil, provided that the guidelines in the Preauthorization Plan are followed.
3. RRT 10 approval is needed in order to utilize burning agents in Case-by-Case zones, unless the burn substantially reduces a hazard to human life.
4. The plan reaffirms the use of ignition by the FOSC/UC to conduct *in-situ* burning of spilled oil in the Preauthorization and Case-by-Case zone without RRT approval.
5. FOSC/UC can use ignition and/or burning agents in either zone, without RRT approval, to conduct *in-situ* burning of spilled oil in order to prevent or substantially reduce a hazard to human life.
6. FOSC is still required to conduct ESA Section 7, including Essential Fish Habitat, and NHPA Section 106, Emergency Consultations with the appropriate trustee agencies.

4618.1 Preauthorization Zone for In Situ Burning

The *In Situ* Burning Preauthorization zone is described as follows:

- Any area that is more than 3 miles from human population. Human population is defined as 100 people per square mile.
- EPA does not intend to utilize preauthorization to apply burning agents without incident specific RRT approval in the inland zone.

The FOSCs have the authority and responsibility for managing oil spills in the preauthorized area as part of a UC structure. This *In Situ* Burning Policy and Plan authorizes the FOSC/UC to do the following without RRT approval:

1. Under proper conditions, ignite the spilled oil without using burning agents.
2. Utilize burning agents, as appropriate, if the burning conditions are suitable. EPA does not intend to utilize preauthorization to apply burning agents without incident specific RRT approval in the inland zone.

This plan also reaffirms the FOSC requirement to conduct timely emergency consultations under the ESA Section 7 and the NHPA Section 106. See Sections 4313 and 4314 for additional information on complying with this requirement.

All burning operations within the Preauthorization zone will be conducted in accordance with the protocols outlined in this plan. It is imperative that the FOSC and UC make every reasonable effort to continuously evaluate an *in-situ* burn within the Preauthorization zone. Additionally, the FOSC and UC will brief RRT 10 on the burn operation as conditions warrant and time allows.

Within areas preauthorized for the use of appropriate burning agents, further consultation by the FOSC is not required as long as the appropriate RRT agencies are immediately notified and the relevant protocols outlined in this plan are followed.

4618.2 Open Water and Inland Zone Case-by-Case Zones for In Situ Burning

The *In Situ* Burning Case-by-Case zones are described as follows:

- Any areas within 3 miles of human population. Human population is defined as 100 people per square mile.

FOSCs have the authority and responsibility for responding to oil spills in the Case-by-Case Zones based upon their jurisdictional boundaries. Within UC, the FOSC is authorized to do the following in the Case-by-Case zones without RRT approval:

1. Under proper conditions, ignite the spilled oil without burning agents.
2. Utilize burning agents to initiate/sustain *in-situ* burn when, in the FOSC's judgment, the use of burning agents is necessary to prevent or substantially reduce a hazard to human life.

The FOSC is authorized to do the following in the Case-by-Case zones after RRT approval:

1. Utilize burning agents to initiate and sustain *in-situ* burning to mitigate spilled oil within any constraints provided by RRT 10.

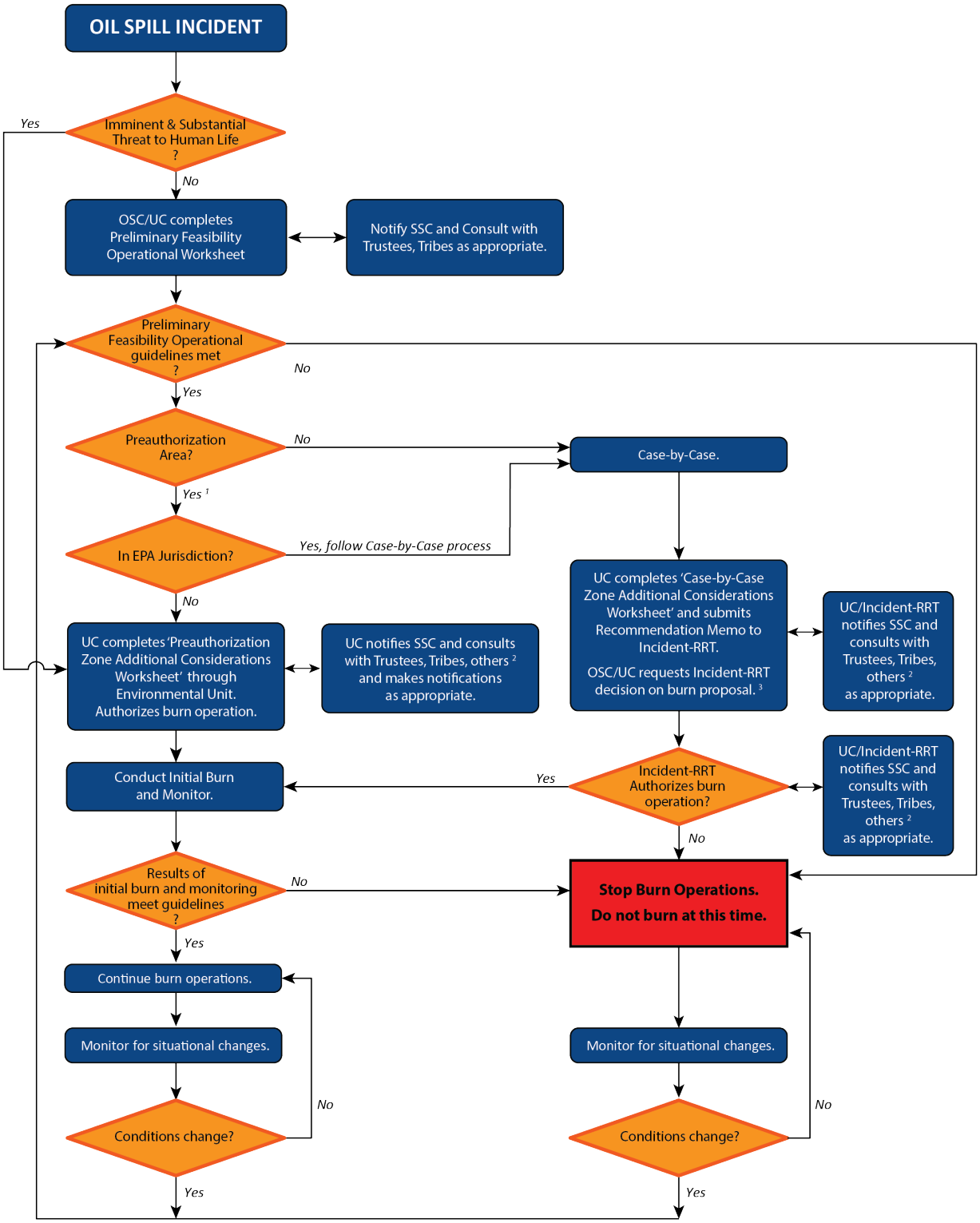
The RRT 10 *In Situ* Burn Policy and Plan also reaffirms the FOSC requirement to conduct timely emergency consultations under the ESA Section 7 and the NHPA Section 106. See Sections 4313 and 4314 for additional information on complying with this requirement.

In addition, the FOSC/UC shall do the following in requesting RRT 10 approval to initiate *in-situ* burning operations in Case-by Case Zones:

1. When planning to conduct *in-situ* burning within 3 miles of a population center, and within 3 miles of the international marine border with Canada, coordinate with RRT 10 to consult with the Coastal JRT, composed of representatives of the United States and Canadian governments, and co-chaired by the United States and Canadian Coast Guards.
2. When planning to conduct *in-situ* burning within 3 miles of a population center and 3 miles of the international land border with Canada, coordinate with RRT 10 to consult with the Regional Joint Response Team, composed of representatives of the United States and Canadian governments and co-chaired by the United States and Environment Canada.
3. Coordinate with RRT 10 to consult with appropriate tribal governments with off-reservation treaty rights in the navigable waters threatened by a release or discharge of oil, when practicable.
4. Conduct an emergency consultation with representatives of state and federal trustee agencies, considering operational timing constraints, with the goal of obtaining the best available information pertaining to the presence or absence of natural resources at the proposed burn site prior to submitting a request for authorization to RRT 10.
5. Complete and submit the *In Situ* Burning Application Long Form (see Section 9407, "*In-Situ* Burning Operational Planning Tool") to RRT 10 for an authorization decision. A decision from RRT 10 on conducting an *in-situ* burning operation is expected within 2 hours of receipt of the *In Situ* Burning Application Form.

All burning operations within the Case-By-Case zone will be conducted in accordance with the protocols outlined in this plan. It is imperative that the FOSC and UC make every reasonable effort to continuously evaluate an *in-situ* burn. Additionally, the FOSC and UC will brief RRT 10 on the burn operation as conditions warrant and time allows.

Figure 4000-3 RRT X In Situ Burning Decision Tree



Key:

[1] Indicates that the initial burn decision will be made by the UC.

[2] Other includes but not limited to: State & Local Health Departments, Air Agencies, Emergency Management Agencies.

[3] Incident RRT approval not required if burning agent not used.

4619 Protocols for In Situ Burning Policy and Plan

The requirements below apply to all *in-situ* burning operations under the provisions of this plan.

4619.1 Prior to Initiating an In Situ Burning Action

4619.1.1 Mechanical Recovery

Within Region 10, mechanical recovery is anticipated to be the primary response technique for the majority of on-water oil spills. *In situ* burning shall be considered by the FOSC/UC as another response tool to reduce the impacts of oil spills, as appropriate, in combination with mechanical and other response techniques. Note that provisions must be made for mechanical collection of burn residue following any burn(s).

4619.1.2 In Situ Burn Feasibility Analysis, Application Forms and Submittal for Regional Response Team 10 Authorization

Once an oil spill has occurred, and the FOSC/UC has determined that *in-situ* burning should be considered to help mitigate the impact of the spilled oil, the FOSC/UC shall complete the *In-Situ* Burn Preliminary Feasibility Analysis Worksheet to determine if conditions are appropriate for *in-situ* burning. Typically, this form will be completed by the EU and the NOAA SSC, including other technical specialists as appropriate.

If the worksheet indicates that conditions are appropriate for burning, then the FOSC/UC completes the appropriate application form depending on whether the spill occurred in the Preauthorization zone (short form) or Case-by-Case zone (long form).

a. For spills in the Preauthorization zone, the *In Situ* Burning Application short form (see Section 9407, "*In-Situ* Burning Operational Planning Tool") shall be completed after or concurrent with all burning operations and provided to RRT 10 members in a timely manner for documentation and informational purposes.

b. For spills in a Case-by-Case zone, the full form in Section 9407 shall be completed before commencing any burn (unless no burning agents will be used and only ignition will occur), and provided to RRT 10 members in a timely manner for their authorization decision.

4619.1.3 Inland Burning Considerations in Case-by-Case Zones

In situ burning in the inland zone is conducted primarily in wetland areas, inland waters, adjoining shorelines, and other areas that threaten release to a navigable waterway within the inland zone of RRT 10 geographic boundaries. These may include agricultural lands, lands void of vegetation, and grasslands. Burning will not occur in forested areas unless otherwise recommended by the land manager or owner.

In the inland zone, *in-situ* burning is typically considered under the following conditions:

- To remove oil to prevent its spread to sensitive sites or over large areas.
- To reduce the generation of oily wastes, especially where transportation or disposal options are limited.
- Where access to the site is limited by shallow water, soft substrates, thick vegetation, or the remoteness of the location.
- As a removal technique, when other methods begin to lose effectiveness or become too intrusive.

In situ burning in the inland zone should be conducted under the direction of a knowledgeable practitioner, if available. Burning will be conducted utilizing safe fire management techniques. All practical efforts will be made to control and contain the burn and prevent accidental or unplanned ignition of adjacent areas.

The FOSC/UC will notify adjacent land managers/owners prior to any *in-situ* burning operation conducted on land or non-navigable waters.

4619.1.4 Favorable Conditions

In open water and coastal zones, *in-situ* burning is advised only when the meteorological and sea conditions are operationally favorable for a successful burn. The FOSC/UC will utilize readily available resources to gather information on the speed and direction of the wind, atmospheric conditions, plume modeling, and the proximity to population centers or sensitive resources onshore and will make efforts to avoid particulate impacts in these areas. A safety margin of 45 degrees of arc on either side of predicted wind vectors should be used and documented for shifts in wind direction.

Favorable conditions for the inland zone include:

- Remote or sparsely populated sites (at least 3 miles from populated areas);
- Fresh crudes or light/intermediate refined products, which burn more readily and efficiently;
- Mostly herbaceous vegetation;
- Areas void of vegetation, such as dirt roads, ditches, dry streambeds, and idle cropland; and
- In wetlands with an adequate water layer (at least 1 inch) covering the substrate (prevents thermal damage to soil and roots, and keeps oil from penetrating substrate).

4619.2 During an In Situ Burning Action

4619.2.1 Responder Health and Safety

Ensuring worker health and safety is the responsibility of employers and the OSC/UC, who must comply with all Occupational Safety and Health Administration regulations.

RRT 10 has developed a Health and Safety Job Aid (see Section 9203, "Health and Safety Job Aid") to provide guidance and example Health and Safety Plans to be utilized at oil/hazardous materials incidents in the Pacific Northwest.
In addition, see Section 9407, "*In Situ* Burning Operational Planning Tool" for guidance on health and safety concerns specific to *in-situ* burning of spilled oil.

4619.2.2 Public Health/Safety and *In Situ* Burning Air Monitoring Program

Public health will be protected during an *in-situ* burn by conducting air monitoring and/or sampling at appropriate locations downwind of the burn operations. In a case where smoke plumes are not predicted to cross over populated or environmentally sensitive areas, an inability to conduct air monitoring will not be automatic grounds for discontinuing or prohibiting *in-situ* burn operations.

The SMART protocols, as modified by RRT 10 (see Section 9407, "*In Situ* Burning Operational Planning Tool"), will provide the basis for the air monitoring/sampling program to ensure that sensitive populations are not exposed at levels expected to affect people's health.

It is RRT 10's policy to utilize EPA's National Ambient Air Quality Standards for particulate matter up to 2.5 microns in diameter (PM 2.5) and particulate matter up to 10 microns in diameter (PM 10) as Levels of Concern (LOCs) during *in-situ* burning operations (see Table 9407-1 "In-Situ Burning Pollutants and Exposure Limits" in Section 9407). The National Ambient Air Quality Standards (NAAQS) are based on a 24-hour time weighted average sample, and LOCs for particulates for the general public are 150 micrograms per cubic meter (PM 10) and 35 micrograms per cubic meter (PM 2.5). While conducting an in situ burn, responders will use the same LOCs from a 1-hour time weighted average sample. This is a very conservative LOC. If at any time it is anticipated, or measurements indicate, that the public are being or will be exposed to levels of particulates exceeding the identified LOCs, as a result of *in-situ* burning operations, then then the decision to continue in-situ burning operations will be reviewed with input from public health professionals. The NAAQS does not publish levels for shorter average times (e.g., 1- to 3-hour or 8-hour averages). As such, responders will have to determine how to assess the threats posed when particulates have not been present nor measured for 24-hours. Additional guidance can be found in Attachment B of Section 9418 (Emergency Response Community Air Monitoring).

Representatives of the USCG, EPA, federal trustee agencies, the affected state(s), Occupational Safety and Health Administration, and the RP may have the opportunity to observe *in-situ* burning operations if logistics and safety considerations permit. This decision will be made by the UC at the time of the incident.

4619.2.2.1 Local Air Agencies

The FOSC/UC will notify and coordinate with the state, local, and/ or tribal air agencies prior to and during an *in-situ* burning operation. Contact information for state and local air agencies may be found in Section 9407, "*In Situ* Burn Operational Planning Tool."

In addition to the UC–led air monitoring/sampling activities outlined generally in Section 4619.2.2, above, and specifically in Section 9407, the FOSC/UC will coordinate with the state, local, and/or tribal air agencies to identify regulatory air monitors/samplers in the anticipated plume path. In the event that there are exceedances of air quality standards or measurements of regulatory significance during/or after an *in-situ* burning operation, the FOSC/UC will work with the air agency to determine if the event qualifies as an Exceptional Event as governed by the "Treatment of Data Influenced by Exceptional Events" rule (72 Federal Regulations 13560, March 22, 2007) including any amendments thereto.

4619.2.3 Documentation during *In Situ* Burning Operations

Detailed information about the burn must be recorded, including duration, residue type and volume, water depth before and after the burn, visible impacts, post-burn activities (e.g., residue removal methods), etc.

Air monitoring/sampling data will be collected by the UC-led monitoring teams using the RRT 10 Modified SMART Protocol, during *in-situ* burning operations. These data will be shared with the state, local, and/or tribal air agencies responsible for the areas with regulatory monitors/samplers potentially impacted by smoke plumes resulting from *in-situ* burning operations. Incident data may be utilized by the impacted air agencies in implementing requirements for the treatment of air quality monitoring data influenced by exceptional events as governed by the "Treatment of Data Influenced by Exceptional Events" rule (72 Federal Register 13560, March 22, 2007), including any amendments thereto.

4619.2.4 Burn Control

Burning will be conducted in a way that allows for effective control of the burn, to the maximum extent feasible, including the ability to rapidly stop the burn if necessary. Contained and controlled burning is recognized as the preferred method of burning, using fire-resistant boom.

4619.2.5 Ignition Control

All practical efforts will be made to control and contain the burn and prevent accidental ignition of the source. Generally, it is not recommended that the source or adjacent uncontained slicks be allowed to ignite during *in-situ* burning operations. Certain circumstances, however, may warrant consideration of carefully planned source ignition.

4619.3 After Completion of an In Situ Burning Operation

4619.3.1 Final Report

Any use of *in-situ* burning during a spill response requires that the FOSC/UC provide a post-incident report to the RRT within 45 days of completing *in-situ* burning operations. Recommendations for changes or modification to this policy should be presented in the report, if appropriate. This report will be presented at an RRT 10 meeting, if requested by RRT 10. Required criteria for the final report are outlined in Section 9407, "*In-Situ* Burning Operational Planning Tool."

Additionally, issues that arose during the emergency consultations under ESA Section 7 and NHPA Section 106 may require additional reporting to those agencies after the response has ended.

4620 Decanting during On-Water Recovery

When oil is spilled on the water, mechanical recovery of the oil is the principal approved method of responding. However, the mechanical recovery process and associated systems necessarily involve placing vessels and machinery in a floating oil environment. When heavy oil sinks, large volumes of water mixed with silt/sediment may be recovered and need treatment prior to disposal. Decanting tank systems is one technique that could be used to separate and treat solids and liquids before discharging liquids back into the response area. Incidental returns of oil into the response area, such as oil that falls back into the recovery area from vessels and machinery that are immersed and working in the oil, are an inevitable part of the mechanical recovery process. Similarly, separation or "decanting" of water from recovered oil and return of excess water into the response area can be vital to the efficient mechanical recovery of spilled oil because it allows maximum use of limited storage capacity, thereby increasing recovery operations. This only applies to in-water recovery conducted with vessels and not on shore activities.

This practice is currently recognized as a necessary and routine part of response operations that is appropriately addressed in Area Contingency Plans (see National Contingency Plan Revisions, 59 Federal Register 47401, September 15, 1994.) In addition, some activities, such as those associated with oil recovery vessels, small boats and equipment cleaning operations may result in incidental discharges. These activities may be necessary to facilitate response operations on a continuing basis, and all of these activities are considered to be "incidental discharges."

4621 Decanting Policy

This policy addresses "incidental discharges" associated with spill response activities. "Incidental discharge" means the release of oil and/or oily water within the response area in or proximate to the area in which oil recovery activities are taking place during and attendant to oil spill response activities. Incidental discharges include, but are not limited to, the decanting of oily water, oil and oily water returns associated with runoff from vessels and equipment operating in an oiled environment and the wash down of vessels, facilities and equipment used in

the response. "Incidental discharges" as addressed by this policy, do not require additional permits and do not constitute a prohibited discharge. See 33 CFR 153.301, 40 CFR 300, RCW 90.56.320(1), Washington Administrative Code 173-201A-110, ORS 468b.305 (2)(b).

4621.1 Criteria

During spill response operations, mechanical recovery of oil is often restricted by a number of factors, including the recovery system's oil/water recovery rate, the type of recovery system employed and the amount of tank space available on the recovery unit to hold recovered oil/water mixtures. In addition, the longer oil remains on or in the water, the more it mixes to form an emulsified mousse or highly mixed oil/water liquid, which sometimes contains as much as 70% water and 30% oil, thus consuming significantly more storage space. Decanting is the process of draining off recovered water from portable tanks, internal tanks, collections wells or other storage containers to increase the available storage capacity of recovered oil. When decanting is conducted properly most of the petroleum can be removed from the water.

The overriding goal of mechanical recovery is the expeditious recovery of oil from water. In many cases, the separation of oil and water and discharge of excess water is necessary for skimming operations to be effective in maximizing the amount of oil recovered and in minimizing overall environmental damages. Expeditious review and approval, as appropriate, of such requests is necessary to ensure a rapid and efficient recovery operation. In addition, such incidental discharges associated with mechanical recovery operations should not be considered prohibited discharges. Such actions should be considered and in appropriate circumstances pre-authorized by the FOSC and/or SOSC because the discharged water will be much less harmful to the environment than allowing the oil to remain in the water and be subject to spreading and weathering.

Therefore, the Area Committee adopts the following policy in order to provide for an expeditious decanting approval process and provide clear guidance to the UC, response contractors and other members of the spill response community.

4621.2 Oils Pre-Approved for Decanting and Associated Conditions

Pre-approval for on-water decanting is authorized when pumping recovered oil and water ashore is not practical during the first 24 hours after the initial spill discovery. Decanting authorization is granted for the oil products listed below:

- All crude oils,
- Vacuum gas oils,
- Atmospheric gas oils,
- Recycle oils not containing distillates,
- Bunker fuels,
- No. 6 fuel oils,
- Cutter stocks, and

- Coker gas oils.

Decanting of the listed oils is pre-approved if the following conditions are met:

- Pre-approval applies to the first 24 hours after spill discovery. Decanting requests for all remaining operational periods will need to be completed and submitted to UC. The RP must fill out the NWACP decanting request and seek UC approval prior to any additional decanting approvals from the second operational period on.
- The Incident Commander must be notified within one hour of decanting being initiated and must then immediately notify the UC.
- The RP assures the UC that they are quickly obtaining adequate oil storage and skimming capacity within the first 24 hours and that the responders are expeditiously getting sufficient storage and skimming capacity on site to alleviate the need for prolonged decanting.

The following criteria found in the current Decanting Authorization Form must be complied with:

- All decanting should be done in a designated "Response Area" within a collection area, vessel collection well, recovery belt, weir area, or directly in front of a recovery system.
- Vessels employing sweep booms with recovery pumps in the apex of the boom shall decant forward of the recovery pumps.
- Vessels not equipped with an oil/water separator should allow retention time for oil held in internal or portable tanks before decanting commences.
- Containment boom needs to be deployed around the collection area, where feasible, to prevent loss of decanted oil or entrainment.
- Visual monitoring of the decanting shall be maintained at all times so that discharge of oil in the decanted water is detected promptly.
- Where feasible decant ahead of an operating skimmer recovery system, so decanting could occur ahead of a skimming system instead of just inside an enclosed boomed area.
- UC can revoke the pre-approval at any time if above conditions are not met.

Shore-side container decanting (i.e., vacuum truck, portable tanks, etc.) is not authorized for pre-approval under this policy. Decanting in areas where vacuum trucks, portable tanks, or other collection systems are used for shore cleanup will be subject to filling out the decanting form in the NWACP prior to authorization and must comply with the same rules as vessels.

Oils Requiring Approval by Unified Command Prior to Decanting

During a response, when decanting has not been pre-approved for lighter oils, which are not listed above, it will be necessary for response contractors or the RP to request from the UC written authority to decant while recovering oil so that

response operations do not cease or become impaired. The UC will consider each request for decanting of lighter oils on a case-by-case basis. Prior to approving decanting, the UC should evaluate the potential effects of weather, including the wind and wave conditions, the quantity of oil spilled, and the type of oil, as well as available storage. The UC should also take into account that recovery operations as enhanced by decanting will actually reduce the overall quantity of pollutants in a more timely and effective manner to facilitate cleanup operations.

The following criteria should be considered by the FOSC and/or SOSC in determining whether to approve decanting unless circumstances dictate otherwise:

- All decanting should be done in a designated "Response Area" within a collection area, vessel collection well, recovery belt, weir area, or directly in front of a recovery system.
- Vessels employing sweep booms with recovery pumps in the apex of the boom should decant forward of the recovery pump.
- All vessels, motor vehicles, and other equipment not equipped with an oil/water separator should allow retention time for oil held in internal or portable tanks before decanting commences.
- When deemed necessary by the FOSC, SOSC, or the response contractor, a containment boom will be deployed around the collection area to minimize loss of decanted oil or entrainment.
- When using decanting tank systems, tanks with baffles should be used as a best practice to speed up oil/water separation and prevent remixing.
- Visual monitoring of the decanting area shall be maintained so that discharge of oil in the decanted water is detected promptly.

The response contractor or RP will seek approval from the FOSC and/or SOSC prior to decanting by presenting the UC with a brief description of the area for which decanting approval is sought; the decanting process proposed; the prevailing conditions (wind, weather, etc.); and protective measures proposed to be implemented. The FOSC and/or SOSC will review such requests promptly and render a decision as quickly as possible. FOSC authorization is required in all cases, and SOSC authorization is required in addition for decanting activities in state waters.

The FOSC and/or SOSC will review and provide directions and authorization as appropriate to requests to wash down vessels, facilities, and equipment to facilitate response activities.

This policy does not cover other activities related to possible oil discharges associated with an oil spill event, such as actions to save a vessel or protect human life, which may include such actions as pumping bilges on a sinking vessel.

4622 Gasoline and Other Flammable Liquids Response Policy

Spills of gasoline and other flammable liquids, including many crude oils, pose

significant response challenges, as well as serious health and safety concerns for responders and communities downstream and downwind from the release. Gasoline range products are finished gasolines and volatile hydrocarbon fractions used for blending into finished gasoline, including straight-run naphtha, alkylate, reformate, benzene, toluene, xylene, and other refined petroleum products with a flash point below 100 degrees Fahrenheit (37.8 degrees Celsius). When these types of products are spilled into the environment, it is imperative to take immediate steps to control the source of the release (where safe), to eliminate all possible ignition sources, to quickly establish isolation distances, to notify regulatory and local response agencies, and to initiate a preliminary site safety plan prior to any response activities. However, it is essential that no personnel enter a potentially unsafe environment prior to an initial safety assessment, including vapor monitoring for flammable, reduced oxygen, and toxic levels.

In many cases, highly flammable liquids should not be contained for spill response. Containing gasoline and other highly flammable liquids increases the risk of fire by delaying dispersion of vapors into the atmosphere. The risks posed by response techniques, such as booming and applying foam to spilled gasoline and other flammable liquids, are warranted only under very limited circumstances. However, in some cases, and as judged by the FOSC, Incident Command, or UC, containment and the use of foam may be appropriate and necessary in response to an imminent threat to public health and safety and the environment. Deflection and protection booming can be used to move flammable liquids away from sensitive areas but must be conducted in a safe manner, within safe atmospheric levels. In unaffected downstream or down current areas at risk, boom should be deployed prior to arrival of the product. Though mechanical recovery of flammable liquids on water can be an effective practice under some circumstances, often the more prudent response option is to allow flammable liquids to evaporate and dissipate.

4623 Bioremediation

The use of bioremediation in open water is an unproven technology that currently shows little or no promise of removing significant quantities of oil from the surface of the water prior to shoreline impact or natural dispersion. Bioremediation by nutrient enhancement or seeding of biodegrading organisms is therefore not allowed on the surface of open water. This policy can be reviewed by the RRT if there is new and significant evidence that bioremediation can be a significant factor in oil removal on open water.

Bioremediation of Shorelines

Seeding of exotic organisms for pollution response is prohibited in Response Region 10. This is due to the unproven efficacy of such procedures and the unknown ecological effects resulting from the implementation of such.

Bioremediation is an effective technique for the encouragement of oil biodegradation on some contaminated shorelines. Nonetheless, this strategy is unlikely to lead to rapid decontamination of beaches. Consequently,

bioremediation should be used as the primary treatment only when oil concentrations are low (less than 15 grams of oil for every kilogram of sediment) and conventional forms of cleanup (heavy equipment use or manual cleaning) are likely to do more damage than good. Bioremediation should be considered as a polishing technique after gross contamination is removed by conventional means. The use of bioremediation for oil spill cleanup will be allowed only on a case-by-case basis.

4624 Surface Washing Agents Background and Policy

Surface-washing agents are chemicals that are used to enhance oil removal from substrates and hard surfaces. Most chemicals that are classified for this application contain a mixture of a non-polar solvent and a surfactant. The solvent dissolves into the highly viscous or weathered oil to create a less viscous and somewhat uniform liquid oil or oily mixture. The surfactant reduces the interfacial tension between the liquid oil and the surface to which the oil has adhered. Depending on environmental conditions and the selection and combination of solvents and surfactants, the removed oil will either float or disperse, giving rise to “lift and float” and “lift and disperse” descriptors of surface washing agents. The latter has a negative environmental impact for most shallow water coastal environments; therefore, products which “lift and float” are preferable. Adhering to the definition of surface washing agents in section 4600 of this document, all discussion of surface washing agents hereafter will implicitly refer to *lift and float* type cleaning agents.

When selecting a surface washing agent for use during a particular response, special consideration should be given to

1. its effectiveness on a particular oil and substrate;
2. the comparative toxicity among different surface washing agents; and
3. the availability of the surface washing agent to be acquired in a useful time period.

Any application of surface washing agents that would result in their release into the environment requires that the FOSC obtain RRT authorization prior to initiating any such applications. RRT authorization is not required for use of surface washing agents when all effluents are recovered and properly disposed of (e.g. cleaning of boom in containment areas on land). All applications of surface washing agents will be conducted in accordance with applicable state and federal regulations. See Section 9401 for potential state and federal permit lists.

Surface washing agents may be considered for use when traditional flushing techniques have been deemed to be inadequate, or when the use of surface washing agents is determined to have less of an environmental impact than other available alternatives.

Only surface washing agents that are included in the current NCP product schedule may be approved by the FOSC for use during an oil spill.

It is important to note that the NCP Product Schedule does not specifically identify shoreline cleaners as to their mode of action and may also include *lift and disperse* type surface washing agents that would not be recommended for use in Region 10 nor approved in this policy. An evaluation of the key characteristics of a NCP listed surface washing agent is required to select the most appropriate product for the situation. Technical specialists, such as the NOAA Scientific Support Coordinator, should be consulted as to the applicability of NCP listed products for specific applications.

4624.1 Role of RRT with the use of Surface Washing Agents

No surface washing agent pre-authorization zones exist in Region 10.

In order to receive authorization to approve the use of surface washing agents, the FOSC will prepare a recommendation memorandum (by completing the tools in Section 9423) and request an activation of RRT 10 for a decision on the proposed action.

The purpose of the RRT activation is for the FOSC to outline the basis for the request to authorize surface washing agent use, and pursuant to 300.910(b) of the NCP, seek concurrence from the EPA representative to the RRT and, as appropriate, the RRT representatives from the states with jurisdiction over the navigable waters threatened by the release or discharge. This activation will also serve as consultation with the DOC and DOI natural resource trustees. It is the policy of RRT 10 to also consult with appropriate tribal governments with off-reservation treaty rights in navigable waters threatened by a release or discharge of oil, when practicable. Oil trajectory, potential impact areas, and the respective sensitivities of the RARs in those areas should be considered.

The RRT members will sign the recommendation memo, indicating their support or opposition to the proposal, and return it, along with any specific details, conditions, constraints, or other pertinent information, to the FOSC. If surface washing agents are subsequently used, the FOSC will provide an Incident After-Action Report to all interested RRT member agencies after the emergency response is over.

4700 Managing Impacts to Fisheries

There are a variety of types of fisheries closures that may be proposed or needed following an oil spill. For example, when an oil spill occurs, shellfish may be exposed to petrochemicals. Because shellfish are filter feeders, they can readily accumulate substances from the water column and may become unsafe to eat and/or tainted, i.e., technically safe to eat but have altered flavor due to petrochemical exposure. The legal authority for closures varies depending on the outcome desired and on the owner of the resource (private, public, tribal).

A closure decision could be made unilaterally outside of the Incident Command by tribes, private property owners, trustee agency directors, or by county and other local officials. The EUL may identify potential impacts on fisheries as part

of the RAR process. The EUL should facilitate the decision making process by contacting the appropriate decision makers, inform them of the issues, and make sure they are brought into the decision making process. Coordination with the Operations Section is also necessary.

Section 9409, "Managing Impacts to Commercial, Recreational, and Tribal Fisheries" contains additional tools and information on closures.

4800 Places of Refuge

A ship in need of assistance may require a temporary place of refuge with adequate water depth for lightering or repairs in order to protect the marine environment. Ships may need to be brought into a harbor, anchored or moored in protected waters, or temporarily beached in order to safely make repairs and stop the loss of oil or other hazardous substances. Disabled ships need to be repaired in order to resume safe navigation and prevent an incident resulting in the loss of fuel or cargo. If leaking ships are not repaired, spilled oil and hazardous substances may affect health and human safety, natural resources, and shorelines.

There is no single place of refuge for all ships and all situations. Decisions relating to places of refuge encompass a wide range of security, environmental, social, economic, and operational issues that vary according to each situation, including the environmental sensitivity and protected status of the areas within or adjacent to a potential place of refuge. The initial decision to permit a ship to seek a place of refuge, as well as the decisions and actions implementing that decision, are inherently based on an assessment of the risk factors involved and the exercise of sound judgment and discretion.

Places of refuge are sites that could potentially be used for a disabled or damaged ship needing shelter for repairs. While information on potential sites may be pre-surveyed, this does not imply that any of these sites will be the location of choice in a future event. Selection of a place of refuge by the USCG Captain of the Port (COTP) in consultation with the RRT and other federal agencies, states, tribal and local governments, and other stakeholders will always be made on a case-by-case basis. If time allows, the COTP will activate a UC under ICS to address a request for a place of refuge.

When a place of refuge incident occurs that involves, or may involve, the international border, a response will be activated per the Joint Canada/United States Pacific Response Plan. Similarly, if a Place of Refuge incident is likely to involve more than one ACP, existing cross-jurisdictional protocols will be activated.

This section incorporates a decision-making process and recommended procedures for appropriate authorities and vessel masters to use when requesting a place of refuge. The guidelines incorporate the Guidelines on Places of Refuge for Ships in need of Assistance adopted by International Maritime Organization, and assume use of ICS to manage the incident.

When safety of life is involved, existing search and rescue conventions and protocols should be used.

When a ship is in need of assistance but safety of life is not involved, the guidelines in Section 9410 should be followed to evaluate whether a ship should remain in the same position, continue on its voyage, be brought into a place of refuge, taken out to sea, or intentionally scuttled in deep water.

See Section 9410, “Places of Refuge.”

4810 Jurisdiction for Places of Refuge Decisions

Under 33 CFR 6.04, the USCG COTP has authority to order ships into and out of ports, harbors, and embayment’s to protect the public, the environment, and maritime commerce. The COTP is the designated FOSC for the United States coastal zone per the NCP (40 CFR 300) (a)(1). There may be some maritime homeland security situations where the COTP, acting as the Federal Maritime Security Coordinator, may have access to sensitive security information and/or classified information—not readily shareable with other stakeholders—that may impact the final disposition of a vessel requesting "Force Majeure" or permitting a vessel to seek a place of refuge or approval of a salvage plan. These circumstances are dealt with on a case-by-case basis, and information is shared with other agencies on a “need to know” basis.

The states of Oregon, Washington, and Idaho have authority to represent and protect state interests for incidents within state waters. Each state has jurisdiction over state-owned shoreline and in nearshore waters out to 3 miles. In Washington and Oregon, SOSCs are pre-designated by Ecology and DEQ, respectively. In the state of Idaho, an SOSC is designated at the time of an incident by the Bureau of Homeland Security. Although Idaho does not have a coast, it does have a port that might potentially be used as a place of refuge.

Local governments or port authorities may have authority over nearshore waters, including ports and harbors. If so, a local government or port representative may serve as a Local OSC per the NWACP.

Resource agencies have authority to manage their lands, marine areas, wildlife, habitat, and resources as mandated in their laws and regulations. Resource agencies fill positions in the ICS and provide resource information to the UC. In addition, resource agencies are members of RRT 10.

Tribal governments may own land and have fishing rights in marine areas that could be impacted by a ship seeking a place of refuge. If so, a tribal government representative(s) may fill positions in the ICS or may serve as a Local OSC per the NWACP.

The master of the ship has control of the ship and is responsible for requesting a place of refuge from the COTP. The master provides details on the status of the

ship and justification for needing a place of refuge per the International Maritime Organization Guidelines on Places of Refuge.