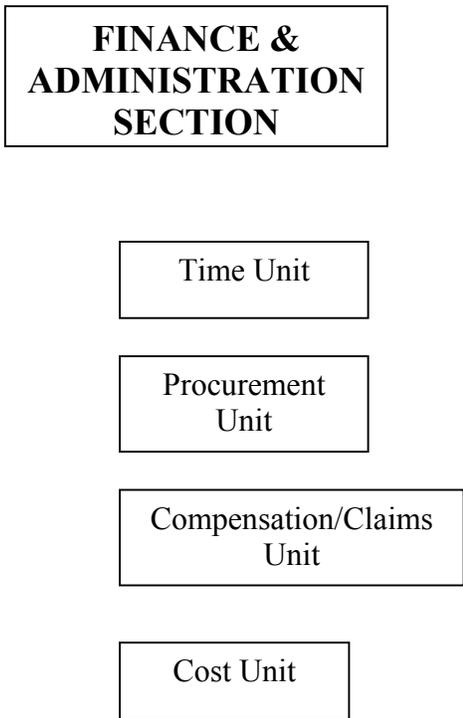


Mariana Islands Area Contingency Plan - Finance/Administration

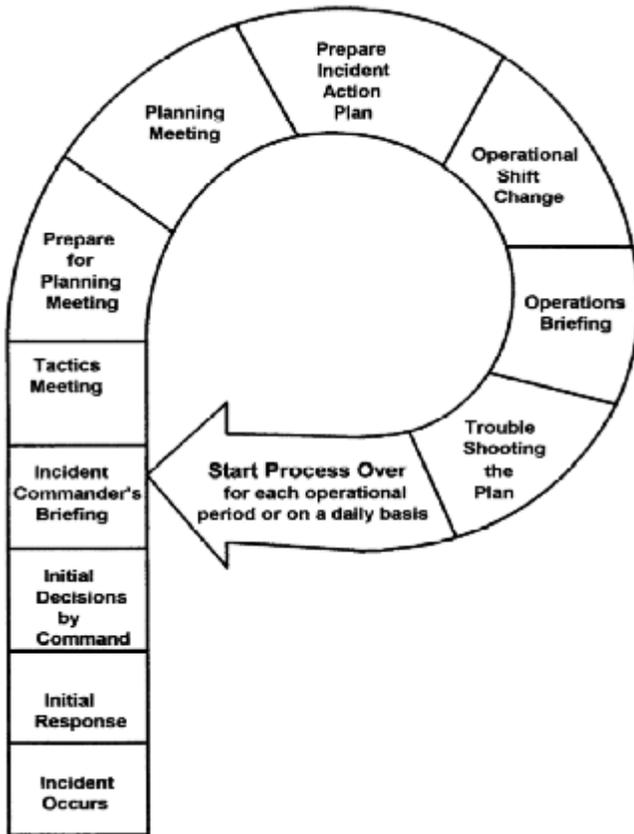
Section: 6000 FINANCE/ADMINISTRATION

6100 FINANCE/ADMINISTRATION SECTION ORGANIZATION

The Finance/Administration Section is responsible for monitoring incident-related costs, and administering any necessary procurement contracts. This Section may not be activated on all incidents. The Incident Commander will retain responsibility for all finance-related activities until the Finance/Administration units or the section has been activated. There are four units which may be established within the Section: Time Unit, Procurement Unit, Compensation/Claims Unit, and the Cost Unit.



6110 FINANCE/ADMINISTRATION SECTION PLANNING CYCLE GUIDE



6200 ROLES AND RESPONSIBILITIES

6210 FINANCE SECTION CHIEF

The Finance/Administration Section Chief is responsible for all financial and cost analysis aspects of the incident and for supervising members of the section. Examples of related responsibilities are: maintaining daily contact with agency(s) administrative headquarters on finance matters, ensure all personnel time records are transmitted to home agencies according to policy, and ensuring all obligation documents initiated at the incident are properly prepared and completed.

6210.1 ACCOUNTING SUPERVISOR

U.S. Coast Guard & Responsible Party

6210.2 PROCUREMENT UNIT LEADER

The Procurement Unit Leader is responsible for administering all financial matters pertaining to vendor contracts.

6210.3 COST UNIT LEADER

The Cost Unit Leader is responsible for collecting all cost data, performing cost effective analyses, and providing cost estimates and cost savings recommendations for the incident. The USCG Pacific Strike Team has members skilled to perform this Unit Leader function.

6210.4 COMPENSATION/CLAIMS UNIT LEADER

The Compensation/Claims Unit Leader is responsible for the overall management and direction of all Compensation for Injury Specialists and Claims Specialists assigned to the incident. For the USCG, the National Pollution Funds Center or members from Maintenance and Logistics Command Pacific will staff this unit.

6211 TIME UNIT

The Time Unit ensures that all personnel time on an incident or event is properly recorded.

6212 PROCUREMENT UNIT

The Procurement Unit processes administrative paperwork associated with equipment rental and supply contracts. This Unit is responsible for equipment time use reporting.

6213 COMPENSATION/CLAIMS UNIT

The Compensation/Claims Unit combines two important functions. The Compensation portion is responsible for seeing that all documentation related to workers compensation is correctly documented. Also, Compensation maintains files of injuries and/or illnesses associated with an incident. Claims handles the investigation of all claims involving damaged property associated with or involved in the incident.

6214 COST UNIT

The Cost Unit is responsible for collecting all cost information and for providing cost estimates and cost savings recommendations.

6300 FOSC ACCESS TO THE FUNDS

6310 NATIONAL POLLUTION FUND CENTER

Ref: National Pollution Funds Center Instruction 16451.2, Resource Documentation and Cost Documentation Technical Operating Procedures

The Federal On-Scene Coordinator (OSC) has access to the fund in limited amounts. The OSC for Guam is limited to \$25,000. per incident. Prior to accessing the OSLTF the OSC must determine if the fund applies. The following criteria is required to access the fund:

1. There must be a discharge of oil, or a substantial threat of a discharge of oil.
2. The discharge is on the adjoining shorelines to the navigable waters of the United States or into or on the waters of the United States extending to the exclusive economic zone limit.
3. The discharge is such that it may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States.
4. Further actions are necessary to ensure effective and immediate removal, mitigation or prevention of the substantial threat.

The reference above contains additional information for accessing the OSLTF.

6311 COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT, 1980 (CERCLA)

The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) established the Hazardous Substance Response Trust Fund (SUPERFUND). This fund may be used to undertake immediate removal actions when the FOSC determines that such action will prevent or mitigate immediate and significant risk of harm to human life or health or to the environment from such situations as:

- a. Human, animal, or food web exposure to acutely toxic substances;
- b. Contaminated drinking water supply;
- c. Fire and/or explosion; or
- d. Similar acute situations.

To access the Hazardous Substance Response Trust Fund, Federal EPA headquarters must provide the account

number. When the FOSC is the U.S. Coast Guard, they have the authority to approve Fund expenditures up to \$50,000. Commander, Coast Guard District Fourteen can approve expenditures up to \$250,000. The Federal EPA Emergency Response Division must approve any expenditures beyond this limit.

When the FOSC is EPA personnel, the EPA OSC has authority to approve Fund expenditures up to \$2,000,000. Expenditures exceeding this amount must be approved by EPA headquarters.

Other Federal agencies have authority to expend Fund money in accordance with Interagency Agreements (IAGs) and Memoranda of Understanding (MOUs) with EPA. Reimbursement of agency expenditures will be in accordance with the procedures specified in these IAGs and MOUs.

The National Contingency Plan contains information and procedures with regard to CERCLA and contains sections dealing with documentation and cost recovery. The National Pollution Funds Center has published a Guidebook available to assist agencies with associated forms and reports.

6400 OTHER ACCESS TO THE OIL SPILL LIABILITY TRUST FUND (OSTLF)

6410 STATE ACCESS TO THE FUND-DIRECT AND INDIRECT

Ref: 33 Code of Federal Regulations (CFR) part 133

The Oil Pollution Act of 1990 (OPA 90) provided procedures by which the Governor of a State or U.S Territory can request payment of up to \$250,000 from the Oil Spill Liability Trust Fund for removal costs required for the immediate removal of a discharge, or the mitigation or prevention of a substantial threat of a discharge of oil. Request must be made by telephone or other rapid means to the OSC. Upon a request submitted in accordance with reference (a) by the Governor of a State or his or her designated State official, the OSC may obtain a Federal Project Number (FPN) and a ceiling not to exceed \$250,000 per incident for removal costs. The removal costs must be for the immediate removal of a discharge, or the mitigation or prevention of a substantial threat of a discharge, of oil.

Before a request for state access can be made, the State official shall ensure that the procedures in the National Contingency Plan (40 CFR part 300) for notifying Federal authorities of the discharge or threat of discharge have been met.

To be eligible for the state to access the fund,

removal action must meet the following criteria:

1. Must be for an incident, occurring after August 18,1990, which resulted in a discharge, or the substantial threat of a discharge, of oil into or upon the navigable waters or adjoining shorelines.
2. Must comply with the National Contingency Plan.
3. Must be an immediate removal action.

If the Governor of a State anticipates the need to access the Fund he or she must advise the NPFC in writing of the specific individual who is designated to request state access. Specific guidance for state access to the OSLTF is detailed in the reference.

6411 LEAD ADMINISTRATIVE TRUSTEE ACCESS TO THE FUND

Ref: a. *Executive Order 12777*
b. *National Pollution Funds Center Instruction 16451.2, Resource Documentation and Cost Documentation Technical Operating Procedures*

Executive Order 12777 introduced the "lead trustee" concept to provide a focal point for addressing natural resource issues associated with a specific incident. The NPFC can only accept requests for initiation from the Federal Lead Administrative Trustee (FLAT). If the lead trustee is not a Federal trustee, that trustee must submit any request for funding through a Federal trustee. NPFC will work with the Federal trustee acting on behalf of the lead trustee. For any specific incident, the NPFC will work directly with only one trustee. The Federal Trustees are:

Department of Interior
Department of Commerce
Department of Agriculture
Department of Defense
Department of Energy

The Federal Lead Administrative Trustee may access the fund for natural resource damage assessment regulations which are similar to those for CERCLA, found in 43 CFR Part II Subpart B. Categories of costs (not all-inclusive) that may be funded for initiation under OPA are:

1. Release detection and identification
2. Trustee identification and notification
3. Site characterization
4. Early sampling, data collection and evaluation.
5. Identification of pathways
6. Identification of exposed areas

7. Exposed water estimates
8. Estimates of concentration
9. Identification of potentially affected resources.

The NPFC and the FLAT will execute a Request and Authorization for Obligation of Funds for each OPA incident requiring funds for initiation. The FLAT should submit a request for initiation of a Natural Resources Damage Assessment (NRDA) to the cognizant NPFC Regional Manager. The Regional Manager will assign a specific case officer to coordinate the approval process.

1. A Federal trustee's request for funding must be in writing (fax copies are acceptable).
2. The NPFC case officer/team will work with the Federal trustee to complete the request. The Federal trustee must:
 - a. Specify the amount requested
 - b. Present a reasonably detailed plan for use of funds
 - c. Estimate completion date (normally expected to be within 60 days of NPFC authorization)
 - d. Agree to subrogation of all cost recovery actions
 - e. Agree to comply with NPFC documentation requirements
 - f. Certify lead trustee status.

The amount requested and plan for use may be generated by the Federal Lead Administrative Trustee's field representative, however, the request must be signed by the Federal official delegating the trustee authority.

3. The case team shall establish the amount authorized and obligated for initiation, and assign the appropriate document control number and accounting data. The Federal Project Number shall be the same as applies to the removal action unless no FPN has been issued, in which case the NPFC will assign the FPN.
4. The NPFC case officer is delegated the authority to obligate up to \$250,000 to initiate NRDA's after consultation with the members of the assigned case team. Director, NPFC must approve requests above \$250,000.
5. The case officer/team is available to answer fund questions from trustees.

Upon completion of initial activities, the FLAT submits the SF-1080 or equivalent voucher and cost documentation to the NPFC within 30 days of completion of

initiation actions. If not submitted to the NPFC within one year, the case officer shall notify the FLAT by letter to submit the reimbursement package within 90 days or the case officer will de-obligate any remaining amounts. The representative of the FLAT must certify the costs as follows:

I certify that the costs presented for reimbursement from the Oil Spill Liability Trust Fund were required for the initiation of a natural resource damage assessment.

Signature _____ Date _____

Costs incurred for initiation, when documented and verified as consistent with the authorization, will be reimbursed to the Federal trustee agency. Under normal circumstances, the amount reimbursed will be billed to the RP's. Any unspent balance will be de-obligated.

Additional information on funding requirements and documentation can be found in reference b. above.

- 6412 CLAIMS AGAINST THE FUND**
- 6500 COST DOCUMENTATION PROCEDURES**
- 6510 PROCEDURES**

Ref.: *National Pollution Funds Center Instruction 16451.2, Resources Documentation and Cost Documentation Technical Operating Procedures.*

The National Pollution Funds Center (NPFC) is Administrator of the Oil Spill Liability Trust Fund (OSLTF). A major mission of the NPFC is the recovery of costs from responsible parties for removal activities required in response to an oil pollution incident. The reference above is the instruction for the preparation and submission of resource and cost documentation for cost recovery.

Commandant (G-MEP) has indicated that it will require Coast Guard program personnel to utilize the Resource Documentation and Cost Documentation Technical Operating Procedures. Other government and state agencies involved in removal activities that require reimbursement from the OSLTF may make use of these procedures, or request NPFC approval of alternate resource documentation. Alternate systems should cover the same elements and level of detail as the NPFC's Technical Operating Procedures. Additionally, requests should allow sufficient time for the NPFC to review and coordinate approval.

The Pollution Incident Daily Resource Reporting System found in the reference above are the forms used to document costs associated with removal activities under OPA. Coast Guard units should use the standard rates found in Commandant Instruction 7310.1 (series). Contractors will use the rates in their Basic Ordering Agreement or as agreed to with a contracting officer. Other Government agencies may have a publication listing standard rates to be used for all of their resources. The agency should provide this to the OSC, if possible.

Completion reports will be submitted by the OSC to the NPFC at the completion of removal activities. It should include the following as enclosures:

1. Incident Report - The Incident Report provides necessary case related information to the NPFC. The OSC should prepare and submit the Incident Report within 30 days of the completion of removal activities. Information should be provided on the form, or the appropriate section annotated; copies of reports and/or documentation providing information should be attached. See Exhibit (1) for additional information that should be included in the Completion Report.
2. OSC Pollution Incident Daily Resource Report - If other Coast Guard resources are used (e.g. air station, small boats, cutters) these units should either provide copies of the official records/logs (CG-4377: aircraft blue sheets, cutter logs, etc.) to the OSC or prepare Daily Resource Reports. See Exhibit (2) - (10) as examples.
3. Other Government Agencies Resources Documentation - When a Federal Agency is involved, this agency should submit an SF-1080 with invoices, Daily Resource Reports, and Pollution Removal Funding Authorization (PRFA) to the FOSC. If the agency has not submitted the SD-1080, submit the completion report with PRFA. The SF-1080 should be forwarded when received.
4. Out-of-Pocket expenses - Highlight in the cover letter the total out-of-pocket expenses the unit has incurred. These expenses must be substantiated by attached documentation providing for a clear audit trail, and marked as an "Out of Pocket Expense" enclosure.

Note: *If the case is expected to last for several months, an interim report should be submitted at 30 day intervals. Each interim report should contain all original documentation to date, with the exception of item , in the*

format specified above, under a brief cover letter of explanation.

6511 FORMS

National Pollution Fund Center Incident and transmittal forms are available in Enclosure 27 Incident Reports and several examples of the Pollution Incident Reports are in Enclosure 28 Pollution Incident Daily Resource Reports.

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