

## **CHAPTER 5**

### **NATIONAL INCIDENT COMMAND AND A SPILL OF NATIONAL SIGNIFICANCE (40 CFR 300.323)**

If a discharge occurs in the coastal zone and is classified as a substantial threat to the public health or welfare of the United States (40 CFR 300.320 (a)(2)), or the necessary response effort is so complex that it requires extraordinary coordination of Federal, State, Local, and RP resources to contain and clean up the discharge, the Commandant may classify the incident as a Spill of National Significance (SONS) under the National Oil and Hazardous Substance Contingency Plan (NCP) (40 CFR 300.5).

The NCP describes, in part, the Federal government's responsibility for strategic coordination and support of Federal On-Scene Coordinators (FOSC) when responding to a SONS. To meet these responsibilities, the Coast Guard may establish a NIC based on the "Area Command" organizational model used for major/multiple incident management within NIIMS. Other agencies or the RP may use different organizational structures (not based on the NIIMS Area Command model) to carry out similar strategic coordination to support the IC or UC. In such instances, the Coast Guard will work with the affected State(s), RP, and other appropriate agencies to agree on an organizational structure that best ensures effective strategic coordination and support to the incident management team(s).

When the Commandant classifies a discharge as a SONS, the Commandant may name a NIC. The NIC will establish a National Incident Command organization as described in Chapter 4. Pursuant to 40 CFR 300.323, the NIC will assume the role of the FOSC in:

- Communicating with affected parties and the public, and
- Providing strategic coordination of Federal, State, Local, and International resources at the national level.
- This strategic coordination will involve, as appropriate, the NRT, the RRT, the Governor(s) of the affected state(s), and the mayor(s) or other chief executive(s) of local government(s). In addition, the NIC will coordinate with the senior corporate management of the RP(s).

To ensure a clear line of succession, a Deputy NIC will be designated by the Commandant or appointed NIC.

**The National Incident Command does not replace the on-scene ICS organization(s) or functions.**

Tactical operations continue to be directed at the on-scene IC level. The NIC will be established to include representatives of the RP and affected Federal, State, Local and International interests. Representatives to the NIC should typically be at the highest executive levels of the RP and responding government agencies.

## **MULTI-AREA CONTINGENCY PLAN (ACP) AREA RESPONSES**

There shall be only one FOSC at anytime during the course of a response operation regardless of whether the spill covers multiple areas and ACPs. The primary consideration in determining which Captain of the Port (COTP) is to be the FOSC is in whose area is the greatest vulnerability or greatest threat.

- If a discharge or release moves from the area covered by one ACP into another area, the authority for response actions should likewise shift.
- Should a discharge affect two or more areas with different lead agencies having response authority (for example EPA and Coast Guard) the agency whose area is vulnerable to the greatest threat should provide the FOSC. If the agencies can not agree, the applicable Regional Response Team (RRT) or Teams will designate the FOSC.
- The National Response Team (NRT) will designate the FOSC if two or more RRTs are unable to agree on an FOSC designation within two or more adjacent RRT areas.

The NIC structure is intended to enhance the local response organization and will rely on the applicable ACP(s) as the basis for strategic direction of response actions.

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