CHAPTER 3

Removal Actions -

Oil and Hazardous Substances

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This chapter provides detailed procedures for cost documentation of an oil spill. The material is divided into the following subchapters:

SUBCHAPTER	CONTAINS DETAILED INFORMATION ABOUT
FOSC Finance and Resource Management Field Guide	• General guidance on all aspects of OSTLF access, uses, and funds management during a spill. The FOSC Financial Field Guide is published as a pocket guide.
Fund Access Overview	• Guidance describing procedures for USCG or EPA FOSCs performing oil removal or hazardous material response operations under the National Contingency Plan.
FOSC Financial Management Checklist - OIL	• Step-by-step guidance for CG and EPA FOSCs who are using the Emergency Fund and must monitor cost documentation during an oil spill response.
FOSC Financial Management Checklist - HAZMAT	• Step-by-step guidance for CG FOSCs who are using CERCLA/Superfund and must monitor cost documentation during a response to a hazardous materials release.
Accounting Information	• Accounting strings and codes for CG FOSCs and Strike Teams when directly expending pollution response funds (OSLTF and CERCLA) in the CG Accounting System.
Funds Management During Incidents	• Describes processes for ceiling management and obligation record keeping, as well as government credit card use procedures.
Management of Civilian Overtime, COMDTINST 12550.41	• Document describing procedures for approval and control of Coast Guard civilian overtime for all appropriations.
Removal Cost Technical Operating Procedures (TOPs) - Oil	• NPFC Technical Operating Procedures (TOPs) providing guidance for determining valid removal costs for oil discharges or substantial threats of discharges to the extent possible.
Removal Cost Policy and Operating Procedures - CERCLA	• NPFC guidance for hazardous material discharges to the extent possible
Resource Documentation TOPs	• NPFC TOPs for accessing the OSLTF. It includes procedures for resource documentation, use of CANAPS, ceiling management and copies of forms that must be filled out.
Standard Rates	• Rates used to reimburse the Coast Guard for certain spill-related activities, used when filling out many of the forms contained in the TOPs.

SUBCHAPTER	CONTAINS DETAILED INFORMATION ABOUT
Contracting Information	
Coast Guard Acquisition Procedures (excerpt)	• Provides guidance on Coast Guard contracting procedures for containment and cleanup of oil and hazardous substance spills.
MLC Atlantic Area Procedures	• Procedures for hiring contractors to clean up an oil spill or hazardous material release in USCG districts within the Atlantic area.
MLC Pacific Area Procedures	• Procedures for hiring contractors to clean up an oil spill or hazardous material release in USCG districts within the Pacific area.
Emergency Contracting Procedures (G-MOR Guidance)	• Provides policy and guidance to Coast Guard personnel to facilitate emergency contracting for oil spill and hazardous substance response.
Action Memo Guidance	• This EPA-generated document provides guidance in the preparation of action memos for Superfund removal operations, particularly administrative record requirements for reserving removal funding.
Strike Team Guidance	• Document providing guidance to NSF on use of CERCLA funding when in support of EPA FOSCs.
Long Term Removals	• Document describing policies on cases which may present unique challenges to the OSC, based upon their extended response time periods.
CERCLA Non-Incident Funding	• Guidance concerning management and use of CERCLA non-incident funds

U.S. Coast Guard
Federal On Scene Coordinator
(FOSC)

Finance and Resource Management Field Guide

The Finance and Resource Management Field Guide (FFARM) is being updated and will be included in the 2003 version of the User Reference Guide. If the updated version of the FFARM guide is available before the publication of the 2003 version of the User Reference Guide, NPFC will post it on the NPFC website at http://www.uscg.mil/hq/npfc/npfc.htm.

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Procedures for Accessing the Funds

OIL

Overview: Procedures for Accessing the OSLTF. These procedures apply to OSCs (either Coast Guard or EPA) who are performing oil removal operations under the National Contingency Plan and require funding support from the OSLTF.

I. The FOSC accesses CANAPS via the Internet and requests issuance of an FPN and a corresponding ceiling amount.

II. CANAPS will confirm via email and issue all necessary notifications by priority message. The message format is generated by CANAPS and sent via CGMS.

III. Authorized users of CANAPS can act as surrogates to request a ceiling ON BEHALF OF other authorized users when their access to CANAPS is disrupted. District OPCENs have this authority/capability for units within their AOR, including EPA Federal On-Scene Coordinators (FOSCs)/Regions. EPA Regions are also able to act as surrogates for their FOSCs when available. The NPFC has the ability to act as a surrogate for any authorized CG or EPA field user of CANAPS. NPFC can also issue numbers manually in the event CANAPS is completely unavailable.

IV. All ceiling messages, POLREPS, or other messages related to the incident where the OSLTF has been accessed shall include the FOSC, NPFC, CG FINCEN, and cognizant MLC contracting branch as INFO addees, in addition to current reporting requirements.

V. If no funding has been expended against an FPN for the removal, the FOSC can request cancellation of the FPN via CANAPS.

VI. The OSC ensures that obligations from the OSLTF remain within the authorized ceiling, and if necessary, promptly obtains additional ceiling via CANAPS.

VII. FPN Construction.

1. FY98 and Prior: FPNs for FY98 and prior years, back to FY86, consists of six digits. The first two digits delineate the Coast Guard District. The third digit is the last digit of the fiscal year and the remaining three digits constitute the sequential case numbers issued by the respective district offices. Although the construct is very functional, in that it allows the user to obtain the district, year of the case, and sequential case number, an overlap of cases will occur in 1999 due to the fact that only one digit is used for the fiscal year of the case.

2. FY99 through 2001: The FPN uses a smart numbering scheme, ensuring the ability of the user to identify the district, fiscal year, and sequential number of the case. To avoid overlapping of current cases, the FPN was changed to an alphanumeric value where the first character is a letter delineating the district, the second and third characters are the fiscal year, and characters four through six are the sequential number of each district's cases which can be alphanumeric if necessary.

A. The first character will be the first letter of each city that the respective district headquarters are located in with the exception of the Ninth District which will be the letter "G" (Great Lakes) as "C" is already taken for CERCLA cases and would result in duplications if utilized. If the case is not an oil removal effort, the first character will represent the type of business being conducted. The following is a detailed listing of all first digit codes for FPNs:

- B - First District
- P - Fifth District
- M - Seventh District
- N - Eighth District
- G - Ninth District
- A - Eleventh District
- S - Thirteenth District
- H - Fourteenth District

- J - Seventeenth District
- C - CERCLA Cases
- 9 - Claims

B. The second and third characters are the two last digits of the fiscal year the case was opened. This resolves problems regarding duplication of FPNs for over ninety-nine years.

C. The fourth, fifth and sixth characters will create a sequence number that starts numerically until reaching the one-thousandth case at which time it changes to alphanumeric. If all 36 possibilities were exhausted in each of the three placesettings it would take 46,656 cases in a single fiscal year to exhaust all FPN possibilities. Following are examples of how the new construct would work:

- The first case for the Eighth District in 1999: N99001
- The one-thousandth case for the Eight District in 1999: N99A01
- The eleven-hundredth case for the Eighth District in 1999: N99B01
- And so on . . .

3. CANAPS Generated FPNs/CPNs. CANAPS automatically generates FPN's and CPN's. FPN construction is as follows

USCG: First character is based on the District Office of the FOSC as follows:

- B - First District
- P - Fifth District
- M - Seventh District
- N - Eighth District
- G - Ninth District
- A - Eleventh District
- S - Thirteenth District
- H - Fourteenth District
- J - Seventeenth District
- C - CERCLA Cases
- 9 - Claims

The next two characters indicate the fiscal year. The final three characters are sequential based on the FPN's issued in that district during the current fiscal year.

EPA: All EPA FPN's star with the letter "E" followed by the two digit fiscal year. The fourth character indicates the number of the EPA region with a "0" indicating EPA region 10. The last two characters are sequential based on the number of FPN's issued to that region in that fiscal year.

Procedures for Accessing the Funds

HAZARDOUS SUBSTANCES /CERCLA

Overview: Procedures for Accessing the SUPERFUND/CERCLA. These procedures apply only to CG OSCs who are performing hazardous substance response operations under the National Contingency Plan and require funding support from SUPERFUND, also known as the CERCLA Fund.

I. The CG OSC accesses CANAPS via the internet and request issuance of a CERCLA Project Number (CPN) and a corresponding ceiling amount. CANAPS prepares all record message traffic via CGMS and delivers it to the appropriate units.

II. Initial CERCLA ceiling requests will not exceed $250,000. NPFC receives CERCLA funding authority in limited amounts from EPA each year and all ceilings are drawn from it. Funding requests that are equal to or greater than $250,000 must be supported by an Action Memorandum prepared by the OSC. See Subtab "Action Memo Guidance" for guidance on CERCLA Action Memorandums. If the nature of the emergency requires a higher initial ceiling, the NFPC will coordinate such requests with the CG OSC, CG District, COMDT (G-MOR), and the EPA on a case-by-case basis.

III. All messages, POLREPS, or other messages related to the incident where CERCLA/ SUPERFUND has been accessed shall include the OSC, NPFC, CG FINCEN, cognizant Coast Guard District (m), and cognizant MLC contracting branch as INFO addees, in addition to current reporting requirements.

IV. The OSC ensures that obligations from CERCLA remain within the authorized ceiling, and if necessary, promptly requests increased ceiling authorizations via CANAPS. The OSC shall request the increase sufficiently in advance to avoid exceeding the ceiling at any point during response activities.

V. Special OSC Requirements for CERCLA Incidents. The CG/EPA Memorandum of Understanding and its resulting funding agreement place special requirements on the OSC. If a response requires less than $250,000 in funding, the OSC must document a finding of imminent and substantial endangerment. This finding may be included in the situation description section of POLREP One, and at a minimum must include:

- the hazardous substance(s), pollutant(s), or contaminant(s) involved;
- description of what is affected or threatened (people, animals, crops, drinking water, etc.
- a statement indicating that this situation presents an imminent and substantial threat to public health, welfare, or the environment;
- description of the response action necessary to neutralize the threat.

OIL SPILLS
FOSC FINANCIAL MANAGEMENT CHECKLIST

(For Coast Guard FOSC financial management ONLY; operational steps are NOT included)

When The Spill Occurs

☐ **Does OSLTF apply? _____yes _____no**

If you answer yes to both of these questions, OSLTF funding applies.

1. Was there a discharge of oil, or a substantial threat of a discharge of oil (i) into navigable waters; (ii) on the adjoining shorelines; (iii) into the waters of the exclusive economic zone; or (iv) it may affect natural resources under exclusive management authority of the United States?
2. Are further actions necessary to ensure effective and immediate removal, mitigation or prevention of the substantial threat?

☐ **Collect incident information.**

Name of incident: _____

Location (body of water, city, state): _____

Latitude and longitude: _____

Type of oil: _____

___ Visual Observation
___ Field testing
___ Lab analysis
___ Report by knowledgeable party
___ Other _____

Quantity of oil: _____

Description of substantial threat: _____

Potential quantity of total oil discharge: _____

Date of incident: _____

Date of discovery: _____

☐ **Collect source and responsible party (RP) information.**

Vessel or facility name:	_____
How was source identified?	___ Visual Observation ___ Reported ___ Other _____
Who identified source?	_____
Responsible party (owner):	name _____ address_____ _____ SSN/TIN* _____ contact _____
Responsible party (operator):	name _____ address_____ _____ SSN/TIN* _____
Responsible party (other):	contact _____ name _____ address_____ SSN/TIN* _____
How was RP identified?	___ FOSC investigation ___ Report by RP ___ Report by third party
Who identified RP?	_____ _____

*Social Security Number/Tax Identification Number (SSN/TIN). The Data Collection Act requires USCG to obtain the SSN or TIN of the RP in order to pursue cost recovery.

☐ **Estimate the OSLTF funding ceiling required**

Estimated contractor costs: _____

Estimated FOSC personnel costs:_____

Estimated FOSC equipment costs: _____

Estimated TDY/travel costs:_____

Estimated miscellaneous costs:_____

Estimated OGA costs: _____

Estimated Reservist costs:_____

Total ceiling required:_____

☐ **Access CANAPS to request ceilings.**

Federal Project Number: _____

Authorized ceiling: _____

Funding citation(s):_____

CANAPS will issue record message traffic to appropriate units.

NOTE: If you are unable to access CANAPS or use any surrogate to access CANAPS or contact the NPFC Command Duty Officer, as the FOSC, you are authorized to obligate up to $25,000 for response actions.

☐ **For NPFC assistance, contact your NPFC regional case manager.**

Gulf Coast and Midwest:	Team I	(202) 493-6723
Southeast (Philadelphia and South):	Team II	(202) 493-6726
West Coast, AK, HI:	Team III	(202) 493-6729
Northeast and Great Lakes:	Team IV	(202) 493-6732

On weekends, holidays, or after hours, you will hear recorded instructions for paging.

Assigned case officer:_____

If your regional manager is not available, page the duty case officer by calling (800) 759-7243, PIN 2073906, **OR** call the duty case officer through the CGHQ Command Center (202) 267-2100 or (800) 424-8802.

☐ **Locate the proper forms for ceiling management and for documenting all costs.**

In the *NPFC User Reference Guide*, turn to Chapter 3, Subtab Resource Documentation.

Ceiling Management Forms:

_____ For a Level I spill (estimated ceiling under $50,000), use **CG-5136 Series, Pollution Incident Daily Resource Report – Ceiling Management & Incident Obligation Log – Short Form**

_____ For a Level II spill (estimated ceiling $50,000-$200,000) or Level III spill (over $200,000), use **CG-5136F, Environmental Response Ceiling Management Form** to estimate and manage the ceiling. Record each activity as it occurs on **Daily Record Worksheets**

Daily Cost Documentation Forms (all levels):

_____ Use the appropriate **Pollution Incident Daily Resource Reports**, (CG-5136 series) to consolidate daily totals.

_____ Electronic version of CG-5136 series available on disk in Excel format from the NPFC.

☐ **Follow guidance in the *NPFC User Reference Guide* for use of funds and to arrange response actions. Contract through appropriate MLC (fcp) and use Pollution Removal Funding Authorizations (PRFA's) for other government agencies.**

During Cleanup - Every Day

☐ **Monitor contractors.**

____ Collect contractor **daily delivery tickets** and/or **Pollution Incident Daily Resource Reports**.

____ Date stamp all invoices upon receipt.

____ Within seven days of receipt of invoices, certify that work was performed as ordered. (As FOSC, you should not certify work that was not ordered.)

____ All invoices must be forwarded to arrive at MLC within 10 days of receipt.

☐ **Monitor Coast Guard units.**

____ Consolidate all daily reports for your unit onto the **Pollution Incident Daily Resource Reports**. This should cover all unit resources involved in removal activity.

____ Collect **Pollution Incident Daily Resource Reports** or official records (i.e., **aircraft utilization records** and **cutter navigation logs**) from other Coast Guard units.

☐ **Monitor other government agencies.**

____ Issue **Pollution Removal Funding Authorizations** (PRFAs) to other federal and state agencies participating in the FOSC-directed response. (See *NPFC User Reference Guide*, Chapter 3, Resource Documentation.)

____ Collect OGA (Other Government Agencies) **SF-1080** or **SF-1081** vouchers and supporting documentation in accordance with the PRFA. (See *NPFC User Reference Guide*, Chapter 3, Resource Documentation)

____ Review **SF-1080/1081** vouchers from OGAs and certify that work was performed as ordered.

☐ **Add up obligations and track them against the ceiling.**

Use the **Ceiling Management** forms in the *NPFC User Reference Guide,* Chapter 3, Subtab Resource Documentation:

____ Include Type I Obligations: contracts, removal authorizations, travel orders, direct expenses.

____ Include Type II Obligations: **anticipated costs (estimates)** of Coast Guard resources (personnel, vehicles, aircraft, boats, cutters, and Strike Team pollution equipment) based on Coast Guard Standard Rates (See *NPFC Reference Guide*, Section 3, Resource Documentation.)

____ Make sure that each POLREP includes the total ceiling authorized and cumulative obligations to date. (NPFC should be an INFO ADDEE for all POLREPs.)

☐ **If the ceiling must be increased, access CANAPS.**

> For example, if you have reached $40K against a $50K ceiling, and you expect the total costs to exceed $50K, increase your ceiling to accommodate the anticipated needs of the response.

☐ **Contact your NPFC case officer or the MLC contracting officer, as appropriate, any time you need assistance.**

After The Response Action Is Completed

☐ **Certify contractor invoices within ten working days of receipt of invoices.**

> Insure that all certification for receipt of services is in accordance with standard MLC and Finance Center procedures. (Contact appropriate MLC contracting officer if questions arise, or if invoice cannot be certified. The FOSC is certifying receipt of invoiced goods and services in quantities indicated. Costs are verified by the cognizant contracting officer.)

☐ **Forward certified contractor invoices to MLCLANT (fcp-2) or MLCPAC (fcp), as appropriate.**

☐ **Keep copies of all certified contractor invoices for the unit's files.**

☐ **Compile an inventory of all equipment purchases.**

☐ **Within 120 days of completion of cleanup, send the Financial Summary report to NPFC.**

> See the *NPFC User Reference Guide*, Chapter 3, Subtab "Resource Documentation", for a description of the Financial Summary report, which includes:
>
> ____ Incident Report; FOSC Pollution Incident Daily Resource Reports; Contractor Invoices and Daily Resource Reports; Other Government Agencies Resource Documentation (SF-1080/1081 with invoices, Daily Resource Reports, Pollution Removal Funding Authorization); Out-of-Pocket expense; Inventory of Equipment Purchased.
>
> ____ If you are using Excel forms, DO NOT throw away the original handwritten invoices, dailies, and notes. In court, the Excel sheets may not be considered "original" documentation.

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HAZARDOUS SUBSTANCES
FOSC FINANCIAL MANAGEMENT CHECKLIST

(For Coast Guard FOSC financial management ONLY; operational steps are NOT included)

When A Release Occurs

☐ **Does CERCLA apply? ____yes ____no**

If you answer yes to these three questions, CERCLA probably applies.

1. Has a hazardous substance been released (or is there substantial probability that it will be released)?
2. Does this present an imminent and substantial threat to public health or welfare?
3. Is the responsible party failing to take appropriate action, or is it necessary to monitor its actions?

☐ **Collect incident information.**

Name of incident: _____

Location: _____

_____

Latitude and longitude: _____

_____

Type of substance: _____

___ Visual Observation
___ Field testing
___ Lab analysis
___ Report by knowledgeable party
___ Other_____

Quantity of substance: _____

Description of substantial threat:_____

_____

_____

Potential quantity of total release:_____

Date of incident: _____

Date of discovery: _____

☐ **Collect source and responsible party information.**

Name of facility or vessel: _____

How was source identified?
___ Visual Observation
___ Reported
___ Other _____

Who identified source? _____

Responsible party (owner):
name _____
address _____
SSN/TIN* _____

Responsible party (operator):
_____
contact _____
name _____
address _____
SSN/TIN* _____

Responsible party (other):
_____
contact _____
name _____
address _____
SSN/TIN* _____

How was RP identified?
___ FOSC investigation
___ Report by RP
___ Report by third party _____

Who identified RP? _____

*Social Security Number/Tax Identification Number (SSN/TIN). The Data Collection Act requires USCG to obtain the SSN or TIN of the RP in order to pursue cost recovery.

☐ **Estimate the CERCLA funding ceiling required.**

Estimated contractor costs: _____

Estimated FOSC personnel costs: _____

Estimated FOSC equipment costs: _____

Estimated TDY/travel costs: _____

Estimated miscellaneous costs: _____

Estimated OGA costs: _____

Estimated Reservist costs: _____

Estimate Strike Team costs: _____

Total ceiling required: _____

☐ **Access CANAPS for issuance of CPNs and authorized ceilings.**

CERCLA Project Number: _____

Authorized ceiling: _____

CPN accounting string: _____

Document Control Construction: _____

CANAPS will confirm by message.

☐ **If the estimated ceiling is equal to or greater than $250,000, contact your NPFC Regional Manager for assistance in submitting an Action Memorandum to EPA before obligating the amount.**

☐ **If the estimated ceiling is less than $250,000, document the finding of imminent and substantial endangerment in POLREP One.**

☐ **For NPFC assistance.**

Gulf Coast and Midwest:	Team I	(202) 493-6723
Southeast (Hampton Roads and South):	Team II	(202) 493-6726
West Coast, AK, HI:		
Northeast and Great Lakes:	Team III	(202) 493-6729
	Team IV	(202) 493-6732

On weekends, holidays, or after hours, you will hear recorded instructions for paging.

If your regional manager is not available, page the duty case officer by calling (800) 759-7243, PIN 2073906, **OR** call the duty case officer through the CGHQ Command Center (202) 267-2100 or (800) 424-8802. **If you are not able to contact NPFC, as the FOSC you may obligate up to $25K for response actions.**

☐ **Obtain information from your NPFC regional manager.**

Assigned case officer: _____

☐ **Locate the proper forms for ceiling management and for documenting all costs.**

In the *NPFC User Reference Guide*, turn to Chapter 3, Subtab Resource Documentation.

Ceiling Management Forms:

_____ For all responses use **CG-5136F, Environmental Response Ceiling Management Form** to estimate and manage the ceiling. Record each activity as it occurs on **Daily Record Worksheets.**

Daily Cost Documentation Forms (all levels):

_____ Use the appropriate **Pollution Incident Daily Resource Reports** (CG-5136 series), or the Excel versions of these forms, to consolidate daily totals.

☐ **Follow guidance in the *NPFC User Reference Guide* for use of funds and to arrange response actions. Contract through appropriate MLC (fcp) and use Pollution Removal Funding Authorizations (PRFA's) for other government agencies.**

During Cleanup -- Every Day

☐ **Monitor contractors.**

____ Collect contractor **daily delivery tickets** and/or **Pollution Incident Daily Resource Reports**.

____ Within seven days of receipt of invoices, certify that work was performed as ordered. (As FOSC, you should not certify work that was not ordered.)

____ Within seven days of receipt of invoices, certify that work was performed as ordered. (As FOSC, you should not certify work that was not ordered.)

____ All invoices must be forwarded to arrive at MLC within 10 days of receipt.

☐ **Monitor Coast Guard units.**

____ Consolidate all daily reports for your unit onto the **Pollution Incident Daily Resource Reports**. This should cover all unit resources involved in removal activity.

____ Collect **Pollution Incident Daily Resource Reports** or official records (i.e. **aircraft utilization records** and **cutter navigation logs**) from other Coast Guard units.

☐ **Monitor other government agencies.**

____ Issue **Pollution Removal Funding Authorizations** (PRFAs) to other federal and state agencies participating in the FOSC-directed response. (See *NPFC User Reference Guide*, Chapter 3, Resource Documentation.)

____ Collect OGA (Other Government Agencies) **SF-1080** or **SF-1081** vouchers and supporting documentation in accordance with the PRFA. (See *NPFC User Reference Guide*, Chapter 3, Resource Documentation.)

____ Review **SF-1080/1081** vouchers from OGAs and certify that work was performed as ordered.

☐ **Add up obligations and track them against the ceiling.**

Use the **Ceiling Management** forms in the *NPFC User Reference Guide,* Chapter 3, Subtab Resource Documentation:

____ Include Type I Obligations: contracts, removal authorizations, travel orders, direct expenses…

____ Include Type II Obligations: **anticipated costs (estimates)** of Coast Guard resources (personnel, vehicles, aircraft, boats, cutters, and Strike Team pollution equipment) based on Coast Guard Standard Rates (See *NPFC User Reference Guide*, Section 3, Resource Documentation).

____ Make sure that each POLREP includes the total ceiling authorized and cumulative obligations to date. (NPFC should be an INFO ADDEE for all POLREPs.)

☐ **If the ceiling must be increased, access CANAPS.**

For example, if you have reached $40K against a $50K ceiling, and you expect the total costs to exceed $50K, increase your ceiling to accommodate the anticipated needs of the response.

☐ **Contact your NPFC case officer or the MLC contracting officer, as appropriate, any time you need assistance.**

After the Response Action is Completed

☐ **Certify contractor invoices within ten working days of receipt of invoices.**

> Insure that all certification for receipt of services is in accordance with standard MLC and Finance Center procedures. (Contact appropriate MLC contracting officer if questions arise, or if invoice cannot be certified. The FOSC is certifying receipt of invoiced goods and services in quantities indicated. Costs are verified by the cognizant contracting officer.)

☐ **Forward certified contractor invoices to MLCLANT (fcp-2) or MLCPAC (fcp), as appropriate.**

☐ **Keep copies of all certified contractor invoices for the unit's files.**

☐ **Compile an inventory of all equipment purchases.**

☐ **Within 120 days of completion of the cleanup, send the Financial Summary report to NPFC.**

> See the *NPFC User Reference Guide*, Chapter 3, Subtab Resource Documentation, for a description of the Financial Summary report, which includes:
>
> ____ Incident Report; FOSC Pollution Incident Daily Resource Reports; Contractor Invoices and Daily Resource Reports; Other Government Agencies Resource Documentation (SF-1080 with invoices, Daily Resource Reports, Pollution Removal Funding Authorization); Out-of-Pocket expense; Inventory of Equipment Purchased.
>
> ____ If you are using Excel forms, DO NOT throw away the original handwritten invoices, dailies, and notes. In court, the Excel sheets may not be considered "original" documentation.

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NATIONAL POLLUTION FUNDS CENTER ACCOUNTING STRINGS AND DOCUMENT CONTROL NUMBERS FORMAT REQUIREMENTS

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DAFIS ACCOUNTING STRINGS
FOR OIL SPILLS & CLAIMS
TO BE USED BY ALL "CG" UNITS

FORMAT:
X / X / XX / XXX / XX / X / XXXXXX / XXXXX / XXXX
(1) (2) (3) (4) (5) (6) (7) (8) (9)

(1)	Agency	1-digit	2 = Coast Guard
(2)	District/Region	1-digit	H= HQ (Emergency fund always uses H)
(3)	Appropriation	2-digits	SZ = Emergency Fund SX = Claims
(4)	Appropriation Code Limitation (LIM Code)	3-digits	Position #1: 1 = direct funds Position #2 & #3 = ATU of OSC's district (see Appendix "A")
(5)	Allotment Fund Control (AFC)	2-digits	95 = OPA 90 (Emergency Fund) 00 = SX/Claims
(6)	Allotment Level Indicator (ALI)	1-digit	This field is not used by the CG and will always be 0.
(7)	Program Element	6-digits	Federal Project Number.
(8)	Cost Center	5-digits	The OPFAC # of the FOSC who is accessing the Emergency Fund. **Note:** When the EPA is the FOSC,the OPFAC # will be the appropriate CG District office having oversight. (see Appendix "B").
(9)	Object Class	4-digits	The first two digits are assigned by OMB. The last two are assigned by the Coast Guard. (For applicable Object Class numbers, see Appendix "C").

DAFIS ACCOUNTING STRINGS
FOR CERCLA CASES
(SPECIAL REIMBURSABLE ACCOUNTS)

Coordinated with the NPFC

FORMAT:

X / X / XXX / XXX / XX / X / XXXXXX / XXXXX / XXXX
(1) (2) (3) (4) (5) (6) (7) (8) (9)

(1)	Agency	1-digit	2 = Coast Guard
(2)	District/Region	1-digit	H = HQ (Cercla always uses H)
(3)	Appropriation	3-digits	Last digit of current FY + 01 = operating expense (OE Appropriation)
(4)	Appropriation Code Limitation (LIM Code)	3-digits	Position #1: 8 = reimbursable account Position #2 & #3 = 72 always (ATU for NPFC)
(5)	Allotment Fund Control (AFC)	2-digits	80 = generic reimbursable account
(6)	Allotment Level Indicator (ALI)	1-digit	This field is not used by the CG and will always be 0.
(7)	Program Element	6-digits	Cercla case number. Applies to NPFC assigned case number.
(8)	Cost Center	5-digits	The OPFAC # of the FOSC who is accessing the special reimbursable account.
(9)	Object Class	4-digits	See Appendix "C".

Additional Information: In a text block on the commitment and obligating documents, write "EPA Reimbursable Agreement "X X X X X X" using the 6-digit Cercla case number as the agreement identifier.

DAFIS DOCUMENT CONTROL NUMBER

FOR OPA - EMERGENCY FUND & CERCLA CASES

TO BE USED BY ALL "CG" UNITS

FORMAT:

XX / XX / XX / X / X / XX / XXX
(1) (2) (3) (4) (5) (6) (7)

(1)	Document Type	2-digits	DAFIS document type (see Appendix "D")
(2)	Fiscal Year (Funding Year)	2-digits	Last two digits of current fiscal year or funding year.
(3)	Procurement Site Code	2-digits	46 = NPFC 23 = CGHQ (see Appendix "E")
(4)	Fiscal Year	1-digit	Last digit of the year of initial contract award
(5)	Region/District	1-digit	H = HQ (Emergency Fund always uses H)
(6)	Program Element	2-digits	ATU for OPA (Emergency Fund & Cercla cases only) (see Appendix "F")
(7)	Document Sequence Number	3-digits	Unique sequential number assigned by unit preparing the document

APPENDIX "A"

ADMINISTRATIVE TARGET UNITS (ATU)'S

FOR

ACCOUNTING STRINGS

(1 X X = DIRECT FUNDS)

The next two digits of this three position field represents the Administrative Target Unit

---

CCGD1	Boston, MA	01
CCGD5	Portsmouth, VA	05
CCGD7	Miami, FL	07
CCGD8	New Orleans, LA	08
CCGD9	Cleveland, OH	09
CCGD11	Alameda, CA	11
CCGD13	Seattle, WA	13
CCGD14	Honolulu, HI	14
CCGD17	Juneau, AK	17
MLC - Atlantic, Portsmouth, VA		32
MLC - Pacific, Alameda, CA		33
CG Finance Center, Chesapeake, VA		36
NPFC, Arlington, VA		72
CG Headquarters		99

APPENDIX "B"

OPFAC NUMBERS

DISTRICT OFFICES:	OPFAC #		
Boston	71101	**NPFC**	74100
Portsmouth	71105	**MLC LANT**	75130
Miami	71107	**MLC PAC**	75160
New Orleans	71108		
Cleveland	71109	**NSFCC**	34359
Alameda	71111	Atlantic Team	34361
Seattle	71113	Gulf Team	34340
Honolulu	71114	Pacific Team	34360
Juneau	71117		
MSO's (Alphabetically)			
Anchorage	32280	Milwaukee	33248
Baltimore (COMCOGARDACT)	73133	Mobile	33214
Boston	33200	Morgan City	33293
Buffalo	33254	New Orleans	33292
Charleston	33233	New York (COMCOGARDACT)	73136
Chicago	33247	Paducah	33205
Cleveland	33253	Philadelphia	33211
Corpus Christi	33240	Pittsburgh	33206
Detroit	33250	Port Arthur	33241
Duluth	33287	Portland, ME	33285
Galveston (MSU)	33265	Portland, OR	33270
Guam	33296	Providence	33286
Hampton Roads	33220	Puget Sound	33271
Honolulu	33275	San Diego	33255
Houston	33244	San Francisco	33260
Huntington, WV	33207	San Juan	33239
Jacksonville	33231	Sault Ste Marie	33246
Juneau	33281	Savannah	33232
Long Beach	33261	St. Louis	33201
COTP Long Island Sound	36229	Tampa	33230
Louisville	33209	Toledo	33252
Memphis	33204	Valdez	33283
Miami	33215	Wilmington	33225

APPENDIX "C"

OBJECT CLASS NUMBERS

Recommended Codes

1181	Reimbursements to Other Agencies
2100	CONUS Travel - Site Visit - Ops Travel
2110	OVERSEAS Travel - Site Visit - Ops Travel
2170	Lease of aircraft
2171	Lease of vehicle - government
2172	Lease of vehicle - commercial
2204	Rental of trucks
2521	Contracts - DOD
2522	Contracts - OGA
2523	Contracts - Other
2662	Office Supplies
2664	Other Documents
2669	Safety Supplies
2684	Telephone Supplies
2696	Other Supplies
4202	Indemnities & Claims
4204	Other Indemnities & Claims

APPENDIX "D"
FOR DOCUMENT CONTROL NUMBERS
DAFIS DOCUMENT TYPES

01 - Appropriation
02 - Apportionment
03 - Non expenditure trans
04 - Allotment (Funds)
05 - Allotment (Contract Liquidation Authority)
06 - HQ program plan
07 - Regional plans
08 - Project Authorization
09 - Activity plan
11 - TAD/TDY travel orders
12 - PCS travel orders
13 - Reserve travel orders
14 - GTR (PCS & TAD)
15 - GBL (PCS & TAD)
16 - Blanket GTR's
19 - Miscellaneous
20 - Cash
21 - Procurement requests (Brown Sheets)
22 - Purchase orders / SF-44
23 - Purchase order
24 - Contracts
26 - PO Dining facility
27 - Auxiliary orders
28 - Interagency agreements
30 - Training
31 - Work order-utilities-GSA
33 - Purchases/miscellaneous
34 - GSA Job Order
35 - Fedstrip
36 - GSA stores
37 - Printing & medical pmnts
38 - Blanket purchase order
39 - SIBAC/DAFIS control group
40 - Fixed leases
41 - Rental contracts
42 - Janitorial contracts
43 - Other fixed contracts
44 - Utility / electric
45 - Utility / telephone
46 - Utility / water
47 - Gasoline & Oil
48 - SIBAC - Recurring
49 - Utility/Natural Gas
51 - Reimbursement Agreement - Direct Chg (MIPR's)
52 - Reimbursement Agreement - Overhead, Operations
53 - Reimbursement Agreement - Overhead, GF
55 - Accounts receivable
56 - Other accounts receivable
61 - Imprest Funds / SF 1129
62 - Cancelled checks / SF 1098
63 - Disbursement-non-federal Obligations
64 - Collections - confirmation
65 - Disbursements - confirmation
66 - Collections
68 - Collections - debit voucher
69 - Disbursement/Collections Adj.
70 - Payroll collection
71 - Payroll gross costs
72 - Payroll - schedule of disbursement
73 - Supplementary payments & adjustments
74 - IOTV - costs
75 - IOTV - obligations & costs
77 - IOTV - other assets
78 - Adjustment entries
79 - Closing entries
81 - Labor distribution reports
82 - Depreciation & interest - AMA
83 - Cost estimates
87 - Discounts lost
88 - Discounts lost - cost effective
89 - Interest/penalty paid

UNDERLINED ITEMS ARE DOCUMENT TYPES MOST OFTEN USED.

APPENDIX "E"

FOR DOCUMENT CONTROL NUMBERS

PROCUREMENT SITE CODE

23	CG HQ
24	CCGD1
27	CCGD5
28	CCGD7
29	CCGD8
30	CCGD9
31	CCGD11
33	CCGD13
34	CCGD14
35	CCGD17
46	NPFC

APPENDIX "F"

FOR DOCUMENT CONTROL NUMBERS
2 DIGIT PROGRAM ELEMENT FOR OPA & CERCLA ONLY

X1 First District

XA MSO Portland, ME
XB MSO Boston
XC MSO Providence
XD COMCOGARDACT New York
XE COTP Long Island Sound

X5 Fifth District

XM COMCOGARDACT Baltimore
XN MSO Hampton Roads
XP MSO Philadelphia
XQ MSO Wilmington

X7 Seventh District

XR MSO Miami
XS MSO Jacksonville
XT MSO Tampa
XU MSO Savannah
XV MSO Charleston
XW MSO San Juan

Y8 Eight District

YZ MSO New Orleans
YY MSO Morgan City
YX MSO Corpus Christi
YW MSU Galveston
YV MSO Mobile
YU MSO Port Arthur
XY MSO Houston
XF MSO St. Louis
XG MSO Huntington, WV
XH MSO Louisville
XJ MSO Memphis
XK MSO Paducah
XL MSO Pittsburgh

Y9 Ninth District

YT MSO Buffalo
YS MSO Chicago
YR MSO Cleveland
YQ MSO Detroit
YP MSO Duluth
YN MSO Milwaukee
YM MSO Toledo
YK MSO Sault Ste. Marie

Y1 Eleventh District

YA MSO Long Beach
YB MSO San Diego
YC MSO San Francisco

Y3 Thirteenth District

YD MSO Portland, OR
YE MSO Puget Sound

Y4 Fourteenth District

YF MSO Honolulu
XX MSO Guam

Y7 Seventeenth District

YG MSO Juneau
YH MSO Anchorage
YJ MSO Valdez

XZ NPFC

E1 NSFCC

E2 AST
E3 GST
E4 PST

NPFC USE ONLY

X2 Site Specific IAG with EPA Region
X3 Initiate Agreement for Natural Resource Damage Assessment
X4 State Access Cooperative Agreement
X6 NRD CLAIMS payments & costs.

Funds Management During Incidents

United States Coast Guard
National Pollution Funds Center
4200 Wilson Blvd., Suite 1000
Arlington, VA 22203-1804

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FUND MANAGEMENT DURING INCIDENTS

The OSC is the key individual responsible for financial management during incidents, whether oil or chemical. Every direction the OSC issues and every resource the OSC calls upon uses funds from the ceiling that has been issued for the incident. The OSC may use existing management tools (e.g., LUFS, CG-5136-F) to help address this responsibility, or the OSC may develop local tools. Commandant (G-CFS) has now mandated that all obligations must be entered in LUFS, including OSLTF and CERCLA obligations. This section defines what must be done, and leaves open to the OSC how the OSC chooses to meet these requirements.

A) Ceiling Management and Obligation Log. The OSC must always know the current financial status of a response. On large, complex cases, including SONS, the OSC should compare the authorized ceiling against cumulative obligations daily. For other cases, this must be done for each POLREP. The OSC must maintain a running log of obligations issued against the ceiling, and adjust the resulting ceiling balance accordingly. This ensures that the OSC does not commit more funds than are available against the ceiling authorized through CANAPS. An obligation log (also known as a Document Control Number Log) is required by the Coast Guard for financial management of all funds.

B) Obligation Examples. The OSC must record not only traditional obligations, such as "Contract Authorizations to Proceed" to response contractors; but also TONOs for travel orders; "Pollution Removal Funding Authorizations" to other government agencies; and local procurement for lodging, meeting facilities, utilities, or the rental of equipment needed by the OSC. Finally, the use of Coast Guard personnel, boats, aircraft, cutters, and pollution removal equipment must also be estimated and charged against the ceiling, using standard rates.

C) Obligations as Estimates. Many obligations result in a liquidated payment or an expenditure that is different from the initial obligation (e.g., travel). The OSC should not delay recording obligations until exact costs are known. An obligation log ensures three things. First, the OSC can track spending decisions while the removal or response is taking place. Second, the OSC has a reference to consult when authorizing further use of the incident ceiling. Finally, there is a record that will support the review and reconciliation of PES data from the Coast Guards Accounting System after actual costs are known.

D) Recordkeeping. The OSC must use an organized system to track an authorized ceiling, authorize obligations against the ceiling, and to compute the cumulative obligations. Use CG – 5136F or a locally generated ceiling log. As noted above, use LUFS for all standard Coast Guard obligations noted in (B) above.

1) Record in LUFS approved obligated amounts and subsequent changes. Before attempting to enter obligations, ensure that the local LUFS systems manager has set up LUFS using the correct accounting string, FPN/CPN, and Object Codes.

2) Enter contracts, purchase orders, PRFAs, cash purchases, TONOs, etc., in LUFS. Take care to avoid entering unit AFC-30 purchases against the FPN or CPN, or incident purchases against the unit's AFC-30 funds. When more than one LUFS terminal is used on a spill (i.e., MSO and MLC(fcp)) each LUFS location will generate its own DCN log. The OSC financial staff must then collect the data from each log. Using LUFS facilitates keeping a Document Control Number (DCN) log. If LUFS is not used, then the unit must establish and maintain a "purchases" DCN log for the incident.

3) LUFS does not accept non-purchase obligations. Examples of other non-LUFS obligations are civilian overtime costs, medical care under contract personnel, vehicles, boats, cutters, aircraft, or specialized pollution response equipment, physicians for military personnel assigned to the incident, or GSA imposed vehicle charges specifically attributable to the incident paid under preexisting AFC-30 contracts. The OSC must use a local log system to record these obligations as they are incurred. One example is CG-5136F, which is an optional form included in the NPFC Technical Operating Procedures for Resource and Cost Documentation (TOPs). CG-5136F is available in EXCEL for either the Windows or Macintosh operating systems. The OSC may craft a local form that serves the same purpose.

E) Reporting. When an incident is funded under either the OSLTF/Emergency Fund or CERCLA, the OSC must report in every POLREP the authorized ceiling and the cumulative removal obligations to date for the incident. The NPFC must be included as an Info Addressee on these messages.

USE OF CG RESERVISTS

When Reservists are activated by the OSC, issue the orders using the accounting line for the respective fund and the specific FPN(OSLTF) or CPN(CERCLA). Issue a unique TONO for each reservist.

I. Use of CG Reservists

A) Use PMIS to issue the orders. Orders for reservists include pay, allowances, and travel do not issue separate travel orders to reservists. Contact PPC if PMIS will not accept the accounting data for the incident. If PPC is not able to resolve the issue, bring it to the attention of the NPFC case officer.

B) As reservists report in, collect a copy of the orders for personnel management, ceiling management, and subsequent cost documentation.

C) The amount paid for individual reservists orders will be reported by DAFIS for each specific TONO issued.

CREDIT CARDS

II. Use of Credit Cards

A. Guidelines for when to use. The Government-wide Purchase card can be a tremendous asset when used in the right situations. The primary reason to consider activating a card is when no other expedient means exits to obtain urgently needed small purchases in support of the FOSC.

B. What it can be used for. Generally, the Government-wide Purchase card can be used for anything normally obtained under small purchase rules. It can also be used to rent small equipment, such as a cellular phone, or obtain temporary services, such as a telephone line.

C. What it can not be used for. The Government-Wide Purchase card can NOT be used for travel, lodging or meals.

D. How to obtain/activate

1. Existing card

a. An existing Government-wide Purchase card can be converted to use for FPN specific use if it has been unused since the last monthly statement was received. Once converted, the card cannot be re-converted to another accounting string for at least 1 billing statement period of no activity.

b. First, determine and verify the accounting string for the FPN.

c. Send the requested accounting line change to FINCEN by E-mail to: PurchaseCard@fincen.uscg.mil.

d. The E-mail must include: card number; cardholder name; old line of accounting; new line of accounting; name and phone number of point of contact. NOTE: The FINCEN point of contact is: FINCEN OPQ (757) 523-6777.

e. This procedure is in effect 24 hours a day, 7 days a week.

2. New card

a. Only order a new card if an existing card is not available for conversion.

b. First, determine and verify the accounting string for the FPN.

c. Call the Purchase Card Administrator in the District Office and ask them to process an emergency issuance request with Bank of America Be sure you specify that you need an "Emergency Card".

d. Generally, an emergency card will be Federal Expressed by The Bank of America and in hand within 48 to 72 hours, maximum.

e. You can speed up the process if you can complete the information required in the application instruction pamphlet. If you don't already have one, call your District Card Administrator to obtain a copy for future reference and keep it in the safe with your units Purchase cards.

f. This procedure is only available during District business hours, unless other alternatives are developed between you and the District Purchase Card Administrator.

E. Documentation. All documentation procedures currently in effect for normal Government-Wide Purchase Card orders purchases apply to cards converted to FPN specific use. A current log of all purchases must be maintained listing the date, vendor, item/service, amount, and whether or not the order was placed by

telephone (no sales slip). Brown sheets are highly encouraged.

F. Statements and payments. Statements from Bank of America will be received in the normal manner and time cycle. Standard certification, documentation and payment practices will be adhered to. Copies of all certified statements and supporting documentation will be made before forwarding to FINCEN for payment and included in the FOSCs documentation package for later forwarding to NPFC Case Management.

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U.S. Department
of Transportation

United States
Coast Guard

Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington DC 20593-0001
Staff Symbol: (G-PC - 1)
Phone: (202) 267-1706

COMDTINST 2550.4I
MAR 5, 1993

COMMANDANT INSTRUCTION 12550.4I

Subj: Management of Civilian Overtime

Ref: (a) COMDTINST 12550.7 (series), Premium Pay for Civilian Employees
(b) COMDTINST 12550.3 (series), Special Overtime Pay and Reimbursable Charges for Documentation Specialists and Marine Inspectors
(c) Manual of Budgetary Administration, COMDTINST M7100.3 (series)
(d) Time and Attendance Handbook - Uniform Payroll System, FAA Order 2730.8 (NOTAL)

1. PURPOSE. This Instruction provides general guidelines on approval and control of civilian overtime for all appropriations. It should be distinguished from references (a) and (b) which respectively set forth the Commandant's policy for the administration of: (1) premium pay for General Schedule and Federal wage system employees, and (2) special overtime pay for Documentation Specialists and Marine Inspectors.

2. DIRECTIVE AFFECTED. COMDTINST 12550.4H is canceled.

3. DISCUSSION. Although costly, civilian overtime is occasionally necessary to meet operational emergencies and administrative deadlines. Temporary hiring freezes and reduced personnel ceilings can also create situations which may necessitate the selective use of overtime. To keep the use of overtime to an absolute minimum, each level of command is responsible for periodic review, evaluation, and continuing improvement of its internal overtime control system.

DISTRIBUTION - SDL No. 130

	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
A																										
B		4	20		12	10	2	2	3	2	5	2	2	4	2			2	2		1	1	2	1		
C	2	*		2	1						3	1	3													
D											1												1			
E											1	1			1											
F																										
G																										
H																										

NON-STANDARD DISTRIBUTION: C:b: Port Angeles and Sitka only (1)

4. RESPONSIBILITIES.

a. Commandant (G-PC) sets overtime limits for Allotment Fund Code (AFC)-08. It is also responsible for developing innovative methods to improve management's access to information that will assist in the process of monitoring and controlling overtime expenditures. The primary tool for use in this regard is the Department of Transportation's (DOT) Interactive Payroll (INPAY) System, an automated system that provides actual personnel costs, including overtime data, by appropriation and AFC, to the individual cost center. Updated each biweekly pay period, INPAY is a read-only system formatted in user friendly, menu-driven fashion. It is now available at each location having a civilian personnel office (e.g., New York City, NY; Portsmouth, VA; Curtis Bay, MD; Alameda, CA; and Washington, DC). Fiscal year expenditures reported by INPAY are measured on the same basis as used by the Federal Government for reporting Full-Time Equivalency (FTE) consumption. The "FTE" fiscal year begins with the start of the first biweekly pay period closest to, but not later than 1 October. As a result, it may begin and end up to 13 calendar days earlier than the "standard" fiscal year.

b. Area and district commanders, commanders of maintenance and logistics commands, unit commanding officers, and chiefs of offices and special staff divisions in Headquarters are responsible for managing the use of overtime in accordance with references (a) through (d), and the following guidelines:

(1) Control of Overtime.

(a) Explore all reasonable alternatives before using overtime. Alternatives may include reallocation of staff resources, adjustment of work schedules, and use of temporary employees.

(b) Maintain internal controls for the approval and monitoring of overtime to avoid abuses, inadvertent or otherwise, by supervisors or employees. Internal controls shall, as a minimum, include the following:

1 Supervisors shall compare the amount of Regular Overtime authorized on CG Form 4358 (enclosure (1)), Civilian Overtime Authorization, for each employee to whom overtime was paid as shown in the Consolidated Uniform Payroll System (CUPS) Overtime Report, SYS-CTL-076. For each cost center, this report portrays the amount of Regular Overtime (hours and payments) used by each employee during the most recent quarter, and during the past year. Using this report, supervisors shall periodically compare the hours of overtime for which an employee has been paid with the security desk sign-in/sign-out log when available.

2 Supervisors shall be present or, as a minimum, spot check for the presence of personnel during periods of authorized overtime.

3 Supervisors shall spot check overtime authorizations, CG Form 4358, against overtime hours worked as indicated on the Time and Attendance (T&A) Report, DOT Form 2740.2, retained by T&A clerks. Second level supervisors shall ensure that these spot checks are occurring.

4.b.(1)(b)(4) 4 Second level supervisors shall periodically review work accomplished during overtime for quality and quantity.

(c) Monitor AFC-08 overtime usage reports and projections provided on a periodic basis by Commandant (G-PC).

(2) Monetary Limits on Paid Overtime.

(a) Operating Expenses (OE).

1 General Schedule and Related Employees, Overtime limits for employees paid from AFC-08 are established and announced by Commandant (G-PC) annually by ALDIST or E-Mail. Further guidance is provided in enclosure (2). The limits provided are segregated according to the type of overtime performed. Firefighter overtime is exempted from the controls imposed by this Instruction, unless the Firefighter works more than 144 hours during the pay period. Separate limits are provided for regular overtime, administratively uncontrollable overtime for criminal investigators as discussed in reference (a), and special, reimbursable overtime as discussed in reference (b). In all cases, it is to be recognized that these limits are established as a necessary budget control mechanism and that they may not always match the local command's perception of its needs. (In particular, commands which have approved administratively uncontrollable overtime on an individual basis for civilians in criminal investigator positions, should be aware that funding allocated by the Commandant for this purpose may not fully accommodate the amounts approved locally. As with other types of overtime, the Commandant does not write a "blank check" for overtime approved on an "administratively uncontrollable" basis for criminal investigators.)
When any of these three separate limits are exceeded, or when it is known that the limits will be exceeded, an amount of money to cover the unauthorized overtime expenditure shall be transferred by the responsible activity to compensate the AFC-08 fund. For purposes of communication regarding AFC-08 overtime expenditures, each command allocated an overtime limit shall designate an AFC-08 overtime management contact point, and shall so inform Commandant (G-PC). As necessary, Commandant (G-PC) will advise the contact point directly in writing of any detected or projected overexpenditure of AFC-08 overtime funds, and the requirement to
compensate the AFC-08 fund for the excess. At the same time, local unit commanding officers are reminded of their responsibility to effect internal monitoring procedures as identified in paragraph 4.b.(l) and to initiate procedures to compensate AFC-08 when required, independent of prior notification by Commandant (G-PC).

2 Wage Grade Employees - Limits are established and overtime is approved by the official whose funds are to be charged (commanding officer, division chief, etc.). Overtime dollars are included in the wage grade funding provided to an Administrative Target Unit (ATU). When a unit commanding officer/office chief exceeds the allotted total wage grade funding, additional overtime must come from a unit's operating funds.

4.b.(2)(a)(2)(b) (b) Reserve Training (RT). Overtime limits for employees paid from AFC-98 are established by Commandant (G-RSP) annually by ALDIST or E-Mail. Further guidance is provided in enclosure (3).

(c) Acquisition, Construction, and Improvement (AC&I). All requests for overtime by AC&I funded employees, or employees funded by other appropriations doing AC&I work, will be forwarded to Commandant (G-ES) for approval. All requests shall indicate the project being supported, the grade of the employee and the appropriation the employee's salary is paid from. Requests should be divided into quarterly requirements. All costs associated with AC&I overtime will be coordinated and executed through Commandant (G-ES).

(d) Research, Development, Test, and Evaluation (RDT&E). Overtime for RDT&E funded personnel at the U. S. Coast Guard Research and Development Center must be approved by the Commanding Officer, U.S. Coast Guard Research and Development Center. Overtime for other RDT&E funded employees must be approved by Commandant (G-ER).

(e) Yard Fund (YF). As prescribed by the Commanding Officer, Coast Guard Yard.

(f) Environmental Compliance and Restoration (EC&R). As prescribed by Commandant (G-ECV). Requests for EC&R overtime require advance approval from Commandant (G-ECV). Authorization can be made on a quarterly basis. Requests must contain the amount requested, the applicable project and project number(s) and a description of the work to be accomplished.

(3) Reimbursements.

(a) Reimbursements between Coast Guard Organizations. If an employee whose pay is normally charged to one account (command, appropriation, etc.) works paid overtime for another account (command, appropriation, etc.), funds shall be transferred between organizations as mutually agreed to cover such costs. Transfer of overtime costs between organizations should be effected at the time the expenses are incurred.

(b) Reimbursements between Other DOT Administrations, Federal Agencies, and Non-Federal Activities. For reimbursable paid overtime provided by Coast Guard to other DOT administrations, Federal agencies, and non-Federal activities, see Chapter 5, Section G of reference (d).

(c) Pollution Response Overtime. Coast Guard civilian employees may be called on to support an On Scene Coordinator (OSC) who is responding to an oil spill or hazardous chemical incident under the Federal Water Pollution Control Act (FWPCA)/OPA 90 or Comprehensive Environmental Response, Compensation and Liability Act/Superfund Amendment Reauthorization Acts (CERCLA/SARA). If overtime is being performed on such an emergency basis, funding is available from the Oil Spill Liability Trust Fund or Superfund, respectively, to reimburse AFC-08 for overtime costs. Paid overtime is

appropriate for these instances, and compensatory time off should be used only when legislated annual pay caps will be exceeded by the individual employee. Specific instructions are provided in enclosure (4).

4.b.(2)(a)(4) (4) Identification of Funding Source. The source of funding for each civilian employee is identified in the Civilian Personnel Management Information System (CIVPMIS). All payroll-related costs (e.g., salary, overtime, pay differentials, benefits, awards, etc.) are based on the appropriation and AFC information indicated in CIVPMIS. Identified errors should be corrected through the involvement and participation of the servicing civilian personnel office and its CIVPMIS manager.

(5) Time and Attendance and Related Documentation. Regular Overtime worked by an employee shall be recorded on the T&A as prescribed by reference (d). Administratively Uncontrollable Overtime will be approved on an individual basis and will be recorded in the CIVPMIS against the data element AUO PCT and any other associated data elements.

5. ACTION. Area and district commanders, commanders of maintenance and logistics commands, unit commanding officers, and chiefs of offices and special staff divisions in Headquarters shall comply with the contents of this Instruction when approving civilian overtime.

6. FORMS AVAILABILITY. Form DOT F-2740.2, Time and Attendance Report, may be obtained from Commandant, G-PC. Form CG-4358, Civilian Overtime Authorization may be obtained from Supply Center Brooklyn, using SN 7530-01-GF2-9040, U/I (SH), or Forms Plus Laser (FPL). Form CG-5136 may be obtained from the National Pollution Funds Center (NPFC).

J. M. LOY
Chief, Office of Personnel and Training

Encl: (1) Civilian Overtime Authorization, CG Form 4358
(2) Overtime Limitations for Classified OE and RT Employees
(3) Reimbursable Overtime for Pollution Responses

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DEPARTMENT OF TRANSPORTATION U.S. COAST GUARD CG–4358 (Rev. 6-67)	CIVILIAN OVERTIME AUTHORIZATION	☐ PAID ☐ COMP

SECTION 1 – REQUEST FOR OVERTIME

FROM:	TO: VIA;	
PERIOD FROM TO	NO HOURS REQUESTED	ESTIMATED COST (*Paid Overtime Only*)

JUSTIFICATION: (*Explain why tasks cannot be accomplished within normal working hours or by temporary detail of personnel from other organizational components*)

DATE	SIGNATURE AND TITLE

SECTION II – AUTHORIZATION OF OVERTIME WORK
(For use only by Approving Official)

RETURNED ☐ APPROVED ☐ DISAPPROVED (See Comments)	AUTHORIZATION NUMBER

COMMENTS:

DATE	SIGNATURE AND TITLE OF AUTHORIZING OFFICIAL

PREVIOUS EDITION MAY BE USE

Overtime Limitations for Employees Paid from AFC-08.

1. Annual Limitations. The limitations established by Commandant (G-PC) apply separately to the various types of overtime funded from AFC-08 including regular, administratively uncontrollable, and "special" overtime pay. (Administratively uncontrollable overtime is discussed in reference (a); special overtime is discussed in reference (b).) These allocations are to be administered by area and district commanders, commanders of maintenance and logistics commands, Headquarters unit commanding officers, and chiefs of Headquarters offices on a fiscal year basis. The limitations are provided to meet both the mandatory paid overtime requirements of current regulations, and critical peak workload demands which cannot be met by compensatory time or other administrative means.

2. Modification of Limitations. Annually established allocations can only be exceeded when the responsible activity compensates the AFC-08 fund by transferring to AFC-08 an amount of money equal to the amount of excess. To increase its overtime ceiling, the responsible command must:

   a. Determine an offsetting source of funds, e.g., AFC-30;
   b. Advise Commandant (G-PC) of the intention to make a transfer; and
   c. Provide Commandant (G-CFM-2 and G-CBU-2) via E-mail an identification of the offsetting source of funds, including the AFC used, its accounting string, the time period of occurrence (quarter), the amounts, and the justification for the transfer. The accounting string to be referenced for AFC-08 in the transaction is: X01 299 08 0 00 where X indicates the fiscal year, e.g., for FY93, X - 3.

   Expenditure transfers (G-Schedule) to AFC-08 should not be used to increase an allocation. (Expenditure transfers referred to here are defined as an accounting process whereby one AFC's expenditure is decreased by the Finance Center while another is respectively increased by a corresponding amount.) Commands having questions about the current transfer procedures to use should contact Commandant (G-PC).

3. Documentation. Paid overtime shall be approved by senior officials designated by area and district commanders, commanders of maintenance and logistics commands, commanding officers of Headquarters units, and by deputy office chiefs in Headquarters on CG Form 4358, Civilian Overtime Authorization. Paid overtime for employees within the Office of the Commandant (G-C) shall be approved by the Executive Assistant to the Commandant, except for the Commandant's Secretary whose overtime shall be approved by the Vice Commandant. Prior to approval, each form shall be endorsed indicating the total monetary limitation for the period, and the unused balance if the requested overtime is approved. A file of approved CG-4358 forms shall be maintained by the approving command or office.

4. Overtime Limitations for Classified Reserve Training Employees.

1. Annual Limitations. The limitations addressed here apply to overtime pay funded from AFC-98 and are provided to meet both mandatory paid overtime requirements and critical peak workload demands of the Reserve forces program which cannot be met more efficiently by other means. They are to be administered by district commanders (r), commanding officers of Headquarters units, and Commandant (G-RSP) on a fiscal year basis.

2. Documentation. Paid overtime shall be approved on CG Form 4358, Civilian Overtime

Authorization, and endorsed indicating the total monetary limitation for the period, and the unused balance if approved. A file of approved CG-4358 forms shall be maintained by the approving office.

3. Modification of Limitations. Overtime in excess of announced limitations must be approved by Commandant (G-RSP). Requests to exceed these limitations shall include supporting documentation.

Reimbursable Overtime for Pollution Responses.

1. Management and Control. During an incident, the On Scene Coordinator (OSC) is the direct manager of all resources being used in the pollution removal or response effort. The OSC has great latitude under the various laws and the National Contingency Plan (40 CFR 300) to employ whatever Federal, State, or private personnel and equipment are necessary to rapidly address the incident. In the Coast Guard, predesignated OSCs are the Commanding Officers of Marine Safety Offices and Captains of the Port (COTP). Environmental Protection Agency (EPA) OSC's are assigned to EPA Regional Offices, and may also request CG support, through the district commander (m). OSC's manage civilian overtime no different than all other obligations incurred during an incident.

2. Approval. The OSC is the approving official for overtime in pollution incidents.

   a. In the event the OSC is from an agency other than the Coast Guard:

      (1) The Coast Guard civilian employee's supervisor may be the approving official, so long as the supervisor ensures that the overtime has been authorized by the OSC and funding has been set aside from the authorized ceiling for the removal or response, and

      (2) The supervisor shall coordinate such actions with the district commander (mep).

3. Documentation Required. Approved overtime must be documented in both the incident records, to reflect the obligation and costs of the overtime, and in the civilian pay system, to ensure personnel are in fact paid and that a record of the amount required for reimbursement is maintained.

   a. Incident Documentation. The OSC is required by National Pollution Funds Center (NPFC) policies and procedures to document all costs incurred during the response, including civilian overtime. The OSC shall use existing form CG-5136B, POLLUTION INCIDENT DAILY RESOURCE REPORT GOVERNMENT PERSONNEL to document government employee costs for each incident. This form reflects total hours, by employee, by day, and provides sufficient detail to verify overtime for any given day for every civilian Coast Guard employee working under the direction of the OSC.

   b. Civilian Payroll System. Following the procedures in enclosure (2) to reference (b), the approving official shall complete CG Form CG-829, Summary of Overtime Services, to document the approval. When completing the form, the approving official shall indicate under "PORT" at the top of the form, the command serving as the OSC, or the agency and region if the OSC is from another agency. In the space immediately below the title line headed "DURING THE PAY PERIOD ...", insert: POLLUTION RESPONSE OVERTIME FOR FEDERAL PROJECT NUMBER _____.

Each form should be distributed to payroll in time to meet the customary deadlines for processing. With each submission of CG-829, enclose copies of CG-5136B which document the approval and use of overtime for the incident. Copies of each submission, including the enclosed CG-5136B, shall be sent to the Director, National Pollution Funds Center (cfl), and Commandant (G-PC-1).

4. Obligation of Funds. The approval of overtime by the OSC constitutes an obligation of funds for the incident. The OSC shall apply this obligation against the approved Fund ceiling and record it on appropriate ceiling management forms (CG-5136F) or CG-5136F-1).

5. Billing Procedures. For pollution incidents, billing procedures established by reference (b) are not to be followed. Billing will be according to the NPFC Technical Operating Procedures.

6. Reimbursement Procedures. The Commandant (G-PC-1), upon receipt of supporting documentation, and in coordination with the Director, National Pollution Funds Center, will initiate a Change in Financial Plan (CIFP) to reimburse AFC-08 for amounts of overtime paid for pollution incidents.

Supplement to Commandant Instruction 12550.01 Management of Civilian Overtime

CIVILIAN OVERTIME FOR CG EMPLOYEES

Overview: Civilian overtime on spills. These procedures apply when CG OSCs use CG Civilian employees on a spill and overtime work is performed.

(A) For the employee to be paid, the employee's work station/unit shall follow standard Civilian time card or automated payroll recording procedures. Record the overtime for the specific pay period during which the work was performed.

(B) Follow the policy and procedures of COMDTINST 12550.4I, Enclosure (4) for documenting the overtime. CG OSCs shall use CG-829 to authorize overtime.

(C) Attach the completed CG-829 to the individual's time card as documentation for the overtime submitted on the time card. Reference the form for automated submissions.

(D) The time clerk shall:
   (i) retain the time card and the completed CG 829 according to standard procedures.
   (ii) provide a copy of each individual's time card back to the OSC who authorized the overtime.

(E) The OSC shall:
   (i) match the time cards received with the civilian overtime authorized on the approved CG 829.
   (ii) submit the CG-829 and associated time cards with the cost summary report sent to the NPFC.

DEPARTMENT OF
TRANSPORTATION
U.S. COAST GUARD

CG-829 (Rev. 3-67)

UNITED STATES COAST GUARD

SUMMARY OF OVERTIME SERVICES PERFORMED AT THE PORT OF _____

DURING THE PAY PERIOD _____

NAMES OF EMPLOYEES RENDERING OVERTIME SERVICE	DATE OF SERVICE	TIME CHARGED		NATURE OF SERVICES	BASIC PAY PER DIEM	AMOUNT
		FROM	TO			
I certify that the facts and amounts as shown above are true and correct.					TOTAL	

_____

Title _____

Technical Operating Procedures

for

Determining Removal Costs

under

The Oil Pollution Act of 1990

U.S. COAST GUARD
NATIONAL POLLUTION FUNDS CENTER

JUNE 1999

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U.S. Department
of Transportation

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Coast Guard

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United States Coast Guard
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Arlington, VA 22203
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NATIONAL POLLUTION FUNDS CENTER (NPFC) INSTRUCTION M7300.1

Subj: TECHNICAL OPERATING PROCEDURES (TOPs) FOR DETERMINING REMOVAL COSTS UNDER THE OIL POLLUTION ACT OF 1990 (OPA90)

1. PURPOSE. The enclosed Manual establishes procedures necessary to determine oil spill removal costs.

2. ACTION. Military and civilian employees of the NPFC shall follow these procedures to review and approve removal costs. Other government agencies and employees, and Coast Guard field units, are strongly encouraged to follow these procedures for timely and consistent removal cost reimbursement.

3. DIRECTIVES AFFECTED. This is the third of a series of NPFC Manuals which together establish uniform operating procedures for Oil Spill Liability Trust Fund access, documentation, reimbursement, and cost recovery. See NPFCINST 16451.1, Technical Operating Procedures for State Access under Section 1012 (d) (1) of OPA90; and NPFCINST 1645.2, Technical Operating Procedures for Resource and Cost documentation.

4. DISCUSSION. This Manual sets forth roles and activities involved in removal cost issues.

DANIEL F. SHEEHAN
Director
National Pollution Funds Center

Encl: (1) Technical Operating Procedures for Determining Removal Costs Under the Oil Pollution Act of 1990

Distribution: COMDT (G-M)
MLCLANT (F)
MLCPAC (F)
All CGD (M)
FINCEN (OCD)

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TECHNICAL OPERATING PROCEDURES
FOR DETERMINING REMOVAL COSTS

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CHAPTER 1 — OIL SPILL LIABILITY TRUST FUND (OSLTF) COSTS OVERVIEW

A. General: Responsible Parties (RPs) are liable for "all removal costs" incurred by the government that result from the RPs oil pollution incident. Although not necessary for RP liability, removal costs must be "consistent with the NCP" to be payable from the OSLTF. Federal On-Scene Coordinators (FOSCs) are responsible for exercising effective financial management and cost controls during the response, including verification of removal costs and certification of consistency with the NCP, as outlined in this TOPs.

B. Basic Criteria for Removal Costs:

1. The prerequisites which must be met before a removal cost can be paid from the Fund are:

   a. The removal costs must result from an Oil Pollution Act (OPA) incident: a discharge or substantial threat of discharge of oil, into or upon navigable waters (surface waters) of the United States or adjoining shorelines or the exclusive economic zone.

   b. The action giving rise to the removal costs must be consistent with the National Contingency Plan.

2. If the prerequisites are met, any action necessary to contain or remove oil from water or shorelines, or otherwise necessary to minimize or mitigate damage to the public health and welfare may be deemed removal and incur costs payable from the OSLTF. This includes ancillary support and administrative activities necessary for the response. It should be recognized, however, that all costs, and particularly any unusual costs, will usually be scrutinized closely by the responsible parties (RP) . If removal costs can be avoided by encouraging the RP to clean up their spills, that is always the preferred course of action. As with any Government funds, spending should be sensible, whether or not the costs may ultimately be recovered from the RP.

3. Examples of removal costs included in this TOPs are presented with the assumption that the actions and resulting costs comply with the fundamental requirements set out above.

C. Consistency with the National Consistency Plan (NCP).

1. The National Contingency Plan (40 CFR Part 300), Subpart D, OPERATIONAL RESPONSE PHASES FOR OIL REMOVAL, outlines the scope of activities which constitute a response to an oil incident to conduct removal. The four phases of response are as follows:

   I. Discovery or Notification.
   II. Preliminary Assessment and Initiation of Action.
   III. Containment, countermeasures, cleanup, and disposal.
   IV. Documentation and Cost Recovery.

2. The concept of consistency encompasses carrying out the purposes of the NCP and substantially complying with the NCP process, specifically:

a. The removal activity was deemed necessary for the cleanup or the prevention of an oil spill and not otherwise contrary to the NCP (e.g., the limitations on use of dispersants or in-situ burning).

b. The removal activity was authorized by a federally approved response plan, the FOSC or the RP, or was condoned by the FOSC or RP.

c. The removal activity was within the scope of the tasking, either in the federally approved response plan or given by the FOSC or RP. Absent clear tasking, it must be shown that the activity conducted was a customary removal action under the circumstances or there was good cause for the deviation from the norm. The FOSC may terminate authorized activities and may ratify unauthorized ones for good cause if they are otherwise consistent with the NCP.

3. Not all the response phase activities qualify for funding from the OSLTF as removal costs, e.g., Phase I, Discovery or Notification.

CHAPTER 2 — ROLES AND RESPONSIBILITIES IN DETERMINING REMOVAL

A. The Federal On-Scene Coordinator's (FOSC) Role.

1. Authority. The FOSC has been delegated the authority to ensure effective and immediate removal of a discharge, and mitigation or prevention of a substantial threat of a discharge of oil into U.S. surface waters (including the Exclusive Economic Zone). The FOSC verifies whether a particular cost was incurred for removal and was consistent with the NCP. The FOSC should not incur costs which are unnecessary for the removal or inconsistent with the NCP. In other words, the FOSC removal activities should be as effective and economical as possible under the circumstances.

2. Establishing the purpose for which a removal cost was incurred. In making the determination regarding removal actions and resulting costs, the FOSC is guided by the criteria in Chapter 1 and should, therefore, be prepared to document the following:

   a. Why a particular action was necessary to contain or remove oil pollution, or necessary to minimize or mitigate oil pollution damage to the public's health and welfare.

   b. That the action falls within phases II-IV, Operational Phases of Response for Oil Removal.

3. Documenting removal costs. NCP Sections 300.315 and 5.7 of Appendix E to the NCP require the FOSC to collect and maintain documentation "to support full cost recovery". Such documentation should include both reimbursable and non-reimbursable Government costs allocable to the removal effort (non-reimbursable costs are those costs which cannot be reimbursed to the agency because it has already received appropriated funds for that purpose). Routine incidents are responded to in a routine manner, and the response activities are clearly outlined in FOSC POLREPs and reports. When the purpose of the cost is not clear, however, the FOSC may be required to provide further explanation of the determinations made regarding removal actions.

B. National Pollution Funds Center Role.

1. Authority. The NPFC has been solely delegated authority to pay removal costs. The NPFC was established as a separate Coast Guard Headquarters Unit to maintain a degree of independence from the operational environmental protection programs. Thus, the NPFC has a responsibility to establish and enforce appropriate limits on the use of the OSLTF, balanced against the operational requirements of the FOSC.

2. The Case Officer/Case Team. The Case Officer represents the NPFC for all incident specific matters with the exception of particular claims matters. The Case Officer and the Case Team support the operational requirements of the FOSC while also ensuring that the uses of the OSLTF are appropriate. They are tasked with verifying that the resource/cost documentation meets all the guidelines herein.

CHAPTER 3 — PHASE I DISCOVERY AND NOTIFICATION – ACTIVITIES AND REMOVAL COSTS

A. Phase I Activities. These activities are conducted to discover oil spills or to notify appropriate authorities of oil spills, for example, patrols, notifications to the National Response Center, notifications to the predesignated FOSC. With the exception of the costs incurred by the FOSC to notify appropriate Federal, State, and local officials of an OPA incident, these costs are not directly chargeable to the OSLTF as removal costs but are funded through normal operating appropriations (e.g., Coast Guard OE).

CHAPTER 4 — PHASE II PRELIMINARY ASSESSMENT AND INITIATION OF ACTION – ACTIVITIES AND REMOVAL COSTS INCLUDING ASSESSMENT PHASE COSTS

A. Phase II Activities. These activities are conducted to gather information about the reported incident and plan appropriate actions. These activities are necessary whether or not the RP is taking action. The costs incurred in this phase are eligible for funding from the OSLTF subject to thresholds for access to the Fund defined in subparagraph 4.D.2 below. Phase II also includes the "initiation of action" activities which would immediately follow the determination by the FOSC that further action is required.

B. Assessment Phase. Phase II includes the "assessment phase" between notification of a discharge and the determination by the FOSC: i) that either nothing beyond initial assessment needs to be done; or ii) that further action or presence is required. The nature of pollution response sometimes results in an initial mobilization of more resources than are actually needed to respond to an incident. Because this mobilization of resources may potentially result in costs which appear to exceed those necessary to conduct the actual cleanup, the CG has elected not to charge the RP for assessment phase costs depending on such circumstances as whether the RP is responding responsibly to the incident. The discretion to bill an RP for some or all Federal removal costs incurred during the assessment phase rests with the NPFC, and FOSCs should not advise RPs about whether certain charges will or will not be billed.

C. Use of OSLTF for Phase II Costs. The FOSC should obtain an FPN and corresponding ceiling (and begin documenting all Federal removal costs) when:

1. The FOSC expects to incur "out-of-pocket" costs to conduct the assessment phase or any part of the response; or

2. The FOSC determines that a continued presence is required to ensure proper removal actions (the initiation of action part of Phase II) and no "out-of-pocket" costs are expected, but internal costs (costs of FOSC personnel and equipment) are expected to exceed $500.

D. Examples of Phase II – activities are as follows:

1. Assessment.

   a. Evaluate magnitude/severity.
   b. Assess feasibility of removal.

2. Initiation of action.

   a. Identify the RP. A generic list of documents to be acquired or incorporated into the statement of work to determine liability is provided in Appendix One of this TOPs.
   b. Notify affected natural resource trustees and other affected agencies.
   c. Plan further action.
   d. Indicate RP to clean up.
   e. Issue administrative orders.

E. Some Examples of Costs Eligible for Direct Charge to the OSLTF for Phase II Activities for Assessment though these Costs may be Recovered from the RP as discussed in subparagraph 4.B above:

1. Temporary Duty per diem, travel and transportation in accordance with Federal travel regulations.
2. Contractor costs, such as drilling test wells, performing hydrological surveys.
3. Consumables or services specifically purchased during the response, such as film purchased to document the incident.
4. Replacement, repair, renovation or cleaning of equipment (whichever is most cost effective) to the extent that the loss or damage is due to the specific response and not the result of improper maintenance, improper use of the equipment, or the actions of others unrelated to the removal.
5. Long distance telephone charges.
6. Costs of transporting and staging of required supplies and equipment.

F. Some Examples of Costs Eligible for Charge to the OSLTF for Phase II Activities for Initiation of Action and Subsequent Recovery from the RPs.

1. Local and Temporary Duty travel, transportation, and any per diem.
2. Contractor costs, such as contract cleanup expertise.
3. Consumables or services specifically purchased during the response, such as sorbent, supplies, incident-specific vehicle and equipment lease/rentals.
4. Replacement, repair, renovation or cleaning of equipment to the extent that the loss or damage is due to the specific response and not the result of improper maintenance, improper use of the equipment, or the actions of others unrelated to the removal.
5. Reservist orders.
6. Auxiliarist orders.
7. Government personnel assigned, such as scientific support, FOSC personnel, strike team personnel, legal support for administrative orders, etc., at standard costs.
8. Government facility use, such as office space at standard cost.
9. Government vehicles, boats, aircraft use at standard costs.
10. Government systems use.
11. Costs of transporting and staging of required supplies and equipment.

CHAPTER 5 — PHASE III – CONTAINMENT, COUNTERMEASURES, CLEANUP, AND DISPOSAL – ACTIVITIES AND REMOVAL COSTS

A. Phase III Activities. These activities are the traditional cleanup activities. If the RPs are taking proper action, the FOSC only conducts those activities necessary to ensure that immediate and effective removal takes place. Monitoring activities should be limited to those necessary to ensure proper removal and should not become so onerous as to discourage RPs from conducting their own cleanups. Again, the costs incurred in this phase are eligible for funding from the OSLTF subject to thresholds for access to the Fund specified in paragraph 4.C.

B. Examples of Federal Phase III Removal Activities when the RP Performs Cleanup:

1. Analyze water samples to determine source.
2. Analyze water samples to determine spread.
3. Measure and sample.
4. Monitor fate and effect of oil.
5. Restrict access to area, control traffic.
6. Review and direct actions by the RP.

C. Examples of Costs Eligible for Charge to the OSLTF for Phase III Removal Activities when the RP Performs Cleanup:

1. Local and Temporary Duty travel, transportation, and any per diem.
2. Contractor costs, such as security contractors, technical assist team contractors.
3. Consumables or services specifically purchased during the response, such as supplies, sorbent, incident specific vehicle and equipment lease/rentals.
4. Replacement, repair, renovation or cleaning of equipment - to the extent that the loss or damage is due to the specific response and not the result of improper maintenance, improper use of the equipment, or the actions of others unrelated to the removal.
5. Long distance telephone charges.
6. Reservist orders.
7. Auxiliarist orders.
8. Government personnel assigned, such as scientific support, FOSC personnel, strike team personnel, legal support for administrative orders, etc., at standard costs.
9. Government or leased facility use, such as office space at standard cost, mobile command post lease.
10. Government vehicles, boats, aircraft use at standard costs.
11. Government systems use, such as telecommunications systems, computer systems.
12. Government or contract laboratory sample analysis, such as Coast Guard Marine Safety Lab services at standard costs.
13. Costs of transporting and staging of required supplies and equipment.

D. Examples of Federal Removal Activities in Addition to those Listed in 5.B when the RP is not Known or Fails to Perform Immediate and Effective Removal:

1. Controlling the source of discharge.
2. Controlling the spread of oil.
3. Placement of physical barriers to deter the spread of the oil and to protect the natural resources and sensitive ecosystems.

4. Controlling of the water discharged from upstream impoundment.
5. Capturing, cleaning, and emergency care for oiled animals.
6. Cleaning oil from beaches, shoreline, piers, boats, private and public property.
7. Excavating contaminated soils.
8. Providing alternative drinking water.
9. Providing for temporary relocation or evacuation where necessary to protect public health.
10. Removing debris from shorelines prior to oiling to facilitate later cleanup.
11. Removing and, if necessary, destroying a vessel to limit discharge when properly authorized.
12. Using chemicals and other materials in accordance with subchapter J of the NCP to restrain the spread of oil and mitigate its effects.
13. Properly disposing of recovered oil and contaminated materials.

E. Examples of Costs Eligible for Charge to the OSLTF in Addition to those Listed in 5.C for Phase III removal Activities when the FOSC Determines it Necessary to Arrange for Removal, in Addition to, or instead of, a RP's Removal Efforts:

1. Purchase of equipment, such as boom, skimmers, transfer systems, pumping systems, dracones, vapor analyzers, gas indicators, protective gear. Purchase of nonexpendable equipment (generally those items, of value greater than $1000 with useful life greater than 1 year); see Paragraph 7.G for further information regarding purchase of equipment.
2. Government equipment inventory use at standard cost, such as boom, skimmers, transfer systems, pumping systems, dracones, vapor analyzers, gas indicators, protective gear.
3. Purchase of water as alternative drinking water.
4. Contract for temporary lodging for evacuees.
5. Contract for temporary feeding for evacuees.
6. Contract for cleanup labor.
7. Contract for diving, and when necessary to control the source or spread of oil, salvage operations.
8. Contract for disposal.
9. In special circumstances, contract for temporary docking of salvaged vessel.
10. Rental/purchase of fencing, barricades, and security material.
11. Traffic control.
12. Contract for capturing, cleaning and emergency care for oiled animals, such as costs to capture, clean, temporarily care for, and release birds oiled by spill, or dispose of dead animals.
13. Repair of damages caused by cleanup activities, such as damage to lawns by vehicles. [Note that such costs may also be the subject of a claim for property damage per standard NPFC claims procedures if not handled as part of the removal.]
14. Replacement of oiled equipment and property which cannot be cleaned cost-effectively.
15. Decontamination of oiled equipment.
16. Replacement of excavated soils.

CHAPTER 6 — PHASE IV – GOVERNMENTAL DOCUMENTATION AND COST RECOVERY – ACTIVITIES AND REMOVAL COSTS

A. Phase IV Activities. These activities are the documentation and reporting activities necessary to support cost recovery and record uses of the OSLTF. The costs incurred in this phase are also eligible for funding from the OSLTF to the extent that they can be identified with and attributed to specific incidents.

B. Examples of Phase IV Activities:

1. Collect and safeguard information, samples, and reports.
2. Interview witnesses and investigate causes.
3. Consolidate information and prepare reports.
4. Transmit reports to appropriate officials.
5. Verify report information.
6. Bill RPs.

C. Examples of Costs Eligible for Charge to the OSLTF for Phase IV Removal Activities:

1. Local and TDY travel and transportation.
2. Reservists orders.
3. Government personnel services.
4. Government and leased facility use, such as office space.
5. Lease/purchase computer systems.
6. Government systems use at standard cost.
7. Overnight/express delivery services.
8. Warehousing/storage services, such as costs to store records, samples.
9. Contract clerical services.
10. Contract documentation services.
11. Government or leased communications systems, such as paging systems, cellular phones, and facsimile equipment normally charged at standard rates plus any identifiable direct costs.

CHAPTER 7 — REMOVAL COST ISSUES AND SPECIFIC LIMITATIONS

A. Removal Costs. As already discussed, generally, the removal costs incurred should be appropriate under the circumstances and costs incurred should generally be proportionate to the size of the spill. This chapter provides guidance on specific situations or types of removal costs.

B. Substantial Threats of Discharge. The OSLTF may be used to respond to a substantial threat of a discharge to prevent, minimize, or mitigate oil pollution from such an incident. Each FOSC has the authority to determine whether particular situations present substantial threats of discharge.

1. In making a determination to respond to a substantial threat of discharge, the FOSC should consider the following factors in the context of the overall situation:

   a. The likelihood of a discharge under the circumstances; that the situation presents an unacceptable probability that a discharge will occur without FOSC intervention.

   b. The proximity to navigable waters, the quantity of oil which may be discharged, and the lack of barriers to stop the oil from flowing to the water indicate that a spill will impact navigable waters.

   c. The flow path to surface waters (for land based discharges) as indicated by slope, soil permeability, water table, storm drains, curtain drains, natural or manufactured conduits, or the like.

   d. The condition of or damage to the source, and the environmental factors or weather which may change the conditions, indicate that a spill will occur.

   e. The potential impact of a discharge on the particular environment, including proximity to environmentally sensitive areas, populous areas, etc.

   f. That action must be taken quickly to prevent a spill.

2. As outlined in Chapters 1 and 2, the FOSC must document the factors considered and the basis for the decision that a specific situation presented a substantial threat of discharge.

C. Groundwater Contamination. Removal costs may be incurred and paid from the OSLTF to handle oil discharges in groundwater where the FOSC has a reasonable basis to conclude that there is a clear hydrological nexus to surface waters and such nexus causes a discharge or poses a substantial threat of discharge to surface waters. The OSLTF is not available for removal actions to clean up groundwater when the groundwater does not discharge or pose a substantial threat to surface waters. Nor can the OSLTF be used to fund groundwater remediation activities after the discharge or the substantial threat of the discharge to surface waters has ended.

D. Multi-mission Activities.

The federal response may include search and rescue (SAR), law enforcement, safety of navigation, port safety or security, in addition to marine pollution response. In those situations, when resources are employed principally for their missions, their costs should not be charged to the OSLTF. Only those actions, whose primary purpose is removal, (i.e., the containment or removal of oil pollution or necessary to minimize or mitigate oil pollution damage to the public health and welfare) and which are consistent with the NCP, may be paid or reimbursed by the OSLTF. Removal cost must be incurred in the normal course of a removal effort under the FOSC's direction, following an FOSC's determination that there is an OPA incident requiring a response. In all multi-mission cases in which OSLTF funding is involved, FOSCs should document all costs while clearly identifying those relating to other mission activities and indicate why such costs should or should not be charged to the OSLTF.

The following operative purposes test should be applied: would the actions taken in the response have been required absent marine environmental protection requirements, such as 1) when the Coast Guard interdicts a Haitian vessel or seizes a vessel carrying drugs, the costs of controlling that vessel including any costs to prevent pollution from that vessel should not be charged to the OSLTF, or 2) when Coast Guard vessels enforce a safety zone around a grounded vessel in or near the entrance channel to a harbor area, the grounded vessel may pose a threat of pollution but the primary purpose of the safety zone and therefore the primary use of the resources enforcing it is for the safety of the traffic navigating around the grounded vessel into and out of the port.

E. Assessment Phase Costs.

See Chapter 4.

F. Use of Reservists. The OSLTF may be used to fund temporary active duty for Reservists related to a specific incident. The Reservists should be employed directly in the response unless otherwise authorized in advance by the NPFC.

G. Acquisition of Property Items.

1. FOSCs should only purchase property with OSLTF funds when operational necessity directly related to the removal dictates or when it is clearly more beneficial to the Government than leasing. When making decisions to buy versus lease property, and operational conditions permit, units should factor in the costs necessary to acquire, maintain, and dispose of the property, not just the purchase price versus the costs of leasing. Many of these considerations are appropriately addressed through the planning process before a spill occurs. Documentation of the factors considered in purchasing property during a spill are critical in cost recovery and litigation efforts and shall be documented to the greatest extent possible.

2. FOSCs should be aware that property purchased for removal activities will be billed to the RP at 100% of the cost. Accordingly, whenever feasible, the FOSC should provide the responsible party the opportunity to purchase or otherwise directly supply the property needed for removal activities. Upon case completion, any property purchased and provided by the responsible party shall be returned to the responsible party. Property purchased with the OSLTF, however, shall be disposed of in accordance with the procedures outlined below.

3. All property purchased must be accounted for in the cost documentation portion of the FOSC completion report.

4. For FOSCs, All "non-consumable" items, which includes any item or system having a cost of $2,500 or items of high interest (such as radios, fax machines, cellular phones, computers, pagers, copiers, photographic equipment, protective clothing, meters, and similar items) regardless of cost require evidence of disposal action. FOSCs shall dispose of such items through the closest Defense Reutilization and Marketing Office (DRMO).

   a. Document the transfer of each group of like items to the DRMO using form DD-1348 or other form acceptable to the specific DRMO. FOSCs should contact the DRMO prior to any transfer to determine specific requirements.

   b. After the transfer, forward the original transfer document to the NPFC as part of the FOSC interim or final Completion Report. The FOSC should maintain a copy of the form for local records.

   c. All lost, stolen, or damaged non-consumable property which is not available or suitable for transfer to the DRMO must be surveyed in accordance with agency property management guidelines and the Federal Property Management Regulations. Copies of approved survey reports shall be forwarded to the NPFC to provide the evidence of disposition.

   d. All consumable items (items not classified as nonconsumable property) are considered expended during the removal activity and should be disposed of in the most cost-effective manner. Lots of unused consumable property with a cost of more than $2,500, however, must be disposed of - and documented - in the same manner as non-consumable items.

   e. If questions arise on whether a particular item is consumable or non-consumable, or on the reporting requirements, FOSCs should contact the cognizant NPFC case officer. Coast Guard FOSCs may contact Commandant (G-CFM-3) with questions concerning DRMO availability or procedures for disposal.

5. EPA FOSCs should refer to their agency guidance relating to proper purchase, accounting, and disposal of property. Copies of all documentation related to the property purchase and disposal should be provided with the incident documentation.

6. Items which meet requirements for capitalization may be charged to the OSLTF but the amount charged to the specific incident shall be based upon an appropriate standard cost or allocation of the acquisition cost to the useful life. FOSCs should identify such items separately in the documentation. The NPFC shall make appropriate adjustments to the incident specific costs. Any such items purchased with the OSLTF belongs to the OSLTF until properly disposed of as excess property.

7. Purchase of major property items (land, buildings, structures, etc.), or major pieces of equipment that will remain in use for long periods of time present special problems not only for disposition but in planning for maintenance and operation as well. FOSCs contemplating such acquisitions should contact the cognizant NPFC Regional Manager

prior to purchase to discuss available options and to ensure that proper financial planning and analysis is performed.

H. Overflights. Aircraft overflights provide a valuable tool to the FOSC in assessing the extent and movement of the spilled oil and evaluating the progress of cleanup efforts. Such overflights, however, should be carefully scheduled to minimize avoidable charges. This could include the use of less expensive commercial aircraft when made available by the RP provided that Coast Guard policies governing the use of non-contract commercial aircraft are followed. Overflights primarily for VIP orientation, for example, should not be charged to the OSLTF.

I. Replenishments of Inventory.

1. FOSCs routinely draw on existing inventory of response equipment for specific responses. The OSLTF may be used to return that equipment to inventory after the response in the same condition it was before the response. Inventory items used up in the response or damaged beyond economical repair may be replaced. The unit replacing inventory items must follow existing agency guidance regarding survey of lost or damaged property. Any survey should establish whether the damages were directly due to a specific response or otherwise due to manufacturer defect, improper maintenance, improper use of the equipment, or the actions of others unrelated to the removal.

2. If the response equipment is replaced as a result of damage incurred during the response, the OSLTF will normally pay for the replacement. The OSLTF should not, however, be charged the standard rate for use of that particular item of equipment during the response.

J. Use of Standard Costs. The OSLTF may be used for the cost of Federal resources used in oil spill response. The costs of Federal resources should be charged at standard costs or at direct cost plus a standard overhead or surcharge. (Equipment replaced due to damage as a result of the response or purchased using the OSLTF during the response should not be also charged at a standard rate.) The agency presenting costs based on standard rates or surcharges should be able to show that such rates are the official rates of that agency, i.e., published in agency directives or set by appropriate authority. The agency must certify to the NPFC that it followed practices consistent with generally accepted accounting practice, and OMB and GAO guidance in developing its standard costs.

K. Spills from Federal Vessels or Facilities. While Title I of OPA excludes discharges from public vessels and federal facilities and there is no OPA liability for such public vessels and federal facilities, the NCP provides that a federal agency owning or operating the public vessel or federal facility is responsible for funding and handling the removal activities. If the federal agency cannot fund or handle the removal activities, the FOSC may access the OSLTF to fund the clean up or prevention of a discharge.

1. If the OSLTF is used to clean up a discharge from a public vessel or federal facility, the NPFC will seek reimbursement from the responsible agency. FOSCs should immediately notify the appropriate NFPC regional manager whenever it appears necessary to use the OSLTF for a federal spill. Additionally, if the Government takes custody of property prior to an OPA incident having been declared by the appropriate FOSC, the costs of handling the property and any oil associated with it are not chargeable to the OSLTF.

2. When the responsible agency is capable of funding the cleanup but lacks the resources to properly conduct the cleanup, the FOSC should attempt to establish a Military Interdepartmental Purchase Request (MIPR) or similar reimbursable agreement, as time permits, to establish direct upfront funding of the FOSC removal activities. FOSCs are encouraged to contact the cognizant NPFC Regional Manager for assistance in establishing such agreements.

L. Spills Involving Both Removal Costs and Potential Claims.

1. When an incident involves removal actions under the direction of the FOSC as well as potential damage claims under OPA, the actions of the FOSC should be coordinated with the NPFC case officer/claims representatives to ensure a cost-effective use of all OSLTF monies.

2. There are overlaps between removal costs and damages. For example, the cost incurred by the FOSC for cleaning boats oiled due to a spill is a valid removal cost while costs incurred by individuals for cleaning their own boats oiled due to a spill are also valid claims. Further, a boat owner may have a property damage claim for permanent damage to the boat even after the FOSC has cleaned it. In most cases, it is more efficient to handle boat cleaning as a removal cost because this ensures control over the disposition of the oil and the costs of the cleaning. Any property damage can be handled separately as a claim.

3. Additionally, there are situations where property is cleaned by the FOSC only to be replaced as the result of a claim. An example might be oiled wooden piers which although cleaned by the FOSC as removal must still be torn out and replaced due to the residual damage. Close coordination allows the selection of the most cost-effective approach which in some cases is to simply replace the property as a removal cost in the first place.

M. Mixed substance spills. The OSLTF may be used to fund removal activities for a discharge or substantial threat of a discharge of oil. An oil is any oil except those subject to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9601 et seq. OPA oils include the following: (1) petroleum with naturally occurring CERCLA-listed hazardous substances; (2) petroleum to which additives have been added during the refining process; and (3) petroleum provided that hazardous substances have not been added during its use nor increased by its use. If a discharge consists of both an OPA oil and a CERCLA substance, its clean up cannot be funded from the OSLTF.

N. Mixed spills. If an incident includes a distinct discharge of an OPA oil and a distinct discharge of a CERCLA hazardous substance, the clean up of the discharge of oil may be funded from the OSLTF. The clean up of CERCLA hazardous substances must be funded from CERCLA's Superfund. For instance, a vessel carrying containers of hazardous substances sinks and discharges its diesel. The clean up of the diesel may be funded by the OSLTF; clean up of the hazardous substances would be funded by CERCLA's Superfund.

O. Research and Development (R&D) Activities. The OSLTF Emergency Fund is not available for R&D. The Emergency Fund is available for removal costs which may involve new or novel methods of cleanup (with untried and unproven methods being turned to only as a last resort), as long as the method is otherwise consistent with the NCP. R&D may incidentally

benefit from the fact that the FOSC finds it appropriate to use a new method or product to deal with a particular discharge or threat thereof. However, the fact that R&D may benefit from the use of new technology should not be a factor in the FOSC's normal decision process in ascertaining how a particular spill will be dealt with. The FOSC may permit R&D to be conducted on a "spill-of opportunity" if it does not otherwise interfere with the FOSC's removal effort, but the R&D must be underwritten with R&D funds.

P. Use of State and Local Response Resources. Section 300.135 of the NCP requires FOSCs to coordinate response efforts with appropriate state agencies. It adds, "State and local Governments, however, are not authorized to take actions under subparts D and E of the NCP that involve expenditures of the Oil Spill Liability Trust Fund or CERCLA funds unless an appropriate contract or cooperative agreement has been established." To carry out this requirement, the following applies to funding of state participation in oil spill response:

1. The FOSC should establish from the outset whether State resources are necessary for removal actions for an incident and info the State OSC. The FOSC should use incident action plans or similar planning and documentation tools to define the scope of expected State actions and allow the NPFC to make decisions on potential claims. To the extent possible, appropriate State roles should be described in Area Contingency Plans (ACP).

2. When a state responds to a spill, either as agreed in an Area Contingency Plan or by specific FOSC request, a Pollution Removal Funding Authorization (PRFA) should be executed to ensure they are reimbursed for specific work performed at the request of the FOSC. As part of the PRFA, the FOSC must attach a Statement of Work to describe the required removal actions. A generic Statement of Work provided in Appendix Two, of this TOPS may be used.

3. When the FOSC determines that State resources were not necessary for an effective response, then the OSLTF is generally not available to pay the State for its actions. There may be, however, some legitimate State costs incurred by the first Government representatives on scene which could be either funded directly through a PRFA or the subject of a claim.

4. These provisions only apply to those incidents to which the FOSC actually responds. If a State has properly coordinated a response with the predesignated FOSC and conducts oil spill removal actions consistent with the NCP, then the State is generally eligible for reimbursement of removal costs through the OPA claims process and corresponding claims regulations.

Q. Oil Wells/Pits/Facilities.

1. The OSLTF is available for removal of oil discharged, or substantial threat of discharge, from "abandoned" wells, pits, and related facilities. The use of the term "abandoned" in this context indicates that such wells are no longer in active production, but does not mean that they were properly abandoned in accordance with applicable state law. Generally, these facilities are "orphans" presenting special problems in identifying the responsible parties for the discharge or substantial threat.

2. The OSLTF may be used to fund discharges or substantial threats of discharges from facilities. A facility is any structure, group of structures, equipment or device used to explore for, drill for, produce, store, handle, transfer, process, or transport oil (except

vessels). It includes but is not limited to oil wells, wellheads, pits, pipelines, gathering lines, storage tanks, and tank batteries, pits, and containment areas.

3. Identification of Responsible Party. The FOSC should begin appropriate research, including title searches, tax records, and bills of sale, as early as possible to identify the responsible parties. This may require the hiring of appropriate services. The costs of such services may be charged to the FPN as removal costs. For advice and assistance, FOSCs should contact the appropriate NPFC Regional Manager or case officer. A generic list of necessary documents for an RP search is provided in Appendix One of this TOPS.

R. ESA Consultations.

1. During the removal action, if an emergency consultation under section 7 of the Endangered Species Act is required, it can be funded by the FPN as a removal cost. Please see The "Inter-agency Memorandum of Agreement Regarding Oil Spill Planning and Response Activities Under the Federal Water Pollution Control Act's National Oil and Hazardous Substances Pollution Contingency Plan and the Endangered Species Act" for details of the agreement and a sample Pollution Removal Funding Agreement and Statement of Work.

S. Site Remediation. Discharges from storage tanks, oil wells or related facilities, and other similar facilities often may have caused extensive subsurface soil or groundwater contamination. Where such underground contamination has migrated so as to cause an actual surface discharge or substantial threat of discharge into navigable waters, the OSLTF may be used for removal. The OSLTF is available to remove oil pollution when it represents a substantial threat to U.S. surface waters, however, this does not extend to the remediation of contaminated soil or shorelines which no longer represent a substantial threat to U.S. surface waters. Once the necessary steps have been taken to eliminate the substantial threat of further discharge to the navigable water, further actions to permanently remedy the affects of an oil pollution incident, including long term treatment of underground contamination, are beyond the scope of OSLTF emergency removal funding.

APPENDIX ONE

DOCUMENTS FOR IDENTIFICATION OF OWNER/OPERATORS FOR ONSHORE AND OFFSHORE WELLS AND OTHER FACILITIES

ONSHORE WELLS AND OTHER FACILITIES ***3-84***

Organization of the Deed and Title Search For Onshore Wells And Other Facilities **3-85**

OFFSHORE WELLS AND OTHER FACILITIES ***3-87***

Organization of the Deed and Title Search For Offshore Wells And Other Facilities **3-88**

ONSHORE WELLS AND OTHER FACILITIES

The information required to establish the Responsible Party is described below.

Source of information may be found in the county office for recording deeds, the Secretary of State office for the state where the property is located, and the applicable tax assessors office.

The report shall include documents covering the period 10 years prior to the drilling of the well or the construction of the facility, up until the present:

1. Identification of past and present owners of the surface interest, mineral interest, and leasehold interest including:

   a. Narrative describing title search results;
   b. The time periods during which the person or company owned the interest;
   c. Provide complex title analysis narrative if necessary; and
   d. Current addresses, phone numbers and corporate status of each present owner.

2. Legal descriptions for each parcel.

3. An ownership history table by parcel which details the owners of the surface interest, mineral interests, and leasehold interest of each parcel separately described for the site, with approximate percentages of interest.

4. One Plat map which includes the searched parcel or parcels. This map shall identify the parcels so that they can be identified on the ownership table.

5. A survey of the site, drawn to scale, identifying the facilities (i.e. oil wells, tanks, piping, etc.), the threatened waterway, the property lines, and the current property owners.

6. Copies of Title documents including titles, deeds, mineral deeds, liens, leases, assignments, agreements, title transfers, satisfied and unsatisfied mortgages including deeds of trust and releases of deeds of trust, easements and encumbrances. The contractor shall provide legible copies whenever possible. If legible copies are not available, a description of the information conveyed in the document shall precede the document.

7. All documents filed with the applicable Secretary of State that relate to any corporation, partnership, or limited liability company that owned or operated the well at the time of the response. If there was no apparent owner/operator of the well at the time when the Federal On-Scene Coordinator ("FOSC") discovered the discharge or determined that the well posed a substantial threat of discharge, then all documents filed with the applicable Secretary of State relating to any corporation, partnership, or limited liability company that was the last apparent owner/operator of the well. These documents shall include, but not be limited, articles of incorporation, partnership agreement, annual reports, involuntary dissolutions, etc. However, if the expense of obtaining all relevant

documents exceeds $500, then only those documents that relate to the formation and the dissolution of the company shall be obtained.

8. All available documents from the local tax assessor's office that relate to the site, including but not limited to all records for both real and personal property taxes assessed against the site.

9. All documents held by the state regulatory or licensing agency that relate to either the construction or the operation of the facility. These documents shall include, but not be limited to, permits, applications for permits, documents submitted in support of an application for a permit, any historical file maintained by the agency for the oil well, etc.

10. Any other documents relating to ownership of equipment, fixtures, and structures on the land.

Organization of the Deed and Title Search For Onshore Wells And Other Facilities

The Deed and Title search shall contain a table of contents to assist the user in locating tabbed documents.

The contractor shall provide the NPFC three (3) copies of the Deed and Title search. Two (2) copies shall be paper copies and be tabbed accordingly. The final copy shall be on CD.

The Deed and Title search shall be sectioned and tabbed as outlined below:

Section I - Summary of the contractor's findings. This summary shall include the legal description for each parcel, identification of past and present owners of the surface rights, mineral interests and leasehold interest including:

A. Narrative describing title search results
B. Time periods during which the person or company owned the interest
C. Complex title analysis narrative if necessary
D. Current addresses, phone numbers and corporate status of each present owner

Section II – Ownership History Table. This table shall identify by parcel all documents that detail the owners of the surface interest, mineral interest and leasehold interest with approximate percentages of interest. Copies of these documents shall be tabbed as follows:

Section II A - lease under which the well was last operated

Section II B - Copy of the area lease covering the area where the well was located, that was in effect on the date the FOSC discovered the discharge or determined that the well posed a substantial threat of discharge into navigable waters. A copy of this lease is required, whether or not the well was ever operated under this lease.

Section II C 1-99 – Copies of all oil and gas leases, mineral deeds, assignments of oil and gas interests, and any other document relating to the mineral estate. These documents

should be listed in reverse chronological order (the newest document will be first and the oldest document will be the last) and separated with numbered tabs.

Section II D 1-99 – Copies of all surface estate titles, leases, deeds, liens, assignments, agreements, title transfers, satisfied and unsatisfied mortgages including deeds of trust and releases of deeds of trust, easements, encumbrances and any other document relating to the surface estate. These documents shall be listed in reverse chronological order (the newest document will be the first and the oldest will be the last) and separated with numbered tabs.

Section III – Copies of maps and survey. One Plat map which includes the searched parcel or parcels. This map shall identify the parcels so that they can be identified on the ownership table. This section should also include the survey of the site, drawn to scale, identifying the facilities (i.e. oil wells, tanks, piping, etc.), the threatened waterway, the property lines, and the current property owners.

Section IV – Copies of all documents held by any state regulatory or licensing authority that relate to either the construction or operation of the facility. These documents shall include, but not be limited to, permits, applications for permits, documents submitted in support of an application for a permit, any historical file maintained by the agency for the oil well, etc.

Section V – All documents from the local tax assessor's office that relate to the site, including but not limited to, all records relating to both real and personal property taxes assessed against the site.

Section VI – All documents filed with the applicable Secretary of State that relate to any corporation, partnership, or limited liability company that owned or operated the well at the time of the response. If there was no apparent owner/operator of the well at the time when the FOSC discovered the discharge or determined that the well posed a substantial threat of discharge, then all documents filed with the applicable Secretary of State relating to any corporation, partnership, or limited liability company that was the last apparent owner/operator of the well. These documents shall include, but not be limited, articles of incorporation, partnership agreement, annual reports, involuntary dissolutions, etc. However, if the expense of obtaining all relevant documents exceeds $500, then only those documents that relate to the formation and the dissolution of the company will be obtained.

Section VII - Any other documents relating to ownership of equipment, fixtures, and structures on the land.

OFFSHORE WELLS AND OTHER FACILITIES

The types of information required to establish the responsible party are described below.

Source of information - State regulatory / leasing authority

Owner identification:

Identify the owners of the submerged surface and mineral owners as of the date of the Federal On-Scene Coordinator ("FOSC") discovers the discharge or determines that the facility poses a substantial threat of a discharge of oil to navigable waters; and

Identify current addresses, phone numbers and corporate status of each past and present lessee, permittee, and submerged surface and mineral owners. The addresses and phone numbers shall be verified and corrected by the contractor.

Provide copies of the following documents including:

a. The lease under which the facility was last operated;

b. The lease, covering the area where the facility is located, that is in effect on the date the FOSC discovers the discharge or determines that the facility poses a substantial threat of a discharge of oil to navigable waters. A copy of this lease is required, whether or not the facility was ever operated under this lease.

c. Copies of all assignments of any interest for all leases noted above;

d. Copies of all releases of any interest for all leases noted above;

e. Copies of all subleases of all leases noted above;

f. All documents held by the state regulatory or licensing agency that relate to either the construction or the operation of the facility. These documents shall include, but not be limited to, permits, applications for permits, documents submitted in support of an application for a permit, any historical file maintained by the agency for the oil well, etc. (may be with state agency other than leasing agency);

g. Copy of the plat shall be attached if it is not already with the permit or lease; and

h. All documents filed with the applicable Secretary of State that relate to any corporation, partnership, or limited liability company that owned or operated the well at the time of the response. If there was no apparent owner/operator of the well at the time when the FOSC discovered the discharge or determined that the well posed a substantial threat of discharge, then all documents filed with the applicable Secretary of State that relate to any corporation, partnership, or limited liability company that was the last apparent owner/operator of the well. These documents shall include, but not be limited, articles of incorporation, partnership agreement, annual reports, involuntary dissolutions, etc. However, if the expense of

obtaining all relevant documents exceeds $500, then only those documents relating to the formation and the dissolution of the company will be obtained.

Organization of the Deed and Title Search For Offshore Wells And Other Facilities

The Deed and Title search shall contain a table of contents to assist the user in locating tabbed documents.

The contractor shall provide the NPFC three (3) copies of the Deed and Title search. Two (2) copies shall be paper copies and be tabbed accordingly. The final copy shall be on CD.

The Deed and Title search shall be sectioned and tabbed as outlined below:

Section I - Summary of the contractor's findings. This summary shall include the legal description for the area where the facility is located, identification of past and present owners and operators of the facility including:

a. Narrative describing the search results;
b. Time periods during which the person or company owned or operated the facility;
c. Complex title analysis narrative if necessary; and
d. Current addresses, phone numbers and corporate status of each present owner.

Section II – Ownership History Table. This table shall identify all documents that detail the owners or operators of the facility with approximate percentages of interest. Copies of these documents shall be tabbed as follows:

Section II A - lease under which the well was last operated

Section II B - Copy of the area lease covering the area where the well was located, that was in effect on the date the FOSC discovered the discharge or determined that the well posed a substantial threat of discharge into navigable waters. A copy of this lease is required, whether or not the well was ever operated under this lease.

Section II C 1-99 – Copies of all oil and gas leases, mineral deeds, assignments of oil and gas interests, subleases of all oil and gas leases, releases of any oil and gas interest covering the area where the well was located. These documents shall be listed in reverse chronological order (the newest document will be first and the oldest document will be the last) and separated with numbered tabs.

Section III – Copies of the plat covering the area where the facility is located.

Section IV – Copies of all documents held by any state regulatory or licensing authority that relate to either the construction or operation of the facility. These documents shall include, but not be limited to, permits, applications for permits, documents submitted in support of an application for a permit, any historical file maintained by the agency for the oil well, etc.

Section V – All documents filed with the applicable Secretary of State that relate to any corporation, partnership, or limited liability company that owned or operated the well at the time of the response. If there is no apparent owner/operator of the well at the time when the FOSC discovered the discharge or determined that the well posed a substantial threat of discharge, then all documents filed with the applicable Secretary of State relating to any corporation, partnership, or limited liability company that was the last apparent owner/operator of the well. These documents shall include, but not be limited, articles of incorporation, partnership agreement, annual reports, involuntary dissolutions, etc. However, if the expense of obtaining all relevant documents exceeds $500, then only those documents relating to the formation and the dissolution of the company will be obtained.

APPENDIX TWO

PRFA
SAMPLE STATEMENT OF WORK FOR REMOVAL ACTIONS

The task list below addresses the specific removal actions that are ordered through PRFA's (Pollution Removal Funding Authorization) in support of FOSC's/OSC's. When modification or amendment to this PRFA is required, the "Amendment to Pollution Removal Funding Authorization" shall be used and a new task list shall be assigned if new tasking is identified.

The recipient agency of the PRFA shall perform the following (as identified by the appropriate check marks below):

— collect facts regarding the discharge of oil into navigable waters, to include its source and cause;
— identify potentially responsible parties (RP's);
— analyze the nature, amount, and location of discharged oil;
— analyze the probable direction and time of travel of discharged oil;
— identify pathways to human and environmental exposure;
— provide analysis of discharges posing a substantial threat to the public health or welfare of the United States;
— provide temporary/permanent stabilization prior to the mobilization of other responders;
— provide appropriate personnel, equipment, and supplies to contain and remove discharged oil from navigable waters and shoreline;
— document all site-specific costs incurred by the contractor and the recipient agency for the removal actions;
— identify active or historical facility processes or operations that may have contributed to the discharge of oil;
— prepare a sampling plan that describes the number, type, and location of samples and the type of analysis (for example, sampling and analysis plans for collection of multimedia environmental samples; petrochemical product or waste oil or crude oil);
— collect representative oil sample(s) and submit them to the U. S. Coast Guard Marine Safety Lab for appropriate analyses;
— develop site specific Health and Safety Plans (HSP's);
— review, prepare, and submit all required accounting/accounting records in accordance with the National Pollution Funds Center (NPFC) Instruction 16451, "Technical Operating Procedures for Resource Documentation under the Oil Pollution Act (OPA) of 1990";
— submit Pollution Reports (POLREPS) at periodic intervals as specified by the issuing FOSC/OSC;
— provide daily progress reports and/or consultations to the OSC/FOSC, as necessary;
— develop health and safety procedures for response activities, such as OSHA levels of protection associated with a site;
— recommend cleanup and disposal options;
— review completeness of disposal documentation, such as manifests, waste profile data, and other information;

- obtain permits from local, state or federal agencies, associated with the contractor's response activities;
- provide or arrange for site security to prevent unauthorized access of any persons or animals to preserve public safety, such as armed or unarmed security services;
- identify concerned local and elected officials;
- conduct deed and title searches as appropriate;
- conduct waste profile analysis;
- perform and advise on wildlife capture, recovery, and stabilization.

Removal Cost Policy and Operating Procedures (CERCLA)

United States Coast Guard

National Pollution Funds Center

4200 Wilson Blvd., Suite 1000

Arlington, VA 22203-1804

CERCLA INCIDENT COST POLICY AND PROCEDURES FOR COAST GUARD FOSCs

CG FOSCs, operating under the National Contingency Plan, 40 CFR 300, Subpart E - Hazardous Substance Response, have access to SUPERFUND/CERCLA Fund on a reimbursable basis when responding to a hazardous substance incident. EPA annually provides to the CG NPFC an Inter-Agency Agreement (IAG), which supplies limited funding for CG FOSC hazardous substance removals in the coastal zone. Under an instrument of Redelegation between the Coast Guard and EPA, the Coast Guard does not perform remedial actions under CERCLA/SARA in the coastal zone. Rather, EPA Remedial Project Managers perform these.

Fund Access

CG FOSCs shall contact the NPFC and follow the procedures for access to the CERCLA fund when responding to a hazardous substance incident.

ACTIONS THAT CAN BE FUNDED UNDER CERCLA

The NCP, Subpart E, Sections 400, 405, 410, and 415 lay out a wide range of actions which CG FOSCs may take when responding to a CERCLA incident. Any action consistent with this Subpart of the NCP can be funded under CERCLA. In addition, action taken under Section 104(b) of CERCLA and emergency assistance under the Disaster Relief Act of 1974 (Stafford Act) may be funded. Finally, CERCLA may fund enforcement activities related to hazardous substance responses. However, CG FOSCs are cautioned that CERCLA, unlike the OSLTF, does not contain provisions for paying claims to injured third parties, nor does EPA authorize funding via the CG to Natural Resource Trustees conducting Natural Resource Damage Assessments.

FUNDING OTHER AGENCIES SUPPORTING THE FOSC

As when responding to oil incidents, the FOSC is encouraged to utilize other agencies and participants within the National Response System. FOSCs may fund these authorized activities using PRFAs and other incident specific funding tools that cite the CERCLA reimbursable funds provided to the FOSC by the NPFC. Some federal agencies receive funding directly from EPA for certain case specific activity. The FOSC should advise the NFPC case officer of any PRFAs issued to federal agencies to ensure that the CG is not issuing duplicate funding.

FUND MANAGEMEENT DURING THE RESPONSE

Ceiling Management and Obligation Log

The FOSC must always know the current financial status of a response. On large, complex cases the FOSC should compare the authorized ceiling against cumulative obligations daily. For other cases, this must be done for each POLREP. The FOSC must maintain a running

log of obligations issued against the ceiling, and adjust the resulting ceiling balance accordingly. This ensures that the FOSC does not commit more funds than are available against the ceiling authorized by the District or the NPFC. An obligation log (also known as a Document Control Number Log) is required by the Coast Guard for financial management of all funds.

Use of LUFS

Units that are LUFS certified shall use LUFS when processing purchases and all other obligations aid for CERCLA reimbursable funds. Enter contracts, purchase orders, PRFAs, cash purchases, TONOS, etc., in LUFS. Take care to avoid entering unit AFC-30 purchases against the CPN, or incident purchases against the unit's AFC-30 funds. When more than one LUFS terminal is used on a spill (i.e., MSO and MLC(fcp), each LUFS location will generate its own DCN log. The FOSC financial staff must then collect the data from each log. Using LUFS facilitates keeping a Document Control Number (DCN) log. If LUFS is not used, then the unit must establish and maintain a "purchases" DCN log for the incident.

Maximum Fund Limits

1) CG FOSCs may not obligate more than $250,000 for an incident without an approved Action Memorandum. (See Paragraph 6.)
2) CERCLA limits removal actions to no more than $2,000,000 or 12 months' duration. EPA may grant incident specific waivers to this requirement.

SPECIAL FOSC REQUIREMENTS FOR CERCLA INCIDENTS

Finding of Imminent and Substantial Endangerment

The CG/EPA Memoranda of Understanding and its resulting funding agreement place special requirements on the FOSC. If a response requires less than $250,000 in funding, the FOSC must document a finding of imminent and substantial endangerment. This finding may be included in the situation description section of POLREP One, and at a minimum must include:

1) the hazardous substance(s), pollutant(s), or contaminant(s) involved;
2) description of what is affected or threatened (people, animals, crops, drinking water, etc.);
3) a statement indicating that this situation presents an imminent and substantial threat to public health, welfare, or the environment;
4) description of the response action necessary to neutralize the threat.

Action Memorandum

Coast Guard FOSCs are required to prepare an Action Memorandum whenever the removal ceiling exceeds $250,000.

1) An Action Memorandum is a standard EPA document used in managing Superfund. Detailed instructions are contained in EPA publication, 0SWER DIRECTIVE 9360.3-01, Superfund Removal Procedures. A copy of this directive is found at Chapter 3, Subtab "Action Memo Guidance". If necessary, NPFC(cf) can provide a copy. Use the model Action Memorandum to define the substance of the memorandum, skipping references and sections specific to EPA.

2) Action Memorandums shall be prepared by the FOSC and forwarded via the chain of command to Commandant (G-MRO). The FOSC shall concurrently provide a copy of the Action Memorandum and subsequent endorsements to the NPFC.
3) The NPFC and COMDT (G-MRO) will coordinate approval of the Action Memorandum and any funding issues, including IAG Amendments, that accompany it.
4) When the CG has sufficient funds to cover the ceiling and additional funding is not required from EPA, COMDT (G-MRO) will approve the Action Memorandum, advise NPFC, and forward the Action Memorandum to EPA/ERD prior to the CG FOSC obligating more than $250,000.
5) When NPFC advises COMDT (G-MRO) that additional funding is required from EPA, COMDT (G-MEP) will forward the draft Action Memorandum to EPA/ERD for review and timely comment. The NPFC will coordinate the IAG Amendment that provides the additional funding with EPA/ERD. Upon concurrence by EPA/ERD with the draft Action Memorandum and the IAG increase, COMDT (G-MRO) will approve the Action Memorandum and NPFC will increase the incident ceiling to the approved amount.
6) When a CG FOSC needs to act immediately while an Action Memorandum is being prepared, advise the NPFC. EPA/ERD may extend an oral commitment of funding and/or permission for the FOSC to exceed the $250,000 obligation limit.

Resource Documentation Requirements

CG FOSCs shall follow the procedures of the NPFC Resource Documentation TOPs for all CERCLA incidents. The forms are equally applicable to CERCLA funded incidents. CG FOSCs must be guided by the fact that all CERCLA costs are reimbursable in nature. The Coast Guard pays them initially, and then must bill EPA for replenishment of the funds. Costs that are not adequately documented and reported to the NPFC, and therefore cannot be billed to EPA, must be paid by the Coast Guard from existing budgeted operating funds.

1) Within 30 days of the completion of a CERCLA response, CG FOSCs shall submit the Cost Summary Report required by the NPFC Resource Documentation TOPs.

2) Units shall retain all records associated with a CERCLA response for 10 years following submission of the Cost Summary Report to the NPFC.

National Pollution Funds Center

U.S. Department of Transportation

United States Coast Guard

NPFC INSTRUCTION 16451.2

Technical Operating Procedures for Resource Documentation

under The Oil Pollution Act of 1990

JUNE 1999

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U. S. Department
of Transportation

**United States
Coast Guard**

**Director
U.S. Coast Guard
National Pollution Funds Center**

**4200 Wilson Blvd.
Suite 100
Arlington, VA 22203
Staff Symbol: cp
Phone: (202) 493-6811**

NATIONAL POLLUTION FUNDS CENTER INSTRUCTION 16451.2

Subj: Resource Documentation and Cost Documentation Technical Operating Procedures

I. PURPOSE. The enclosed Technical Operating Procedures (TOPs) for Resource Documentation under The Oil Pollution Act of 1990 (P.L. 101-380) have been developed to provide guidance to users operating as, or in support of, the Federal On-Scene Coordinator.

II. DISCUSSION.

A. The National Pollution Funds Center (NPFC) is Administrator of the Oil Spill Liability Trust Fund (OSLTF). One of the major missions of the NPFC is the recovery of costs from responsible parties for removal activities. The term "removal cost" found throughout the text of this TOPs refers to the costs of removal that are incurred after a discharge of oil has occurred or, in any case in which there is a substantial threat of a discharge of oil, the costs to prevent, minimize, or mitigate oil pollution from such an incident.

B. Attached are instructions and formats for the preparation and submission of resources and cost documentation for cost recovery.

C. COMDT (G-MOR) has indicated that it will require Coast Guard program personnel to utilize the Resource Documentation and Cost Documentation for cost recovery.

D. EPA (OERR) has adopted Resource Documentation per the CG/EPA MOU "For the Use of OSLTF" dated 12/19/96.

E. 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 TOPs. Additionally, requests should allow sufficient time for the NPFC to review and coordinate approval (see Chapter 3).

III. CHANGES. When necessary, changes to these TOPs will be made by the Case Management Division. They will appear as consecutively-numbered changes implemented by a NPFCNOTE.

IV. FORMS AND REPORTS. Pollution Incident Completion Report (RCN 16451-1) applies. The following forms included in enclosure (1) may be locally reproduced.

Pollution Incident Daily Resource Report (PIDRR)
Government Summary Sheet (CG-5136A)
PIDRR Government Personnel (CG-5136B)
PIDRR Government Equipment (CG-5136C)
PIDRR Government Purchases/Expendables/Travel (CG-5136D)
PIDRR Government Short Form (CG-5136E)
PIDRR Contractor Personnel (CG-5136E-1)
PIDRR Contractor Equipment (CG-5136E-2)
PIDRR Contractor/Subcontractor Materials (CG-5136E-3)
PIDRR Contractor Short Form (CG-5136E-4)
Environmental Response Ceiling Management
Incident Obligation Log (CG-5136F)
Pollution Incident Daily Resource Report (CG-5136F-1)

IV. ACTION. This Instruction and its provisions will be adhered to by all NPFC personnel.

DANIEL F. SHEEHAN
Director
National Pollution Funds Center

Encl: (1) Technical Operating Procedures for Resource Documentation and Cost Documentation Under The Oil Pollution Act of 1990 (P.L. 101-380)

Request for Comments:

The NPFC desires comments concerning these technical operating procedures. Please address comments to:

Director (CD)
National Pollution Funds Center
U.S. Coast Guard
4200 Wilson Blvd., Ste 1000
Arlington, Virginia 22203-1804

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RECORD OF CHANGES			
CHANGE NUMBER	**DATE OF CHANGE**	**DATE ENTERED**	**ENTERED BY**
#1	1 JANUARY 1994	INCORPORATED	NPFC (cm)
#2	1 JANUARY 1995	INCORPORATED	NPFC (cm)
#3	1 JUNE 1995	INCORPORATED	NPFC (cm)
#4	1 JUNE 1996	INCORPORATED	NPFC (cm)
#5	1 NOVEMBER 1998	INCORPORATED	NPFC (cm)
#6	16 MARCH 2000	INCORPORATED	NPFC (cm)

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Technical Operating Procedures
for Resource Documentation

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INTRODUCTION

A. The procedures outlined in this manual have been updated to reflect changes recommended from the field and improved business practices at the NPFC. These procedures cover ceiling management and resource documentation recommended for use by the Federal On Scene Coordinator (FOSC).

B. These procedures implement current cost documentation requirements that provide a system of accounting to support proper payment, case ceiling management, and recovery of costs incurred in removal activities.

C. Generally, responsible parties are held liable for all damages and costs incurred as a result of an oil pollution incident and/or threat. In order to recover costs, expenses must be properly documented to provide the responsible party with an accurate accounting of payments due. Furthermore, if litigation is required, documentation must be admissible in federal district courts. The procedures outlined are designed to meet such requirements.

D. Information collected by field units should be delivered to the NPFC in a timely manner. The guidance in this TOPs provides basic documentation requirements. A Financial Summary Report should be submitted by the Coast Guard FOSC within 120 days after the removal activities are completed (120 days from contractor invoice date for EPA FOSCs). When unusual circumstances prevent collecting all cost documentation, the FOSC should submit a partial report, and forward remaining documentation to the NPFC case officer within an agreed-upon schedule.

E. During the course of a removal operation the FOSC should track expenses and project costs to facilitate judgments on proposed actions and additional funding. In response to numerous requests from field units, the enclosed procedures provide an effective method to maintain this system. NPFC case officers are available to address specific case questions that may not be covered in these procedures. In addition, NPFC can deploy a case team, upon request by the FOSC, when an incident exceeds existing FOSC capabilities.

F. Any alternative documentation package requires NPFC review and approval prior to acceptance for use.

G. **Electronic Forms**. CG-5136 forms (and others) mentioned in this manual are available for downloading to hardcopy from the NPFC homepage within the Technical Operating Procedures section. The capability to conduct interactive electronic transmission of information directly over the internet is under development and should be available within the near future.

Contact your Regional Manager for more information.

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HOW TO USE THIS GUIDE

A. The main purpose of this manual is to assist the FOSC in documenting and reporting resources associated with removal activity. **All forms in this manual can be locally reproduced**.

1. This manual provides detailed guidance and standard forms to keep track of, report, and document the use of removal resources. Considering the potential for litigation with the responsible party, supporting documentation must be able to withstand judicial review. Therefore, it is imperative that the FOSC prepare accurate and complete cost documentation consistent with this guidance.

2. **Ceiling Management** procedures and forms for use by an FOSC while the response is ongoing are discussed in Chapter 1. Use these forms or existing unit obligation logs when tracking the use of funds assigned under a FPN, whether the case is an oil removal (Emergency Fund) or a hazardous materials response (CERCLA/SUPERFUND).

3. The NPFC has developed a three level system for recording and reporting costs under a FPN. The FOSC determines the appropriate level based on parameters given in Chapter 2. Note that the transition from one level to another is not always clear. The FOSC may shift from one level to a greater or lower level depending on the complexity of the case. The documentation required for each level is also discussed in Chapter 2.

4. An overview of the elements of the **FOSC's Financial Summary Report** are given in Chapter 4. This overview is a good way to see all the components of this report. An abbreviated Financial Report is now available for mystery spills under $25,000.00; see Chapter 4 for more details.

5. A detailed description of information entry requirements for each of the five separate forms comprising the **Pollution Incident Report and Transmittal** can be found in Chapter 5. Details are also given on the types of existing reports which may be attached in lieu of duplicating information.

6. Chapter 6 provides descriptions of **Pollution Incident Daily Resource Reports**. The type of information that should be collected from contractors, Coast Guard units and other government agencies is explained. This is where information on any of the eight standard forms for documenting resource use is located. The Coast Guard forms are available in electronic form. Contact your Regional Manager for more information on how to obtain a floppy copy for MAC or DOS.

7. **Coast Guard/EPA Purchases of Equipment**. The OSLTF provides a funding mechanism for the FOSC to utilize whatever resources are necessary to mitigate a pollution discharge. If resources cannot be obtained through leasing or renting, and

a purchase is required to obtain specific resources, the FOSC shall follow guidelines addressed in Chapter 7 for documenting all purchases using funds from the OSLTF.

8. A key document for use by non-Coast Guard agencies working for the FOSC is the **Pollution Removal Funding Authorization (PRFA)**. A sample form with detailed instructions for completion can be found in Chapter 8.

   Note: It is important to follow directions for completing the accounting data section of the PRFA to ensure that an agency prepares its billing properly. Each federal agency must submit a request for reimbursement using SF-1080/1081, which is explained in Chapter 9.

9. Procedures for the **Reimbursement of Coast Guard units** for expenses incurred during a pollution incident are discussed in Chapter 10.

10. **Appendix A** is provided to give an example of what the FOSC Financial Summary Report should include prior to submitting it to the NPFC.

B. Please forward any recommendations for improving these chapters to the NPFC (cs).

Chapter 1

CEILING MANAGEMENT

CHAPTER 1 - CEILING MANAGEMENT

A. GENERAL. The FOSC is the key individual who must manage the funds available for oil removal or hazardous materials incident response. Within the Coast Guard, great efforts are made to provide funds to the FOSC as quickly as possible. However, this flexibility and delegated authority demand that the FOSC exercise concomitant responsibility for effective ceiling management while the incident is ongoing.

1. Ceiling management is akin to keeping a checkbook. The ceiling assigned at the start of the case can be considered to be a deposit. As the FOSC issues contracts, enters into removal authorizations, assigns travel orders, or otherwise makes operational decisions that involve the use of funds, the ceiling balance is lowered accordingly. If the FOSC reaches the ceiling and the removal continues, he or she must request an increase in the ceiling, which is "deposited", and the process is continued. Under no circumstances can the FOSC obligate funds or incur costs in excess of the ceiling authorized. The FOSC must include two key financial measures in all POLREPs. They are:

   1) The Approved Project Ceiling; and
   2) Cumulative Obligations to date.

2. There are **two general categories of obligation entries within Ceiling Management**. The first is for contracts, pollution removal funding authorizations (PRFAs), travel orders (TONOs), direct expenses, etc., which involve an obligation (by the FOSC or a contracting officer) which will eventually be paid by the CG Finance Center. This type of obligation results in either a LUFS entry or the completion of a paper form (Brown Sheet, Removal Authorization, Travel Order, SF-44, etc.). These obligations (Type I Obligations) are charged against the authorized ceiling.

3. The second category (Type II Obligations) is a change from past Coast Guard policy and practice. FOSCs are now required to record, as an obligation against the ceiling, the anticipated cost of Coast Guard resources utilized during the incident (personnel, vehicles, aircraft, boats, cutters, and Strike Team pollution equipment). While these anticipated costs do not result in Brown Sheets, Removal Authorizations, Travel Orders, or similar "purchase" documents tracked by the CG Finance Center, they represent costs that (for a major incident or series of major incidents) the OSLTF may reimburse to the Coast Guard's operating funds. Type II obligations should be based on rates published in the Coast Guard Standard Rates Instruction (COMDTINST 7310.1 Series). **Remember, these obligations may be estimates - their purpose is to keep the FOSC apprised of how much of the ceiling remains**.

4. The "Cumulative Obligations to Date" which the FOSC must include in the POLREP is the total of Type I and Type II obligations. We recommend the FOSC record obligations, whether Type I or Type II, against the FPN Ceiling on a daily basis. However, the FOSC may exercise flexibility as to when this information is recorded against the ceiling, so long as the obligation is recorded before the resources are used**.**

5. The differences between ceiling management and cost documentation are timing and precision (not to be confused with accuracy). Ceiling management is done when a decision is made – before the action is taken (what is planned) and the precise cost of the action is

known. Cost documentation takes place as soon as precise costs are known (actuals), which is usually after the action has taken place.

> For example, a contract is issued before any work takes place, and thus must be an estimate, expressed in the contract as a "Not to Exceed" amount. The "Not to Exceed" amount is recorded as an obligation against the FPN ceiling. However, the exact cost of the contract on day two is only known at the end of day two or later - this is the amount that is recorded in the cost documentation (see Chapter 6) for day two. In this example, note that costs for the contract on day two are not recorded against the ceiling again.

6. Both ceiling management and cost documentation are vital and complementary, but one cannot replace the other. Ceiling management allows the FOSC to know, as the case progresses, what funds have been "promised" to parties working alongside the FOSC on removal. Cost documentation ensures that the precise amount spent, or exact resources used are accurately recorded as soon as they are known, so they can be billed to the responsible party at a later date.

7. **POLLUTION REPORTS (POLREPS) AND FPN MANAGEMENT.** All POLREPs and other messages related to an incident where the Fund has been accessed shall include the OSC, NPFC, FINCEN, and cognizant MLC contracting branch as info addees, in addition to current reporting requirements.

   a. Upon notification by the OSC that no funding has been expended against an FPN for response/removal, the FOSC cancels the FPN via CANAPS and the ceiling amount will be reduced to zero. If canceled FPNs currently exist at a district, the canceled numbers shall not be reissued.

   b. The FOSC ensures that obligations from the Fund remain within the ceiling and, if necessary, promptly requests increased ceiling through CANAPS.

B. CG-5136F - CEILING MANAGEMENT AND INCIDENT OBLIGATION LOG

1. General Comments: This form was designed to assist the FOSC in monitoring the Authorized Project Ceiling and compute Cumulative Obligations against an FPN during an incident. It can also be used to provide the amount of ceiling remaining at any point in the incident. The FOSC must use it or a similar, local obligation log already developed and in use by the unit. No other standard obligation log or form has been promulgated Coast Guard wide. This form was also designed to comply with the broad standards included in current contracting and accounting requirements.

2. Use this form to record changes to the ceiling and obligations the FOSC incurred during an entire spill. It is not a daily form. Enter obligations as the FOSC orders the actions taken. If more than one page is needed, continue on as many pages as necessary until the response is over, and no more funds or resources are being used.

   a. CEILING CHANGES: Enter the date, and the amount of the increase or decrease obtained through CANAPS. Record the Approved Project Ceiling at the top/right of the form, and report on the next POLREP. The computerized form will compute the New Approved Ceiling and enter it in all appropriate blocks

b. CODES: Cases for Type I Obligations are shown in the left column, Type II obligations are shown in the right column. Use whichever applies.

c. DESCRIPTION: For a Type I Obligation, include the Document Control Number (DCN) of the obligation. For a Type II Obligation of more than one day, note the period of time the obligation covers. If the FOSC prefers to minimize entering a large number of small obligations (such as local purchases, TONOs, etc.) on this form, enter the estimated amount for the type of obligation, and then record the individual entries on the appropriate worksheet. (Worksheet description/instructions follow this page.)

d. CODE: Note appropriate code on form.

e. OBLIGATED: List obligations incurred.

f. CUMULATIVE OBLIGATIONS: Sum all the obligations entered to date for the incident. Report along with the Approved Project Ceiling.

g. CEILING REMAINING: To compute the Ceiling Remaining, subtract Cumulative Obligations from the Approved Project Ceiling. This is how much is available should the FOSC need to order additional actions to respond to the incident.

DEPARTMENT OF TRANSPORTATION U.S. COAST GUARD CG-5136F (01-93)	**ENVIRONMENTAL RESPONSE CEILING MANAGEMENT**	CEILING MANAGEMENT & INCIDENT OBLIGATION LOG (RCN-16451-1)

PAGE OF
FEDERAL PROJ.#_____

FOSC:_____
APPROVED PROJECT CEILING: _____
(REPORT ON POLREP)

CEILING CHANGES	DATE	EXISTING CEILING	INCREASE (DECREASE)	NEW APPROVED CEILING

DESCRIPTION: Identify what the obligation is for.

Activity Requiring the Obligation	CODE		CODE
COMMERCIAL CONTRACTS	C	STANDARD RATES - PERSONNEL	SR-P
REMOVAL AUTHORIZATIONS	R	STANDARD RATES - VEHICLES	SR-V
TRAVEL AND RESERVE ORDERS	T	STANDARD RATES - BOATS	SR-B
OSC APPROVED PURCHASES	P	STANDARD RATES - AIRCRAFT	SR-A
EQUIPMENT EXPENSES	E	STANDARD RATES - CUTTERS	SR-C
		STANDARD RATES - POLLUTION EQUIP.	SR-E

DESCRIPTION	CODE	OBLIGATED	CUMULATIVE OBLIGATIONS	CEILING REMAINING
FOR PAPER FORM DATA FROM PRECEEDING PAGE:				

C. DAILY RECORD WORKSHEETS (VARIOUS).

1. This is a simple worksheet with four variations, depending on the FOSC's activities. Its use is entirely optional; experience over many years has demonstrated the usefulness of this kind of log. FOSCs are encouraged to use this whenever they want to know what is left on a contract.

2. When an obligation is approved and signed by the FOSC, it is recorded on CG-5136F. This amount is then entered on the worksheet in the blank labeled "Contract Amount", "Removal Authorization Amount", or "Obligated Amount".

3. As costs are reported by the contractor, TONOs issued, or small purchases made, record each item and the date it occurred on a separate line. Use the far right column to monitor how much of the "Obligation" remains. If that figure approaches zero before the FOSC is finished with the removal, then make another Obligation and record on the CG-5136F (ensuring there's enough Approved Project Ceiling), and add the increase onto the existing worksheet or start a new worksheet.

4. For this worksheet to serve its intended purpose, the only thing the FOSC must do is **record the activity as it happens**.

5. An advantage of this worksheet is that it does not have to be "totaled" every day to provide "Total Cumulative Obligations" for the POLREP. Attentive scanning by the FOSC will ensure that every necessary entry has been made, and that total entries do not exceed the "Obligated Amount." Remember - the "Obligated Amount" has already been recorded on the CG-5136F, and thus reported in the "Total Cumulative Obligations" for the incident.

DAILY RECORD WORKSHEET - CONTRACTS

This optional worksheet is to help the OSC keep track of costs covered by Contracts.

OSC: _____ FPN: _____

Contract with: Contract Amount: _____

(Record here and on Ceiling Management Form CG5136F when contract begins)

DESCRIPTION	DATE	COST REPORTED BY CONTRACTOR	DOLLARS REMAINING ON CONTRACT
FOR PAPER FORM DATA FOR NEXT PAGE:			

This Form is Available on EXCEL 2.2 for the Macintosh and EXCEL 3.0 for MS/DOS

DAILY RECORD WORKSHEET - REMOVAL AUTHORIZATION
This optional worksheet is to help the OSC
keep track of costs covered by Removal Authorizations
With other Federal Agencies, States, or Indian Tribes.

OSC:_____ FPN: _____
Removal Authorization With: Removal Authorization Amount: _____
(Record here and on Ceiling Management Form CG5136F when Authorization Issued)

DESCRIPTION	DATE	COST REPORTED BY AGENCY	DOLLARS REMAINING ON AUTHORIZATION

DAILY RECORD WORKSHEET - GENERAL
This optional worksheet is to help the OSC
keep track of costs incurred in an Obligation
that has already been logged against the Approved Ceiling

OSC:_____ FPN: _____
Obligation For: Obligation Amount: _____

(Record here and on Ceiling Management Form CG5136F when Authorization Issued)

DESCRIPTION	DATE	COST REPORTED	DOLLARS REMAINING ON AUTHORIZATION

DAILY RECORD WORKSHEET - TRAVEL AND RESERVE ORDERS ISSUED
This optional worksheet is to help the OSC
keep track of TONOS issued and their estimated amounts,
Compared with the amount obligated against the authorized Ceiling.

OSC _____ FPN _____

Travel Authorized For: Obligation Amount _____

(Record here and on Ceiling Management Form CG5136F when Travel Authorized)

LAST NAME, INITIAL, RANK	TONO	DATE	ESTIMATED COST	DOLLARS REMAINING ON OBLIGATION

D. CG-5136F-1 - CEILING MANAGEMENT AND INCIDENT OBLIGATION LOG (SHORT FORM)

1. GENERAL COMMENTS**:** This simplified form was designed to assist the FOSC in monitoring the authorized project ceiling and compute cumulative obligations against an FPN during a Level I spill. It will provide the amount of the authorized project ceiling remaining at any point in the incident. In addition, it includes a section the FOSC may use to track the "draw down" of obligations such as contracts or removal authorizations, the same function served as the worksheets discussed earlier. The FOSC may use this form or a similar local obligation log already developed and in use by the unit. No standard obligation log or form has been promulgated Coast Guard wide. This form was designed to comply with the broad standards included in current contracting and accounting requirements.

   a. FOSCs are advised to use this only for Level I cases - use in more complicated cases will require more documentation than the regular CG-5136F.

2. THIS IS A DAILY FORM. Use the form entitled, "Ceiling Changes," to record changes to the ceiling and the form entitled, "Obligations Against Ceiling," to record obligations the FOSC incurred each day. Enter obligations as the FOSC orders the actions taken, then record the obligation in the bottom part of the form entitled, "Daily Costs Summary."

   a. FORM LIMITATIONS: This form can accept up to two ceiling increases, two contracts, two Pollution Removal Funding Authorizations (PRFA), and two Coast Guard units (including the FOSC) over the duration of the spill. If more than one page is needed each day to track this activity, then the FOSC should use the standard CG-5136F and worksheets, as needed.

   b. CEILING CHANGES: Enter the date, and the amount of the increase or decrease obtained through CANAPS. Record the approved project ceiling at the top/right of the form, and report on the next POLREP. The computerized form will compute the new approved ceiling and enter it in all appropriate blocks

   c. OBLIGATIONS AGAINST CEILING: Enter who the obligation is to and what it's for, and include the Document Control Number (DCN) of the obligation. For "Government Personnel" and "Government Equipment" enter the unit's name; if the obligation is for more than one day, note the period of time the obligation covers. Finally, enter the respective identity and obligation amount under the "Daily Costs Summary."

   d. CUMULATIVE OBLIGATIONS**:** Sum all the obligations entered so far for the incident, and report along with the approved project ceiling.

   e. CEILING REMAINING: To compute the ceiling remaining, subtract cumulative obligations from the approved project ceiling. This is how much is available should the FOSC need to order additional action to respond to an incident.

   f. DAILY COSTS SUMMARY: This section is designed to give the FOSC a quick, snapshot view of how obligations are drawn down as the case progresses; and requires daily updating. Each day, record the daily reported costs (pulled from daily resource report sheets), and add to the previous day's cumulative total. The resulting "cumulative total" for the project, when compared to the "obligation," provides the FOSC with a quick review of whether the costs for individual obligations are close to or exceeding the "obligation" against the approved project ceiling.

DEPARTMENT OF TRANSPORTATION U.S. Coast Guard CG 5136F-1 (01-93)	POLLUTION INCIDENT DAILY RESOURCE REPORT	CEILING MANAGEMENT & INCIDENT OBLIGATION LOG SHORT FORM (RCN-16451-1)

DATE: FOSC:

FEDERAL PROJECT NUMBER: _____ APPROVED PROJECT CEILING _____

(REPORT ON POLREP)

A. CEILING CHANGES

DATE	EXISTING CEILING	INCREASE (DECREASE)	NEW APPROVED CEILING
_____	_____		
_____	_____		

B. OBLIGATIONS AGAINST CEILING

CONTRACTS	DATE	OBLIGATED	CUMULATIVE OBLIGATIONS	CEILING REMAINING
REMOVAL AUTHORIZATIONS				
TRAVEL/RESERVE ORDERS				
PURCHASES				
GOVERNMENT PERSONNEL				
GOVERNMENT EQUIPMENT				
TOTALS FOR THIS PAGE				

DEPARTMENT OF TRANSPORTATION U.S. Coast Guard CG 5136F-1 (01-93)	POLLUTION INCIDENT DAILY RESOURCE REPORT (Continued)	CEILING MANAGEMENT & INCIDENT OBLIGATION LOG SHORT FORM (RCN-16451-1)
DATE:	FOSC:	
FEDERAL PROJECT NUMBER: _____	APPROVED PROJECT CEILING	_____ (REPORT ON POLREP)

C. DAILY COSTS SUMMARY

CONTRACTS	OBLIGATION	TODAY'S COSTS	PREVIOUS DAY'S CUMULATIVE TOTAL	CUMULATIVE TOTAL FOR PROJECT
NAME:				
NAME:				
REMOVAL AUTHORIZATIONS				
NAME:				
NAME:				
TRAVEL/RESERVE ORDERS				
ORG:				
ORG:				
PURCHASE				
ITEM:				
ITEM:				
GOVERNMENT PERSONNEL				
ORG:				
ORG:				
GOVERNMENT EQUIPMENT				
ORG:				
ORG:				
TOTALS				

This Form is Available on EXCEL 2.2 for the Macintosh and EXCEL 3.0 for MS/DOS.

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Chapter 2

THREE LEVELS OF RESPONSE

&

DOCUMENTATION FLOW

CHAPTER 2 - LEVELS OF CASES & DOCUMENTATION FLOW

A. Based on historical data, a three level system was designed to help determine the complexity of a case and its required resource documentation. Some factors for determining the level of a spill are given below. The FOSC is considered to be the best judge of the factors involved in an event and is expected to select the level of documentation appropriate for the circumstances.

1. Level I - Routine:

Routine incidents represent approximately 85% of all oil incidents. A routine incident is one where:

a. Total removal costs to the government will not exceed $50,000;
b. Removal activities will probably be completed within one to two weeks;
c. Removal activities are localized;
d. Primarily unit resources are involved.

Documentation from all resources is submitted to the FOSC at completion of removal activities.

2. Level II - Moderately Complex:

Level II cases represent 10-15% of all oil incidents. A moderately complex incident is one where:

a. Total removal costs are between $50,000 and $200,000;
b. Removal activities take place in several locations;
c. There are several external resources such as a strike team, a state agency, and other government units involved; and
d. Removal activities will take longer than two weeks to complete.

Documentation from all resources is submitted to the FOSC as often as practical (daily if possible) until final removal activities are completed.

3. Level III - Significantly Complex:

Level III cases typically represent less than 5% of all oil incidents. A significantly complex incident is one where:

a. Total removal costs are greater than $200,000;
b. Removal activities involve numerous contractors;
c. Removal activities take place at several locations; and
d. As in Level II, there are several external resources involved.

Documentation is submitted as in Level II.

DOCUMENTATION FLOW - FOR ALL LEVELS

B. FOSC ACTIONS:

1. Responsibilities/Document Flow:

a. Include removal ceiling information in each POLREP for:

1. The Approved Project Ceiling; and
2. Total Cumulative Obligations against the ceiling (See Chapter 1).

b. Complete the Incident Report when removal activities are finished (See Chapter 5).

c. Complete the Daily Resource Report (Dailies) covering unit resources involved 2in removal activities (See Chapter 6).

d. Collect Daily Resource Reports and official records (i.e., aircraft blue sheets and cutter navigation logs) from other Coast Guard units.

e. Issue "Pollution Removal Funding Authorizations" (PRFA) to other government agencies for removal activities (See Chapter 8).

f. Review the SF-1080/1081 and Daily Resource Reports submitted by other government agencies, and certify that services were authorized and completed. (See Chapter 8). Documentation should be provided that supports a clear audit trail for reimbursement. The FOSC should send this documentation to the NPFC where it will be reviewed for continuity and propriety. The NPFC may return incomplete submittals to other government agencies.

g. Review contractor invoices against Daily Resource Reports, and certify that services were authorized and completed. The FOSC:

(1) Sends the "original" invoice with daily reports to the appropriate contracting officer (MLCLANT or MLCPAC);
(2) Sends a copy of certified invoice to the NPFC **(Do not send contractor dailies to the NPFC)**; and
(3) Keeps a copy for the unit's file.

The FOSC is not required to validate the invoice(s) against the BOA to verify personnel, equipment, etc.

h. Resolve any discrepancies between government agencies and contractors prior to submitting documentation.

i. Consolidate information and submit a Financial Summary Report to the NPFC (See Chapter 4).

2. Ceiling Management Requirements:

   a. For Ceiling Management, use CG Form CG-5136F, CG-5136F-1, or a local log.

3. Resource Documentation Requirements:

   a. CG Form CG-5136A through 5136E

C. CONTRACTOR ACTIONS**:**

1. Responsibilities/Document Flow:

   a. Complete Daily Resource Reports for removal activities.
   b. Prepare an invoice supported by Daily Resource Reports upon completion of removal activities or in at least 30 day periods (for long term removal activities) to the FOSC.

2. Resource Documentation Requirements:

   a. Use CG-5136E (1-4).
   b. Use in-house invoices to bill for removal activities prepared from the forms mentioned above.

D. OTHER GOVERNMENT AGENCIES ACTIONS**:**

1. Responsibilities/Document Flow:

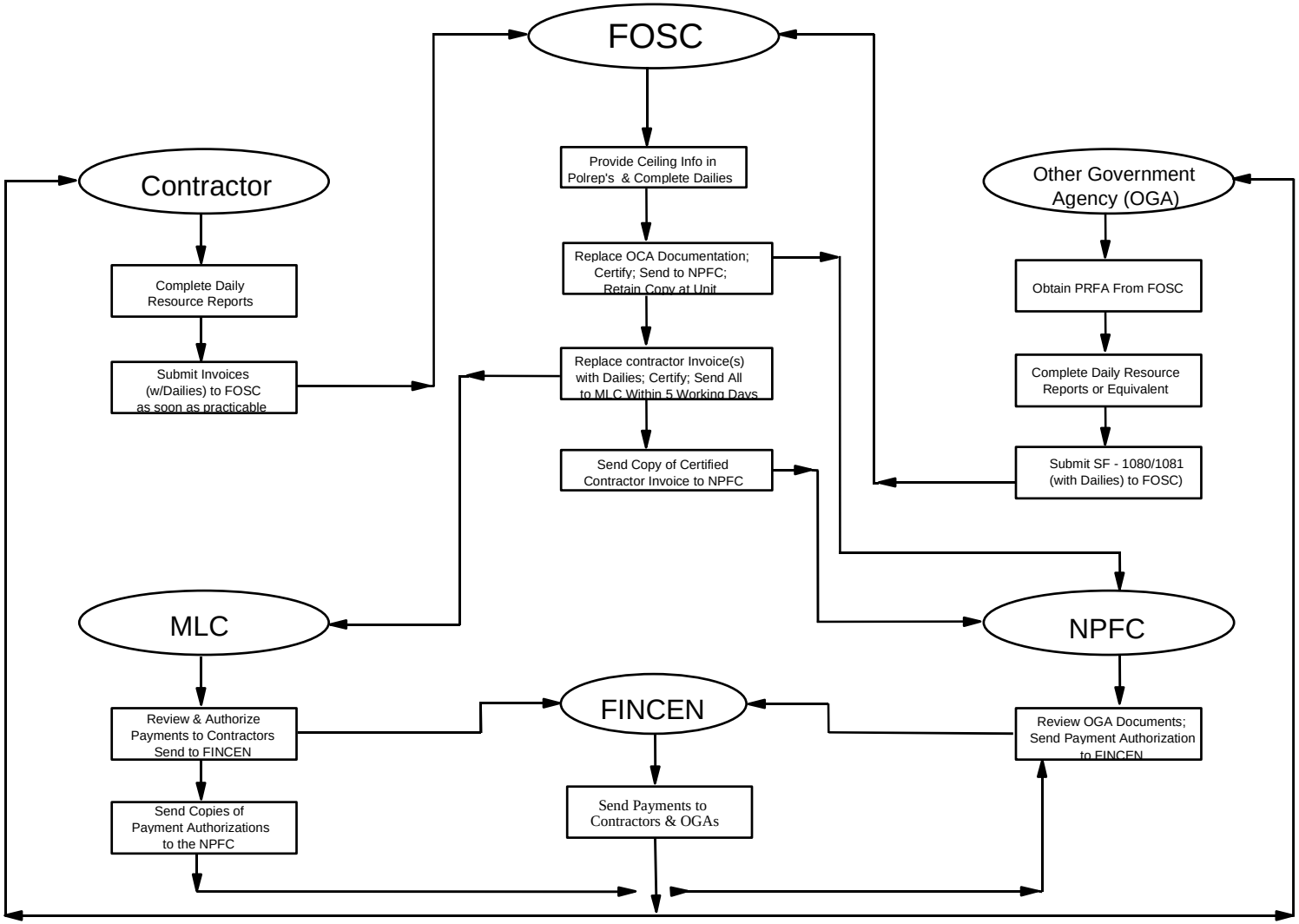
   a. Obtain "Pollution Removal Funding Authorization" (PRFA) from FOSC for removal activities (See Chapter 8).
   b. Maintain Daily Resource Reports (Dailies) or equivalent forms approved by the NPFC, and submit to the FOSC upon completion of removal activities.
   c. Government agencies should prepare a SF-1080/1081 based on information gathered from Daily Resource Reports. This task is usually handled by the agency's accounting office. Documentation should be organized that provides a clear audit trail for reimbursement. (The NPFC may return incomplete submittals to other government agencies for corrective action.)
   d. Send the SF-1080/1081 with Daily Resource Reports as required in the PRFA within 30 days after completion of removal activities to the FOSC.
   e. Identify a point of contact on resource documentation for discrepancy resolution.

2. Resource Documentation Requirements:

   a. Use one of the following: CG-5136A-E, or another equivalent form approved by the NPFC.
   b. Government agencies should use SF-1080/1081 to request reimbursement for removal costs, attaching copies of Daily Resource Reports.

Documentation Flow

The following flowchart shows the documentation flow for Levels I, II, and III incidents. See text in preceding pages for detailed information.



Note: LEVEL 1 documentation should be submitted at the completion of removal activities.
LEVEL II and II documentation should be submitted as soon as practicable (at least in 30 day cycles)

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Chapter 3

METHODS OF DOCUMENTATION

CHAPTER 3 - METHODS OF DOCUMENTATION

A. THERE ARE TWO METHODS OF DOCUMENTING COSTS:

1. The Pollution Incident Daily Resource Reporting System, as outlined in this guide, or

2. A NPFC Approved Alternate Record Keeping System.

B. POLLUTION INCIDENT DAILY RESOURCE REPORTING SYSTEM

1. This is a series of forms, instructions, and submission schedules used to document costs associated with removal activities under OPA. It is based on the use of standard rates.

2. Contractors - use rates in the Basic Ordering Agreement or as agreed to with a contracting Officer .

3. Coast Guard units - use standard rates found in Commandant Instruction 7310.1 (Series).

4. 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 FOSC, if possible.

C. AN APPROVED ALTERNATE RECORD KEEPING SYSTEM FOR FEDERAL, STATES AND OTHER AGENCIES

1. An existing, alternate system for documenting activities and costs associated with removal under OPA. Alternative systems will be approved by the NPFC on a case-by-case basis. Proposed systems will be addressed by the NPFC in a timely fashion.

2. Alternative systems are generally preexisting systems designed by government agencies which do not use standard rates.

D. Resource documentation identifies costs as personnel, equipment, or services. It also includes brief descriptions of actions taken and their justification. Original documentation is preferred for cost recovery, and should not be retyped, even when handwritten.

E. Alternate systems must be approved by NPFC prior to submitting forms for a specific incident.

F. The NPFC will investigate the best method of interfacing with Oracle as soon as all units have transferred to SWSIII.

Chapter 4

FOSC'S FINANCIAL SUMMARY REPORT

CHAPTER 4 - FOSC'S FINANCIAL SUMMARY REPORT

A. **Financial Summary Report**. This report consists of several components that address all the necessary information required for cost recovery. This report should be **submitted within 120 days upon completion of final removal activities**. There is "**no cover letter required**" for this report, if the following components are enclosed in the order listed.

1. **Incident Report & Transmittal** - This is considered the cover letter for the report. The FOSC signs the bottom of this form ensuring all applicable enclosures are attached. See Chapter 5 of this guide for more detailed information.

2. **FOSC Pollution Incident Daily Resource Reports** - If other Coast Guard resources are used (e.g. air station, small boat units), these units should provide copies of the official records/logs (CG-4377: aircraft flight records, cutter logs, etc.) to the FOSC. The FOSC is ultimately responsible for obtaining these supporting documents as part of the Financial Summary Report.

3. **Copy of Certified Contractor Invoices** - If the contractor has not submitted all the invoices, submit the Financial Summary Report with the exceptions noted. Forward copies of the certified invoices when they are received. **Send the original certified invoices (with Daily Resource Reports) to the respective Contracting Officer. Do not send the contractor's dailies to the NPFC.**

4. **Other Government Agencies Resource Documentation** - When a Federal Agency is involved, this agency should submit an SF-1080/1081 with invoices, Daily Resource Reports, and Pollution Removal Funding Authorization (PRFA) to the FOSC. If the agency has not submitted the SF-1080/1081, submit the Financial Summary Report with the PRFA. The SF-1080/1081 and supporting documentation should be forwarded when received.

5. **Out-of-pocket expenses** - If the unit incurred any out-of-pocket expenses, these expenses must be substantiated by attached documentation providing a clear audit trail, and marked as an "Out of Pocket Expense."

***NOTE:** If a 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 up to the date being submitted and in the format specified above. However, submissions from EPA are required six months from initiation of the removal action and every six months thereafter until site completion. The FOSC must assemble an interim cost documentation package and forward copies to the CFMC and NPFC. The cost documentation package should contain all of the elements described in this document.

B. **Abbreviated FOSC Financial Report**. For incidents with no identifiable responsible party (RP) and costs do not exceed $25,000, in lieu of the regular report required above, FOSCs can file an Abbreviated Financial Report.

1. This report format cannot be used if:

    a. There is an identified RP; or
    b. The total cost of the case exceeds $25,000; or,
    c. the response was funded by CERCLA (a CPN).

2. The content of the Abbreviated Financial Report is as follows.

Incident Summary

This section of the Abbreviated Financial report provides a "thumbnail" summary of the response, including the date and location of the response.

Personnel

This section summarizes the personnel employed during the response. It includes the pay grade and total hours worked by each person.

Personnel hours are reported in half-hours, do not track time to any finer level of detail. Costs or totals do not have to be provided.

Equipment

This section summarizes the equipment employed during the response. It includes a description and identifying information (license plate number, GSA vehicle type code, tail number etc.) and total hours it was operated.

Equipment hours are reported in half-hours, do not track time any finer level of detail. Costs or totals do not have to be provided.

Obligations

This section summarizes the obligations made during the response -- Contractors, PRFAs, Purchases, etc. It includes the type of obligation, the name of the vendor, the Document Control Number (DCN) assigned the amount of the obligation the estimated cost is sufficient) and a short description.

3. For Coast Guard FOSC's, NPFC will use DAFIS, contacts with the cognizant contracting officers and finance centers to confirm actual paid amounts. For EPA FOSC's, a SCORPIOS financial summary should be provided. With this information, the NPFC Case Officer will calculate the total cost for the incident. No further financial report is required.

Incident Summary:

On 02JAN01 oil was discovered in the NW cover of No-Name Harbor, AK.

No RP could be located.

Personnel:

02	6 Hours
E5	6 Hours

Equipment:

41 Ft UTB	2 Hours
Lt. Truck (GSA: 4100)	1 Day
Lt. Truck (GSA: 4100)	50 Miles

Obligations:

Contractor BOA OSRO	Riedel-Peterson	24 95 23 5 H YE 012	$2,023.14
PRFA Assisted in Response	State of Alaska	28 95 33 5 H YE 013	$500.00
Purchase 4 sample kits	Spill Supplies Inc	23 95 33 5 H YE 014	$75.00
Analysis 6 samples	USCG Marine Safety Lab	*none*	$600.00

Example of an Abbreviated Financial Report

4. Forwarding the Report. The Abbreviated Financial Report may be faxed, mailed, or e-mailed to the NPFC Case Officer, or included in the final incident POLREP.

Chapter 5

POLLUTION INCIDENT REPORT

AND

TRANSMITTAL

CHAPTER 5 - INCIDENT REPORT AND TRANSMITTAL

A. The Incident Report serves two purposes: (1) it provides necessary case-related information on the pollution incident, and (2) it serves as a transmittal form to forward the FOSC's Financial Summary Report to the NPFC. The FOSC should prepare and submit this report and appropriate enclosures within 120 days after completion of removal activities.

SUMMARY

Instructions on completing Page 1

1. **Date:** Insert the date report is completed.
2. **From:** Insert the unit's name.
3. **To:** Director, National Pollution Funds Center.
4. **Subj:** Insert the FPN/CPN.

Incident Information

5. **FPN/CPN:** Insert the Federal Project Number or CERCLA Project Number.
6. **MISLE Information**: Enter the "MC" and "MV" numbers.
7. **Date of Incident:** Insert the date the incident occurred, was reported, or discovered.
8. **Date OPA/CERCLA Action Started:** Insert the date unit commenced operations.
9. **Date OPA/CERCLA Actions Completed:** Insert the date unit concluded removal operations.
10. **Location of Incident:** Provide the location of the incident, for example, insert the Saint Lawrence River, off Alexandria Bay, New York.
11. **Material Involved:** Insert the type of oil(s) or hazardous substance(s) discharged or that posed a substantial threat of discharge.
12. **Quantity Discharged:** Insert the amount of oil or hazardous substance discharged (best estimate).
13. **Was There A Substantial Threat:** Check the appropriate block.
14. **Water or Resource Affected:** Enter body of water affected by the discharge.
15. **Primary Unit Contact and phone number:** Insert the name of person designated with the responsibility to complete documentation.

Fund Information

16. **Total Authorized Ceiling:** Insert the dollar amount of the final removal ceiling for this incident.
17. **Total Coast Guard Costs:** Insert the total dollar amount of all Coast Guard costs.
18. **Total Contractor Costs:** Insert the total dollar amount of all contractor costs.
19. **Total OGA Costs:** Insert the total dollar amount of all other government agencies' costs.

Source Designation

20. **Has Source Been Identified:** Check the appropriate block.
21. **Has Source Been Designated:** Check the appropriate block.

Signature Block

22. **Submitted By:** Signature of person completing report.
23. **Approved By:** Signature of Federal On-Scene Coordinator or his designated representative.

Enclosures

24. **Complete as appropriate:** List all other applicable enclosures attached to the report.

Incident Report and Transmittal Page 1

Date: _____

From: _____

To: **Director, National Pollution Funds Center**

Subj: Forwarding of Financial Summary Report for FPN/CPN: _____

Incident Information:

Federal Project No. / CERCLA Case No.: _____

MISLE Info: MC _____; **MV** _____

Date of Incident: _____ **Date OPA/CERCLA Actions started:** _____

Date OPA/CERCLA Actions completed: _____

Location of Incident: _____

_____

Material Involved: _____ **Quantity Discharged:** _____

Was there a Substantial Threat? _____ **Yes** _____ **No**

Water or Resource Affected: _____

(Primary Unit Contact) _____**(Telephone No)** _____

Fund Information

Total Authorized Ceiling: $_____

Total Coast Guard Costs: $_____

Total Contractor Costs: $_____

Total OGA Costs: $_____

Source Designation Information

Has source been identified? _____ **Yes** _____ **No** **If Yes, attach "Page 2 Source Information"**

Has source been designated? _____ **Yes** _____ **No**

FOSC's Approval

Submitted By: _____ ***Approved By:***

_____

(FOSC's Signature or Designated Rep)

Enclosures:

__) **Incident Report (Page 2)**

__) _____

__) _____

__) _____

__) _____

__) _____

__) _____

__) _____

B. HOW TO COMPLETE PAGE 2 - SOURCE INFORMATION

1. **Identification - Vessel.** Complete this section when the source of the discharge is a vessel.
   Vessel Name: Insert the name of the vessel involved in an incident.
   Flag/Nationality: Insert the legal flag of the vessel involved.
   Official Number/Call Sign/State Number: Insert the official number, call sign, or the state number of a vessel involved in an incident.
   Gross Tons: Insert the gross tonnage of a vessel (if applicable).
   Home Port: Insert the official home port of the vessel.
   Type Of Vessel: Insert the type of vessel (e.g., fishing vessel, tank vessel, freight vessel, or pleasure craft).
   Master's Name: Insert the name of the master of the vessel, or on smaller vessels, the name of the person operating the vessel (if applicable).
   Designated As A Source: If the vessel has been designated as a source with notification given to the appropriate responsible parties, check yes.
   U.S. Agent: For commercial vessels, having an agent in port, insert the name of the agency.
   Address: Insert the address of the local agent.
   Contact: Insert the name of the contact at the U.S. agency office.
2. **Identification - Facility.** Complete this section when the source of the discharge is a facility.
   Facility Name: Insert the complete legal name for the facility (e.g., ABC Facility at Bayway, N.J.).
   Facility Address: Insert the mailing street address of the facility .
   Type Of Facility: Insert the type of facility (i.e., tank storage, tank truck, gas station, or private home).
   Designated As Source: Check the appropriate block.
3. **Responsible Parties.** (Owner, Operator, Insurance Company, and Other Parties may have entries in each of the categories listed below)
   Company Name: Insert the name of the company that owns, operates, or insures the facility or vessel. If the owner is a private individual, insert their name.
   Company Address: Insert the address of record for the owner, operator, or insurer; try to obtain street address.
   Contact Name: Insert the name of the person at the company with whom you have made contact.
   Contact Phone Number: Insert the contact person's phone number.
   Notified Of Designation: If the owner, operator, or insurer was notified that the designation of his facility or vessel is a source, check yes.
   Date Notified: Insert the date of the letter providing notification.
   Accepted Designation: If the owner, operator, or insurer formally accepted designation as a source, check yes. If the owner either rejected designation, or simply did not reply to designation, check no.
   Rejected Designation: If the owner, operator, or insurer formally rejected designation as a source, check yes. If the owner either accepted designation or simply did not reply to designation, check no.
   Advertised: If the owner, operator, or insurer advertised in accordance with instructions given to him in the designation letter, check yes. If the owner did not advertise, or if the advertisement was not in accordance with the instructions given, check no. Provide a copy of advertisement.

Incident Report **Source Information**
Page 2

Identification - Vessels

Vessel Name _____ Flag / Nationality _____
Official Number/ Call Sign / State Number _____ Gross Tons _____
Home Port _____ Type of Vessel _____
Masters Name _____ Designated as Source? _____ Yes _____ No

U.S. Agent _____
Address _____
_____
Contact _____
Phone _____

Identification - Facility

Facility Name: _____
Facility Address: _____
_____
Type of Facility: _____ Designated as Source? _____ Yes _____ No

Responsible Parties

Owner

Company Name _____
_____
Company Address _____
_____
_____
_____
Contact Name _____
Contact Phone _____
Notified of Designation: _____ Yes _____ No
Date Notified _____
Accepted Designation? _____ Yes _____ No
Rejected Designation? _____ Yes _____ No
Advertised? _____ Yes _____ No

Insurance Company

Company Name _____
_____
Company Address _____
_____
_____
_____
Contact Name _____
Contact Phone _____
Notified of Designation: _____ Yes _____ No
Date Notified _____
Accepted Designation? _____ Yes _____ No
Rejected Designation? _____ Yes _____ No
Advertised? _____ Yes _____ No

Operator

Company Name _____
_____
Company Address _____
_____
_____
_____
Contact Name _____
Contact Phone _____
Notified of Designation: _____ Yes _____ No
Date Notified _____
Accepted Designation? _____ Yes _____ No
Rejected Designation? _____ Yes _____ No
Advertised? _____ Yes _____ No

Other

Company Name _____
_____
Company Address _____
_____
_____
_____
Contact Name _____
Contact Phone _____
Notified of Designation: _____ Yes _____ No
Date Notified _____
Accepted Designation? _____ Yes _____ No
Rejected Designation? _____ Yes _____ No
Advertised? _____ Yes _____ No

Attach Copies of all designation letters and any other related correspondence

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C. HOW TO COMPLETE PAGE 3 - CONTRACTORS

1. Complete one page for each contractor involved in the pollution incident. Attach copy of certified contractor's invoice.

   a. Company: List the name of the company that was hired to assist and operate in removal activities under the direction of the FOSC.
   b. Address: List the formal address of the company.
   c. Contact: Provide the name of the person with whom the FOSC or staff dealt with on-scene.
   d. Telephone: Provide the contact person's telephone number.
   e. Authorized Ceiling Amount: Provide the total ceiling amount the FOSC authorized for the contractor's activity.
   f. Contract Number: This is the purchase order number (DCN) assigned for the specific job under a BOA Contract (i.e. 24/94/84/4/H/XN/024). It is not the BOA contract number.
   g. Primary Function: Provide a brief description of the activities this contractor provided. For example: "conducted general cleanup operations." An example of one that might be somewhat different would be "provided disposal services in accordance with RCRA." This section does not need to be completed for subcontractors, only for primary contractors.

List Contractors that
assisted in Removal Operations
under the direction of the PreDesignated Federal On-Scene Coordinator.
Duplicate and enumerate for multiple contractors.

Company: _____

Address: _____

_____

Contact:

Telephone: _____

Authorized
Ceiling Amount: _____

Contract No: _____

Attach copy of Certified Contractor's Invoice(s)

Primary Function_____

_____

_____

_____

_____

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D. HOW TO COMPLETE PAGE 4 - OTHER GOVERNMENT AGENCIES

1. Complete one page for each agency involved in the pollution incident. Attach copies of all Pollution Removal Funding Authorizations.

- **a. Agency:** Provide the name of the agencies involved. For example, U.S. Coast Guard; U.S. Environmental Protection Agency; Commonwealth of Massachusetts, Department of Environmental Protection, etc.
- **b. Unit:** Provide the particular part or subunit that was involved in the operations. For example, Station Alexandria, Region III Emergency Response Team, Bayonne State Response Unit, etc.
- **c. Address:** Provide the address of the unit responding.
- **d. Contact:** Provide the name of the person with whom the FOSC or his staff dealt with at that agency.
- **e. Telephone:** Provide the telephone number of the contact.
- **f. Authorized Ceiling Amount:** Insert the total ceiling authorized to this agency for its activities in removal.
- **g. Comments:** Provide explanatory comments, as necessary, so that the case team and subsequent parties involved understand the relationship of this agency to the removal effort.

Incident Report	**Other Government Agencies** (Federal, State, and Local)	Page 4

List Government Agencies that
assisted in Removal Operations
under the direction of the PreDesignated Federal On-Scene-Coordinator.
Duplicate and enumerate for multiple government agencies.

Agency _____

Unit: _____

Address: _____
_____
_____

Contact: _____

Telephone: _____

Authorized
Ceiling Amount: _____

Attach copy of Certified Cost Documentation (PRFAs, etc.)

Comments: _____
_____
_____
_____
_____
_____
_____
_____
_____
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_____

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E. HOW TO COMPLETE PAGE 5 - KEY PARTIES

1. This section is provided so that other persons, who did not work directly for the FOSC, but were involved in removal efforts can be identified. Examples of this type of entity would be witnesses to the removal effort; state and local agencies that assisted, but did not request funding; and private individuals or voluntary organizations that assisted, and did not request funding. Use as many pages as required.

a. **Person/Agency/Company:** Provide the appropriate entry.
b. **Address:** Provide the address of the person/agency/company noted.
c. **Contact:** For an agency or company, provide the name of the person with whom the FOSC or his staff dealt with during the incident.
d. **Telephone:** Provide the contact person's number.
e. **Relationship To Case:** Describe what effect this person had on the removal efforts, and what the relationship of this person/agency/company is to the removal activity.

List other person(s) or companies that are important to
the case and not listed elsewhere.
Duplicate and enumerate for multiple key parties.

Person / Agency / Company: _____
Address: _____
_____
Contact: _____ Telephone: _____
Relationship to the case: _____
_____
_____
_____

Person / Agency / Company: _____
Address: _____
_____
Contact: _____ Telephone: _____
Relationship to the case: _____
_____
_____
_____

Person / Agency / Company: _____
Address: _____
_____
Contact: _____ Telephone: _____
Relationship to the case:
_____
_____
_____
_____

(Local Reproduction 01-93)

Chapter 6

POLLUTION INCIDENT DAILY RESOURCE REPORTS

CHAPTER 6 - POLLUTION INCIDENT DAILY RESOURCE REPORT CG-5136A GOVERNMENT SUMMARY SHEET

A. This form summarizes all personnel, equipment, and other resources used during the removal activities of each incident. Each Coast Guard or EPA unit must complete their own documentation. All agencies being funded by a PRFA must complete these forms.

1. **Level I cases:** All parties involved must submit documentation to the FOSC at the completion of removal activities.

2. **Level II & III cases:** All parties involved must submit documentation to the FOSC as often as practical until removal activities are completed (at least in 30 day cycles).

B. <u>HOW TO COMPLETE FORM</u>:

1. **Report Type (Interim/Final):** If the submission does not include all costs associated with the incident, check the interim report, otherwise, if the submission is the final submission of resource documentation, check the final report.
2. **OPA/CERCLA/NRDA:** Check the one that applies to the incident.
3. **(Incident Data) FPN/CERCLA Number:** The FPN or CERCLA case number assigned to the incident.
4. **Date:** The date of the submission.
5. **Period Covered**: The period (dates) for which resource documentation is being submitted.
6. **Agency Reporting:** The agency submitting documentation
7. **Unit Reporting:** The CG Marine Safety Office or EPA Regional Office collecting resource documentation.
8. **Description of Activities:** Brief description of removal activities performed, and the objective of each activity. If more space is required, attach additional pages.
9. **Reports Attached:** This is a number reflecting how many of each form is completed and attached.
10. **Key Parties:** Include information for key parties authorized by the FOSC who can provide information on resource documentation. This could include the FOSC's representative, persons authorized by the FOSC to supervise on-site operations, other government agency personnel, and persons preparing cost documentation (e.g., storekeeper, accounting clerk, etc.).

DEPARTMENT OF TRANSPORTATION U.S. COAST GUARD CG-5136A (01-93)	**POLLUTION INCIDENT DAILY RESOURCE REPORT**	GOVERNMENT SUMMARY SHEET (RCN-16451-1)

REPORT TYPE

INTERIM ____ FINAL _____

ACTIVITY

OPA _____ CERCLA _____ NRDA _____

INCIDENT DATA

FPN/CERCLA # _____ DATE _____

PERIOD COVERED _____ TO _____

AGENCY REPORTING _____ UNIT REPORTING _____

DESCRIPTION OF ACTIVITIES

(Attach additional pages, if needed)

_____

_____

_____

_____

_____

_____

_____

REPORTS ATTACHED

SHORT FORMS _____ DAILY PERSONNEL FORMS _____

DAILY EQUIPMENT FORMS _____ DAILY PURCHASE FORMS _____

KEY PARTIES

DOCUMENTATION

Name _____

Agency _____

Telephone _____

CONTRACTOR

Name _____

Agency _____

Telephone _____

REMARKS:

C. POLLUTION INCIDENT DAILY RESOURCE REPORT -- CG-5136B GOVERNMENT PERSONNEL

This form should be completed for government personnel costs incurred for each day of removal activity.

How to complete this form:

1. **FPN/CERCLA Number:** The FPN or CERCLA case number assigned to the incident.
2. **Date:** The date that costs are reported.
3. **Parent Unit:** The parent unit of the party completing the form. The command for CG reports (i.e., MSO Hampton Roads, Station Portsmouth) or the regional office, division and field office for EPA (i.e., Region X, Emergency Response Division, Portland Field Office).
4. **FOSC or Representative/Lead Trustee Signature:** Certification by the FOSC. The FOSC certifies that the personnel listed were authorized for the date being reported.

Government Personnel

Supply the following information for each person involved in removal activities.

5. **Name:** First and last names of the government personnel involved in removal activities.
6. **Pay Grade/Labor Category:** Pay grade or labor category of the personnel involved in removal activity (i.e., O4, E5, GS12).
7. **Duty:** Specific duty during removal activity (i.e., monitor, driver, FOSC).
8. **Hours:** Actual hours spent performing removal duty.
9. **Standard Rate:** The standard rate for the pay grade/labor category in accordance with OMB Circular A-87. Attach the agency's standard rate table or information presenting the computation and derivation of the rate (may be completed by agency's accounting office). For all Coast Guard equipment and personnel, use COMDTINST 7310.1E, outside government rates only.
10. **Total Cost:** The standard rate multiplied by the hours (may be completed by the agency's accounting office).
11. **Office Use:** Used by NPFC Staff.
12. **Total Personnel Costs For This Date:** The sum of the amounts entered in the total column (may be completed by agency's accounting office).
13. **Remarks:** Any amplifying information considered important by the FOSC for this particular day.

DEPARTMENT OF TRANSPORTATION U.S. COAST GUARD CG-5136B (01-93)	**POLLUTION INCIDENT DAILY RESOURCE REPORT**	GOVT PERSONNEL Page ____ of ____ (RCN-16451-1)

FPN/CERCLA NUMBER _____ DATE _____

PARENT UNIT _____ FOSC/REP/LEAD TRUSTEE SIGNATURE

_____

GOVERNMENT PERSONNEL

NAME (LAST, FIRST)	PAY GRADE	DUTY	HOURS	STANDARD RATE	TOTAL	OFFICE USE

TOTAL PERSONNEL COSTS FOR THIS DATE _____

REMARKS:

D. POLLUTION INCIDENT DAILY RESOURCE REPORT -- CG-5136C GOVERNMENT EQUIPMENT

This form should be completed for government equipment costs incurred for each day of removal activity.

How to complete form:

1. **FPN/CERCLA Number:** The FPN or CERCLA case number assigned to the incident.
2. **Date:** The date costs are reported.
3. **Parent Unit:** The Parent Unit of the party completing the form. The command for CG reports (i.e., MSO Hampton Roads, Station Portsmouth) or the regional office, division and field office for EPA (i.e., Region X, Emergency Response Division, Portland Field Office).
4. **FOSC or Representative/Lead Trustee Signature:** Certification by the FOSC; the FOSC certifies that the equipment listed was authorized for the date reported.

Government Equipment

Supply the following information for each piece of equipment involved in removal activities.

5. **Item Description:** Description of the equipment used for removal activities.
6. **Rate Basis:** The basis used for charging equipment costs (e.g., hourly, daily, weekly).
7. **# Units:** The number of units for which the equipment was utilized, defined in terms of the rate basis (i.e., number of hours, days, weeks).
8. **Rate/Unit:** The rate charged per unit; attach the agency's standard rate table or a computation showing how the rate was derived (may be completed by agency's accounting office).
9. **Rate Charges:** The rate per unit multiplied by the number of units (may be completed by agency's accounting office).
10. **Non-Rate Charges:** The total charges related to the equipment not charged on a per unit basis (i.e., mileage, fuel, setup/takedown charges) may be completed by agency's accounting office.
11. **Total:** The sum of the Rate Charges and the Non-Rate Charges (may be completed by agency's accounting office).
12. **Office Use:** Used by NPFC Staff.
13. **Total Equipment Costs For This Date:** The sum of the amounts entered in the Total column (may be completed by agency's accounting office).
14. **Remarks:** Any amplifying information considered important by the FOSC for this particular day.

DEPARTMENT OF TRANSPORTATION U.S. COAST GUARD CG-5136C (01-93)	**POLLUTION INCIDENT DAILY RESOURCE REPORT**	GOVT EQUIPMENT Page ____ of ____ (RCN-16451-1)

FPN/CERCLA NUMBER _____ DATE _____

PARENT UNIT _____ FOSC/REP/LEAD TRUSTEE SIGNATURE

_____

GOVERNMENT EQUIPMENT

ITEM DESCRIPTION	RATE BASIS	# UNITS	RATE/ UNIT	RATE CHARGE	NON-RATE CHARGES	TOTAL	OFFICE USE

TOTAL EQUIPMENT COSTS FOR THIS DATE _____

REMARKS:

F. POLLUTION INCIDENT DAILY RESOURCE REPORT C CG-5136D GOVERNMENT PURCHASES/EXPENDABLES/TRAVEL ORDERS/ CONTRACTORS/OTHER AGENCIES

This form should be completed for government purchases and expendables incurred for each day of removal activity. Additionally, the form is used to identify travel orders issued, contractors authorized to perform removal activities, and (for FOSC use) other government agencies involved in removal activities.

How to complete form:

1. **FPN/CERCLA Number:** The FPN or CERCLA case number assigned to the incident.
2. **Date:** Report the date costs were incurred.
3. **Parent Unit:** The parent unit of the party completing the form, the command for CG reports (i.e., MSO Hampton Roads, Station Portsmouth); or the Regional Office, division and field office for EPA (i.e., Region X, Emergency Response Division, Portland Field Office).
4. **FOSC or Representative/Lead Trustee Signature:** Certification by the FOSC/Lead Trustee. The FOSC certifies that purchases or other items listed were authorized for the date reported.

Purchases/Expendables

Indicate whether purchase orders were completed, how many purchase orders were completed, the number of purchase orders attached, if any. Also, indicate the total purchases/expendables for the date reported. If copies of purchase orders are not attached, complete the remainder of the Purchase/Expendables section.

5. **Description of Item:** Description of item purchased.
6. **Purchase Order Number:** Purchase Order Number issued for the item.
7. **Cost:** The cost of the item purchased.
8. **Office Use:** Used by NPFC Staff.
9. **Total Purchases/Expendables For This Date:** The sum of the items purchased.

Travel Orders

Indicate whether travel orders were issued, the number issued, and copies attached. If copies are not attached, complete the remainder of the travel orders section. Also indicate whether liquidated (i.e., paid) travel claims are attached and if so, how many are attached. If liquidated travel claims are not attached, submit copies when the claims have been liquidated.

10. **Name:** First and last name of traveler.
11. **Travel Order No:** The number assigned to the travel orders.
12. **Issued By:** The agency issuing the travel order.
13. **Estimated Cost**: This is the estimated cost on each individual travel order.
14. **Office Use:** Used by NPFC Staff.

Contractors

Indicate whether contractors were authorized to perform services on the date reported. Only list contractors who are contracted and paid through your agency. If marked YES, complete the following for each authorized contractor.

15. **Name:** Indicate name of company.
16. **P.O./Contract Number:** List the contract number, purchase order number, and delivery order number for this contract.

Other Agencies Involved (For FOSC Use)

Indicate whether other government agencies were authorized to perform removal activities on the date reported. If marked Yes, complete the following information for each agency:

17. **Name:** Agency name.
18. **Agreement Number:** The applicable Pollution Removal Funding Authorization number (FPN, DCN). Attach copies of authorizations used by the other agencies (if not previously submitted).
19. **Office Use:** Used by NPFC Staff.

DEPARTMENT OF TRANSPORTATION U.S. COAST GUARD CG-5136D (01-93)	**POLLUTION INCIDENT DAILY RESOURCE REPORT**	GOVT PURCHASES/ EXPENDABLES/TRAVEL ORDERS/CONTRACTORS Page ____ of ____(RCN-16451-1)

FPN/CERCLA NUMBER _____ DATE _____

PARENT UNIT _____ FOSC/REP/LEAD TRUSTEE SIGNATURE

_____

PURCHASES/EXPENDABLES

Were any purchase orders completed? YES G NO G If yes, how many: _____

If yes, are they attached? YES G NO G If yes, how many: _____

If no, complete information below

DESCRIPTION OF ITEM	PURCHASE ORDER NUMBER	COST	OFFICE

TOTAL COST FOR THIS DATE:_____

TRAVEL ORDERS

Were travel orders issued? YES G NO G If yes, how many: _____

If yes, are copies attached? YES G NO G If no, complete below information

Are the liquidated travel claims attached? YES G NO G If yes, how many: _____

If no, submit when liquidated

NAME (LAST, FIRST)	TRAVEL ORDER NO.	ISSUED BY	EST. COST	OFFICE USE

ESTIMATED TOTAL TRAVEL COST: _____

CONTRACTORS

Are contractor services authorized for this date? YES G NO G If yes, list contractors hired

NAME	P.O./CONTRACTOR NUMBER	OFFICE USE

OTHER AGENCIES INVOLVED

(For FOSC or Lead Trustee Use)

Were agencies authorized to act? YES G NO G If yes, list other agencies and attach copy of authorization

NAME	AGREEMENT NUMBER	OFFICE USE

G. POLLUTION INCIDENT DAILY RESOURCE REPORT -- CG-5136E GOVERNMENT SHORT FORM (May be used as a CG-5136 (B-D)).

How to complete form:

1. **FPN/CERCLA Number:** The FPN or CERCLA case number assigned to the incident.
2. **Date:** The date which costs are reported.
3. **Parent Unit:** The parent unit of the party completing the form. The command for Coast Guard reports (i.e., MSO Hampton Roads, Station Portsmouth) or the Regional Office, division and field office for EPA (i.e., Region X, Emergency Response Division, Portland Field Office).
4. **FOSC or Representative/Lead Trustee Signature:** Certification by the FOSC. The FOSC certifies that the items listed were authorized for the date reported.

Government Personnel Supply the following information for each person involved in removal activities.

5. **Name:** First and last names of government personnel involved in removal activity.
6. **Pay Grade/Labor Category:** Pay grade or labor category of the personnel involved in removal activity
7. **Duty:** Specific duty during removal activity (i.e., monitor, driver, FOSC).
8. **Hours:** Hours spent performing removal duty.
9. **Standard Rate:** The standard rate for the pay grade/labor category in accordance with OMB A-87.
10. **Total Cost:** The standard rate multiplied by the hours.
11. **Office Use:** Used by NPFC Staff.
12. **Total Personnel Costs For This Date:** The sum of the amounts entered in the Total column .
13. **Remarks:** Amplifying information considered important by the FOSC for this particular day.

Government Equipment Supply the following information for each piece of equipment used in removal activities.

14. **Item Description:** Description of the equipment used for removal activities.
15. **Rate Basis:** The basis used for charging equipment costs (i.e., hourly, daily, weekly).
16. **# Units:** The number of units the equipment was used for defined in terms of the rate basis (i.e., number of hours, days, weeks).
17. **Rate/Unit:** The rate charged per unit, attach the agency's standard rate table or a computation showing how the rate was derived.
18. **Rate Charges:** The rate per unit multiplied by the number of units
19. **Non-Rate Charges:** The total charges related to the equipment, not charged on a per unit basis (i.e., mileage, fuel, setup/takedown charges).
20. **Total:** The sum of the rate charges and the non-rate charges
21. **Office Use:** Used by NPFC Staff.
22. **Total Equipment Costs For This Date:** The sum of the amounts entered in the Total column.
23. **Remarks:** Any amplifying information considered important by the FOSC for this particular day.

Purchases/Expendables Indicate the number of purchase orders and copies attach to this form. Also, indicate the total purchases/expendables for the date reported. If copies of purchase orders are not attached, complete the remainder of the Purchase/Expendables section.

24. **Description of Item:** Description of item purchased.
25. **Purchase Order Number:** Purchase Order Number issued for the item.
26. **Cost:** The cost of the item purchased.
27. **Office Use:** Used by NPFC Staff.
28. **Total Purchases/Expendables For This Date:** The sum of the items purchased.

Travel Orders Indicate whether travel orders were issued, and the number of travel orders attached. If copies are not attached, complete the remainder of the travel orders section. Also indicate the number of liquidated travel claims attached. If the claims are not attached, submit copies when the claims have been liquidated.

29. **Name:** First and last name of traveler.
30. **Travel Order No:** The number assigned to the travel orders.
31. **Issued By:** The agency issuing the travel order.
32. **Estimated Cost**: This is the estimated cost on each individual travel order.
33. **Office Use:** Used by NPFC Staff.

Contractors Indicate whether contractors were authorized to perform services on the date reported. Only list contractors who are contracted and paid through your agency. If marked YES, complete the following for each authorized contractor.

34. **Name:** Indicate name of company.
35. **P.O./Contract Number:** List the contract, purchase order , and delivery order numbers for this contract.

Other Agencies Involved (For FOSC Use) Indicate whether other government agencies were authorized to perform removal activities on the date reported. If marked Yes, complete the following information for each agency:

36. **Name:** Agency name.
37. **Agreement Number:** The applicable Pollution Removal Funding Authorization number (FPN, DCN). Attach copies of authorizations with other agencies (if not previously submitted).

DEPARTMENT OF TRANSPORTATION U.S. COAST GUARD CG-5136E (01-93)	**POLLUTION INCIDENT DAILY RESOURCE REPORT**	GOVERNMENT SHORT FORM (RCN-16451-1)

FPN/CERCLA NUMBER _____ DATE _____

PARENT UNIT _____ OSC/REP/LEAD TRUSTEE SIGNATURE

_____

PERSONNEL

NAME (LAST, FIRST)	PAY GRADE	DUTY	HOURS	STANDARD RATE	TOTAL	OFFICE USE

Total Cost This Date:_____

EQUIPMENT

ITEM DESCRIPTION	RATE BASIS	# UNITS	RATE/UNIT	RATE CHARGE	NON-RATE CHARGE	TOTAL	OFFICE USE

Total Cost This Date: _____

PURCHASES/EXPENDABLES

Were any purchase orders completed? YES G NO G If yes, how many: _____
If yes, are they attached? YES G NO G If yes, how many: _____
If no, complete information below

DESCRIPTION OF ITEM	PURCHASE ORDER NUMBER	COST	OFFICE

Total Cost This Date:_____

TRAVEL ORDERS

Were travel orders issued? YES G NO G If yes, how many: _____
If yes, are copies attached? YES G NO G If no, complete below information
Are the liquidated travel claims attached? YES G NO G If yes, how many: _____
If no, submit when liquidated

NAME (LAST, FIRST)	TRAVEL ORDER NO.	ISSUED BY	EST. COST	OFFICE USE

Estimated Total Travel Cost: _____

CONTRACTORS

Are contractor services authorized for this date? YES G NO G If yes, list contractors hired

NAME	P.O./CONTRACTOR NUMBER	OFFICE USE

OTHER FEDERAL/STATE/LOCAL AGENCIES INVOLVED

(For FOSC or Lead Trustee Use)

Were agencies authorized to act? YES G NO G If yes, list other agencies and attach copy of authorization

NAME	AGREEMENT NUMBER	OFFICE USE

H. POLLUTION INCIDENT DAILY RESOURCE REPORT -- CG-5136E-1 CONTRACTOR PERSONNEL

This form should be completed for contractor personnel costs incurred for each day of removal activity.

How to complete form:

1. **FPN/CERCLA Number:** The FPN or CERCLA case number assigned to the incident.
2. **Date:** Report the date costs were incurred.
3. **Contractor:** Name of contractor; indicate if supporting documentation is attached.

Contractor Personnel

Provide the following information for each individual.

4. **CLIN:** The applicable contract line item number.
5. **Name:** First and last names of contract personnel involved in removal activity.
6. **Job Description:** What was the employee's job (i.e., supervisor, equipment operator, laborer). This may require an abbreviation to be entered.
7. **Hours Employed:** The starting and ending times during which the personnel were performing removal activities.
8. **Total Hours:** Hours spent performing removal duty.
9. **Hourly Rate:** The hourly rate of pay for personnel.
10. **Rate Charge:** The number of hours multiplied by the hourly rate of pay.
11. **Per Diem:** Per diem costs incurred by the personnel. This assumes a flat rate per diem is authorized by the contract. Otherwise, per diem costs should be documented as other expenses on the CG-5136E-3 form.
12. **Total Cost:** The sum of the Rate Charge and the Per Diem costs.
13. **Total Personnel Costs For This Date:** The sum of the amount entered in the Total column.
14. **Contractor's Certification:** Contractor's certification of the validity of the information presented.
15. **FOSC/Trustee Signature:** Certification by the FOSC/Lead Trustee. The FOSC certifies that personnel listed were authorized for the date reported. **The FOSC does not certify contract rates or costs.**

DEPARTMENT OF TRANSPORTATION U.S. COAST GUARD CG-5136E-1 (01-93)	**POLLUTION INCIDENT DAILY RESOURCE REPORT**	GOVT PERSONNEL Page ____ of ____ (RCN-16451-1)

FPN/CERCLA NUMBER _____ DATE _____

CONTRACTOR: _____ PO/CONTRACT NO: _____

If information described below is documented separately, in a form or format previously reviewed and found acceptable by the National Pollution Funds Center and the Contracting Officer, this form need not be completed.

CONTRACTOR PERSONNEL

CLIN	NAME (LAST, FIRST)	JOB DESCRIPTION	HOURS FRM	HOURS TO	TOT HRS	HOURLY RATE	RATE CHARGE	PER DIEM	TOTAL COST

TOTAL PERSONNEL COSTS FOR THIS DATE_____

CONTRACTOR'S CERTIFICATION:

I certify that this report is a true and complete record of the materials, labor, equipment and subcontractors provided by the contractor on the date listed above for the project number cited above:

_____

Contractor's Authorized Representative

ON SCENE COORDINATOR'S/LEAD TRUSTEE'S REVIEW:

I certify that inspection and acceptance of the listed items has been made by me or under my supervision, except as noted herein or on supporting documents.

_____

FOSC/Lead Trustee

I. POLLUTION INCIDENT DAILY RESOURCE REPORT -- CG-5136E-2 CONTRACTOR EQUIPMENT

This form should be completed for contractor equipment costs incurred for each day of removal activity.

How to complete form:

1. **FPN/CERCLA Number:** The FPN or CERCLA case number assigned to the incident.
2. **Date:** Report the date costs were incurred.
3. **Contractor:** Name of contractor; indicate if supporting documentation is attached.

Contractor Equipment

Provide the following information for each piece of equipment used in removal activities.

4. **CLIN:** The applicable contract line item number.
5. **Item Description:** Description of the equipment used for removal activities.
6. **Rate Basis:** The basis used for charging equipment costs (i.e., hourly, daily, weekly).
7. **Employed From/To:** The period of time equipment was used.
8. **Units:** The number of units the equipment was used for expressed in terms of the rate basis (i.e., numbers of hours, days, weeks).
9. **Rate/Unit:** The rate charged per unit.
10. **Rate Charges:** The rate per unit multiplied by the number of units.
11. **Non Rate Charges:** Total charges related to the equipment, not charged on a per unit basis (i.e., mileage, fuel, setup/takedown charges).
12. **Total Cost:** The sum of the Rate Charge and the Non-Rate Charges.
13. **Total Equipment Costs For This Date:** The sum of the amounts entered in the Total Costs column.
14. **Contractor's Certification:** Contractor's certification of the validity of the information presented.
15. **FOSC/Trustee Signature:** Certification by FOSC/Lead Trustee. The FOSC certifies the equipment listed was authorized for the date reported. **The FOSC does not certify contract rates or costs.**

DEPARTMENT OF TRANSPORTATION U.S. COAST GUARD CG-5136E-2 (01-93)	**POLLUTION INCIDENT DAILY RESOURCE REPORT**	CONTRACTOR EQUIPMENT Page ____ of ____ (RCN-16451-1)

FPN/CERCLA NUMBER _____ DATE _____

CONTRACTOR: _____ PO/CONTRACT NO: _____

If information described below is documented separately, in a form or format previously reviewed and found acceptable by the National Pollution Funds Center and the Contracting Officer, this form need not be completed.

CONTRACTOR EQUIPMENT

CLIN	ITEM DESCRIPTION	RATE BASIS	EMPLOYED FRM	TO	# UNITS	RATE/ UNIT	RATE CHARGES	NON-RATE CHARGES	TOTAL COST

TOTAL EQUIPMENT COSTS FOR THIS DATE _____

CONTRACTOR'S CERTIFICATION:

I certify that this report is a true and complete record of the materials, labor, equipment and subcontractors provided by the contractor on the date listed above for the project number cited above for the project number cited above:

_____

Contractor's Authorized Representative

ON SCENE COORDINATOR'S/LEAD TRUSTEE'S REVIEW:

I certify that inspection and acceptance of the listed items has been made by me or under my supervision, except as noted herein or on supporting documents.

_____

FOSC/Lead Trustee

J. POLLUTION INCIDENT DAILY RESOURCE REPORT -- CG-5136E-3 CONTRACTOR/ SUBCONTRACTOR/MATERIALS/OTHER EXPENSES

This form should be completed by the contractor for costs incurred by subcontractors, and for materials and other expenses for each day of removal activities.

How to complete form:

1. **FPN/CERCLA Number:** The FPN or CERCLA case number assigned to the incident.
2. **Date:** Report the date costs were incurred.
3. **Contractor:** Name of contractor. Indicate if supporting documentation is attached.

Subcontractors

Indicate whether subcontractors were hired. If marked Yes, complete the remainder of the subcontractors section and attach copies of the subcontractor's Daily Resource Reports. Subcontractors should complete CG-5136E (1-3) or CG-5136E-EZ forms as applicable.

4. **CLIN:** The applicable contract line item number.
5. **Subcontractor's Name:** Name of the subcontractor.
6. **Cost:** Costs incurred by the subcontractor for this date.
7. **Admin. Fee:** Fee charged for administering the subcontractor.
8. **Total Cost:** The sum of subcontractor costs and administration costs.
9. **Total Cost Of Subcontractors For This Date:** The sum of the amount entered in the Total Cost column.

Materials Used/Other Expenses

10. **CLIN:** The applicable contract line item number.
11. **Description:** Description of material or item used or purchased.
12. **Units:** Units of material or items used (e.g., pads, rolls, feet, etc.).
13. **Units Used:** Units of material or items used or purchased.
14. **Unit Cost:** Cost per unit.
15. **Total Cost:** Units used multiplied by the Unit Cost.
16. **Total Cost Of Materials Used/Other Expenses For This Date:** The sum of the amount entered in the Total Cost column.
17. **Subcontractor's Name:** Name of the subcontractor.
18. **Contractor's Certification:** Contractor's certification of the validity of the information presented.
19. **FOSC/Trustee Signature:** Certification by FOSC/Lead Trustee. The FOSC certifies that the items listed were authorized for the date reported. **The FOSC does not certify contract rates or costs.**

DEPARTMENT OF TRANSPORTATION U.S. COAST GUARD CG-5136E-3 (01-93)	**POLLUTION INCIDENT DAILY RESOURCE REPORT**	CONTRACTOR/ SUBCONTRACTOR MATERIALS/OTHER EXPENSES Page ____ of ____ (RCN-16451-1)

FPN/CERCLA NUMBER _____ DATE _____

CONTRACTOR: _____ PO/CONTRACTOR NO: _____

If information described below is documented separately, in a form or format previously reviewed and found acceptable by the National Pollution Funds Center and the Contracting Officer, this form need not be completed

SUBCONTRACTORS

Were any subcontractors hired? YES G NO G If yes, list them below and attach subcontractor Daily Reports

CLIN	SUBCONTRACTOR'S NAME	COST	ADMIN FEE	TOTAL COST

TOTAL COST OF SUBCONTRACTORS FOR THIS DATE:_____

MATERIALS USED/OTHER EXPENSES

CLIN	DESCRIPTION	UNITS	UNITS USED	UNIT COST	TOTAL COST

TOTAL COST OF MATERIALS USED/OTHER EXPENSES FOR THIS DATE _____

CONTRACTOR'S CERTIFICATION

I certify that this report is a true and complete record of the materials, labor, equipment and subcontractors provided by the contractor on the date listed above for the project number cited above for the project number cited above:

_____
Contractor's Authorized Representative

ON SCENE COORDINATOR'S/LEAD TRUSTEE'S REVIEW:

I certify that inspection and acceptance of the listed items has been made by me or under my supervision, except as noted herein or on supporting documents.

_____
FOSC/Lead Trustee

K. POLLUTION INCIDENT DAILY RESOURCE REPORT -- CG-5136E-4 CONTRACTOR SHORT FORM. **This can be used in lieu of long forms CG-5136E-(1-3).**

How to complete form:

1. **FPN/CERCLA Number:** The FPN or CERCLA case number assigned to the incident.
2. **Date:** Report the date costs were incurred.
3. **Contractor:** Name of contractor; indicate if supporting documentation is attached.

Contractor Personnel Provide the following information for each individual.

4. **CLIN:** The applicable contract line item number.
5. **Name:** First and last names of contractor personnel involved in removal activity.
6. **Job:** What was the employees job (i.e., supervisor, equipment operator, laborer); this may require an abbreviation to be entered.
7. **Hours Employed:** The starting and ending times during which personnel were performing removal activities.
8. **Total Hours:** Hours spent performing removal duty.
9. **Hourly Rate:** The hourly rate of pay for the personnel.
10. **Rate Charge:** The number of hours multiplied by the hourly rate of pay.
11. **Per Diem:** Per diem costs incurred by the personnel. This assumes a flat rate per diem is authorized by the contract. Otherwise, per diem type costs should be documented as other expenses on the CG-5136E-3 form.
12. **Total Cost:** The sum of the Rate Charge and the Per Diem costs.
13. **Total Personnel Costs For This Date:** The sum of the amount entered in the Total column.

Contractor Equipment Provide the following information for each piece of equipment used in removal activities.

14. **CLIN:** The applicable contract line item number.
15. **Item Description:** Description of the equipment used for removal activities.
16. **Rate Basis:** The basis used for charging equipment costs (i.e., hourly, daily, weekly).
17. **Employed From/To:** The period of time the equipment was used.
18. **Units:** The number of units for which the equipment was utilized expressed in terms of the rate basis (i.e., numbers of hours, days, weeks).
19. **Rate/Unit:** The rate charged per unit.
20. **Rate Charges:** The rate per unit multiplied by the number of units.
21. **Non Rate Charges:** Total charges related to the equipment, not charged on a per unit basis (i.e., mileage, fuel, setup/takedown charges).
22. **Total Cost:** The sum of the Rate Charge and the Non-Rate Charges.
23. **Total Equipment Costs For This Date:** The sum of the amounts entered in the Total Costs column.

Subcontractors Indicate whether subcontractors were hired. If marked Yes, complete the remainder of the subcontractors section and attach copies of the subcontractor's Daily Resource Reports. Subcontractors should complete CG-5136E (1-4) forms as applicable.

24. **CLIN:** The applicable contract line item number.
25. **Subcontractor's Name:** Name of the subcontractor.
26. **Cost:** Costs incurred by the subcontractor for this date.
27. **Admin. Fee:** Fee charged for the subcontractors administration.
28. **Total Cost:** The sum of subcontractor costs and administration costs.
29. **Total Cost Of Subcontractors For This Date:** The sum of the amount entered in the Total Cost column.

Materials Used/Other Expenses

30. **CLIN:** The applicable contract line item number.
31. **Description:** Description of material or items used or purchased.
32. **Unit Desc:** Type of units if not apparent in "description."
33. **Units Used:** Units of material or items used or purchased.
34. **Unit Cost:** Cost per unit.
35. **Total Cost:** Units used multiplied by the Unit Cost.
36. **Total Cost Of Materials Used/Other Expenses For This Date:** The sum of the amount entered in the Total Cost column.
37. **Subcontractor's Name:** Name of the subcontractor.
38. **Contractor's Certification:** Contractor's certification of the validity of the information presented.
39. **FOSC/Trustee Signature:** Certification by FOSC/Lead Trustee; the FOSC certifies that the items listed were authorized for the date reported. **The FOSC does not certify contract rates or costs.**

DEPARTMENT OF TRANSPORTATION U.S. COAST GUARD CG-5136E-4 (01-93)	**POLLUTION INCIDENT DAILY RESOURCE REPORT**	CONTRACTOR SHORT FORM (RCN-16451-1) Page ____ of ____ (RCN-16451-1)

FPN/CERCLA NUMBER _____ DATE _____

CONTRACTOR: _____ PO/CONTRACT NO:_____

If information described below is documented separately, in a form or format previously reviewed and found acceptable by the National Pollution Funds Center and the Contracting Officer, this form need not be completed

PERSONNEL

CLIN	NAME (LAST, FIRST)	HOURS FROM	HOURS TO	TOTAL HOUS	HOURLY RATE	RATE CHARGE	PER DIEM	TOTAL COST

TOTAL COST THIS DATE:_____

EQUIPMENT

CLIN	ITEM DESCRIPTION	RATE BASIS	EMPLOYED FROM	EMPLOYED TO	# UNITS	RATE/ UNIT	RATE CHARGE	NON-RATE CHARGE	TOTAL

TOTAL COST THIS DATE:_____

SUBCONTRACTORS

Were any subcontractors hired? YES G NO G If yes, how many: _____

CLIN	SUBCONTRACTOR'S NAME	COST	ADMIN FEE	TOTAL COST

TOTAL COST OF SUBCONTRACTORS FOR THIS DATE:_____

MATERIALS USED/OTHER EXPENSES

CLIN	DESCRIPTION	UNIT DESC.	UNITS USED	UNIT COST	TOTAL COST

TOTAL COST OF MATERIALS USED/OTHER EXPENSES FOR THIS DATE _____

CONTRACTOR'S CERTIFICATION:

I certify that this report is a true and complete record of the materials, labor, equipment and subcontractors provided by the contractor on the date listed above for the project number cited above for the project number cited above:

_____

Contractor's Authorized Representative

ON SCENE COORDINATOR'S/LEAD TRUSTEE'S REVIEW:

I certify that inspection and acceptance of the listed items has been made by me or under my supervision, except as noted herein or on supporting documents.

_____

FOSC/Lead Trustee

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Chapter 7

ACQUISITION OF PROPERTY USING OSLTF

Chapter 7 - Acquisition of Property Using OSLTF

A. Acquisition of Property.

1. FOSCs should only purchase property with OSLTF funds when operational necessity directly related to the removal dictates or when it is clearly more beneficial to the government than leasing. When making decisions to buy versus lease property, and operational conditions permit, units should factor in the costs necessary to acquire, maintain, and dispose of the property, not just the purchase price versus the costs of leasing. Many of these considerations are appropriately addressed through the planning process before a spill occurs. Except in unusually urgent situations, the FOSCs should contact the NPFC Regional Manager prior to beginning process of procuring/purchasing property with OSLTF funds. Documentation of the factors considered in purchasing property during a spill are critical in cost recovery and litigation efforts and shall be documented to the greatest extent possible. FOSCs should be aware that property purchased for removal activities will be billed to the RP at 100% of the cost. Accordingly, whenever feasible, the FOSC should provide the responsible party the opportunity to purchase or otherwise directly supply the property needed for removal activities. Upon case completion, any property purchased and provided by the responsible party shall be returned to the responsible party. Property purchased with the OSLTF, however, shall be disposed of in accordance with the procedures outlined below.

2. All property purchased must be accounted for in the cost documentation portion of the FOSC Completion Report (Financial Summary Report).

3. All **non-consumable** items, which includes any item or system having a cost of over $2,500 or items of lower cost, but high interest (such as radios, fax machines, cellular phones, computers, pagers, copiers, photographic equipment, protective clothing, meters, and similar items) require evidence of disposal action. FOSCs shall dispose of such items through the closest Defense Reutilization and Marketing Office (DRMO).

   a. Document the transfer of each group of like items to the DRMO using form DD-1348 or other form acceptable to the specific DRMO. FOSCs should contact the DRMO prior to any transfer to determine specific requirements.

   b. After the transfer, forward the original transfer document to the NPFC as part of the FOSC Interim or Final Completion Report (Financial Summary Report). The FOSC should maintain a copy of the form for local records.

   c. All lost, stolen, or damaged non-consumable property which is not available or suitable for transfer to the DRMO must be surveyed in accordance with agency property management guidelines and the Federal Property Management Regulations. Copies of approved survey reports shall be forwarded to the NPFC to provide the evidence of disposition.

d. **Consumable** items (items not classified as non-consumable property) remaining at the end of the removal activity should be disposed of in the most cost-effective manner. Unused consumable property with a cost of more than $2,500 shall require the same documented disposal action as non-consumable property.

e. If questions arise on whether a particular item is consumable or non-consumable, or on clarification of the reporting requirements, FOSCs should contact the cognizant NPFC case officer for guidance. Coast Guard FOSCs may contact Commandant (G-CFM-3) with questions concerning DRMO availability or procedures for disposal.

3. Items which meet requirements for capitalization may be charged to the OSLTF, but the amount charged to the specific incident shall be based upon an appropriate standard cost or allocation of the acquisition cost to the useful life. FOSCs should identify such items separately in the documentation. The NPFC shall make appropriate adjustments to the incident specific costs. Any such items purchased with the OSLTF belongs to the OSLTF until properly disposed of as excess property.

4. Purchase of major property items (land, buildings, structures, etc.), or major pieces of equipment that will remain in use for long periods of time, presents special problems not only for disposition, but in planning for maintenance and operation as well. FOSCs contemplating such acquisitions should contact the cognizant NPFC Regional Manager to ensure that proper financial planning and analysis is performed.

B. <u>Replenishments of inventory</u>.

1. FOSCs routinely draw on existing inventory of response equipment for specific responses. The OSLTF may be used to return that equipment to inventory after the response in the same condition it was before the response. Inventory items used up in the response or damaged beyond economical repair may be replaced. The unit replacing inventory items must follow existing agency guidance regarding survey of lost or damaged property. Any survey should establish whether the damages were directly due to a specific response or otherwise due to manufacturer defect, improper maintenance, improper use of the equipment, or the actions of others unrelated to the removal.

2. If the equipment is replaced as a result of damage incurred during the response, the OSLTF will pay for the replacement. The OSLTF should not, however, be charged the standard rate for use of that particular item of equipment during the response.

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Chapter 8

Pollution Removal Funding Authorization (PRFAs)

CHAPTER 8 - POLLUTION REMOVAL FUNDING AUTHORIZATIONS (PRFAs)

A. **General**. The Pollution Removal Funding Authorization (PRFA) is a tool available to FOSCs to quickly obtain needed services and assistance from other government agencies: federal, state, or local, as well as recognized Indian Tribes in oil spill and hazardous materials response actions. There are **two types of PRFA forms**, one for Federal agencies and one for non-federal agencies.

B. **Financial Obligation Document**. The PRFA commits the OSLTF to payment, by reimbursement, of costs incurred in pollution response activities undertaken by another government agency working for the FOSC.

C. **Agency Reimbursement**. Under the terms of a PRFA, an FOSC may agree to reimburse another government agency for costs incurred in providing any agreed upon removal services and assistance to the FOSC, consistent with the NCP. Some of the costs which are reimbursable under a PRFA include, but are not necessarily limited to:

1. Personnel salary costs, including overtime;

2. Travel and per diem expenses;

3. Appropriate charges for the utilization of other government agency owned equipment or facilities; and

4. Actual expenses for contractor or vendor supplied goods and services obtained by the other government agency, through its own purchasing process, to provide agreed upon assistance and support to the FOSC.

D. **Clear Agreement as to Support Provided.** The FOSC and the other government agency must agree upon and document:

1. The specific goods and services to be provided; and

2. A good faith estimate of the total anticipated costs, with a line item breakdown of the principal expense categories. This need not be more than a single page, and can be made an attachment to the PRFA.

E. **Amendment**. The PRFA may be amended, at the FOSC‘s discretion, to increase the authorized maximum reimbursement ceiling, if additional assistance and support is desired, or if costs incurred for services provided exceed the original estimate. In essence, the PRFA creates a ceiling and makes funding available to the other government agency.

F. **Other Agency Cost Tracking and Documentation.** The other government agency (OGA) receiving a PRFA must track its costs and provide documentation to support reimbursement and federal cost recovery actions against RPs, as appropriate. Cost documentation must follow the guidance stated in Chapter 2 of this manual or equivalent agency documentation. All alternative documentation schemes must be pre-approved by the NPFC prior to use.

1. **NOAA**. The NOAA Scientific Support Coordinators (SSC) and their associated services are the most frequently called other government agency resources which participate in Coast Guard pollution responses. Unless NOAA specifically declines the need for a PRFA, the FOSC must prepare a PRFA each time the SSC is called for incident specific response support. Based on input from the SSC for each prospective PRFA, NOAA's Office of Ocean Resources Conservation and Assessment (ORCA) in Seattle, Washington will provide the FOSC with a spreadsheet showing the estimated costs for the PRFA. The FOSC shall attach the spreadsheet to the PRFA using it to support the maximum funding authorized by the PRFA.

2. If the level of services provided by NOAA changes, e.g., either by shortening or lengthening the response, changing the nature of NOAA support, NOAA will issue a new estimate which becomes part of the PRFA package. If the funding authorization increases, a PRFA amendment must be issued to show the increase in the authorized funding (decreases do not need to have a amendment issued). Following the completion of a response, NOAA will issue a final cost spreadsheet to the FOSC. Under an agreement with the NPFC, this document will serve as NOAA's resource and cost documentation for inclusion with the FOSC's Financial Summary Report to the NPFC. NOAA has agreed to provide NPFC with a more detailed report upon request to support cost recovery action.

G. **Accounting Data for PRFA**. PRFAs are a Type "28" document. Construct the Document Control Number on all authorizations using the format found in "Accounting Information," Chapter 3, Tab (4). Contact the NPFC if assistance is needed.

H. **Authorizing Officer**: Signature of FOSC or authorized representative.

I. **Invoicing**. Reimbursements against a PRFA are invoiced to the NPFC, through the FOSC, on Standard Federal Form 1080/1081. The NPFC will not approve payment of charges against a PRFA for:

1. Costs of goods and services which fall outside of those which the FOSC authorized and requested, as to either amount or kind; and

2. Costs which are not adequately documented.

J. **FOSC Certification.** In certifying an invoice for reimbursement against a PRFA, the FOSC is not verifying the various cost categories, but is attesting that the goods and services are consistent with those agreed upon and authorized. An example that can be used is:

I certify that this agency performed removal activities in accordance with the issued Pollution Removal Funding Authorization and reimbursement of costs is authorized, unless otherwise indicated.

_____

FOSC's Signature and Date

K. **Limitations on use of PRFAs.** The PRFA may not be used by the FOSC to obtain goods or services directly from private individuals, groups, or companies. It should also not be used to obligate funds for the initiation of Natural Resources Damage Assessments (NRDA), further assessment actions, or payment of damages.

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Federal Agency
Pollution Removal Funding Authorization

Recipient Agency: _____

Address: _____

_____

_____

1. Purpose

This document authorizes reimbursement to the Recipient Agency from the Oil Spill Liability Trust Fund or CERCLA funds for certain removal costs incurred in response to the following pollution incident, _____, Federal Project Number/CERCLA Project Number, _____. This funding authorization is expressly contingent on the Recipient's compliance with all requirements contained herein.

2. Approved Functions and Reimbursement Limit

Costs will be reimbursed only for actions that are directed or approved in advance by the FOSC. Approval may be verbal or written. Assessment, restoration, rehabilitation or replacement of natural resources damaged by the spill are not covered.

Maximum limit of authorization: $_____.

3. Conditions

See attached page(s) for scope of work, special conditions, date of performance, directions or approvals.

4. Period of Authorization

This authorization shall remain in effect until the completion date specified by the FOSC (which normally corresponds to the date of final removal activities).

5. Reimbursement Procedure

Upon completion of removal activities, the Recipient Agency will submit a SF-1080/1081 to the FOSC with detailed records of expenditures and activities for which reimbursement is sought. The agency may elect to use its own records providing an equivalent amount of documentation which has NPFC approval, or the agency may elect to use NPFC's Resource Cost Documentation package. The agency must submit the final request for reimbursement, supported by the required documentation, within 90 days following the completion date. If OMB Circular A-87 cost rates apply, cost certifications must be included. If at the end of the 90 days from final removal activities, there are any costs for which reimbursement has not been requested, written notice will be sent to the agency and 30 days later any balance remaining in the account will be deobligated.

6. Accounting Data

Document Control Number: _____
Accounting String: _____

7. Points of Contact

A. _____ ____ FOSC	Telephone: _____ FAX: _____ E-Mail: _____
B. _____ ____ Recipient Agency Representative	Telephone: _____ FAX: _____ E-Mail: _____
C. _____ ____ NPFC Case Officer	Telephone: _____ FAX: _____ E-Mail: _____

8. Authorizing Official

Signature:_____
Title: Federal On Scene Coordinator Date: _____

Attachments: (1) Scope of Work

Non-Federal Agency
Pollution Removal Funding Authorization

Recipient Agency: _____

Recipient: _____
_____
_____

1. Purpose

This document authorizes reimbursement to the Recipient Agency from the Oil Spill Liability Trust Fund or CERCLA funds for certain removal costs incurred in response to the following pollution incident, _____, Federal Project Number/CERCLA Project Number, _____. This funding authorization is expressly contingent on the Recipient's compliance with all requirements contained herein.

2. Approved Functions and Reimbursement Limit

Costs will be reimbursed only for actions that are directed or approved in advance by the Federal On-Scene Coordinator (FOSC). Approval may be verbal or written. Assessment, restoration, rehabilitation or replacement of natural resources damaged by the spill are not covered.

Maximum limit of authorization: $_____.

3. Conditions

See attached page(s) for scope of work, special conditions, date of performance, directions or approvals.

4. Period of Authorization

This authorization shall remain in effect until the completion date specified by the FOSC (which normally corresponds to the date of final removal activities).

5. Reimbursement Procedure

Upon completion of removal activities, the Recipient Agency will submit a SF-1080/1081 to the FOSC with detailed records of expenditures and activities for which reimbursement is sought. The agency may elect to use its own records providing an equivalent amount of documentation which has NPFC approval, or the agency may elect to use NPFC's Resource Cost Documentation package. The agency must submit the final request for reimbursement, supported by the required documentation, within 90 days following the completion date. If OMB Circular A-87 cost rates apply, cost certifications must be included. If at the end of the 90 days from final removal activities, there are any costs for which reimbursement has not been requested, written notice will be sent to the agency and 30 days later any balance remaining in the account will be deobligated.

6. Hold Harmless and Indemnify

By performing any action or seeking any reimbursement under this funding authorization, the Recipient Agency agrees that the United States of America and all of its departments and agencies, including, but not limited to, the U.S. Coast Guard and the Oil Spill Liability Trust Fund

6. (cont) ("United States"), shall not be liable to any party for damage, injury or loss to persons or property resulting from the acts or omissions of Recipient Agency, its employees, agents or contractors, related to the Recipient Agency's performance of this Agreement.

The Recipient agency agrees to indemnify and hold harmless the United States from all actions, claims or suits for damage, injury or loss to persons or property resulting from the acts or omissions of Recipient Agency, its employees, agents or contractors related to Recipient Agency's performance of this Agreement. This agreement to hold harmless and indemnify the United States is subject to the availability of Recipient Agency funds. The Recipient agrees in good faith to use available Agency funds and to undertake all reasonable effort to acquire such funds if not otherwise available.

7. No Agency

Nothing in this funding authorization is intended to create an agency relationship between the Recipient Agency and the United States of America (or any of its departments, agencies, or employees). Nor shall anything in this funding authorization be construed as creating an agency relationship. By performing any action or seeking any reimbursement under this funding authorization, the Recipient Agency agrees that it has not been authorized to act as an agent of the United States, and shall not act in any such capacity.

8. Accounting Data

Document Control Number: _____
Accounting String: _____

9. Points of Contact

D. _____ FOSC	Telephone: _____ FAX: _____ E-Mail: _____
E. _____ Recipient Agency Representative	Telephone: _____ FAX: _____ E-Mail: _____
F. _____ NPFC Case Officer	Telephone: _____ FAX: _____ E-Mail: _____

10. Authorizing Official

Signature:_____
Title: Federal On Scene Coordinator Date: _____

Attachments: (1) Scope of Work

AMENDMENT TO
POLLUTION REMOVAL FUNDING AUTHORIZATION

Issued To (Recipient Agency): _____

By (FOSC): _____

Date of Original Authorization: _____

Document Number of original Authorization: _____

The Authorization cited above is amended as follows:

_____

_____

_____

_____

Document Control Number of this amendment: _____

<u>Authorizing Official</u>

Signature: _____

Title: _____ Date: _____

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Chapter 9

STANDARD FORM 1080/1081

CHAPTER 9 - SF 1080/1081: VOUCHER FOR TRANSFERS BETWEEN APPROPRIATIONS AND/OR FUNDS

A. The SF-1080/1081 is used by other government agencies to request reimbursement from the Coast Guard.

1. Documentation should be organized and summarized, to provide a clear audit trail from the detail to the SF-1080/1081 or invoice submitted for reimbursement. These submittals will be reviewed by the NPFC staff for continuity and propriety. Incomplete submittals will be returned to sender for corrective action.

B. HOW TO COMPLETE SF-1080/1081/GENERAL INFORMATION:

1. **Voucher No:** Inserted by the agency submitting the SF-1080/1081.
2. **Schedule No:** Inserted by the agency submitting the SF-1080/1081.
3. **Department, establishment, bureau, or other receiving funds:** Federal agency submitting SF-1080/1081 (usually complete mailing address).
4. **Bill No:** Used by federal agencies to identify accompanied invoice number.
5. **Department, establishment, bureau, or office charged:** Address of CG-FOSC agency receiving reimbursement request.
6. **Paid By:** Leave blank.
7. **Order No:** Varies according to agency; numerical identifier for job (e.g. 0001, etc.).
8. **Date of Delivery:** Date work began and was completed.
9. **Articles or Services:** Brief explanation of how expenses were incurred; ensure Pollution Removal Funding Authorization Accounting String and Document Control Number are listed. Some agencies may choose to include their own in-house accounting information.
10. **Quantity:** Entry varies.
11. **Unit Price:** Entries depend on how specific work is identified; normally accompanied by an invoice and dailies to explain work specifics.
12. **Amount:** Exact dollar amount of reimbursement.
13. **Total:** Same as above.
14. **Remittance in payment hereof should be sent to:** Mailing address of agency submitting SF-1080/1081.

C. ACCOUNTING CLASSIFICATION - OFFICE RECEIVING FUNDS

1. This section is completed by agency submitting SF-1080/1081. There should be a name listed as a point of contact with a telephone number.

D. CERTIFICATE OF OFFICE CHARGED

1. This is to be completed by NPFC staff after the SF-1080/1081 and its attached documentation has been reviewed.

E. ACCOUNTING CLASSIFICATION - OFFICE CHARGED

1. This section is completed by NPFC staff.

Standard Form 1080 Revised April 1982 Department of the Treasury 1 TFRM 2-2500 1080-109	**VOUCHER FOR TRANSFERS BETWEEN APPROPRIATIONS AND/OR FUNDS**	VOUCHER NO. SCHEDULE NO.

Department, establishment, bureau, or office receiving funds

BILL NO.

Department, establishment, bureau, or office charged

PAID BY

Director (CM)
National Pollution Funds Center
Case Management Division
4200 Wilson Blvd., Suite 1000
Arlington, VA 22203-1804

ORDER	DATE OF DELIVERY	ARTICLE OR SERVICES	QUANTITY	UNIT PRICE		AMOUNT
				COST	PER	DOLLARS AND CENTS
					TOTAL	

Remittance in payment hereof should be sent to –

ACCOUNTING CLASSIFICATION C *Office Receiving Funds*

CERTIFICATE OF OFFICE CHARGED

I certify that the above articles were received and accepted or the services performed as stated and should be charged to the appropriation(s) and/or fund(s) as indicated below; or that the advance payment requested is approved and should be paid as indicated.

_____

(Authorized administrative or certifying officer)

_____
(Date)

_____
(Title)

ACCOUNTING CLASSIFICATION C *Office Charged*

Paid by Check No.

MSN 7540-00634-4220 PREVIOUS EDITIONS ARE USABLE

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STANDARD FORM 1081 Revised September 1982 Department of the Treasury ITFRM 2-2500	**VOUCHER AND SCHEDULE OF WITHDRAWAL AND CREDITS**	

CHARGE AND CREDIT WILL BE REPORTED ON CUSTOMER AGENCY STATEMENT OF TRANSACTION FOR ACCOUNTING PERIOD ENDING	Transaction Date Document No.

CUSTOMER AGENCY		**BILLING AGENCY**	
Agency Location Code (ALC)	Customer Agency Voucher No.	Agency Location Code (ALC)	Billing Agency Voucher No.
DEPARTMENT BUREAU ADDRESS		DEPARTMENT BUREAU ADDRESS	

SUMMARY		**SUMMARY**	
APPROPRIATION, FUND, OR RECEIPT SYMBOL	AMOUNT	APPROPRIATION, FUND, OR RECEIPT SYMBOL	AMOUNT
(MUST AGREE WITH BILLING AGENCY) **TOTAL**		(MUST AGREE WITH BILLING AGENCY) **TOTAL**	

Details of charges or reference to attached supporting documents

BILLING AGENCY CONTACT:
PREPARED BY
APPROVED BY
TELEPHONE NO.

CERTIFICATION OF CUSTOMER OFFICE

I certify that the items listed herein are correct and proper for payment from and to the appropriation(s) designated.

(*Date*) (*Authorized administrative or certifying officer*)

(*Telephone*)

PREVIOUS EDITION NOT USABLE

Original - Forward to Customer for Payment

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Chapter 10

UNIT FUND REIMBURSEMENT

CHAPTER 10 - UNIT FUND REIMBURSEMENT

Ref: (a) NPFCINST M7300.1: TOPs for Determining Removal Costs Under the Oil Pollution Act of 1990

A. During a pollution response, FOSC's should attempt to charge incident specific costs directly to the applicable Federal Project Number (is this limited only to FPN's or is it applicable to CPN's also?) to simplify the FOSC's responsibilities for both ceiling management and cost recovery. When this is not possible, circumstances have sometimes forced units to use their own funds. An example of a reimbursable cost is phone charges on a unit phone bill made in support of an oil pollution removal case. This Chapter provides instructions on how to request a reimbursement from the NPFC.

B. Only appropriate removal costs may be refunded. Reimbursements may be authorized for items purchased for removal operations related to a specific FPN and to replace a unit's stock if they were expended as a result of the specific incident. Refer to ref (a) for general guidance on property purchases and acquisitions.

C. Requests for reimbursement may be submitted via email to your case officer and should include the following:

   a. The total dollar amount of the reimbursement request as well as a break down of the individual expenditures that make up the total dollar amount.
   b. The date each expenditure was incurred.
   c. The document control number for each expenditure, as well as the line of accounting each expenditure was charged against.
   d. Facsimile of:

      i. Itemized bill with items for reimbursement clearly highlighted or otherwise indicated;
      ii. PES Report documenting that the expenditures were paid out of the unit's account and:
      iii. For credit card purchases, include a copy of credit card statement with the items for reimbursement highlighted or otherwise indicated.

D. FOSCs must continue to track the estimated totals for all categories of applicable costs against the assigned ceiling. Upon approval of reimbursement requests for out-of-pocket expenses, the FOSC should record those reimbursed expenditures on the Pollution Daily Resource Report. Such reimbursements would reduce the amount of remaining ceiling by the amount of the reimbursements approved.

E. Units may only be reimbursed in the fiscal year in which expenses were incurred. Requests for reimbursement should be received prior to 15 August to ensure adequate time for obligation of the "reimbursed" funds prior to the end of the fiscal year. NPFC will attempt to expedite reimbursements received after 15 August, but may be constrained by G-CFM SOP's for Fiscal Year Closeout.

R 141301Z NOV 02 ZUI ASN-A00318000002
FM COMDT COGARD WASHINGTON DC//G-MOR//
TO AIG 8903
COMCOGARD MLC PAC ALAMEDA CA//FCP//
COMCOGARD MLC LANT NORFOLK VA//FCP//
COGARD FINCEN CHESAPEAKE VA//OG//
BT
UNCLAS //N16450//
SUBJ: CHANGE IN COAST GUARD STANDARD RATES COMDTINST 7310.1H
A. NPFC USER REFERENCE GUIDE
B. COMDTINST 7310.1H DATED 4 OCT 2002
C. COMDTINST 7310.1G DATED 29 MAY 2001
1. REF A REQUIRES USE OF CG STANDARD RATES WHEN PREPARING COST DOC ASSOCIATED WITH OSLTF AND CERCLA POLLUTION RESPONSE CASES. REF B PROVIDES UPDATED CG STANDARD RATES. THIS MESSAGE PROVIDES CLARIFICATION AND GUIDANCE ON WHEN TO USE RATES IN REF B, OR CONTINUE TO USE RATES PUBLISHED IN REF C.
2. REF B ESTABLISHES 4 OCT 2002 AS THE IMPLEMENTATION DATE FOR NEW CG STANDARD RATES. CG RESOURCES USED ON OSLTF OR CERCLA FUNDED RESPONSES SHALL USE REF B RATES FOR ALL RESOURCES EMPLOYED ON OR AFTER 4 OCT 2002.
3. FOR CASES IN PROGRESS ON 4 OCT 2002, CG RESOURCE USE UP TO AND INCLUDING 3 OCT 2002 SHALL USE RATES PUBLISHED IN REF C. SHIFT TO REF B RATES ON 4 OCT 2002 AND THEREAFTER. NOTE IN COST SUMMARY SUBMITTED IAW REF A THAT BOTH RATES WERE USED, AND THAT RESOURCES USED ON/AFTER 4 OCT 2002 WERE COSTED IAW REF B.
4.FOR CASES IN PROGRESS ON 4 OCT 2002 WHERE INTERIM COST DOC USING REF C HAS BEEN FORWARDED TO THE NPFC, FUTURE COST DOC FOR THAT CASE WILL FOLLOW POLICY IN PARA (3). UNITS SHALL NOT REDO PREVIOUSLY FORWARDED COST DOC. NOTE IN COST DOC TRANSMITTAL LETTER THAT BOTH RATES WERE USED, AND THAT RESOURCES USED ON/AFTER 4 OCT 2002 WERE COSTED IAW REF B.
5. UNITS SHALL USE REF B IN ESTIMATING AND REPORTING CEILING USE FOR CASES IN ACTIVE STATUS, AS REQ BY REF A.
6. THIS GUIDANCE AND REF B WILL BE INCORPORATED IN FUTURE CHANGES TO REF A.
7. UNITS HAVING QUESTIONS REGARDING THIS MESSAGE OR REF B ARE ENCOURAGED TO CONTACT THEIR NPFC CASE OFFICER OR REGIONAL MANAGER.
8. THE TEXT AND RATES IMPLEMENTED BY REF B CAN BE VIEWED ON THE INTERNET AT:
HTTP://CGWEB.COMDT.USCG.MIL/G-CFP/G-CFS-2/CFS2.HTM
9. INTERNET RELEASE AUTHORIZED.
BT
NNNN

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Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-CFS-2
Phone: (202 267-0263

COMDTINST 7310.1G
MAY 29, 2001

COMMANDANT INSTRUCTION 7310.1G

Subj: STANDARD RATES

1. PURPOSE. This Instruction establishes standard rates to be used in computing reimbursable charges.

2. ACTION. Area and district commanders, commanders of maintenance and logistics commands, commanding officers of headquarters units, assistant commandants for directorates, Chief Counsel and special staff offices at Headquarters shall ensure that the guidelines prescribed within this Instruction are followed.

3. DIRECTIVES AFFECTED. Standard Rates, COMDTINST 7310.lF is cancelled.

4. DISCUSSION.

   a. The Coast Guard enters into reimbursable agreements with other government agencies in which the cost of the service provided must be recovered. The Coast Guard also has specific authority for reimbursement of certain services provided to the private sector. The enclosed rates represent the full cost to the Coast Guard for use of its resources.

   b. An overview of the methodology used to calculate these standard rates can be downloaded at the following website: http://cgweb.comdt.uscg.mil/g-cfp/g-cfs-1/deliver/ARIFAS/arifas.htm

5. POLICY.

   a. The enclosed rates are effective as of the date of this instruction (indicated above). Use the “Outside Government” rate for services provided to customers outside the federal government on or after this date. Use the “Inside Government” rate for intra-governmental services provided on or after this date.

DISTRIBUTION – SDL No. 139

	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
A																										
B	1	5	10		12	2	2	2	2		2	2	2	2	2		2	2		4						2
C	2	2	2	2	2	2	2		2		4		2	4									2			
D	2	2		2	4																					
E														2	2											
F																										
G																										
H																										

NON-STANDARD DISTRIBUTION:

b. The "direct" portion of the standard rates includes both fixed and variable components. Therefore, these rates should not be used to calculate reimbursement for FEMA, foreseeable costs related to contracting actions, cost justification for use of military aircraft or incremental operational costs. Rates for these purposes shall be promulgated separately.

c. Reimbursable rates for services provided which are not covered by this Instruction should be developed in consultation with Commandant (G-CFS). The Coast Guard currently has a negotiated rate of $20,000/day for certain government users of the Polar class icebreakers.

d. Supplement these rates with out-of pocket costs such as:

(1) extra maintenance required due to extraordinary facility use or abuse, based on the actual costs of the additional materials and labor;

(2) incidental personnel expenses such as travel and per diem; and

(3) the cost of any special equipment purchased solely for the purpose of providing a reimbursable service.

e. Update or delete any existing rates in manuals or other publications which are based on prior issues of this instruction.

6. INQUIRES. Address questions concerning these standard rates or the determination of other charges to Commandant (G-CFS) at (202) 267-0263.

7. FORMS AVAILABILITY. Coast Guard Form, CG-5460A, Status Profile (Rev. 9-92) and Coast Guard Form, CG-5460B, Visit Profile (Rev. 9-92) can be obtained from Jetform Filler.

R. S. HOROWITZ
Director of Finance and Procurement

Encl: (1) Hourly Standard Rates for Cutters, Boats, and Aircraft
(2) Hourly Standard Rates for Personnel
(3) Standard Rates for Repair to Damaged Aids to Navigation
(4) Hourly Standard Rates for Pollution Clean-up Equipment
(5) Standard Rates for Vehicles
(6) Standard Rates for Outpatient Visits

HOURLY STANDARD RATES FOR CUTTERS, BOATS, AND AIRCRAFT

General

The hourly standard rates for cutters, boats, and aircraft are divided into two categories "Inside Government" and "Outside Government." The "Inside Government" rate is for use when charging other agencies within the federal government. The "Outside Government" rate is for use when charging all others.

Inside Government – The following are the components of the "Inside Government" rate:

Direct Costs: Represents direct costs incurred by a particular asset class. This includes labor, employee benefits, fuel, maintenance, etc.

Support Costs: Costs allocated to a particular asset class for support received from Coast Guard support activities, including but not limited to, area commands, maintenance and logistics commands, districts, groups, Integrated Support Commands (ISCs), Naval Engineering Support Units (NESUs), etc.

General and Administrative (G&A): Costs allocated to a particular asset class to represent benefit received from Coast Guard general and administrative activities such as legal services, payroll processing, etc.

Outside Government – In addition to the costs listed in the "Inside Government" rate, the following additional costs are included in the "Outside Government" rate:

Pension Benefit Adjustment: Costs incurred for retirement pay and medical expenses.

Operating Asset Depreciation: Depreciation by class of cutter, aircraft, and boat.

Other Asset Depreciation: Depreciation of buildings, structures, electronics, and other assets.

Operating Asset Cost of Capital: The annual rate of return (equal to the average long-term Treasure bond rate) applied to the net book value of cutters, aircraft, and boat asset classes.

Other Asset Cost of Capital: The annual rate of return (equal to the average long-term Treasure bond rate) applied to the net book value of buildings, structures, and other assets.

HOURLY STANDARD RATES FOR PERSONNEL

Rate Computation

The hourly standard rates for personnel services are based on prevailing annual standard personnel costs related to employee productive hours as reflected in Staffing Standards Manual, COMDTINST M5312.11(series). The rates are presented on the following page. A factor representing incurred but unfunded retirement and medical cost is included for customer effort external to the federal government.

Rate Application

The average hourly rates for customers inside and outside the federal government are presented for those situations that require computations on an hourly basis. For reimbursable agreements that involve extended periods of time (e.g., monthly or yearly) contact Commandant (G-CFS) at (202) 267-0263 for appropriate guidance.

It is important to note that charges for normal crews are contained within the rates for cutters, aircraft and small boats. Therefore, use the standard personnel rates listed below only where additional personnel reimbursement is appropriate.

Actual costs for travel and per diem, if applicable, must also be included in the reimbursement.

STANDARD RATES FOR REPLACEMENT OR REPAIR OF DAMAGED AIDS TO NAVIGATION

Rate Application:

There are two possible components that may apply when computing a charge for repair or replacement of a damaged or destroyed aid. These components are discussed below, however, they do not include vessel, boat or vehicle time which must be determined separately based upon this instruction. Additional policy on charges for aids to navigation work is contained in 33 CFR Part 74.

Replacement Costs

For the replacement of buoys, chains and the related transportation cost, see Commandant (G-SEC) website at the following URL: http://www.uscg.mil/systems/gse/gse2/Products.htm
Units which do not have access to the internet can obtain hard copies of these rates from Commandant (G-CFS) at (202) 267-0263.

Use actual costs for sinkers, lighting and power equipment. Include costs to install equipment on the buoy (retro, wiring, etc.)

Replacement cost for structures should be actual cost of materials. If replacement is accomplished using a contractor, charges should include contract cost, contract management cost (including inspection) and actual cost of government furnished equipment.

Charges shall include the cost of temporary floating aids until the damaged aid is replaced.

Replacement costs shall also include government labor and shall be computed using the personnel rates contained in this Instruction.

Temporary Aids

Charges for temporary aids shall include actual cost for retro and signal equipment needed to place the aid in the water. After retrieval of the temporary aid include cost (either ISC or unit) to place buoy in ready for issue condition.

Monthly servicing costs vary throughout the Coast Guard and shall be computed locally at the District level by prorating costs based upon the following categories and time periods. For example, the monthly servicing cost for a steel buoy would be computed by dividing the six year overhaul cost by seventy-two.

A 6 year overhaul cost for steel buoys
A 6 year life for lighting and power equipment
A 2 year life for moorings
A 20 year life for steel buoys with the exception of 4th and 6th class
A 2 year life for 4th and 6th class buoys
A 8 year life for foam buoys
A 6 year life for plastic buoys

For the purposes of applying these computed rates, a month is considered to be 16 or more days of use.

Labor for buoy servicing at support facilities shall be computed using the personnel rates contained in this instruction.

Questions concerning computing charges for damaged aids shall be referred to Commandant (G-OPN).

HOURLY STANDARD RATES FOR POLLUTION CLEAN-UP EQUIPMENT

Rate Application

Apply these charges for every full or fractional hour of use, excluding transit time. Make separate charges for: (1) cost of Coast Guard Strike Team personnel operating and/or supervising the operations of the equipment based on the standard rates for personnel, enclosure (2); (2) actual fuel costs associated with operational use of the equipment; (3) the cost of transporting the equipment to and from the job site; and (4) actual reimbursement cost when performed by a contractor. To obtain cost guidance on any other equipment not listed below contact G-MOR.

HOURLY STANDARD RATES FOR POLLUTION CLEAN-UP EQUIPMENT

Equipment Type	Rate	Equipment Type	Rate
Voss System trailer	$221	Fast Sweep Boom	$26
DESMI 250 Skimmer and Control Std	$34	Large Pump System w/ Trailer	$217
High Speed Skimmer	$65	Small Pump System	$67
Deutz Prime Mover	$22	Non-Submersible Pumps	$18
Highstar Prime Mover	$23	Storage Inflatable Barge	$68
CCN-150 Pump	$33	Boom Mooring System	$89
DOP 250 Pump	$40	Dracone Off-Loading Pump Systems	$201
650 Ft Inflatable Boom (1 reel)	$41	Storage Seaslugs	$119
Inflatable Boom (5 reels) w/ trailer	$195	Pollution Response Trailers Command/Comms Offices	$316
500 ft Foam Boom	$25		
500 ft Foam Boom, 3 Boxes w/Trailer	$51		

STANDARD RATES FOR VEHICLES

Rate Computation

The standard rates for vehicles are available from GSA at the following web site: http://www.fss.gsa.gov/vehicles/leasing/2000/index.cfm These rates represent averages for similar vehicle types from different regions of the country. Units which do not have access to the internet can obtain hard copies of these rates from Commandant (G-CFS) at (202) 267-0263.

Rate Application

The rates are applied for every full or fractional mile or month of use. These rates can be prorated to a daily rate if necessary. If the vehicle is a commercial rental or GSA lease, charge the actual cost of the rental if available. Include a charge for personnel if the driver is not attached to another unit (such as cutter, aircraft or small boat) involved in the operation.

STANDARD RATES FOR OUTPATIENT VISITS

All care provided to other than Coast Guard beneficiaries shall be reported on form CG-5460A, Status Profile, or CG5460B, Visit Profile, and entered into the Clinic Automated Management System (CLAMS) for further transmission to Commandant (G-WKH-3). The Finance Center bills the authorized non-Coast Guard user in accordance with the annually updated, inter-agency rates published in the Federal register and the procedures established in existing Memorandums of Agreement (MOA).

Routine Medical care should not be furnished to personnel other than those specifically entitled by U.S.C. Non-routine care will be billed on a case-by-case basis, depending on actual circumstances, in accordance with the procedures outlined above.

Contact Commandant (G-WRP) for further guidance.

Hourly Standard Rates for Cutters, Boats, and Aircraft

		Inside Government Rate				Outside Government Rate (added components)					
		Direct	Support	G&A	Total	Pension Adjustment	Op Asset Depreciation	Other Asset Depreciation	Op Asset Cost of Cap	Other Asset Cost of Cap	Total
Cutters	WHEC	$2,772	$1,405	$898	$5,074	$749	$809	$79	$727	$59	$7,497
	WMEC 270	$1,861	$856	$616	$3,332	$499	$514	$49	$560	$29	$4,983
	WAGB MACKINAW	$3,151	$2,007	$1,038	$6,196	$876	$0	$120	$0	$91	$7,283
	WLI	$428	$340	$176	$944	$132	$0	$19	$0	$15	$1,111
	WLIC	$618	$349	$181	$1,147	$163	$3	$21	$2	$16	$1,353
	WYTL	$555	$432	$224	$1,211	$170	$0	$25	$0	$19	$1,424
	WTGB	$1,290	$714	$369	$2,373	$338	$242	$44	$204	$34	$3,234
	WLR	$615	$430	$223	$1,268	$178	$9	$25	$10	$19	$1,509
	WMEC 210	$1,485	$713	$500	$2,697	$411	$357	$48	$290	$28	$3,831
	WPB 82	$389	$322	$167	$877	$123	$2	$18	$0	$14	$1,035
	WPB 110	$436	$662	$265	$1,363	$127	$93	$29	$113	$25	$1,751
	WLB 180	$1,625	$1,290	$667	$3,581	$241	$109	$35	$38	$27	$4,032
	WLB 225	$1,661	$1,255	$649	$3,564	$500	$723	$72	$1,253	$55	$6,168
	WLM 175	$1,312	$823	$426	$2,562	$307	$504	$42	$886	$32	$4,333
	WAGB POLAR	$5,294	$2,331	$1,206	$8,832	$707	$990	$86	$424	$65	$11,103
	WPB 87	$336	$274	$142	$751	$105	$112	$16	$204	$12	$1,200
	WMEC 213_230	$1,569	$3,404	$924	$5,897	$724	$0	$253	$0	$288	$7,162
Boats	ANB (55' & 63')	$365	$174	$97	$637	$108	$28	$28	$17	$30	$847
	BU/BUSL (45', 46' & 49')	$317	$119	$66	$503	$87	$219	$23	$258	$24	$1,113
	MLB/UTB (41', 44', 47', & 52')	$736	$620	$345	$1,701	$273	$21	$72	$22	$74	$2,162
	PWB (28')	$195	$25	$14	$234	$43	$19	$11	$14	$12	$334
	SRB (30')	$298	$24	$14	$336	$63	$42	$17	$9	$18	$485
	TANB/TPSB (21', 22' & 25')	$236	$131	$73	$440	$73	$13	$19	$11	$20	$577
	FR/WP/SKI (12', 14', 16' & 18')	$163	$162	$91	$417	$66	$1	$17	$1	$18	$519
	RIB/UTL (13', 15', 16', 21' 25', & 28')	$400	$421	$234	$1,055	$166	$11	$44	$2	$45	$1,322
Aircraft	HH65A (CO)	$3,379	$907	$836	$5,122	$580	$320	$242	$151	$113	$6,528
	HU25 (CO)	$4,364	$787	$725	$5,876	$555	$599	$235	$132	$106	$7,503
	HC130H (CO)	$5,942	$1,272	$1,173	$8,387	$1,012	$1,124	$432	$412	$187	$11,554
	HH60J (CO)	$4,567	$1,288	$1,187	$7,042	$833	$1,208	$346	$976	$161	$10,566
	VC4A (CO)	$1,380	$916	$844	$3,140	$244	$0	$60	$0	$57	$3,500
	C2OB (CO)	$4,247	$0	$1,090	$5,337	$178	$1,109	$13	$1,035	$8	$7,680

HOURLY RATES FOR PERSONNEL ($)

Rank	In Govn't ($) Rate	Out Govn't ($) Rate	Grade	In Govn't ($) Rate	Out Govn't ($) Rate
O-6	81	103	GS-15	76	82
O-5	69	87	GS-14	67	73
O-4	60	76	GS-13	59	63
O-3	52	65	GS-12	50	54
O-2	39	49	GS-11	42	46
O-1	32	40	GS-10	40	43
CADET	17	17	GS-09	35	38
			GS-08	34	36
W-4	56	70	GS-07	30	32
W-3	49	63	GS-06	28	30
W-2	43	56	GS-05	24	26
			GS-04	23	25
E-10	58	73	GS-03	22	24
E-9	49	62			
E-8	43	54			
E-7	39	49			
E-6	35	44			
E-5	31	38			
E-4	24	30	WG-15	38	41
E-3	21	25	WG-14	37	40
E-2	20	25	WG-13	36	38
E-1	20	25	WG-12	34	37
			WG-11	34	36
			WG-10	33	35
			WG-09	32	34
			WG-08	30	32
			WG-07	28	30
			WG-06	27	29
			WG-05	27	29
			WG-04	26	28
			WG-03	22	24
			WG-02	21	23

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U.S. Department
of Transportation

United States
Coast Guard

Coast Guard Acquisition Procedures (EXCERPT)

COMDTINST M4200.19F

CGAP SUBCHAPTER 1217.92
CONTRACTING FOR CONTAINMENT AND CLEAN-UP OF OIL AND HAZARDOUS SUBSTANCES SPILLS

CGAP SUBCHAPTER 1217.9200 Scope of subpart.

The Coast Guard responsibilities for the removal of oil and hazardous substances in waterways and adjoining shorelines are specified in the National Contingency Plan, 40 CFR 300, the Federal Water Pollution Control Act of 1971, as amended, the Comprehensive Environmental Response Cleanup and Liability Act (CERCLA) of 1980, as amended, and the Oil Pollution Act (OPA) of 1990.

CGAP SUBCHAPTER 1217.9201 General.

In order to expedite the processing of contracts for containment and clean-up of oil and hazardous substance spills, the preferred Coast Guard method of contracting is through the placement of orders against Basic Ordering Agreements (BOAs) as defined in FAR 16.703, using a time and materials pricing arrangement; however, other methods of contracting can be used when appropriate.

CGAP SUBCHAPTER 1217.9202 Reserved.

CGAP SUBCHAPTER 1217.9203 Competition.

(a) The nature of contracting for containment and clean-up of oil and hazardous substances makes full and open competition impossible; however, competition shall be obtained to the maximum extent possible as governed by the response time needed in any given emergency. These conditions are documented by Commandant (G-CPM) in a Class Justification for Other Than Full and Open Competition which Coast Guard contracting officers can use for all contracts and orders for oil and hazardous substance clean-up services.

(b) Market Survey. MLC contracting officers will conduct market surveys for additional sources at least annually, using Commerce Business Daily synopses and other appropriate techniques. Any sources expressing an interest in a BOA in the interim shall be provided a solicitation.

(c) Service Contract Act wage determinations. MLC contracting officers shall request wage determinations on an annual basis, or required, from the Department of Labor (DOL). If possible, the DOL should be requested to make the wage determinations applicable to all contracts for oil and hazardous substance containment and cleanup services in the same geographic areas.

(d) Competition Documentation for each Incident. Orders against BOAs shall not be awarded on a rotational basis among qualified contractors without pricing considerations. Orders shall be awarded to the contractor who offers the lowest price for those response times determined adequate considering the circumstances involved. Contracting officers (includes OSCs) shall document the following information which shall be included in each order file:

(1) The action(s) taken to obtain competition or the reasons(s) why competition was not feasible.

(2) The name(s) and point(s) of contact for the contractors contacted.

(3) The rationale for awarding an order to the successful offeror.

(4) A written determination that the Service Contract Act applies if the incident is for services and exceeds $2,500. If the incident requires construction that exceeds $2,000, the OSC shall contact the MLC contracting officer to determine whether the Davis Bacon Act has been incorporated into the BOA. If the Davis Bacon Act has been incorporated into the BOA, provide a written determination that the Davis Bacon Act applies. If the Davis Bacon Act has not been incorporated into the BOA, and the incident requires construction that exceeds $2,000, the MLC contracting officer must contract for the required construction.

CGAP SUBCHAPTER 1217.9204 Authorization to proceed.

(a) Coast Guard OSCs shall issue a written Authorization to Proceed (ATP) when it becomes necessary to authorize a contractor to commence performance of oil or hazardous substance clean-up services against existing BOAs. ATPs shall not exceed $25,000 per incident. During the initial stages of an incident, OSCs may verbally authorize a contractor to commence performance, provided an ATP is issued within 24 hours confirming the verbal authorization. As a minimum, the ATP shall include reference to: (1) the Federal Project Number; (2) the BOA number; (3) maximum dollar value of the commitment; (4) cognizant MLC point of contact; (5) accounting office address; (6) contractor's name, address, point of contact, and signature; and (7) name and signature of the OSC.

(b) The Coast Guard OSC shall notify the MLC(fcp) by message and/or forward a copy of the ATP by overnight mail or FAX within 24 hours after issuance of the ATP.

(c) The Coast Guard OSC shall prepare all competition documentation required by CGAP Subchapter 1217.9203 and provide it, along with a copy of the ATP, to the MLC(fcp) within 3 days after issuance of the ATP.

(d) This subchapter is not mandatory for Coast Guard OSCs in the MLCPAC area when the incident is $50,000 or less. When the incident is within this threshold, the Coast Guard OSC shall prepare and distribute the delivery order. The Coast Guard OSC shall forward a copy of the delivery order and the supporting competition documentation required by CGAP Subchapter 1217.9203 to MLCPAC(fcp) within 3 days of the incident.

(e) This subchapter is also not mandatory for Coast Guard OSCs in the MLCLANT area if all of the following conditions apply: the COCO of MLCLANT (fcp) authorizes the applicable OSC to prepare and distribute the BOA order; the incident is $50,000 or less; and the OSC forwards a copy of the BOA order and the supporting competition documentation required by CGAP Subchapter 1217.9203 to MLCLANT (fcp) within 3 days of the incident.

CGAP SUBCHAPTER 1217.9205 Issuing delivery orders against BOAs.

The MLC(fcp) shall review the ATP issued by the OSC and issue the confirming BOA order, except see CGAP Subchapter 1217.9204(d) and (e) above. The MLC (fcp) shall distribute the order to the Coast Guard Finance Center within 7 working days of an incident for the purpose of documenting and recording the obligation of funds. All invoices will be paid by the Coast Guard Finance Center.

CGAP SUBCHAPTER 1217.9206 BOA delivery order number.

The BOA order number consists of the BOA contract number plus the individual order number. The individual order number shall be consistent with the procedure set forth at CGAP Subchapter 1204.602-90(c)(6)(iv). If additional identification is needed, i.e., FPN, MSO port code, number of orders per incident, the identification shall be placed on the order in such a location as to separate it from the order number.

CGAP SUBCHAPTER 1217.9207 BOA order, file documentation, and file maintenance.

Issuance of the BOA order, file documentation, and file maintenance is the responsibility of the MLC (fcp), except see CGAP Subchapter 1217.9204(d) and (e) above. The following minimum file documentation must be maintained for each order issued against a BOA: (1) a copy of the CANAPS message that assigns the FPN and fund ceiling (this normally includes evidence of funds availability); (2) a record of the sources contacted or, if only one source was contacted, the reasons why competition was not feasible and why the particular contractor was selected (this record should include dates, names of individuals, companies, and factors influencing choice); (3) a copy of the ATP issued by the OSC and all competition documentation required by CGAP Subchapter 1217.9203; (4) a copy of the order issued on an OF-347; (5) modifications, if any, to the order issued on an SF-30; and (6) copies of invoices certified by the OSC together with supporting documentation.

CGAP SUBCHAPTER 1217.9208 Non-BOA purchases of supplies/services.

When supplies or services are required that are not covered under an existing BOA, the requirement shall be referred to the MLC contracting officer.

(a) Contracting Authority (other than OSC). If the MLC(fcp) contracting officer agrees, a field contracting activity may elect to issue purchase orders for non-BOA supplies or services if the requirement is within, and is not likely to exceed at some future date, the field activities' contracting authority.

(b) OSC Contracting Authority. If the MLC(fcp) contracting officer cannot be contacted in a timely manner, Coast Guard OSCs are authorized to issue purchase orders for non-BOA supplies or services, on an emergency basis only, not to exceed $25,000 per incident. The OSC must contact the MLC(fcp) by message and/or forward a copy of the purchase order and competition documentation required by CGAP Subchapter 1217.9203 by overnight mail or FAX within 24 hours after exercising this authority. If a message is used to notify the MLC(fcp), all information contained in the purchase order and the competition documentation must be summarized in the message. The OSC, in his/her contracting officer capacity, is required to advise the contractor, when any purchase order for services exceeding $2,500 is issued, that the Service Contract Act of 1965, as amended, is applicable.

CGAP SUBCHAPTER 1217.9209 Disposal of salvageable products.

OSCs shall keep an accurate record of the quantity of recovered product suitable for reclamation or sale. The General Services Administration has declined to take custody of any recovered oil since they do not have appropriate storage facilities. The contracting officer may initiate action for sale of the recovered oil, with the proceeds being applied as a credit to the clean-up costs.

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Contracting Requirements for Use of a Basic Ordering Agreement (BOA)

Maintenance and Logistics Command -- Atlantic Area

United States Coast Guard

Maintenance and Logistics Command Atlantic Area (fcp-2)

Norfolk, VA 23510-9113

OSC ORDERING INSTRUCTIONS MLCLANT **Amended June 2002**

Ref: (a) COMDTINST M4200.19F (CH2), [Coast Guard Acquisition Procedures] 1217.92
(b) MLCLANT SOP I-2-39
(c) FEDERAL ACQUISITION REGULATIONS

1. Funding:

Obtain FPN or CERCLA funding via CANAPS.

2. Hiring/Selection Of Boa Contractor

A contractor is hired by the issuance of an Authorization to Proceed (ATP). A delivery order is issued by MLCLANT under an existing Basic Ordering Agreement.

a) OSC selects in accordance with ref.(a). Selection factors: capability, response time, and of BOA contractors meeting first two factors, estimated low price. Contractors shall not be selected on a rotational basis per ref (a) CGAP 1217-9203(d).

b) OSC may issue **up to $25,000.** For ATPs that **exceed $25,000**, the OSC must contact the Contracting Officer as soon as possible to issue the ATP. (See 4 below.)

c) Issues ATP MESSAGE* within 24 hours. Ensure MLCLANT-"FCP 2" is "TO" addressee.
*** MLCPAC** procedures differ.

d) ATP MESSAGE MUST INCLUDE:

i. Brief reason why individual BOA company chosen. For example, only one meeting response time or best response time, or lowest evaluated price, or only firm in area meeting specific technical requirements for this cleanup. Contractors should not be chosen on a rotational basis.

ii. Identify contractor not-to-exceed ceiling amount. This amount is different than the ceiling for the cleanup.

iii. Date work started.

3. Hiring Non-Boa Contractor

a) AT ANY DOLLAR AMOUNT: OSC requests Contracting Officer to place Simplified Acquisition or contract.

b) OSC provides company name and phone number for any firm which can perform the required cleanup services in the required time frame.

c) **If OSC cannot reach the Contracting Officer**, which should be rare if utilizing the MLCLANT pager after-hours (see 4 below), the **OSC** is authorized under ref.(a) to issue orders for **$25,000. or less** for non-BOA supplies or services on an emergency basis.

d) OSC must:

i. advise non-BOA contractor that the Service Contract Act applies

ii. advise contractor to fax or mail a copy of commercial price list to the Contracting Officer (who will contact the company to negotiate prices, terms and conditions).

iii. OSC must NOTIFY THE CONTRACTING OFFICER no later than **24 hours** of exercising this emergency authority.

iv. Issue ATP message within 24 hours providing contractor name, address, phone number and point of contact.
NOTE: An OSC may leave voice-mail, e-mail or FAX if unable to contact Contracting Officer via after-hours pager. (see 4(f) below.)

4. Contracting The Contracting Officer After Working Hours

After normal working hours, the MLCLANT Finance Division Contracting Officer can be reached directly via beeper. The beeper number is **1-800-SKY-8888 Pin** 2024525. As the contractor cannot be permitted to access the CDO, the OSC must make the initial CDO contact. The names and telephone numbers of all Contracting Officers, Contract Specialists and SK's can be found at the MLCLANT Intranet web site.

5. Subcontracts/Non-Boa Priced Items Needed From Boa Contractor

a) Only the **contracting officer** may negotiate and approve pricing for any subcontracted or BOA company owned item that **has not been negotiated, approved and priced in the boa.**

b) The OSC must notify the Contracting Officer that non BOA priced items are needed, providing when and where such is needed, the project number and funds if the cost will cause the initial estimated ceiling price of the BOA order to be exceeded.

c) The **OSC approves the technical acceptability** of the proposed sources and/or item. The Contracting Officer approval is solely a price issue. The Contracting Officer will

assume that the OSC has agreed to the sources solicited and/or technical issues involved in subcontracts/non BOA priced items unless notified differently by the OSC.

d) Contractors who fail to obtain Contracting Officer approval on subcontracts or non BOA item are penalized at the time of invoice payment.

e) All BOA contractors have agreed by signing their BOA to negotiate and obtain Contracting Officer approvals on these items. (Section H of all BOAs, Subcontracts/Non-BOA Items clause.)

f) During **non-work hours**, the OSC must contact the Contracting Officer for the BOA contractor. (See section 4 above.) A contractor may also leave voice mail, e-mail or fax for the Contracting Officer.

g) As with 3d above, if the need is of such urgency and a Contracting Officer cannot be reached without **an actual negative impact on the response,** the OSC may direct the BOA contractor to proceed. The OSC must advise the BOA contractor that the Contracting Officer must be contacted within 24 hours to negotiate prices.

h) Regardless of whether subcontract source(s) are BOA companies or not, the Contracting Officer may determine that the required items can be more effectively acquired by a direct Government contract with another company in lieu of subcontracting the requirement under a BOA firm. The OSC will be contacted to determine if any special requirements exist which preclude this method.

***EXAMPLE*:** Disposal costs are estimated at $100,000. the dollars involved make this alternate method more cost effective and rarely would the cleanup BOA contractor add value to the subcontract beyond identifying sources. Cost savings would be realized by eliminating the BOA contractor's "markup", e.g. 5% on $100,000 would be a $5,000 savings, 10%, $10,000 etc.

Amended June 2002

OSC ORDERING INSTRUCTIONS (USCG)
CONTRACTOR INVOICES (OPA, CERCLA)

1. Allowable Time For Invoice Processing By Osc Unit

TEN DAY ALLOWABLE TIME FOR INVOICE PROCESSING BY OSC UNIT

a) Contractor submits invoice to OSC for acceptance or rejection of charges.

b) THE ***OSC MUST DATE-STAMP THE DATE OF RECEIPT OF THE INVOICE at the OSC's office.***

c) If receipt is not officially noted on the invoice, the date of invoice governs the payment due date and therefore interest accruals. As the date on the contractor's invoice is always earlier than the actual date of receipt of the invoice by the OSC, failure to date stamp receipt will result in excess interest charges being due the contractor.

d) ***OSC forwards invoice, within 10 calendar days of receipt,*** certified either as accepted or rejected, directly to Contracting Officer**,** ***MLCLANT, FCP-2. Facsimile or express mail should be used*** so that interest does not accrue due to mailing time.

2. OSC Acceptance/Rejection Responsibilities

a) OSC **verifies** hours, numbers of personnel, equipment, supplies.

NOTE: USCG Basic Ordering Agreements REQUIRE MONITORING BY the OSC/R and completion of "Dailies" by the Contractor and the OSC/OSCR. Verification of invoices hours, equipment, personnel, materials then requires comparison of the numbers charged on the invoice to the "daily" records for the response. ,

b) **OSC does not verify that prices** are in accordance with the BOA; Contracting Officer/Contract Specialist/SK will verify prices on the daily(s) and invoice.

c) **Disputed** hours, equipment should be **identified** to the Contracting Officer/Contract Specialist who will then issue written notification to contractor.

d) Any invoices that include **correct charges** but are **not paid within THIRTY DAYS OF RECEIPT BY THE OSC accrue INTEREST.** Invoices which are received and are incorrect may still accrue interest if the Government does not furnish the contractor timely notice of invoice rejection. Three Coast Guard units plus the Treasury Department must take actions during the thirty-day period. If one of the units takes more than ten (10) calendar days, then payment of interest becomes likely.

The unit taking more than ten days then carries the responsibility for interest being accrued. Interest is a negative entry on the CFO Financial Report; interest on OPA and CERCLA cases is scrutinized not only by MLC and FINCEN but also by G-CFS, NPFC and the DOT-IG.

e) OSC must forward complete invoice package as received from the contractor with the OSC acceptance/rejection certification e.g. copies of signed dailies, subcontract invoices, copies of proof of legal disposal.

f) Upon receipt of the invoice package, MLC verifies pricing and compliance with the BOA terms and conditions. Action is taken to correct improper invoices when necessary. All MLC invoice responsibilities must be completed so that the invoice with the OSC and Contracting Officer certifications is at Fincen on the tenth day after receipt at the MLC (fcp).

g) FINCEN takes all necessary steps to input the payment data. It is electronically transmitted to Kansas City and then to the Department of Treasury who makes the actual payment to the contractor. Fincen and Treasury must complete their responsibilities within ten days of Fincen's receipt of the invoice from the MLC.

30 days from receipt of a proper invoice or interest is due:

10 days (**OSC** receives, reviews and has at MLC(fcp)
10 days **(MLC** reviews, takes action and has at Fincen)
+ **10** days **(FINCEN/Treasury** take all actions to effect actual payment.

_____
30 days

<u>0 days available for any delays by the OSC, MLC, Fincen or Treasury!</u>

Amended June 2002

OSC ORDERING INSTRUCTIONS MLCLANT

SPECIAL INSTRUCTIONS CONCERNING USE OF BASIC ORDERING AGREEMENTS:

Orders under the Basic Ordering Agreement for pollution cleanup are done under the authority of Federal Acquisition Regulations, FAR 6.302-2, URGENCY.

LONG TERM PROJECTS: Emergency Response needed for part of the cleanup but then remediation type rather than emergency response is sufficient:

1. (a) Contact MLCLANT, preferably in writing.

(b) Advise nature and scope of work (specific if possible, general at a minimum);

(c) Identify required completion date and est. project duration.

2. Contracting will evaluate in conjunction with the OSC and the technical and time requirements of the project to determine if a fixed work statement and pricing possible for later phases of the project; if possible, various types of contractual solicitation are available depending on the exact type and timing of need.

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Contracting Requirements for Use of a Basic Ordering Agreement (BOA)

Maintenance and Logistics Command -- Pacific Area

United States Coast Guard

Maintenance and Logistics Command Pacific Area (fcp-1)

Coast Guard Island, Building 54-A

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BOA TRAINING AGENDA

1. THE BASIC ORDERING AGREEMENT (BOA)

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B. WHY A BOA.
C. CIRCUMSTANCES FOR USE.
D. HOW BOAs ARE PROCURED.
E. KEY AREAS OF A BOA.
F. WHO CAN USE THE BOAs.
G. COAST GUARD ON-SCENE COORDINATOR (OSC) AUTHORITY.

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C. WHO CAN SIGN/ISSUE DELIVERY ORDERS.
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VII. MLCPAC (fcp) CONTRACTING SUPPORT

A. WHEN TO CONTACT MLCPAC.
B. CONTRACTING SUPPORT.
C. MLCPAC CONTRACTING OFFICERS.

(FOOTNOTE: MSRC)

I. THE BASIC ORDERING AGREEMENT (BOA)

A. WHAT IS A BOA:

1. A BOA is not a contract and does not provide any contractual relationship between the Government and the Contractor.

2. A BOA is a written understanding that's already been negotiated between a contracting office and a contractor and is the preferred method of contracting for oil spill cleanup. (Refer to the JOTFOC.)

3. A BOA contains the terms and conditions that will apply to Delivery Orders that are issued against it. The terms and conditions contain i), fixed prices and a detailed description of the supplies or services to be provided, and ii), instructions on the procedures and authority for the issuance, administration and payment of Delivery Orders.

4. Every individual authorized to issue Delivery Orders against a BOA is responsible for reviewing and understanding the terms and conditions of each BOA.

B. WHY A BOA:

1. The Coast Guard and other Government Agencies have a need for an ongoing agreement with contractors that can provide services, supplies and equipment to contain, cleanup and/or mitigate the harmful effects of spilled petroleum products and hazardous substances.

2. The Contractor is on-call 24 hours a day, 365 days a year and usually has to respond on short notice.

3. CGAP Subchapter 1217.9203 (a) reads: "The nature of contracting for containment and clean-up of oil and hazardous substances makes full and open competition impossible; however, competition shall be obtained to the maximum extent possible as governed by the response time needed in any given emergency. These conditions are documented by Commandant (G-CPM) in a Class Justification for Other Than Full and Open Competition which Coast Guard contracting officers can use for all contracts and orders for oil and hazardous substance clean-up services." (Refer to CGAP Subchapter 1217.92)

C. CIRCUMSTANCES FOR USE:

2. BOAs are **strictly for emergency use** only. Under no circumstances may they be used for routine actions. A lack of planning does not justify using a BOA. Delivery Orders cannot be issued to order boom, sorbent pads, or take care of work that either could have, or should have, been done through normal procurement procedures.

D. HOW BOAs ARE PROCURED:

1. The Competition In Contracting Act (CICA) mandates that proposals be solicited to the fullest extent. In addition, the necessity for a quick response to an oil spill requires that we have as many BOAs in effect as possible. The BOAs must also provide for all of the personnel, supplies, equipment, etc., necessary for a cleanup.

2. The first step is to publicize the solicitation in the Commerce Business Daily (CBD). The CBD announces all Government solicitations and contract awards nationwide. A list of the firm's that have requested the solicitation is then compiled. Firms that presently have BOAs are not solicited because their BOAs do not expire.

3. During the announcement period the statement of work and list of items/services on the price schedule is sent to the (mso) to be updated. The (mso) then forwards their recommendations to (fcp), who in turn issues the solicitation.

4. Proposals are submitted and then evaluated by (fcp) for compliance with all of the solicitation requirements. The prices are entered into a spreadsheet which computes a competitive range for each line item based on the average offered price for the item. After this negotiations commence with each offeror. Please note that offerors are not required to submit prices on all of the items in the price schedule. (fcp) performs a preaward survey to determine that offerors are responsible. As part of the survey, the MSO may be asked to determine the response capabilities of some offerors.

5. In keeping with the requirements of paragraph 1, BOAs are awarded to all firms that fall within the competitive range, and distributed to all of the activities that are authorized to issue Delivery Orders against them.

E. KEY AREAS OF A BOA:

1. The Price Schedule. This is Attachment J.1 of the BOAs and lists the prices for all of the supplies, personnel and equipment that the contractor can provide.

2. Section C, Description/Specifications, contains definitions, the scope of work, contractor personnel and equipment requirements, and cleanup and disposal methods.

3. Section F, Deliveries or Performance, addresses response time, area(s) of response, contractor failure to respond, termination of Delivery Orders, annual reviews and termination of the BOA.

4. Section G, Contract Administration Data, states who can issue Delivery Orders, addresses Government and Contractor obligations, documentation, how the Government will determine allowable billing costs, and payment.

5. Section H, Special Contract Requirements, stipulates that subcontracts may be approved only by the MLCPAC Contracting Officer.

F. WHO CAN USE THE BOAs:

1. Only authorized Contracting Officers and On-Scene Coordinators (OSCs) located at an Authorized Ordering Office may issue Delivery Orders under a BOA. This authority may not be delegated.

2. For the purposes of consistency other Government agencies are authorized to issue Delivery Orders against the BOAs.

3. The U.S. Coast Guard has a Memorandum Of Understanding (MOU) with the Environmental Protection Agency (EPA) which states that the Coast Guard will provide contracting support. There is no Coast Guard involvement for Delivery Orders issued by the Navy, Maritime Administration, Corps of Engineers, etc. Questions from these organizations must be directed to the MLCPAC (fcp) Contracting Officer - not the (mer)s or (mso)s.

G. COAST GUARD ON-SCENE-COORDINATOR (OSC) AUTHORITY:

1. OSC's are <u>not</u> authorized to take any action, either directly or indirectly that could result in a change in the pricing, quality, established response time frames, or any other terms and conditions of the BOA; or, to direct the accomplishment of effort which would exceed the scope of the BOA. Whenever there is the potential that discussions may impact areas such as described above, the OSC must contact the MLCPAC (fcp) Contracting Officer.

2. The OSC is not required to superintend, in any manner, so as to relieve the contractor of any responsibility, or consequence of neglect by the contractor, his subordinates, subcontractors or suppliers.

II. THE JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION (JOTFOC)

A. The JOTFOC is a document approved by the Commandant of the U. S. Coast Guard that authorizes emergency procurement actions during an oil spill cleanup.

B. This authorization is a Class Justification which allows the use of BOAs, subcontracting procedures and the emergency procurement of supplies and services not covered under BOAs.

C. The JOTFOC is only for cleanup incidents handled by the Coast Guard, and does not apply to other Government agencies.

D. A copy of the JOTFOC is in each BOA, and a copy must be inserted in each individual Delivery Order file.

III. PROCUREMENT REQUEST (PR)

A. THE OSC OBTAINS INFORMATION AND PREPARES THE PR: (Note: 1 and 2 below do not apply to CG generated spills.)

1. The OSCobtains an FPN/Ceiling via CANAPS (www.nprf.gov/canaps). The District is automatically a recipient of the CANAPS-generated message.

2. The (mso) creates the Document Number using DAFIS instructions and the (mso) Document Number list.

3. The (mso) prepares a PR consisting of the following information:

a. Federal Project Number (FPN)
b. Fund Citation (i.e. Document No., Accounting Data)
c. Dollar amount of funds to be obligated under the PO/Delivery Order. (Don't include the full amount of funds issued by the NPFC for administrative support - travel, personnel, etc. Include only the amount to be obligated under the Delivery Order.)
d. Date(s) the services and/or equipment are required
e. Suggested Contractor(s) and Phone Number(s)
f. BOA Number(s) (if applicable).
g. Coast Guard POC and Phone Number.
h. A brief description of the project.
i. Reasons for no competition or for going to a higher cost source. Brief determination or sole source statement of why the OSC has determined that the services or equipment can, or should, only be obtained from one source or may only be procured from one source due to response time requirements.

NOTE: SPACE OUT THE FUNDING *(DON'T USE UP ALL OF YOUR MONEY AT ONCE. IF SOMETHING'S NEEDED FOR A MONTH, OBLIGATE ENOUGH FUNDS FOR A WEEK. SCHEDULE FUNDING TO RUN OUT ON THURSDAYS–NOT FRIDAYS)*

B. USE OF CERCLA FUNDS FOR HAZARDOUS SUBSTANCE SPILLS INLAND:

1. CERCLA fund use is now basically the same as IIIA. above.

2. CERCLA project numbers are obtained via CANAPS (e.g., C02401).

IV. DELIVERY ORDERS

A. WHAT IS A DELIVERY ORDER:

1. The document that makes a definitized written commitment between the Contractor and the Government (CG).

2. Obligates funding to cover the Government cost and allows the contractor to get paid.

B. WHICH OFFICE ISSUES THE DELIVERY ORDER:

1. FPN UNDER $50K - If the FPN ceiling is expected to remain under $50,000.00 the OSC/MSO issues a Delivery Order. ***MSO DISTRIBUTES THE ORDER WITHIN 8 WORKING HOURS TO CONTRACTOR AND FINANCE CENTER. SEND A COPY TO MLCPAC (fcp-1) WITHIN 3 DAYS.***

2. FPN OVER $50K - If the FPN ceiling is expected to exceed $50,000.00 the MLCPAC (fcp) issues a Delivery Order. ***MSO FORWARDS PR TO MLCPAC (fcp) FOR ACTION.***

C. WHO CAN SIGN/ISSUE DELIVERY ORDERS:

1. Coast Guard On-Scene-Coordinators (OCSs) as limited Contracting Officers have the authority to place orders against existing BOAs for oil and hazardous substance response actions with a limit not to exceed $50,000 per incident. (i.e., This is the ceiling amount of the FPN.) This authority may not be delegated. (Refer to CGAP Subchapter 1217.9204(a))

2. Over $50K per incident must be issued by authorized Contracting Officers at MLCPAC (fcp).

3. During the initial stages of an incident the OSC may verbally authorize the BOA Contractor to commence performance provided a confirmation DO is issued within 8 hours.

D. CONTENT AND CEILING AMOUNT:

1. Each Delivery Order must:

   a. Specify the name and telephone number of the Ordering or Contracting Officer, amount of funds, payment office and the address of the office where the invoices are to be sent.

   b. Be for an emergency requirement for oil spill/hazardous waste cleanup within the Scope of the BOA.

   c. Contain:
      1) Federal Project No.
      2) The BOA, Delivery Order, and Document Numbers.
      3) Not To Exceed (NTE) ceiling price.
      4) Contractor's name, address.
      5) Name and signature of OSC.
      6) Incorporate all provisions of the BOA.
      7) Accounting data.

2. DO File documentation: (Refer to CGAP Subchapters 1217.9203 & 9207)

   a. Copy of CANAPS e-mail confirmation.

   b. Copy of the Authorization To Proceed (ATP), if one is issued.

   c. Justification for award to other than small business.

   d. Copy of class JOTFOC.

   e. Copy of the determination from the individual issuing the Delivery Order (i.e., OSC or MLCPAC Contracting Officer) that the Service Contract Act applies.

   f. Competitive documentation:

      i. Action taken to obtain competition or why competition was not feasible.

      ii. The name(s) and points of contact for contractor's contacted.

      iii. Rationale for awarding DO to successful offeror.

   g. A copy of the DO and any modifications.

   h. Copies of invoices with supporting documentation.

V. ITEMS OR SERVICES NOT COVERED UNDER A BOA

A. SUBCONTRACTING:

1. Basis for limitations and how it works (Mitigation of costs requirements, etc.).

2. Subcontracts for materials versus services.

B. NON-BOA (OPEN MARKET) CONTRACTS:

1. Why not just subcontract under the BOA.

   a. Mitigation of costs.
   b. Cheaper for CG to procure than pay Contractor handling or mark-up change.

2. Who can order off-BOA supplies or services.

   a. The OSC only has authority for BOA items - all requirements for non-BOA cleanup services, equipment, materials and must be referred to the MLCPAC (fcp) Contracting Officer.

      i. If the appropriate Contracting Officer cannot be contacted in a timely manner, the OSC is authorized to issue non-BOA purchase orders, on an emergency basis only, with a limit not to exceed $25,000 per incident. The OSC must contact the MLC (or the Contracting Officer to whom this responsibility has been delegated) within twenty-four (24) hours after exercising this emergency authority and provide documentation of competition.

   b. If the FPN is under $25K only authorized Contracting Officer, i.e., MLCPAC or DRAT team KO, or District (a) office.

      i. IAW COMMANDANT Instruction 16465.41, DRAT personnel shall include a KO with Level I Warrant and serve as a KO when requested by OSC. (Remember: MUST HAVE WARRANT FOR SERVICES = TO ORDERS ISSUED).

      ii. District may have KO with warrant (again Warrant = to order $). If the FPN is over $25K only the MLCPAC Contracting Officer.

C. MIPRS:

1. Must be issued by the MLCPAC Contracting Officer, not OSC.

2. Payment - "The Agency" (e.g., Navy) submits billing and support documents to the OSC.

   a. The OSC forwards the billing documents to NPFC case officer within 7 days.

b. NPFC case officer will arrange reimbursement to the Agency.

VI. COMPLETION

A. PAYMENTS:

1. Prompt Payment Act (FAR 52.232-25 applies)
   a. Total 30 days from receipt of correct invoice.
   b. Reject incorrect/incomplete invoice within 5 days.
   c. Date stamp invoice - FINCEN uses date of receipt by the OSC as the start date for interest payment.

2. On-Scene-Coordinator
   a. Receives and date-stamps invoice.
   b. Verifies that supplies/services have been authorized and received. Verifies hours, number of personnel, equipment, subcontract costs (supported by posted receipts) and that removal actions were performed properly.
   c. Forwards approved invoice with supporting documentation to cognizant KO within 7 days. Make sure invoice is marked partial or final - FINCEN will deobligate excess funds. (Refer to COMDT Message 021657Z Nov 95)

3. Contracting Officer
   a. Reviews invoice and insures prices are the prices set forth in the BOA.
   b. Forwards invoice to FINCEN for payment with copy to NPFC case officer within 10 days.

(NOTE: MLCPAC MUST ALWAYS SEE AND APPROVE BOA ORDER INVOICES REGARDLESS OF $ VALUE).

B. DISPUTES:

1. All clarifications and discrepancies, must be directed to the BOA Contractor or their authorized representative. When there is a conflict between the OSC's interpretation of the BOA and that of the Contractor, the OSC shall refer the matter to the Contracting Officer. If the OSC is uncertain of the intent and interpretations of the BOA, he/she shall contact the MLCPAC (fcp) Contracting Officer for the governing interpretation.

2. The OSC shall attempt to resolve any disparities in the billing with the Contractor. The OSC must document any disputed hours, equipment, etc., and send the basis for the dispute to the Contracting Officer, who will then issue a written notification to the Contractor of the items under contention, and request the Contractor to either submit another invoice, or justification for the amount invoiced.

VII. MLCPAC (fcp) CONTRACTING SUPPORT:

A. WHEN TO CONTACT MLCPAC:

1. Always send MLCPAC (fcp) a copy of every POLREP.

2. Contact (fcp) as soon as you think the order will exceed $25,000.

3. Anytime you have questions regarding BOAs or Delivery Orders.

B. CONTRACTING SUPPORT:

1. Contracting Officers are always available to answer questions regardless of which office issues the Delivery Order.
2. A Contracting Officer, Primary Alternate and Secondary Alternate is assigned to each spill.
3. For a major spill the MLCPAC legal office is alerted to provide assistance if large dollar non-BOA contractual actions are necessary.
4. During a major spill a Contracting Officer will be sent TDY to the Incident Command Center.

C. MLCPAC CONTRACTING OFFICERS:

Pollution Incident Coordinator/Lead Contracting Officer:

Mike Leonard:	(510) 437-5932 (Phone and FAX) (510) 437-3014

1. The Contracting Officers for the Eleventh and Seventeenth Districts are:

Janet Weaver, Section Chief	(510) 437-3010
Isabel Burge	(510) 437-5915
Marcus Tikotsky	(510) 437-3074

2. The Contracting Officers for the Thirteenth and Fourteenth Districts are:

Lynne Beard, Section Chief	(510) 437-3732
Robert Townsend	(510) 437-3009
Joclyn Brox-Chester	(510) 437-5913

3. The FAX number for the Contracting Officers is (510) 437-5913.

4. To reach an (fcp-1) Contracting Officer during non-duty hours, contact the PACAREA OPCEN at (510) 437-3700 or (510) 437-3708.

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U.S. Department
of Transportation

United States
Coast Guard

Commandant
US Coast Guard

2100 Second Street, SW
Washington, DC 20593-001
Staff Symbol: G-MRC
Phone: (202) 267-0518

COMMANDANT INSTRUCTION 16460.5

Subj: EMERGENCY CONTRACTS FOR RESPONDING TO DISCHARGES WHICH POSE SUBSTANTIAL THREAT TO PUBLIC HEALTH OR WELFARE

Ref: (a) Federal Water Pollution Control Act (FWPCA), Section 311(c)(2)
(b) The National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 300)
(c) COMDTINST 4200.19E, Coast Guard Acquisition Procedures (CGAP)

1. PURPOSE. Section 311(c)(2) of the Federal Water Pollution Control Act (reference (a)), as amended by OPA 90, provides for suspension of the Federal Acquisition Regulations (FAR) to facilitate contracting for emergency response resources when the federal on-scene coordinator (OSC) determines that a discharge of oil or hazardous substances poses a substantial threat to public health or welfare. This Instruction provides policy and guidance to maintenance and logistics commands, districts, Headquarters and field units to facilitate emergency contracting for oil spill and hazardous substance response, as provided for in reference (a), when the OSC makes such a determination.

2. ACTION. Area and district commanders, commanding officers of marine safety offices, contracting officers, and commanding officers of Headquarters units shall ensure compliance with this Instruction. OSCs shall comply with this Instruction and, in accordance with reference (b), determine whether provisions of reference (a) apply.

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NON-STANDARD DISTRIBUTION

3. DIRECTIVES AFFECTED. This Instruction augments guidance provided in the preamble to reference (b) (47384 F.R//Vol. 59, No.178/Thursday, Sept. 15, 1994) regarding specific action that may be taken to prevent or mitigate the threat or effect of a substantially harmful discharge of oil or a hazardous substance and by providing guidance for On-Scene Coordinators on when and when not to invoke the provisions of Section 311(c)(2) of FWPCA. This guidance will be incorporated into new Volume IX of the Marine Safety Manual (Marine Environmental Protection) and into the next revision of reference (c).

4. BACKGROUND.

a. Reference (a) states "if a discharge, or a substantial threat of a discharge, of oil or a hazardous substance from a vessel, offshore facility, or onshore facility is of such a size or character as to be a substantial threat to the public health or welfare of the United States (including but not limited to fish, shellfish, wildlife, other natural resources, and the public and private beaches and shorelines of the United States), the President shall direct all Federal, state, and private actions to remove the discharge or to mitigate or prevent the threat of the discharge" without regard to any other provision of law governing contract procedures or employment of personnel by the Federal Government.

b. Reference (b) provides for the OSC to be solely responsible for the determination of whether a substantial threat to public health or welfare exists.

5. DISCUSSION.

a. The intent of reference (a) is to provide the OSC with emergency authority to bypass the FAR and the normal agency contracting process and to execute contracts with response resources when it is necessary to protect human health and welfare from substantial harm, or the threat of substantial harm, caused by a discharge of oil or hazardous substances. It is contrary to the intent of Congress to use this authority to bypass the contracting process for responding to a discharge which does not substantially harm, or pose a substantial threat to, public health or welfare. The OPA 90 Conference Report (House Conf. Rep. No. 101-653) specifically referred to the EXXON VALDEZ, AMERICAN TRADER, and MEGA BORG discharges in 1990 when discussing the "substantial harm" and "threat of substantial harm" provisions of reference (a).

b. In accordance with reference (b) factors to be considered by the OSC in making the determination of "substantial harm" or "threat of substantial harm" include, but are not limited to, the size of the discharge, the character of the discharge, and the nature of the threat to public health or welfare of the United States. As discussed in the preamble to reference (b), in evaluating the size of the discharge the OSC should consider factors such as the quantity discharged, the quantity threatened to be discharged, and the rate of discharge. In considering the character of the discharge the OSC should, as appropriate, consider the toxicity of the discharge, the potential for explosion or fire, and the rate at which the discharged quantity is likely to spread and dissipate considering weather and water conditions. In considering the public health or welfare, the OSC should, as appropriate, consider the threat of serious, irreparable, or immediate harm or damage to human populations, drinking water and food supplies (including subsistence resources), and proximity to environmentally sensitive areas, including fish and wildlife and their habitats (including breeding areas, feeding grounds, nurseries, wetlands, significant

concentrations of birds, mammals, threatened or endangered species, and other living resources).

c. It is expected that most discharges, or threatened discharges, will be of a "routine" nature and not be identified by OSCs as substantial threats to public health or welfare. Invoking the provisions of reference (a) should be the exception, rather than the rule Generally speaking, a discharge, or a threatened discharge, of oil or hazardous substance may not pose a substantial threat, or may not result in substantial harm, if:

* it does not impact, or threaten to impact, the intertidal zone (including public and private shoreline), sensitive natural resources, or other critical marine habitat; or

* it dissipates, or is likely to dissipate, sufficiently through weathering (photo-degradation, bio-degradation, dissolution, evaporation, etc.) that the actual, or likely, impact volume is less than that which would threaten, or result in, substantial harm to the environment; or

* will not result in irreparable, or irrecoverable, damage to natural, scenic, or economic resources; or

* can be prevented, or largely mitigated, by available resources, either contracted or publicly owned, without bypassing the normal procurement process as described in the FAR.

d. Nothing in reference (a) relieves the OSC of the responsibility to gather sufficient facts to enable him or her to make an informed decision about the likelihood of substantial harm to the environment. Reference (b) gives the OSC both the authority and the responsibility to gather information sufficient to make a supportable "substantial harm" decision. While the public interest may be well served, in exceptional circumstances, by bypassing provisions of the FAR, the overriding public interest is, in all but those exceptional circumstances, best served by conducting acquisition and procurement activities in accordance with the FAR.

6. PROCEDURES.

a. The OSC is familiar with waterways, resources, and commonly transported cargoes within the Captain of the Port (COTP) zone. In assessing a discharge or release, the OSC shall consider factors such as currents, tides, water depths, weather, seasonal patterns, and the locations of natural collection areas, breeding areas and sensitive natural, cultural, and industrial resources (i.e., water intakes) that are critical to predicting the harmful impact of a discharge. The OSC will also consider the grade of the discharged cargo (46 CFR 30) its specific gravity, toxicity, volatility, and any other factors that are critical to predicting harmful impact and estimating the fate and effect of a discharge on the environment.

b. The standard(s) by which the OSC determines whether a spill has caused, or poses a threat of, substantial harm to the environment must be clearly established in the planning process. Because the OSC's determination may result in incidental suspension of the FAR, it is important that the decision elements be as objective as possible. Predetermined standards for "substantial harm" and "threat of substantial harm" lend validity and supportability to the OSC's determination.

c. Enclosure (1) is a Coast Guard-approved contract form for use by the OSC to facilitate the contracting process when the OSC determines that the provisions of reference (a) have been met. Other "letter form" contracts, some proprietary, have been employed by OSCs prior to publication of this Instruction. This form has been approved by Headquarters for field use and is preferred for any discharge in which the conditions of reference (a) are invoked. Any other "letter form" contracts should have Headquarters approval before they can be employed for any given incident.

d. The OSC may delegate on-site contracting authority to a Coast Guard contracting officer who will implement the provisions of this Instruction. On-site contracting authority resides with the OSC so long as the provisions of reference (a) are invoked. The OSC will return contracting authority to the Contracting Officer when he or she determines that the spill no longer causes, or threatens to cause, substantial harm to the environment. Further contracting activity will, therefore, be in accordance with the provisions of the FAR. At all times, whatever the OSC's determination, the Contracting Officer and OSC should work closely together to facilitate effective response, minimize contractual difficulties, and resolve contractual disputes and disagreements quickly, amicably and in the best interests of the public.

e. When contracting resources through this mechanism, the OSC should ensure sufficient on-scene monitors, or "surveyors", are available to communicate directions and supervise the mobilization, effective use, transfer, and demobilization of contracted resources. Written directions and signed approvals will be necessary to facilitate prompt payment of contractors by the Coast Guard, as well as subsequent government recovery of spill response costs after the response effort is complete.

7. REPORTING.

a. When a discharge, or a substantial threat of a discharge, is of such a size or character as to cause the OSC to invoke the provisions of this Instruction and issue an emergency contract by completing enclosure (1), the OSC shall classify the discharge, or threatened discharge, as "major" in the next POLREP, note the contracting action, provide the name of the private contractor and the contract amount. The POLREP must include as INFO addressees COMDT (G-MRO), COMDT (G-CPM), COMCOGARD NPFC, and the respective MLC Contracting Branch.

KENT H. WILLIAMS
Chief of Staff

Encl: (1) Emergency Contractor Agreement for Response to Discharges that Pose a Substantial Threat to Public Health or Welfare

EMERGENCY CONTRACTOR AGREEMENT
FOR RESPONSE TO DISCHARGES THAT POSE A SUBSTANTIAL THREAT TO PUBLIC HEALTH OR WELFARE (OPA 90 §311(c)(2))

This agreement, (contract number) _____ is made effective as of the _____ day of _____, 19 _____, by and between the United States Coast Guard (USCG) and _____ having its offices at _____for labor, material, equipment and/or services to be provided for the purpose of performing response activities in accordance with the scope of work hereinafter specified.

ARTICLE 1. SCOPE OF WORK

l.1 Contractor Work. The USCG hereby contracts with the contractor as an independent contractor to reform the portion of the Work which is descried in the Contractor's Scope of Work attached hereto as Exhibit a (hereinafter called the "Contractor Work"), under the general direction of the USCG and in accordance with this Agreement.

ARTICLE 2. SCHEDULE OF WORK

2.1 Conduct of Contractor Work. The Contractor shall cooperate with the USCG in scheduling and performing the Contractor Work to avoid conflicts, delays in or interference with the Contractor Work. The Contractor shall promptly commence the Contractor Work upon receiving from USCG oral notice to proceed, and diligently and efficiently prosecute Contractor's Work until its completion or termination pursuant to the terms of Article 10. Oral notice will be confirmed in writing within 48 hours.

ARTICLE 3. COMPENSATION

3.1 Fee Schedule. Contractor Work will be compensated at the rates and charges set forth in the Contractor's published price list attached to this Agreement as Exhibit B.

3.2 Payment Requests. On or before the first (1st) and fifteenth (15th) day of each month, the Contractor will submit to the USCG a request for payment, which shall include a detailed description of unpaid amounts earned by the Contractor since the previous invoice period and such other supporting documentation as reasonably requested by the USCG.

3.3 Payments. Requests for payment that are received from the Contractor by the first (1st) and fifteenth (15th) day of the month shall be paid to the Contractor within fourteen (14) days following USCG's receipt of said payment request from the Contractor. Should the USCG deem the request for payment deficient, written notice must be given to the Contractor within seven (7) days of receiving the request for payment specifying the deficiency and the remedy or information required by the USCG. to process the request for payment.

3.4 Release of Liens. The Contractor shall defend, indemnify and hold harmless the USCG from all claims of lien for labor, materials and equipment furnished under this Agreement. Prior to the final payment, the Contractor shall furnish to the USCG, as a part of its final payment request: (1) a certification, satisfactory to the USCG, that all the Contractor's obligations, monetary claims and indebtedness relating to the Contractor's Work have been satisfied and paid; and (2) complete and legally effective releases or waivers, satisfactory to the USCG, of all liens which could arise out of,

arising out of or filed in connection with the Contractor Work, including 'Liens of Contractor's suppliers of materials and labor.

3.5 Final Payment. Upon completion of all the Contractor Work under this Agreement, the Contractor shall certify to the USCG, in writing, that it has fully performed its obligations pursuant to this Agreement and shall request final payment. Upon receipt of such certification, the USCG will inspect the Contractor Work and, if the Contractor work is acceptable, the USCG shall pay to the Contractor all remaining monies due it under the provisions of this Agreement within thirty (30) days of receiving an acceptable final payment request from the Contractor. The acceptance by the Contractor of the final payment shall release the USCG or its contractors related to all things done or furnished in connection with the Contractor Work, from all claims which could be brought by the Contractor or its subcontractors related to all things done or furnished in connection with the Contractor Work, unless the Contractor has provided to the USCG, in writing, the nature and amount of the dispute prior to acceptance of the final payment. If there is a dispute between the USCG and/or the Contractor, such dispute shall be settled prior to said releases being granted. No payment, however, final or otherwise, shall operate to release the Contractor or its sureties from obligations under this Agreement, the performance bond, payment bond, if any, and warranties made by the Contractor.

ARTICLE 4. CHANGES AND DELAY

4.1 Changes. The USCG may order changes in the Contractor Work not inconsistent with the general scope of this Agreement.

4.2 Change Orders. As provided in Section 4.1, all additions to or deductions from the Contractor Work shall be performed only pursuant to an approved change order signed by the USCG. Adjustments in the compensation, if any, resulting from such changes shall be set forth in said change order. No claim for compensation shall be valid unless changes in the Contractor Work are properly authorized by a change order signed by the USCG as provided herein. The Contractor must assert its right to an adjustment under this clause within 10 days after receipt of a written change order. No proposal by the Contractor for an adjustment shall be allowed if asserted after final payment under this agreement. Failure to agree to any adjustment shall be a dispute under Article 12, Section 12.8. However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

4.3 Claims for Compensation. Any claim by the Contractor for an equitable adjustment in compensation resulting from a change in the Contractor Work under this Article must be asserted, in writing, within ten (10) days from the date of receipt by the Contractor of any written change order authorization from the USCG. Said claim shall be supplemented and supported by such factual information as may be reasonably requested by USCG.

4.4 Time of the Essence. It is expressly understood and agreed that the time of prompt initiation and prosecution of the Contractor Work are the essence of this Agreement. The Contractor Work shall be prosecuted at such time and in or on such parts of the project as may be required to complete the project as contemplated by this Agreement and further specified in schedules attached hereto and made a part hereof.

4.5 Delays. If the progress of the Contractor Work is delayed by any act or omission of the USCG, any separate contractor employed by the USCG or by occurrence of Force Majeure events beyond Contractor's reasonable control, such as fires, floods, strikes, riots, explosions, adverse weather conditions not reasonably anticipated, unavoidable casualties, acts of God or of the public enemy, and if the Contractor, within twenty-four (24) hours of the start of the occurrence of the delay,

gives written notice to the USCG of the cause of the potential delay and an estimate of the possible time of extension involved, and, within seven (7) days after the cause of the delay has been remedied, the Contractor gives written notice to the USCG of any actual time extension requested as a result of the aforementioned occurrence, then the time for the Contractor Work may be extended by change order for such reasonable time as USCG determines. it is agreed that no claims shall be made or allowed for any damages or additional compensation which may arise out of any delay caused by the occurrences of Force Majeure events, other than claims for the appropriate extension of time.

ARTICLE 5. CONTRACTOR'S OBLIGATIONS

5.1 Laws and Permits. The Contractor shall give all required notices and perform the Contractor Work in conformance with the Agreement and in compliance with all applicable federal, state and local laws, executive orders, rules, regulations and ordinances, the Site safety and health plan, and any safety program established by the USCG. The Contractor shall secure and pay for all permits and governmental approvals, licenses and inspections necessary for proper execution and completion of the Contractor Work, as required by law and/or by this Agreement.

5.2 Warranty. The Contractor warrants that all Contractor Work to be performed under this Agreement shall be performed in a manner and according to methods and procedures consistent with applicable professional standards and the level of care and skill ordinarily exercised under similar circumstances. Unless otherwise specified, the Contractor warrants that all materials shall be good quality.

5.3 Contractor Responsibilities. The Contractor shall independently perform all Contractor Work under this Agreement and shall not be considered as an agent of the USCG, nor shall the Contractor’s subcontractors, material, men or suppliers or employees of any of them be considered subagents of the USCG. The Contractor shall be responsible for the payment of all applicable taxes covering its employees, including withholding, social security deductions and unemployment taxes. The Contractor shall furnish, at its own cost and expense, all of the labor, materials, equipment, services, transportation, tools, machinery, appliances, fuel, heat, utilities and other facilities and items, including such health protection devices and training which are reasonably necessary for the lawful and proper performance and completion of the contractor Work. The Contractor shall be solely responsible for the safety of its employees.

5.4 Inspections. The USCG, its agents and any person as authorized by law, may inspect Contractor Work performed at the Site and off-site at any reasonable time, and Contractor shall maintain the areas of the Site where it is performing Contractor Work in a safe condition for inspections.

5.5 Deliverables. The Contractor shall promptly furnish to the USCG all such deliverables required by this Agreement.

a. Delivery Orders

Where USCG has placed a delivery order for resources for a designated project which has been accepted by the Contractor, the Contractor will agree not to release any additional resources to another environmental contractor who may be servicing the same project without first contacting USCG. USCG will be allowed a reasonable time, for at least five (5) and not to exceed eight (8) hours, to either issue a delivery order for those resources or release resources to another contractor.

b. Standby Orders

In the event that USCG places a standby order to possibly provide resources, the Contractor will be required not to release any services to another environmental contractor responding to the same incident without first contacting USCG. USCG will be allowed, up to a five (5) hour period, to either release the resources or issue a delivery order.

The aforementioned conditions will not apply when Contractor has received a delivery order directly from USCG's customer, provided Contractor receives verification of the status as customer from USCG.

In the event Contractor is a vendor of supplies and has committed to maintain an allotment of supplies attached as Exhibit C, Contractor warrants it will not release said allocation to any party without first receiving permission from USCG.

5.6 Site Cleanliness. The Contractor shall, at all times, keep the Contractor Work area clean and orderly and keep the Site and adjacent property free from accumulations of waste material or rubbish caused by its employees or by the Contractor Work. At the completion of the Contractor Work, the Contractor shall remove all of its tools, temporary structures, vehicles, equipment, machinery, surplus materials, debris and rubbish from and around the site. The contractor shall properly decontaminate all its personnel, equipment, material or vehicles which have been located or working in an area of potential hazardous materials.

5.7 Accidents. If death or serious injuries occur in connection with the Contractor Work, such accident shall be immediately reported by telephone or messenger to the USCG. In addition, the Contractor must promptly report in writing to the USCG all accidents of any nature whatsoever arising out of, or in connection with, the performance of the Contractor Work, whether on, adjacent to or off the Site, giving full details and statements of witnesses.

5.8 Performance and Payment Bonds. Where applicable, the Contractor shall provide the performance bonds and/or payment bonds described in Exhibit A attached hereto.

ARTICLE 6. INSURANCE

6.1 Workers' Compensation and Employer’s Liability Insurance. The Contractor shall maintain during the Contractor Work: (a) workers' compensation insurance in the statutory amount; and (b) employer’s liability insurance in an amount not less than $500,000 for all employees engaged in Contractor Work under this Agreement.

6.2 Liability Insurance. The Contractor shall maintain during the Contractor Work commercial general liability and automobile liability insurance as will provide coverage for claims for personal injury, including accidental death, as well as claims for property damage which may arise directly or indirectly from performance of the Contractor Work under this Agreement. The Contractor shall comply with applicable Federal and State workers' compensation and occupational disease statutes. Employer's liability coverage of at least $100,000 is required, except in States with exclusive or monopolistic funds that do not permit workers' compensation to be written by private carriers. The Contractor shall obtain bodily injury liability insurance coverage written on the comprehensive form of policy of at least $500,000 per occurrence. The Contractor shall obtain automobile liability insurance written on the comprehensive form of policy. The policy shall provide for bodily injury and property damage liability covering the operation of all automobiles used in connection with performing the Contractor Work. Policies covering automobiles shall provide coverage of at least S200,000 per person and $500,000 per occurrence for bodily injury and $20,000

per occurrence for property damage. The Contractor shall obtain vessel collision liability and protection and indemnity liability insurance. The amount of liability coverage on other policies shall be commensurate to meet normal and customary claims.

6.3 Coverage. Coverage for property damage shall be on a "broad form" basis, with no exclusion for "X, C&U." The amount of commercial general liability insurance to be provided shall be not less than $500,000 combined single limit, plus umbrella excess liability insurance in an amount not less than $l,000,000. The general liability insurance shall include a broad form contractual liability endorsement applicable to Contractor's obligations under Article 9.

6.4 Notice of Cancellation. The Contractor shall maintain in effect all insurance coverage required under this Agreement at the Contractor's sole expense and with insurance companies acceptable to the USCG. All insurance policies and each certificate of insurance furnished hereunder shall contain a provision that the coverages afforded thereunder shall not be canceled, not renewed, materially altered or restrictively modified until thirty (30) days' prior written notice has been given to the USCG.

6.5 Certificates. Certificates of insurance showing the type, amount, class of operations covered, effective dates and expiration dates or certified copies of all policies required under this Article 6, acceptable to the USCG, shall be furnished to the USCG Federal On-Scene Coordinator prior to the commencement of the Contractor Work.

6.6 Waiver of Subrogation. The Contractor waives all rights against USCG and its employees, and any separate contractors and any of their subcontractors, sub-subcontractors, agents and employees for damages caused by fire or other perils to the extent covered by property insurance provided under this Agreement or other property insurance applicable to the Contractor Work. In the event any cost is associated with issuance of a waiver, said cost shall be invoiced at direct cost to the USCG.

ARTICLE 7. RECORDS, CONFIDENTIALITY AND PUBLICITY

7.1 Records. Contractor shall Maintain such reports, records, drawings, plans, maps and other documents as are appropriate and as required by law or this Agreement regarding: (a) the Contractor Work; and (b) all testing, sampling and investigatory services of the Contractor performed pursuant to the Contractor Work. All such documents will be available at reasonable times for review by USCG and shall be turned over to the USCG upon request or upon completion of the Contractor Work.

7.2 Samples. The Contractor shall preserve such soil, rock, water and other samples collected during the Contractor Work for forty-five (45) days after the issuance to the USCG of any document that includes the data obtained from those samples. After the forty-five (45) day period has expired, the Contractor may lawfully dispose of such samples if it first notifies the USCG in writing of its intent to dispose and the USCG does not object. If the USCG so requests or orders, the contractor shall preserve the samples beyond the stated forty-five (45) day period, and the contractor shall be reimbursed by change order for all costs associated with the storage and preservation of such samples.

7.3 Confidentiality. All information, technical data, discussions, reference documents and other materials involved in the performance of the Contractor Work, including, but not limited to, any confidential business information received from government agencies, are strictly confidential. The Contractor agrees not to reproduce or distribute internally any such materials except as necessary to perform the Contractor Work, and not to divulge any such material either verbally or in writing to any third party without the prior written consent of the USCG, except as may be required by law. The

Contractor shall obtain the written consent of the USCG prior to entering into any subcontract that will involve the disclosure of confidential business information by the Contractor to its subcontractor. The Contractor shall include this Section 7.3 in all subcontracts awarded that require the furnishing of confidential business information to its subcontractor.

7.4 Publicity. No publicity or advertising, including releasing any information, except as required by law, to the news media or publishing or delivering technical papers, regarding any Contractor Work shall be released by either party without the prior written approval of the other party.

ARTICLE 8. LIMITATION OF LIABILITY

8.1 No Consequential Damages. In no event shall the USCG be liable for consequential damages, including, without limitation, loss of use or loss of profits, incurred by the Contractor or its subsidiaries or successors, regardless of whether such claim is based upon alleged breach of contract, willful misconduct or negligent act or omission of the USCG or its employees, agents or subcontractors.

ARTICLE 9. INDEMNIFICATION

9.1 Indemnity to USCG. To the fullest extent Permitted by law, the Contractor shall indemnify, hold harmless, protect and defend the USCG and its employees from any and all claims, demands, actions, causes of action, liabilities, losses, fines, damages, penalties, costs or expenses of any kind or nature including, but not limited to, court costs, consultants, experts and attorneys' fees) [hereinafter in this Article 9 collectively referred to as "Claims"], including, without limitation, those arising from any bodily injury to or death of any person or destruction or damage to any property arising, in whole or in part, out of or in any way connected with: (1) the Contractor's breach of its warranties, representations, certifications or obligations under this Agreement; (2) spills and releases of hazardous or toxic wastes, substances or chemicals caused by the negligent acts or emissions of Contractor; (3) contamination of subsurface areas or damage or injury to subsurface objects as the result of drilling or sampling processes negligently performed by Contractor or resulting from contractor’s willful misconduct; or (4) the negligent performance of Contractor Work by the Contractor, its subcontractors or anyone employed by any of them or anyone for whose acts any of them may be liable; provided, however, Contractor shall have no liability for any such Claims to the extent such Claims are directly caused by the USCG's negligence or willful misconduct or USCG's breach of its obligations under this Agreement.

9.2 Indemnity to Contractor. USCG shall, subject to the availability of funds therefore, indemnify, hold harmless protect and defend Contractor and any of its affiliates, directors, officers and employees from any and all Claims, including, without limitation, those arising from any bodily injury to or death of any person or destruction or damage to any property to the extent such Claims are directly caused by USCG's negligence or willful misconduct or USCG's breach of its obligations under this Agreement. USCG's liability hereunder shall apply only if Contractor notifies USCG in writing of its claim for indemnity within one (1) year of the completion of the Contractor Work and such claim sets forth in reasonable detail all the facts upon which it is based.

ARTICLE 10. TERMINATION

10.1 Termination for Default. Without prejudice to any other right or remedy, either party may terminate, in whole or in part, this Agreement for default in the event that the other party fails to perform any of the provisions of this Agreement; provided, however, that the terminating party

provides the defaulting party forty-eight (48) hours' notice of its intent to terminate this Agreement and said notice sets forth sufficient details describing the alleged breach and provides the breaching party an opportunity to cure the alleged breach within this forty-eight (48) hour period. In the event that the breaching party fails to cure said breach within this forty-eight (48) hour period or longer, if mutually agreed to by the parties, then this Agreement shall terminate.

ARTICLE 11. REMEDIES

11.1 Change Orders. If any dispute arises under this Agreement with respect to the Contractor Work, and the dispute is not promptly resolved and, in the USCG's judgment, further delays would adversely affect performance under this Agreement, USCG may, in its discretion, in addition to and without prejudice to any other rights or remedies, issue a separate change order with respect to the matter in dispute, subject to a reservation of rights as to resolution of the dispute, and the Contractor will promptly perform and furnish the services covered by the change order. Subject to USCG's reservation of rights, the change order shall provide for payment at the rates or prices specified in this Agreement or at Contractor's quoted price if the rates are not specified in this Agreement.

11.2 Costs. Should Contractor incur attorneys' fees in order to enforce the terms and conditions of this Agreement, whether or not a Legal action is instituted, Contractor may be entitled to reimbursement of such attorneys' fees. Reimbursement shall be at rates not to exceed those allowable under existing authority to pay attorneys' fees as set forth in Equal Access to Justice Act and costs in addition to all other remedies either party may have at law or in equity. Should any legal action be instituted, the Contractor, if it prevails, shall be entitled to recover all litigation costs, including reasonable attorneys' fees subject to the limitations set forth above.

11.3 Non-Exclusive Rights. The rights and remedies of USCG pursuant to Articles 10 and 11 hereof shall not be exclusive and are in addition to any other rights and remedies provided by law or equity.

ARTICLE 12. MISCELLANEOUS PROVISIONS

12.1 Waiver. Any waiver by either party of any provision or condition of this Agreement shall not be construed or deemed to be a waiver of any other provision or condition of this Agreement, or a waiver of a subsequent breach of the same provision or condition, unless such waiver be so expressed in writing and signed by the party to be bound.

12.2 Construction. The validity, interpretation and performance of this Agreement shall be governed and construed in accordance with the federal acquisition laws and the precedents of the Department of Transportation Board of Contract Appeals. All Article and Section headings herein are for convenience only and are in no way to be construed as part of this Agreement or as a limitation of the scope of the particular provisions to which they may refer.

12.3 Severability. The invalidity or unenforceability of any provision of this Agreement shall not affect or impair any other provisions contained herein.

12.4 Successors and Assigns. The covenants, agreements obligations contained in this Agreement shall apply to, inure to the benefit of and be binding upon the parties hereto and upon their respective successors and assigns. No assignment shall be made without written permission and written acceptance from the USCG.

12.5 Assignment. Contractor shall not assign or further subcontract its duties and obligations Hereunder without the prior written consent of the USCG, which consent shall not be unreasonably withheld.

12.6 Notice. Any notice, communication or statement required or permitted to be given hereunder shall be in writing and deemed to have been sufficiently given when delivered in person or by registered or certified mail, postage prepaid, return receipt requested, to the address of the respective party listed above or by filled-in telefacsimile acknowledgment. Either party may, by ten (10) days' advance written notice to the other, change the addresses set forth above.

12.7 Entire Agreement. This Agreement, with its Exhibits, represents the entire understanding and agreement between the parties hereto and supersedes any and all prior agreements whether written or oral, that may exist between the parties regarding same. No terms, conditions, prior courses of dealing, courses of performance, usage or trade, understandings, purchase orders or agreements purporting to modify, vary, supplement or explain any provision of this Agreement shall be effective unless in writing and signed by each party's representative who is authorized to amend this Agreement. Other than properly signed change orders, this Agreement may be amended or modified only by a written amendment to this Agreement signed by both parties.

12.8 Dispute Resolution. Every attempt shall be made to settle all disputes arising under this agreement between the parties to this agreement. At the time a claim by the Contractor is presented to the USCG contracting officer, the parties, by mutual consent, shall agree on the means of dispute resolution. The Contractor shall proceed diligently with performance of the Contractor Work pending final resolution of any claim arising under this agreement.

12.9 Survival. The terms and conditions of Article 6 and Sections 3.5, 5.2, 7.1, 7.3, 7.4, 8.1, 9.1, 9.2, 11.2 and 12.1 through and including Section 12.9 shall survive the completion, termination or expiration of this Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives as of the day and year first above written.

UNITED STATES COAST GUARD

By _____ By _____

Its _____ Its _____

United States
Environmental Protection
Agency

Office of Emergency and
Remedial Response
OS-210

September 1990
OSWER Directive
9360.3-01

Superfund

EPA

SUPERFUND REMOVAL PROCEDURES

Action Memorandum Guidance

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September 1990

SUPERFUND REMOVAL PROCEDURES

Action Memorandum Guidance

OSWER Directive 9360.3-01

Office of Emergency and Remedial Response
U.S. Environmental Protection Agency
Washington, D.C. 20460

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON. D.C. 20460

SEP 26 1990

OFFICE SOLID WASTE AND
EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Transmittal of Superfund Removal Procedures Manual-Action Memorandum Guidance (OSWER Directive 9360.3-01)

FROM: Henry L. Longest II, Director
Off ice of Emergency and Remedial Response

TO: Director, Waste Management Division
Regions I, IV, V, VII, VIII
Director, Emergency and Remedial Response Division
Region II
Director, Hazardous Waste Management Division
Regions III, VI
Director, Toxic and Hazardous Waste Management Division
Region IX
Director, Hazardous Waste Division
Region X
Director, Environmental Services Division
Regions I, VI, VII
OHM Coordinators, Regions I-X

Purpose

To transmit new guidance on the preparation of Action Memorandums for Superfund removal actions.

Background

EPA issued the third edition of the Superfund Removal Procedures (SRP) Manual in May 1988. The next edition is planned for completion in 1990-91 and calls for restructuring the manual into ten stand-alone documents, each of which will cover a separate topic. We believe that this will make the manual easier to use. The first volume of the new SRP Manual addresses the preparation of Action Memorandums. Other volumes, which will address such topics as Response Reporting, Enforcement, and Community Relations, will be published over the next several months.

Implementation

Improving the quality Of Superfund Action memos is a high priority for the Office of Emergency and Remedial Response. Please ensure that all staff involved with preparation or review of Action Memos are provided this guidance. Bound copies of the guidance document will be shipped directly to the Regions for distribution in several weeks.

If you have any questions on this guidance, please contact Elizabeth Zeller at FTS 382-7735.

Attachment

cc: Timothy Fields, Jr.
Bruce Diamond
Clem Rastatter
Paul Nadeau
Larry Reed
Stephen Luftig
Elizabeth Zeller
Earl Salo
Betti VanEpps

This document is part of a ten-volume series of guidance documents collectively titled Superfund Removal Procedures. These stand-alone volumes update and replace OSWER Directive 9360.0-3B, the single-volume Superfund Removal Procedures manual, issued in February 1988.

Each volume in the series is dedicated to a particular aspect of the removal process and includes a volume-specific Table of Contents, and Reference list. The series comprises the following nine procedural volumes:

The Removal Response Decision: Site Discovery to Response Decision

Action Memorandum Guidance

Response Management: Removal Start-up to Close-out

Removal Enforcement Guidance for On-Scene Coordinators

Public Participation Guidance for On-Scene Coordinators: Community Relations and the Administrative Record

Removal Response Reporting

Special Requirements

Guidance on the Consideration of ARARs During Removal Actions

State Participation.

In addition, the series includes an Overview volume, containing a comprehensive Table of Contents, List of Exhibits, List of Acronyms, and Glossary, for use as a quick reference.

As the day-to-day managers of removal responses conducted under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), On-Scene Coordinators (OSCs) are responsible for a variety of activities. Among the most basic, yet highly important tasks, is the preparation of Action Memoranda, more commonly referred to as Action Memos.

An Action Memo provides a concise written record of the decision selecting a removal action. It describes the site's history, current activities, and health and environmental threats outlines the proposed actions and costs; and documents approval of the proposed action by the proper Headquarters' or Regional authority. An addendum to the Action Memo, which is not part of the decision to select a removal action, sets forth the enforcement strategy.

An adequate Action Memo, however, must be more than a summary of past, current, and proposed activities. It must document consideration of the factors affecting the removal decision. Specifically, the Action Memo must substantiate the need for a removal action based upon criteria in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). Because Action Memos are the primary decision documents to select and authorize removal actions, they are the critical component of the administrative record. The importance of a well-prepared Action Memo cannot be overstated. The following pages outline the minimum requirements for Action Memos, presenting illustrative exhibits and examples when appropriate.

Preparing Action Memos is an integral part of an OSCs job.

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KEY TO SYMBOLS

Three types of symbols appear throughout this document to assist readers with obtaining additional information on certain topics or focus attention on specific points. Each of three symbols is described below. In addition, footnotes and cross-references are used to provide further clarification.

Bracketed numbers [#] appear in the text and exhibits and corresponds to specific references in Appendix A. This appendix provides a comprehensive list of supporting guidance documents that may be consulted for more detailed explanations of removal program procedures or policies affecting the preparation of Action Memos. Appropriate sections of statutes and regulations are also cited throughout the text, with a full citation of each statute and regulation appearing in Appendix A.

The remaining two symbols are used in the model Action Memo portion of this document (see pp. 3-320–3-360) to highlight specific information to include in Action Memos. Information that the OSC must include in all Action Memos is denoted by the symbol ⇨. Other information requirements outlined in the model, but not accompanied by this symbol, should be discussed as appropriate given the circumstances of the removal. Information required for Action Memos that is also needed for entry into the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) is indicated by the symbol ©. This symbol is intended to help OSCs flag items for CERCLIS, so they can then distribute copies of the Action Memo to data coding staff for coding onto a CERCLIS Removal Information Form or a Site Information Form.

NOTICE

The procedures set out in this document are intended solely for the guidance of Government personnel. They are not intended, nor can they be relied upon to create any rights enforceable by any party in litigation with the United States. EPA officials may decide to follow the guidance provided in this document, or to act at variance with the guidance, based on an analysis of site circumstances. The Agency also reserves the right to change this guidance at any time without public notice.

ACTION MEMORANDA

Action Memorandum Purpose

An Action Memo serves as the primary decision document substantiating the need for a removal response, identifying the proposed action and explaining the rationale for the removal. An Action Memo also reserves funds for a removal response, which are then activated by a signed delivery order. OSCs must prepare an Action Memo for all Fund-financed removal actions prior to the start of a response, or after the fact for removals initiated under an OSC's $50,000 authority.

If circumstances change, supplemental Action Memos may be required later in the response to support the need to continue a removal action beyond 12 months, to increase the total project ceiling, to increase the total project ceiling beyond $2 million, to change the scope of the removal action, or combinations thereof. To initiate a removal action where, at the outset, the project is expected to exceed 12 months in duration or the total cost of the project is expected to exceed $2 million, the OSC must prepare an Action Memo that justifies the need to undertake a removal and also meets the statutory exemption criteria from these limits.

Each Action Memo to initiate a removal must follow the standard model discussed in this guidance to ensure completeness (see p. 3-314). Instructions on how to cover the special circumstances noted above are supplied as well.

The Action Memo as Part of the Administrative Record for Selection of the Removal Action

The Action Memo is the critical component of the administrative record because it is the primary decision document for a removal response [21]. Section 113(k) of CERCLA, as amended, requires the establishment of an administrative record for the selection of a CERCLA response action. The administrative record is the body of information used by the Agency to select a response action. The *administrative record serves two purposes:*

- First, it is the basis judicial review of any issues concerning the selection of a response action. Because a proposed removal action must be supported by the administrative record, the OSC must ensure the adequacy of the administrative record in the event the decision is challenged, such as in a subsequent cost recovery case.

- Second, EPA, through access to the administrative record, provides for public participation, whenever practical, in Superfund decisions, with opportunity as appropriate for comment on the response action selection.

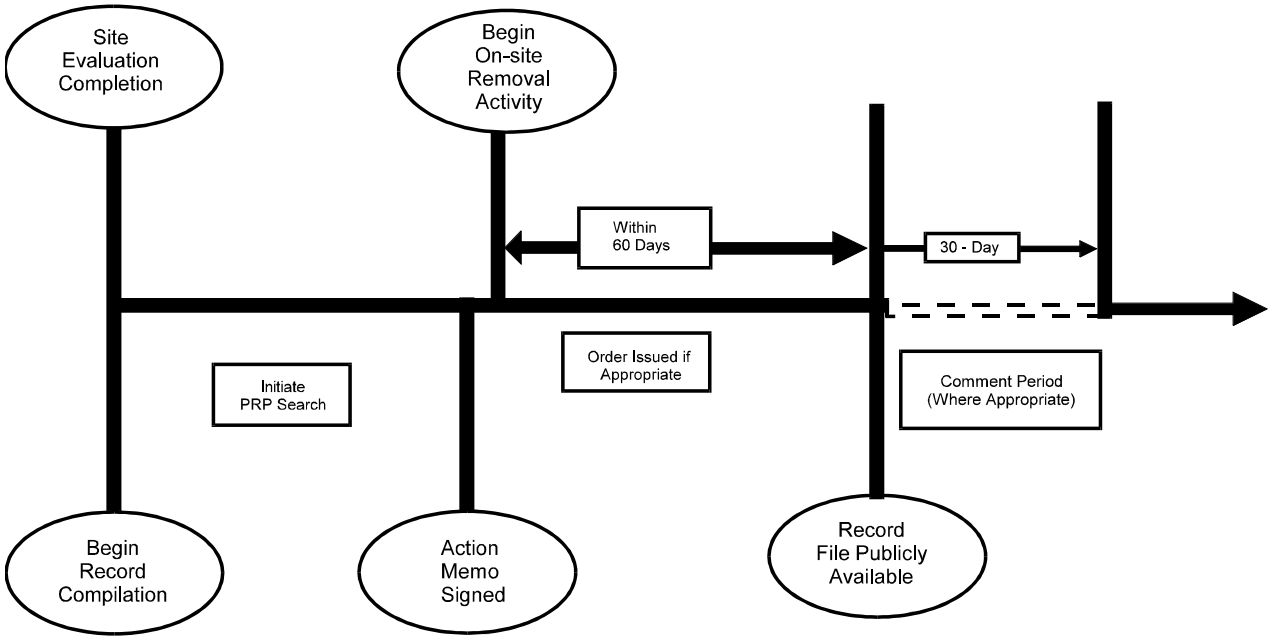
To meet both of these requirements, the administrative record must contain all documents used by the Agency in making its decision to undertake a removal action. As the primary decision document, the Action Memo must demonstrate consideration of the factors affecting the removal decision. Action Memos that do not adequately substantiate the need for a removal action or the selected cleanup method can undermine the Agency's case for a cost recovery action.

ACTION MEMO OUTLINE

Public availability requirements for the administrative record for a removal action as set forth in section 300.820 of the NCP are affected by the urgency of the situation and the preparation of decision documents. The administrative record file for *time-critical removal actions*, including emergency responses, must be made available for public inspection no later than 60 days after the initiation of on-site activity. Public comment periods should be held in appropriate situations at the time the record file is made available. Exhibit 1 illustrates this process for time-critical removals. Although the signing of the Action Memo generally signifies the completion of the response selection decision making, documents relevant to the response may be added to the record file later in certain situations as described in the NCP.

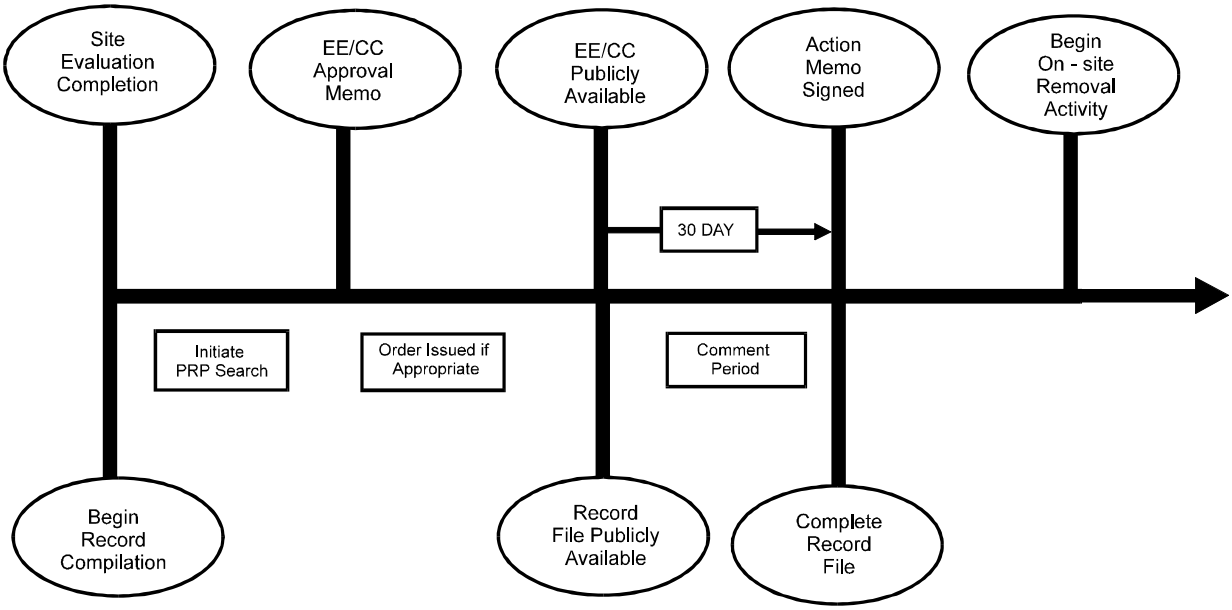
For non-time-critical removal actions, a 30-day public comment period is required on the Engineering Evaluation/Cost Analysis (EE/CA) and any supporting documentation at the time the EE/CA is made available for public comment [1]. The administrative record file must be made available for public inspection at the same time the EE/CA is made available. Exhibit 2, on the next page, illustrates this process for non-time-critical removals.

EXHIBIT 1. ADMINISTRATIVE RECORD REQUIREMENTS FOR TIME - CRITICAL REMOVALS [21]



NOTE: Order of events for illustrative purposes only. Some events may be concurrent.

EXHIBIT 2. ADMINISTRATIVE RECORD REQUIREMENTS FOR NON - TIME - CRITICAL REMOVALS [21]



Action Memorandum Roles and Responsibilities

Regions

OSCs must prepare Action Memos for all Fund-financed actions conducted under removal authority. OSCs should include the Office of Regional Counsel (ORC) or Regional enforcement coordinators in every decision to initiate a removal. In all situations, OSCs should strive to ensure the completeness and accuracy of Action Memos and document conclusions with available information. For instance, OSCs should use attachments to the Action Memo where appropriate to provide additional supporting information. When possible, OSCs should also involve appropriate staff from TSCA, RCRA, and other Agency programs in the removal documentation process. Regional roles and responsibilities are detailed in Exhibit 3, on the next page.

Generally, draft Action Memos should be routed through Regional management for programmatic review and to ensure that proposed removal actions are managed within the Regions' removal advice of allowance as recorded in CERCLIS. Concurrence and/or approval from various Regional program managers is also required in certain situations. OSCs should arrange for Regional review of the Action Memo and must alert Headquarters in a timely fashion of all Action Memos requiring Headquarters' approval. Specific Regional review and approval responsibilities are discussed later in this document (see p. 3-357). In addition, OSCs may want to provide completed Action Memos to personnel in Regional Public Affairs offices to facilitate public notice efforts.

ACTION MEMO OUTLINE

EXHIBIT 3. ACTION MEMO ROLES AND RESPONSIBILITIES	
ON-SCENE COORDINATOR	• Prepares all Action Memos • Alerts the ERD Regional Coordinator to Action Memos requiring Headquarters' approval • Provides copies of all Regionally approved Action Memos to ERD Regional Coordinator • Arranges for review of draft Action Memos by other EPA personnel • May approve Action Memos for up to $50,000 for emergency removals.
REGIONAL REMEDIAL PROJECT OFFICER	• Concurs in writing on the use of the consistency exemption when a site is proposed for or listed on the NPL
REGIONAL COUNSEL/ REGIONAL ENFORCEMENT PERSONNEL	• Reviews all Action Memos • Reviews enforcement section of Action Memos
PERSONNEL ADMINISTRATOR	• Approves all Action Memos for removals less than $2 million and subsequent ceiling increases to $2 million (except for nationally significant or precedent-setting non-NPL removals) • Approves all Action Memos for removals exceeding 12 months
ERD REGIONAL COORDINATOR	• Coordinates the concurrence process for Action Memos requiring Headquarters' concurrence/approval • Advises (upon request) on the preparation of all Active Memos • Prepares addenda as necessary and/or advises Regions on preparation of such addenda
DIRECTOR, ERD	• Approves the use of innovative or emerging alternative technologies, and technologies with uncertain development status • Reviews/concurs on all Action Memos requiring Headquarters' approval/ concurrence
DIRECTOR, OERR	• Concurs on nationally significant or precedent-setting actions at non-NPL sites • Reviews/concurs on all Action Memos requiring AA, OSWER approval
AA, OSWER	• Approves all $2 million exemption requests and subsequent ceiling increases
OFFICE OF WASTE PROGRAMS ENFORCEMENT	• Concurs on exemption requests
OFFICE OF GENERAL COUNSEL	• Concurs on exemption requests, and on nationally significant or precedent- setting actions

ACTION MEMO OUTLINE

Action Memos must also be prepared for removals to be conducted by potentially responsible parties (PRPs). An Action Memo for an enforcement-lead removal need not include estimated costs or authorization for funding, but in all other respects it should look the same as a Fund-lead Action Memo. Because of the difference between the two with regard to costs and funding, Regions may designate an enforcement-lead memo as "Action Memo/Enforcement".

Regions may use a Fund-lead Action Memo they have already prepared as documentation for an enforcement-lead case. Some Regions have found a Fund-lead Action Memo, with estimated costs and authorization for funding, to be useful in negotiations to indicate EPA's resolve to go ahead if the PRP does not act. Regions may initiate negotiations with PRPs prior to drafting an Action Memo, but a completed Action Memo (or Action Memo/Enforcement) must be in hand by the time an order is issued to a PRP.

As with Fund-lead removals, the timing for preparing the Action Memo/Enforcement will depend on the urgency of the action. In time-critical situations, it may be necessary for the PRP to initiate action prior to the preparation of an Action Memo or enforcement order.

Headquarters

Regional Coordinators in the Emergency Response Division's (ERD) Response Operations Branch are available to provide assistance in preparation for and/or during a removal action, including the preparation of Action Memos. ERD personnel also occasionally prepare addenda to Action Memos to clarify or supersede information contained in the Action Memo (see p. 3-337). The Office of Waste Programs Enforcement (OWPE) is available to provide assistance in preparing enforcement addenda for Action Memos (see p. 3-333). In addition, senior managers at Headquarters concur on or approve Action Memos under certain circumstances, as described later in this document (see p. 3-363). Exhibit 3 provides further detail on Headquarters' roles and responsibilities.

ACTION MEMO OUTLINE

MODEL ACTION MEMORANDUM

Overview

An Action Memo is used to initiate all Fund-financed removals, or is prepared after the fact for those begun under the OSC's $50,000 authority. Because Action Memos can affect future policy (e.g., precedent-setting actions, attaining specific cleanup levels), OSCs themselves, not response action contractors, must prepare all Action Memos, including drafts. Action Memos for removals initiated under the OSC's $50,000 authority must be prepared and approved by the OSC within one week after the start of removal actions, depending on the extent of mitigation efforts. OSCs should send copies of $50,000 Action Memos to their appropriate Regional management representative and Regional Coordinator, and place a copy in the site file.

Action Memos to initiate a removal follow a standard format outlined on the following pages. *OSCs must cover all of the topics presented in the outline to demonstrate that the incident meets statutory, NCP, and delegations requirements for removals.* For removal actions determined at the outset to exceed $2 million or 12 months in duration, the original Action Memo should also substantiate the need for a statutory exemption, as discussed later in this guidance [8].

Exhibit 4, on the next page, presents the basic outline for Action Memos. The exhibit is followed by a model Action Memo that addresses the major statutory, regulatory, policy, and program requirements affecting removal decisions. Abbreviated examples are provided for additional guidance; however, more detailed statements are expected in actual Action Memos.

EXHIBIT 4. BASIC ACTION MEMO OUTLINE

Heading

I. Purpose

II. Site Conditions and Background
- A. Site Description
  1. Removal site evaluation
  2. Physical location
  3. Site characteristics
  4. Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant
  5. NPL status
  6. Maps, pictures, and other graphic representations
- B. Other Actions to Date
  1. Previous actions
  2. Current actions
- C. State and Local Authorities' Role
  1. State and local actions to date
  2. Potential for continued State/local response

III. Threats to Public Health or Welfare or the Environment, and Statutory and Regulatory Authorities
- A. Threats to Public Health or Welfare
- B. Threats to the Environment

IV. Endangerment Determination

V. Proposed Actions and Estimated Costs
- A. Proposed Actions
  1. Proposed action description
  2. Contribution to remedial performance
  3. Description of alternative technologies
  4. EE/CA
  5. ARARs
  6. Project schedule
- B. Estimated Costs

VI. Expected Change in the Situation Should Action Be Delayed or Not Taken

VII Outstanding Policy Issues

VIII. Enforcement

IX. Recommendation

Enforcement Addendum

Attachments

[Regional Letterhead]

MEMORANDUM

DATE: Month, day, year

SUBJECT: Request for a Removal Action at _____ Site, City, County, State

FROM: Name, OSC

TO: Regional Administrator (RA) or designee (or to the file, through the RA, if the response is initiated under the OSC's $50,000 authority and will not exceed that cost)[1]

THRU: Regional Division Director, as appropriate

Site ID #: _ _ [2 digit number]

I. PURPOSE

⇨ Provide a statement of purpose indicating the type of action being requested (e.g., approval of a removal action or a ceiling increase), the site's name and location (including exact street address with zip code if available), the name of the lead respondent if there is an enforcement order, whether the response was initiated under the OSC's $50,000 authority, and, for non-NPL sites, if there are any nationally significant or precedent-setting issues associated with the response (if so, attach the concurrence memo shown in Exhibit 10.

⇨ *Example:* - *The purpose* of *this Action Memo is to request and document approval of the proposed removal action described herein for the _____ site, City , County, State.*

II. SITE CONDITIONS AND BACKGROUND

⇨ Identify the 12-digit CERCLIS ID number[2] and the category of removal (i.e., emergency, time-critical, non-time-critical). Provide an overview of the site's history and current characteristics. Indicate the nature of the contamination and describe the information obtained in the removal site evaluation. Ensure that the information contained in this section provides an accurate assessment of current site conditions, using relevant supporting data where possible.

A. <u>Site Description</u>

[1] Regional routing instructions may vary.
[2] Some emergencies may not have CERCLIS ID numbers.

1. Removal site evaluation

⇨ • Discuss the history of the incident or release, including the time, date and location of the incident, the type of incident that occurred, and the facts concerning the discovery of the release.

Examples:
- *Train derailment resulted in tank rupture and vapor release.*
- *A storage lagoon in the south corner of the site overflowed due to heavy rains.*
- *Drums washed up on the beach and were reported by park rangers.*

• Indicate that if a preliminary assessment (PA), Superfund site investigation (SSI), or listing site inspection (LSI) has been conducted for the site, regardless of the site's status on the National Priorities list (NPL), substantial background information may already exist.

⇨ • List all of the site's key problem areas.

Examples:
- *Stacked drums*
- *Bulked Liquids*
- *Lagoons*
- *Contaminated soils.*

2. Physical location

⇨ • Describe the site's physical location in terms of surrounding land use, population size, and distances to nearest populations and other reference points.

Examples
- *A school is within 1/4 mile of the site.*
- *There are 1,000 residences within 1 mile of the site, 10 of which are adjacent*
- *The area is mainly suburban residential with some light industrial areas.*

⇨ • Describe adjacent areas in terms of vulnerable or sensitive populations, habitats, and natural resources [5].

Example:
- *The site is adjacent to wetlands and a tributary to the Red River flows nearby.*

3. Site characteristics

⇨ • Describe the current use of the site, the nature and type of facility, and business activities that May have or are currently contributing to the incident

Examples:
- *The site was a sanitary landfill that accepted industrial wastes.*
- *The site has been used for a midnight dump of PCB wastes.*
- *There is an operating metal fabrication facility on the site.*

• Indicate if the site is an Federally-owned facility, identify the operators of the facility if other than the Federal Agency, and describe the type of facility. (Note: DOD and DOE have the responsibility to conduct all responses at their facilities. Fund-lead removals may only be conducted at other Federal facilities in cases of emergency.)

Example: - *The spill occurred on National Park Service land and required an emergency removal..*

- Indicate if a State or local government body is in owner or operator (Note: this is particularly important if an NPL site is involved because of the need for cost sharing by the State or local government.

⇨ • Indicate whether this is the first removal at the site or a restart. If the removal is a restart, previous actions should be described in section II.B of the Action Memo.

4. Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant

⇨ • List materials known on-site and whether they are hazardous substances as defined by section 10 I (I 4) of CERCLA, or pollutants or contaminants as defined by section 101(33) of CERCLA.

⇨ • Provide estimates of the quantities involved, identify the source of information, and refer to sampling and analytical data.

Examples:
- *Site records and conversations with the plant manager indicate that 10 drums of PCB-contaminated sludge are buried on-site.*
- *Preliminary sampling has found drinking water to exceed the removal action level for toluene at two residences.*

- Highlight substances of critical concern such as PCBs and dioxins (if the information is presented in chart form, identify the substance, quantity, location, and any existing standards for comparison). Explain all data presented.

- Identify any unique characteristics of the materials involved, such as mixed or radioactive wastes.

⇨ • Describe the mechanism for the past, present, or future release; observable or probable migration route(s) of contaminants; and the basis for this determination. Common routes of exposure include fire/explosion and resulting emissions, human contact, and soil contamination that could lead to ingestion or contamination of ground or surface water. Discuss site features or characteristics, weather conditions, human events, or other conditions that would either cause, spread, or accelerate the release of materials. Describe the rate of release and physical properties of the substance that influence to determine the form and speed at which it travels. Support these descriptions with documentation, as appropriate.

Examples:
- *Substantial fire/explosion hazard and fumes would drift into nearby neighborhood.*
- *Transformer lying on its side has been drained of PCB-contaminated oil; surrounding surface soil is heavily stained, and is readily accessed by children.*
- *Vegetation on the north bank of the stream, approximately 50 yards below the ruptured tank, is dead.*

5. NPL status

⇨ • State whether or not the site is listed on the NPL. If it is an NPL site, indicate whether or not remedial activities are in progress or when remedial action is expected (note that contribution to remedial performance is discussed in the "Proposed Action" section) [24].

If it is not an NPL site:

- Note whether or not the site has been proposed for the NPL.

- State whether or not it has received, or is expected to receive, a Hazard Ranking System (HRS) rating and indicate the score, if available. Also note whether it is being evaluated by the Agency for Toxic Substances and Disease Registry (ATSDR) for the need to dissociate residents from threats.
  Example: - *The site received an HRS of 46.5 In June 1989.*

- Indicate whether or not the site is being referred to the site assessment program.
  Example: - *The site has been referred to the site assessment program for a site investigation.*

6. Maps, pictures and other graphic representations

- Refer to attached pictures, diagrams, maps, and/or sketches if they substantiate the conditions at the site and strengthen the background section of the memo, and provide them as an attachment.

B. <u>Other Actions to Date</u>

1. Previous actions

- Describe any government or private actions (including community relations) that have been undertaken in the past and not previously discussed. Include both CERCLA and any other responses conducted previously, such as spill responses under section 311 of the Clean Water Act or private party cleanup attempts.

- Indicate the dates, costs, and effectiveness of these actions.

2. Current actions

- Describe any other government or private activities that currently are being performed but have not been previously discussed. Indicate the dates, costs, and effectiveness of these activities.

- Discuss how proposed EPA actions will relate to current activities described above.

C. State and/Local Authorities' Roles

1. State and local actions to date

- Indicate whether the State and/or local governments requested EPA assistance and the name of specific agencies/officials making the request.
  Example : - *The State Department of Natural Resources sent a letter to the EPA Regional office describing threats posed by leaking aboveground storage tanks at ABC site.*

- Summarize any "first responded" or other actions these or other agencies have taken to protect public health and the environment. Note the date and effectiveness of such actions.
  Examples: - *Local government evacuated a one-square mile area.*
  - *Police were posted on February 10 to restrict public access, and no further vandalism has occurred.*

- Indicate State/local government cooperation in assessing the release/threat, and whether State/local personnel remain at the site.

2. Potential for continued State/local response

- Describe actions State/local government personnel are taking and their future roles.
  Example : - *Site security provided by State highway patrol*
  - *Water main hookups to be installed by local water authority.*

- Indicate specifically:

  - Whether the State is able to obtain funds or must delay the response for an unacceptable period of time to provide funding

  - Whether the State/locality will fund the removal or require funding

  - Whether the State will lead the response under a cooperative agreement [17].

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

⇨ • Explain how this incident meets the requirement of a threat to public health or welfare or a threat to the environment[3] for initiating a removal. *For the two sections below, discuss only those threats that will be addressed by the removal action, beginning with the most serious, and relate the discussion to appropriate statutory and regulatory authorities.*

A. <u>Threats to Public Health or Welfare</u>

- Detail the threats to public health or welfare as they relate to the criteria (provided below) from section 300.415(b)(2) of the NCP. Attach and refer to or incorporate any final ATSDR[4] health consultations or site-specific health advisories, or other health risk advice, and explain any deviations from final ATSDR documents.

  - Actual or potential exposure to hazardous substances or pollutants or contaminants by nearby populations or the food chain. Identify substances of concern, realistic exposure scenarios, and how the levels of hazardous substance(s) exceed site-specific action level(s), and/or acute, and if appropriate, chronic toxicological standards. Tailor the description to the concentrations of contaminants on the site and receptors. Describe any reports of human health effects (e.g., illness, injury, or death) that appear linked to the exposure and describe any effects of human exposure.
    Examples:
    - *Volatilization of hazardous substances contained within the deteriorating building threatens surrounding residents with airborne exposure.*
    - *It is estimated that residents within a 2-mile radius may be exposed to toxic fumes at substantial levels in the event of an explosion/fire.*
    - *Studies have identified nausea and respiratory dysfunction as the primary health effects.*
  - Actual or potential contamination of drinking water supplies. Identify the substances of concern, realistic exposure scenarios explaining how the water supply is threatened, and the immediacy and gravity of the threat. Describe the location of the affected aquifer and its use. Indicate if the numeric removal action levels for drinking water are exceeded in the aquifer or site-specific factors otherwise indicate that a significant health threat exists.

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[3] CERCLA section 104(a) authorized removal responses "whenever (A) any hazardous substance is released or there is a substantial threat of such a release into the environment, or (B) there is a release or substantial threat of release into the environment of any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare." Note that removals are not allowed under section 104(a)(3) of CERCLA when there is a release or threat of release: of a naturally occurring substance in its unilateral form, or altered solely through naturally occurring processes or phenomena, from a location where it is naturally found; from products which are part of the structure of, and result in exposure within, residential buildings or business or community structures; or into public or private drinking water supplies due to deterioration of the system through ordinary use. EPA may respond, however, to these situations when an emergency exists and no authority can respond in a timely manner.

[4] ATSDR should be consulted for emergencies and emergency criteria exemptions involving contaminated soil, and may also be Pulled for exemption requests involving drinking water and radiation. The OSC should ensure that EPA's proposed actions and ATSDR findings are consistent.

Examples:
- *Degreasers and other solvents dumped on the ground have migrated through the soil containing 14 wells downgradient of the site.*
- *Samples taken within a 2-block radius showed the removal action level for action barium is exceeded at the top in four houses.*

- Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release. Identify the substances of concern and estimate their quantities; and describe the number, type, and conditions of containers. Provide realistic exposure scenarios based upon site conditions and the proximity of sensitive or nearby populations. Describe the effects of human exposure.

  Examples:
  - *The chemicals are contained in 2 leaking 5,000 gallon pressure vessels located on deteriorating concrete pads. An elementary school is located 1/4 mile away.*
  - *There are approximately 10 uncovered drums surrounded by a partially collapsed chain-link fence on the site, which is crossed by a footpath frequently used by neighboring residents to get to the train station.*

- High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate. Identify the substances of concern, estimated amounts, realistic pathways and exposure scenarios, and how the levels exceed standards. Describe the soil characteristics, the extent of the contamination, and factors may affect migration.

  Examples:
  - *The hazardous substances were dumped in a 20-ft. square area and have penetrated the top soil to a depth of approximately 1 foot. The aquifer is 6 feet below the surface and contamination would create a substantial plume.*
  - *The residue from the lagoon lies on top of a hardpacked clay surface, with contaminants migrating from the site in stormwater runoff to a nearby stream used for drinking water.*

- Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released. Describe the conditions of concern and provide an estimate of the likelihood of their occurrence. Explain how these conditions would affect exposure scenarios and migration.

  Examples:
  - *Spring floods carried an estimated 20 barrels and more than 50 drums of volatile organics into the Green River, the drinking water source for more than 5,000 people. Further flooding is predicted.*
  - *Before containment measures are implemented, heavy summer cloudbursts may wash pollutants across the concrete yard and into municipal storm sewers. This could affect a nearby watercourse used for swimming.*

- Threat of fire or explosion. Identify the substances of concern, and realistic exposure scenarios including the gravity and immediacy of the threat. Be specific about the

number of people exposed, the proximity of sensitive or nearby populations, and the geographic area affected.

Example:
- *The site contains nearly 30 drums of non-compatible volatile organics stored next to each other. A hospital is less than four blocks away.*
- *Vandals have set two fires at the unsecured site, necessitating evaluation of five rowhouses adjacent to the drum storage area.*

- Other situations or factors that may pose threats to public health or welfare.

B. <u>Threats to the Environment</u>

- Detail the threats to the environment as they relate to the criteria provided below from section 300.415(b)(2) of the NCP (discuss only those categories of threats that apply to existing or potential conditions):

  - Actual or potential exposure to hazardous substances or pollutants or contaminants by nearby animals or the food chain. Identify the substances of concern, probable exposure pathways, evidence of prior animal exposures (either directly or through the food chain), and results of any available analyses. Relate the information to the contaminants of concern and the known or probable receptors. Report any known illness, injury, or death linked to the exposure.

    Examples:
    - *Significant levels of dioxin were found in crayfish and sediment samples taken in Black Creek downstream of the storm sewer, which carries contaminated runoff from the site.*
    - *Large fishkill (4 million) reported in 1986; potential repeat if 2-million gallon lagoon overflows again, releasing sludges and supernatant liquid.*

  - Actual or potential contamination of sensitive ecosystems. Identify the substances of concern, contaminant migration routes, and the immediacy and severity of the threat to sensitive ecosystems. Describe any ecosystem effects that appear to be linked to contaminant exposures.

    Examples
    - *Site is partly located in a wetland. Hazardous substances kill algae which are a critical part of the ecosystem. State has documented ground-water contamination.*
    - *State Department of Natural Resources reports high levels of mercury and other heavy metals in fish in a nearby recreational lake, which receives stormwater runoff from this abandoned electroplating facility.*

  - Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release. Describe the number, type, and condition of containers and identify the substances they contain. Estimate quantities of hazardous substances. Describe the known effects of these substances on plant and animal life.

    Examples:
    - *Approximately 800 drums containing volatile organics, about half of which are damaged, are strewn across the southwest corner of the property. Vegetation in the vicinity of the drum site is dead.*
    - *Pesticide residues are present in many open containers on the landfill surface. Deer have been observed walking through the landfill area and grazing nearby. These pesticides are toxic at these levels to deer.*

- High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate. Identify the substances of concern and the source(s) of any releases to the soil, estimate the extent of contamination, and describe probable exposure scenarios. Describe the soil characteristics and factors that may affect migration.
  Examples:
  - *PCB contaminant levels in the soil at the property line exceed 200 ppm. A neighboring horse farm that has access to trails on-site is adjacent. Contaminants would be toxic to horses at these levels.*
  - *Fugitive dust has been observed escaping the site during periods of high wind and moving towards the vicinity of a trout hatchery less than 1/4 mile downwind.*

- Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released. Describe the conditions of concern and the likelihood of their occurrence. Explain how these conditions contribute to contaminant migration or to likely exposures to plant or wildlife populations. Describe recurring weather patterns that create or aggravate threats to the environment.
  Examples:
  - *Snow melt runs through the mine drainage area each spring, depositing tailings in Rush Creek, which is used for recreational fishing. Record snowfalls were reported in January and February.*
  - *Heavy rains are expected to continue, which could result in a second lagoon overflow into the adjacent wetland when migratory bird populations are at their peak.*

- Threat of fire or explosion. Identify the substances of concern and the immediacy and severity of the threat. Describe any illness, injury, or death to flora or fauna resulting from fires or explosions. be the geographic area affected and any special environmental concerns.
  Examples:
  - *Hunters using the grounds of the abandoned chemical reclamation facility for target practice detonated discarded munitions, creating a fire that devastated more than 4 areas of the wildlife management area and killed an unknown number of birds and other wildlife.*
  - *Reactive chemicals are stored haphazardly throughout the dilapidated warehouse, and in some instances are exposed to the elements, creating potential for explosion and fire. The nursery for the county arboretum is approximately 600 yards from the south wall of the warehouse.*

- Other situations or factors that may pose threats to the entertainment.

IV. ENDANGERMENT DETERMINATION

⇨ All Action Memos must contain an endangerment determination. Depending on the types of substances involved, one of the following two statements must be used.

- For removals involving hazardous substances:

  Actual or threatened releases of hazardous substances from this site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment.

- For removals involving only pollutants or contaminants:

  Actual or threatened releases of pollutants and contaminants from this site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment

V. PROPOSED ACTIONS AND ESTIMATED COSTS

Explain proposed and alternative actions, and estimated costs for both proposed and alternative actions, and the project schedule. State how the action addresses the threat. Explain why obvious alternatives were determined not to be feasible.

Example - *Removal of waste solvents and off-site RCRA disposal is the only feasible solution for mitigating threats posed by the situation. Site stabilization without disposal would provide only a temporary solution to the threats posed by the site.*

A. <u>Proposed Actions</u>

1. Proposed action description

⇨ • Describe the specific tasks involved in the proposed response to the public health, welfare, and environmental threats discussed in section III of the Action Memo. Be sure to describe the full extent of the removal, including ultimate disposition of contaminants, and explain what will be left at the site when the removal is completed. Discuss the rationale for choosing the option and provide supporting data for the decision; state why the proposed actions are appropriate for this situation in light of the threats and explain how they achieve timely response and protection of human health and the environment. Describe the technical feasibility and probable effectiveness of the proposed action.

  Examples:
  - *Installation of an interceptor well will block the migration of contaminants and greatly reduce the threat of contaminating the stream bordering the site. Contaminated water will be treated on-site and discharged into the stream.*
  - *Excavation of the contaminated soil and disposal in a RCRA-permitted landfill will mitigate the public health threat posed by direct human contact and inhalation of airborne particles.*

- State whether any further information is needed before all response actions can be decided and the approximate date when a final decision will be reached.

  Example: - *Further sampling to determine the extent of soil contamination will be completed within 30 days.*

⇨ • Ensure that the extent of contamination has been or will be verified by sampling and property documented. Refer to the Sampling Quality Assurance/Quality Control (QA/QC) Plan and summarize the contents if necessary.
Examples: - *EPA will use a split sampling technique. Water samples will be analyzed daily using automated sampling techniques.*

• Describe how any vulnerable or sensitive populations, habitats, or natural resources identified in section II.A might affect removal activities.
Example: - *Location in a floodplain might hamper removal activities in spring.*

• Where known and appropriate, list other uncertainties affecting implementation of the proposed action.
Examples: - *Mobile incinerators will not be available until next quarter.*
- *Steep slope of site may prevent permanent capping.*

• Discuss the need for and feasibility of relying on institutional controls at the State or local level, if applicable [23]. (Note: This is most important for removals involving excavation where contaminated soil remains below clean fill according to specific cleanup plans.)
Examples: - *Deed restrictions are needed to prevent incompatible future activities.*
- *Prohibitions on drilling new water wells can be instituted at the County level.*

• Describe available information concerning off-site disposal, such as the estimated quantity or type of waste(s) requiring off-site treatment or disposal, the facility selected, and the extent to which the substance can be treated.
Examples: - *Five drums containing an unidentified mixture of solvents will require off-site disposal.*
- *Arrangements will be made for disposal of the 300 tons of contaminated soil at the ABC RCRA-approved facility.*

⇨ • State the intent to comply with the off-site policy when the type or amount of waste is not known, or indicate that compliance with the policy is not an issue at the site. For non-time-critical removals involving off-site disposal, indicate that the appropriate State environmental officials have been notified [22,6].
Example: - *Since the material is being stabilized on-site, off-site disposal is not required.*

• Discuss the need for provision of post-removal site control (PRSC) and note whether the State, local government, or the PRPs have agreed to provide for PRSC, if applicable. Identify any other agreement that exists to provide PRSC. (Note: as stated in section 300.415(k) of the NCP, OSCs are strongly encouraged to obtain a commitment to provide for PRSC when necessary before initiating removal activities that will require PRSC.) [16]
Example: - *Post-removal site control activities will be managed by the Regional remedial program.*

• Indicate if the scope of proposed work has changed as a result of public comment on the EE/CA for non-time-critical removals.

Example: - *Further drinking water sampling will be conducted in response to comments received at the public meeting.*

- Identify cross-media relationships and potential adverse impacts associated with intermediate steps.
  Examples: - *Excavation of soils from highway shoulder will require traffic diversion and will be coordinated with local police.*
  - *Local traffic and noise levels will increase during the response; therefore, hazardous substances will not be moved off-site during school bus operating hours.*

2. Contribution to remedial performance

⇨ • Discuss how the proposed actions will, to the extent practicable, contribute to the efficient performance of any long-term remedial action with respect to the release or threatened release concerned [10]. For this discussion, document the conclusions resulting from consideration of the following questions:

- What is the long-term cleanup plan for the site? For sites with signed Records of Decisions (RODs), briefly describe the remedial action selected. For proposed and final NPL sites where no remedial action has been selected, identify a range of feasible alternatives based upon a review of existing site information and professional judgment. For non-NPL sites where remedial plans are unknown or not anticipated, state that the proposed action will not impede future responses based upon available information.
- Which threats will require attention prior to the start of the long-term cleanup if there is one? For proposed or final NPL sites, where remedial action is planned or likely, identify specific threats and explain why and how they must be addressed prior to long-term cleanup. For non-NPL sites with no long-term cleanup plans, refer to all threats meeting the NCP section 300.415(b)(2) removal criteria identified in section III of the Action Memo (see p. 3-321).
- How far should the removal go to ensure that threats are adequately abated? For proposed or final NPL sites, where remedial action is planned or likely, explain (1) which threats must be abated entirely and which must be stabilized to protect public health, welfare, and the environment until a permanent remedy can be effected and (2) how abatement or stabilization is accomplished by the proposed actions in section V of the Action Memo. For non-NPL sites where these are no plans for long-term action, the threats that meet the NCP removal criteria should be completely cleaned up.
- Is the proposed removal action consistent with the long-term remedy, if known? Describe how the removal contributes to, or is at least consistent with, the permanent remedy. Explain if complying with contribution to remedial performance provisions conflicts with other program goals such as pursuit of PRP cleanup.

OR

- Note that no further action is required if the proposed removal action completes the cleanup, or if an emergency existed that precluded an analysis of how the removal related to long-term actions.

3. Description of alternative technologies

- Indicate what, if any, alternatives to land disposal have been considered [18]. If an alternative technology is selected as the proposed action, provide an in-depth description in Section V.A(l): "Proposed action description."

- Explain how the two objectives of the alternative technology policy - timely response and protection of human health and the environment - would be achieved by each alternative technology.
  Examples: - *Bioremediation techniques in conjunction with site stabilization will protect the surrounding environment in a timely manner.*
  - *PCB incineration will effectively eliminate the threat to adjacent residences.*

- Explain how well each alternative technology meets the three alternative technology selection criteria (effectiveness, implementability, and cost).
  Examples: - *Bioremediation would be less costly than other technologies, but its effectiveness on organic and heavy metal mixed contaminants is questionable.*
  - *Recycling of the liquid wastes is the least expensive disposal option.*

- Indicate ERD Director approval for technologies that are "innovative" or "emerging" or when the status of the technology is uncertain, and attach the Alternative Technology Approval Memo (see p. 3-353).

4. EE/CA[5]

- Attach and refer to the EE/CA and the EE/CA Approval Memorandum for a discussion of alternative actions considered for non-time-critical removals (see p.3-354) [1].

- Attach and refer to the written response to significant comments on the EE/CA and supporting documentation in the administrative level.

5. Applicable or relevant and appropriate requirements (ARARS)

<u>Federal</u>

- List Federal ARARs identified for the site that are deemed practicable, if any.

  Example: - *Federal ARARs determined to be practicable for the site are the Clean Water Act, the Toxic Substances Control Act, and the Endangered Species Act.*

- Explain, if necessary, that Federal ARARs were not considered before removal activities were undertaken during an emergency situation.

[5] This section applies only to non-time-critical removals.

State

⇨ • Describe efforts to identify State ARARs and indicate if State response has been timely.
Example: - *Received list of ARARs for XYZ site from State representatives within two weeks of request.*

• Where there has been time to assess State ARARS, list those which are deemed practicable.
Example: - *Proposed response will attain State water quality criteria.*

• Explain, if appropriate, that State ARARs were not identified or considered prior to removal initiation due to emergency circumstances.

6. Project schedule

⇨ • Specify the time needed to perform the preventative, stabilizing, and/or mitigative (cleanup) response actions to the threats posed by the site, and how quickly response activities can begin.

• Show when the State/local/PRP/remedial program commitment to provide PRSC takes effect, if applicable [16].

B. Estimated Costs

⇨ • Use the Removal Cost Management System (RCMS) [29] to summarize the estimated total project ceiling[6] with a breakdown of costs highlighting the following categories:

Extramural costs coming out of the Regional allowance:[7]

- Emergency Response Cleanup Services (ERCS), Regional ERCS, subcontractors, pre-qualified vendors and other site-specific contracts letter contracts, order for services, notices to proceed, and interagency agreements (IAGs) with other Federal agencies such as the U.S. Coast Guard, Federal Emergency Management Agency, Bureau of Land Management, and Bureau of Land Reclamation.

[6] The total project ceiling is the proposed removal total cost estimate added to the previously approved total project ceiling; i.e., the total of all approved project ceilings for a site.
[7] Costs formerly referred to as "'extramural cleanup contractor costs" are actually Regional removal allowance all costs and should be referred to as such.

Other extramural costs not funded from the Regional allowance:

- Technical Assistance Team (TAT), including multiplier costs[8]

- National Contract Laboratory Program (NCLP)

- Response Engineering and Analytical Contract (REAC).

EPA intramural costs. (Note: See the Removal Cost Management Manual for the formula for calculating intramural direct and indirect costs [27]. Contact the Regional Financial Officer for current direct and indirect cost rates to be used in the formula.)

Exhibit 5 shows a sample project ceiling estimate. (Note: Do not include any CERCLA section 104(b) investigatory costs in the estimate, because they do not count against the project ceiling or the $2 million statutory limit)

⇨ • Include contingencies[9] in the cost estimate. Two contingencies should be supplied:

  - 10-20% contingency for Regional removal allowance costs, based on best engineering judgment.

  - 20% contingency applied to total extramural project costs (all costs but EPA intramural costs).

• Include the cost of previous CERCLA removal actions taken at the site (if applicable) considering expenditures in all areas described above. For actions approved prior to 1984, contact the appropriate Regional Coordinator at Headquarters to query the Financial Management System in order to determine costs other than extramural cleanup contractor expenditures. For more recently discovered sites, CERCLIS data reflects accurate total project ceilings.

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[8] To cover administrative costs of the TAT program, an administrative multiplier, which includes overhead expenses, is applied towards all TAT expenses. This factor, available through a TAT leader or Zone Program Management Office, is multiplied by the sum of the personnel and expense amounts listed above, to estimate total TAT expenses for the removal action.

[9] Contingencies allow for unforeseen expenses that may arise during a removal action (e.g., discovery of additional hazardous materials and delays resulting from poor weather conditions or equipment failure). Contingencies may be applied to either the extramural or intramural portion of the total project ceiling as needed.

EXHIBIT 5. SAMPLE REMOVAL PROJECT CEILING ESTIMATE[1] [29]

Extramural Costs:		
Regional Allowance Costs:		
Total Cleanup Contractor Costs (This cost category includes OSC estimates for. ERCS, Regional ERCS, subcontractors, Letter Contracts, orders for services, Notices to Proceed, Alternative Technology Contracts, and IAGs with other Federal agencies. Also includes a 10-20% contingency.)		$862,500
Other Extramural Costs Not Funded From the Regional Allowance:		
Total TAT, including multiplier costs		$50,000
Total NCLP		$100,000
Total ERT/REAC	$100,000	
Subtotal, Extramural Costs	$1,112,500	
Extramural Costs Contingency (20% of Subtotal, Extramural Costs; round to nearest thousand)		+ $223,000
TOTAL, EXTRAMURAL COSTS		$1,335,500
Intramural Costs:		
Intramural Direct Costs	$9,900	
Intramural Indirect Costs		$18,000
TOTAL, INTRAMURAL COSTS		$27,900
TOTAL, REMOVAL PROJECT CEILING		**$1,363,400**

[1] Format and line items correspond to RCMS output.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

⇨ • Describe any expected changes in the situation should action be delayed or not taken, such as changes in the scope or nature of contamination, increased threats, or the need for additional response actions. Include a worst-case scenario.

Examples:
- *Contamination will most likely spread from the site to a nearby stream which serves as a municipal water supply.*
- *Delayed action will increase public health risks to the adjacent population through prolonged exposure to airborne contaminates.*

VII. OUTSTANDING POLICY ISSUES

⇨ • Discuss remaining policy issues not previously discussed, if applicable, or state "None" if no other policy issues are associated with the site.

Examples:
- *Provisions for cost-sharing for the proposed response are an issue because EPA has decided to seek State cost-share under CERCLA section 104(c)(3)(ii).*
- *The removal involves nationally significant and precedent-setting issues because it involves releases from consumer products on Indian Tribal lands.*
- *The site comprises two noncontiguous sites located 1/4 mile apart.*

VIII. ENFORCEMENT

The purpose of an original Action Memo is to document the decision to undertake a removal action. For administrative purposes, the enforcement strategy is included with the original Action Memo.

As stated in NCP section 300-415(a)(2), EPA's policy concerning removal enforcement is that where PRPs are known, an effort shall be made, to the extent practicable, to determine whether they can and will perform the necessary removal action promptly and properly [281]. The urgency determination (emergency, time critical, or non-time-critical), however, is a deciding factor in determining the amount of time that can be devoted to a PRP search and negotiations prior to on-site action. OSCs should be prepared to obtain the necessary approval to conduct a Fund-lead response if no PRPs can be identified. Efforts to locate PRPS, however, should continue throughout the removal action to support cost recovery efforts and possible PRP involvement in any future response actions.

⇨ • Provide a summary statement indicating the extent to which PRPs are known, and whether they can and will perform the proposed response promptly and properly.

⇨ • *Place all remaining information concerning the enforcement strategy in a separate addendum labeled "enforcement sensitive"* and note here that the enforcement strategy is not part of the Action Memo for purposes of NCP consistency.

IX. RECOMMENDATION

⇨ • The following statement must appear in all Action Memos to document that the proposed response is in compliance with statutory and regulatory removal provisions:

This decision document represents the selected removal action for the _____ site, in _____ (location), developed in accordance with CERCLA as amended, and not inconsistent with the NCP. This decision is based on the administrative record for the site.

⇨ • Provide an approval statement indicating that NCP removal requirements have been substantiated and stating the total project ceiling and the Regional removal allowance costs.

Example: - *Conditions at the site meet the NCP section 300.415(b)(2) criteria for a removal and I recommend your approval of the proposed removal action. the total project ceiling if approved will be $1,363,400. Of this, an estimated $862,500 comes from the Regional removal allowance.*

⇨ • Include spaces for approval or disapproval signatures and dates**.**

ENFORCEMENT ADDENDUM:

⇨ Type the site name and date on each enforcement addendum and label clearly "Enforcement Sensitive." The enforcement addendum must be detached from the Action Memo before placing the Action Memo in the administrative record file. Discuss the following topics in the addendum using the assistance of Regional enforcement staff to compile information [2, 3, 28]:

A. <u>PRP Search</u>

- Detail PRP search progress to date, including PRPs identified, their financial status, and how much waste they contributed to the site (volumetric contribution).

  Examples:
  - *Title searches and examination of on-site accounting records are being conducted to identify PRPs.*
  - *The 104(e) information requests have been issued.*
  - *The PRP has failed to take part in removal actions.*

- Describe the PRP search strategy for the future, including the schedule and expedited components (if applicable).

B. <u>Notification of PRPs of Potential Liability and of the Required Removal Action</u>

- Indicate if notices have been sent, to whom, and the response of PRPs to date. (Note: notification is not always possible in emergency situations.)

  Example: - *Fifty notice letters have been sent to identified PRPs.*

- Describe future notice activities planned and their implementation schedule.

C. Decision Whether to Issue an Order

- Discuss consideration of the primary factors affecting the decision to issue an order including the immediacy of the need to respond, evidence indicating PRP liability, and the financial ability of PRPs to respond.
  Example: - *The agency has identified viable PRPs and has issued a Unilateral Administrative Order under section 106* of *CERCLA.*

- Discuss consideration of the secondary factors affecting the decision to issue an order including the ability and need to precisely define the removal, willingness of the PRPs to conduct the removal (this is not dispositive), availability of the Fund, and technical problems such as the oversight technical capabilities of the PRP.
  Example: - *Action is being taken under RCRA section 7003.*

- Identify any other strategic concerns regarding the issuance of an order.

D. Negotiation and Order Issuance Strategy

Discuss the timeline/deadline for issuance of an Administrative Order on Consent, the date for issuance of a Unilateral Administrative Order (UAO) if no settlement is reached, and the status of order drafting.

Example: - *A 2-week timeframe for negotiations has been established starting June 1. If no agreement is reached, a UAO will be immediately issued.*

- Indicate whether the appropriate State agency has been notified.

- Indicate any access issues and how they have been addressed.
  Example: - The site owner initially refused access to response personnel but has since relented.

- Describe the status of Statement of Work preparation.
  Example: - *The PRPs have contracted with a national cleanup firm, provided EPA with a copy of the work plan, and site investigation is underway.*

- Discuss the availability and thoroughness of the documentation of past costs.

ATTACHMENTS

- Append attachments referred to in the body of the Action Memo.

ACTION MEMORANDA FOR SPECIAL CIRCUMSTANCES

Overview

In addition to requesting approval of an initial removal response, Action Memos are used to request ceiling increases, statutory exemptions, changes in the scope of response, or combinations of these categories. This section provides instructions on preparing the basic types of Action Memos used in special circumstances (i.e., combined removal and statutory exemption requests, 12-month exemption requests, ceiling increase requests, $2 million exemption/ceiling increase requests, and requests for changes in the scope of response). For removal actions involving combinations of these scenarios, OSCs should consult the instructions for each type of request to ensure that all appropriate information is included.

Combined Removal and Statutory Exemption Requests

Overview

For removals of magnitude, an OSC can usually determine at the initiation of a response that an exemption to the statutory limitations under CERCLA will be needed [8]:

- To initiate a removal action where the project is expected at the outset to exceed 12 months[10]

- To initiate a removal action where the total project cost is expected at the outset to exceed $2 million.

Action Memos that combine exemption requests with requests for initial approval of removal actions must contain the information discussed below, in addition to the information detailed in the model Action Memo provided in the preceding section. The new information described below should be inserted into the appropriate section of the model Action Memo, as indicated by the shaded portions of Exhibit 6. The section numbers shown below correspond to the basic Action Memo outline presented in Exhibit 4.

[10] The 12-month clock starts when on-site removal action response activity begins (not when the contractor is authorized) and runs for 12 consecutive months, including time that passes between restarts. CERCLA section 104(b) investigatory studies are not removal action response activities that count toward the 12-month time limit when they precede the initial start date.

EXHIBIT 6. INFORMATION REQUIREMENTS FOR REMOVAL AND 12-MONTH OR $2 MILLION EXEMPTION REQUEST ACTION MEMOS

Heading

I. Purpose

II. Site Conditions and Background

III. Threats to Public Health or Welfare or the Environment

IV. Endangerment Determination

V. Exemption from Statutory Limits

VI. Proposed Actions and Estimated Costs

VII. Outstanding Policy Issues

IX. Enforcement

X. Recommendation

Enforcement Addendum

Attachments

12-Month Exemption

An Action Memo requesting initial approval of a removal combined with a 12-month exemption request is used when the OSC can determine at the outset of the response that the removal action will exceed the statutory time limitation of 12 months [8]. Like the model Action Memo described in the preceding section, this Action Memo must be sent to the RA for approval, and addressed from the OSC through the Regional Division Director (as appropriate). In situations where an extension is sought for a proposed or final NPL site based upon the consistency exemption, the appropriate official in the Region's remedial program must also concur in writing (RAs are authorized to approve time exemptions based upon the consistency exemption for both NPL and non-NPL sites) [9].

$2 Million Exemption

Action Memos that combine requests for an initial removal with an exemption from the $2 million limitation are used when the OSC can determine at the outset of the response that the total cost of the removal action will exceed $2 million [8]. Unlike the model Action Memo described in the preceding section, this combined Memo must be submitted to Headquarters for approval. ERD Regional Coordinators at Headquarters should be alerted to the need for Headquarters' approval as soon as possible. Where an exemption is sought for a proposed or final NPL site based upon the consistency exemption, the appropriate official in the Region's remedial program must also concur before the Action Memo is sent to Headquarters. [9].

The Action Memo, signed by the RA, must be addressed to the Assistant Administrator, Office of Solid Waste and Emergency Response (AA, OSWER) through the Director, Office of Emergency and Remedial Response (OERR) to the attention of the Director, ERD. The Memo should be sent to the appropriate Regional Coordinator at least three weeks before the exemption is needed. The Regional Coordinator will obtain the necessary Headquarters' concurrence and submit the Action Memo to the AA, OSWER for final approval. If additional Headquarters assistance is needed, OSCs are encouraged to send Action Memos earlier to avoid lengthening the three-week Headquarters' processing time. For example, OSCs may submit draft Action Memos to Headquarters for comment to expedite final processing. In an emergency situation, the OSC may obtain oral approval of a combined removal and statutory exemption request from the AA, OSWER, which must be followed by a written Action Memo within 48 hours.

ADDITIONS TO MODEL ACTION MEMO

In addition to providing the information described in the model Action Memo, the "Purpose" and "Recommendation" sections of the removal and exemption request Action Memo should be modified as discussed below. A new section on the exemption from statutory limits must also be added.

Purpose
(Section 1)

- Modify the "Purpose" statement described in the model Action Memo (p. 3-322) to specify a combined initial removal and 12-month or $2 million exemption request.

Exemption from Statutory Limits
(New section V: follows "Endangerment Determination")

- Place this section immediately following the "Threats" section and use the threat information to justify the need for a 12-month or $2 million exemption [8]. Ensure that the severity of the threats is sufficiently documented to warrant the exemption request. Demonstrate that the removal meets one of the two CERCLA section 104(c) exemptions listed below (it is not necessary to justify both exemptions). The two CERCLA section 104(c) exemptions are commonly referred to as the "emergency exemption" and the “consistency exemption." Note that a higher threshold is used to evaluate emergency exemption requests than for responses within statutory limits or consistency exemptions. Therefore, OSCs must *ensure that all three components of the emergency exemption are sufficiently addressed* when requesting exemption from statutory limits.

A. Emergency Exemption:

1. **There is an immediate risk to public health or welfare or the environment**, the key word being <u>immediate:</u> focus on how soon the public or the environment is at risk or will be in the immediate future. Describe site conditions that constitute an immediate risk; indicate all hazardous substances involved, refer to and interpret tables of data, and define the immediacy of the risk to affected human populations and environmental resources. Discuss the time needed to address the hazards involved and adverse weather conditions that may exacerbate the situation. Make

reference to and attach any final ATSDR findings. Refer to and interpret data contained in any attached tables that support the need for an exemption.

Examples:
- *The retaining wall for the lagoon is highly unstable and on the verge of collapse. Frequent rains expected in the next 4-6 weeks may hasten this collapse, which would cause approximately 20,000 gallons of waste contaminated with heavy metals to spill into Twining Creek, approximately 1/2 mile above the public water supply intake.*
- *Volatile and explosive substances (see Table 1 for names and estimated quantities) are contained in 43 rapidly deteriorating drums. Incompatible substances are stored next to, and on top of, each other, presenting a high risk of fire/explosion and subsequent spread of toxic fumes to the 25 homes within a 1/4 mile radius of the site.*

And

2. **Continued response actions are immediately required to prevent, limit, or mitigate an emergency**, the key words being <u>emergency and continued response actions are immediately required</u>: describe the emergency by referring to the release or threat of release of hazardous substances identified in the "Threats" section, citing specific concentrations, identifying deteriorating site conditions, and describing the type of threats. Ensure that each element of the response is justified by the emergency criteria and documented accordingly (be sure to include ATSDR health consultations/assessments/advisories that support an emergency finding). Explain the emergency consequences of not granting the exemption.

Examples:
- *The TCE-contaminated contents of two 5,000 gallon tanks will be drained and disposed of off-site. Continued actions are necessary, however, to dismantle and remove the rusting tanks so that toxic residues do not wash off-site into a neighboring stream.*
- *10 partially buried drums of dioxin-contaminated wastes were discovered during the emergency removal of 120 drums from the surface of the* site. *Some of the content have already leaked into the surrounding soil, presenting a serious threat to residents of 18 neighboring homes and wildlife. Contaminated soil must be excavated and removed to eliminate risk of ingestion by neighborhood children or migrating wildlife.*

And

3. **Assistance will not otherwise be provided on a timely basis**, the key words being <u>timely basis:</u> describe why State/local governments cannot address the site within an appropriate timeframe. If applicable, cite the enforcement addendum for discussion of PRP's role. Discuss the remedial timeframe to address the site if it is listed on the NPL.

Examples:
- *A deteriorating storage shed threatens to expose explosive substances to the atmosphere, and local responders do not have appropriate expertise for safely mitigating the threat.*
- *Neither the State nor county government has access to or resources to acquire the proper incineration equipment and services needed.*

Or

B. Consistency Exemption[11]:

1. **Continued response actions are otherwise appropriate and consistent with the remedial action to be taken**: Demonstrate that the proposed removal meets the criteria for consistency (at a minimum, the removal does not foreclose the remedial action) **and appropriateness** the activity is necessary to: avoid a foreseeable threat; or, prevent further migration of contaminants; or, use alternatives to land disposal; or, comply with the off-site policy [9, 18, 22]. Describe what Federal, State, or PRP-lead remedial actions are planned (citing the ROD if available), or anticipate likely remedial actions if plans are not yet made.

   Example - *Excavating and removing the buried drums will not interfere with likely remedial alternatives to address soil and ground-water contamination. The removal action is also appropriate because the drums and their contents will be incinerated, not disposed of in a landfill.*

Recommendation
(Section IX**)**

- Refer to both removal criteria and statutory exemption criteria in a Regional recommendation statement For Action Memos requiring Headquarters approval, state when funding is planned and the source of funding.

  Examples:

  - *Conditions at the site meet the NCP section 300.415(b)(2) criteria for a removal and the CERCLA section 104(c) consistency exemption from the 12-month limitation, and I recommend your approval of the proposed removal action and 12-month exemption. The total project ceiling, if approved, will be $125,000. Of this, an estimated $100,000 will be from the Regional removal allowance.*
  - *Conditions at the site meet the NCP section 300.415(b)(2) criteria for a removal and the CERCLA section 104(c) emergency exemption from the $2 million limitation, and I recommend your approval of the proposed removal action and $2 million exemption. The total project ceiling, if approved, will be $4.5 million, of which an estimated $3.8 million will be funded from FY 89 and FY 90 Regional removal allowances.*

[11] This exemption is generally only for use at NPL sites. The limited situations where use of the exemption is appropriate for non-NPL sites will be determined by the AA, OSWER on a case-by basis [9].

Action Memoranda to Continue Response Actions

Overview

Action Memos are also occasionally required to continue work approved by an original Action Memo, or to restart work at the same site if the statutory limitation on time has been exceeded. The basic types of requests contained in these additional Action Memos are:

- To extend a removal action beyond 12 months
- To increase the total project ceiling
- To increase the total project ceiling beyond $2 million
- To change the scope of response for the removal action.

General instructions for preparing these Action Memos are discussed in the following paragraph, followed by the specific information requirements for each type of request. Action Memos combining several types of requests must fulfill all appropriate information requirements.

Action Memos to continue response actions must cover each of the sections required in the basic Action Memo outline (see Exhibit 4), but may refer to the most recently approved Action Memo (which should be attached) to avoid duplication. *Specific points to consider in* preparing exemption requests, ceiling increases, requests for changes in the scope of response, or other combinations thereof include the following:

- The "Subject" line in the heading should specify the type of request (e.g., ceiling increase, $2 million exemption, 12-month exemption, or change in the scope of response request) followed by the words "Action Memorandum" on the next line.
- If the Action Memo requires an extension of the 12-month limit or an increase in the project ceiling that raises costs over $2 million, justification for the exemption must be presented in a new section, "Exemption from Statutory Limits". If previous Action Memos were based upon different exemption criteria (e.g., the consistency exemption was used instead of the emergency exemption), the OSC must ensure that the new request contains appropriate and sufficient information. Additionally, if site conditions have changed from those documented in a previous exemption request but continue to meet the same exemption criteria, the new request must demonstrate that current conditions meet the same criteria.
- If the Action Memo requires a project ceiling in increase or a redirection of funds, a detailed cost breakdown of previous and requested ceilings should be provided.
- For the remaining sections of Action Memos to continue response actions:
    - If information contained in the previous Action Memo is still current and correct, the OSC should indicate "Refer to previous Action Memo" for that section.

- If new or additional information is available, the OSC should include it under the appropriate section number in the Action Memo and indicate that this supplements or supersedes information in previous Action Memos. Note that exemption requests based upon the emergency exemption will likely require expanded sections with updated information.

The discussion below identifies specific information requirements for ceiling increases, exemption requests, and changes in the scope of response request, as illustrated by the shaded portions of Exhibit 7. References to the appropriate section numbers in an original Action Memo, as outlined in Exhibit 4, are included.

12-Month Exemption

A 12-month exemption request Action Memo is required when it becomes necessary to extend the response time of an already-approved removal beyond the statutory limit of 12 months [8]. The 12-month exemption request, specifying the additional time required to complete the removal action, must be sent to the RA for approval and addressed from the OSC through the Regional Division Director (as appropriate). If a subsequent time exemption or change in scope of response is required, the new request must state that the removal continues to meet the original exemption criteria or demonstrate that new exemption criteria are met. Where an extension is sought for a proposed or final NPL site based upon the consistency exemption, the appropriate official in the Region's remedial program must also concur before the Action Memo is sent to Headquarters [9].

Additions to Model Action Memo

Where appropriate, the previous Action Memo should be referred to and the "Purpose," "Site Conditions and Background," "Threats," "Proposed Actions," and "Recommendation" sections should be modified as discussed below. Any updated or new information should be discussed under the appropriate heading. A section on the proposed exemption from statutory limits must also be included.

Purpose
(Section 1)

- Modify the "Purpose" statement described in the model Action Memo (p. 3-316) to specify that a 12-month exemption request is sought.

EXHIBIT 7. INFORMATION REQUIREMENTS FOR ACTION MEMOS TO CONTINUE RESPONSES

12-Month Exemption	**Ceiling Increase ***
Heading	Heading
I. Purpose	**I. Purpose**
II. Site Conditions and Background	**II. Site Conditions and Background**
III Threats to Public Health or Welfare or the Environment, and Statutory and Regulatory Authorities.	**III. Threats to Public Health or Welfare or the Environment, and Statutory and Regulatory Authorities.**
IV. Endangerment Determination	IV. Endangerment Determination
V. Exemption from Statutory Limits	**V. Exemption from Statutory Limits**
VI. Proposed Actions and Estimated Costs	**VI. Proposed Actions and Estimated Costs**
VII. Expected Change in the Situation Should Action Be Delayed or Not Taken	VII. Expected Change in the Situation Should Action Be Delayed or Not Taken
VIII. Outstanding Policy Issues	VIII. Outstanding Policy Issues
IX. Enforcement	IX. Enforcement
X. Recommendation	**X. Recommendation**
Enforcement Addendum	Enforcement Addendum
Attachments	Attachments

$2 Million Exemption/Ceiling Increase	**Change In Scope of Response**
Heading	Heading
I. Purpose	**I. Purpose**
II. Site Conditions and Background	**II. Site Conditions and Background**
III. Threats to Public Health or Welfare or the Environment, and Statutory and Regulatory Authorities.	**III. Threats to Public Health or Welfare or the Environment, and Statutory and Regulatory Authorities.**
IV. Endangerment Determination	IV. Endangerment Determination
V. Exemption from Statutory Limits	**V. Proposed Actions and Estimated Costs**
VI. Proposed Actions and Estimated Costs	**VI.** Expected Change in the Situation Should Action Be Delayed or Not Taken
VII. Expected Change in the Situation Should Action Be Delayed or Not Taken	VII. Outstanding Policy Issues
VIII. Outstanding Policy Issues	VIII. Enforcement
IX. Enforcement	**IX. Recommendation**
X. Recommendation	Enforcement Addendum
Enforcement Addendum	Attachments
Attachments	

* All ceiling increase requests for removal actions with total project costs over $2 million must state that the removal continues to meet previously documented statutory exemption criteria or demonstrate that the response meets other exemption criteria in a section on “Exemption From Statutory Limits”.

Site Conditions and Background
(Section II)

- Discuss who initiated the action, the date the action was approved in the original Action Memo, and the date response activities began on site.

- Describe the actions initially approval, actions to date, and actions to be completed.
  Example: - *Of the three actions initially approved — staging of drums, soil excavation, final disposal at a RCRA-approved facility — all but disposal have been completed.*

- Describe the problems or conditions at the site that have led to the 12-month limit exemption request.
  Examples: - *Severe flooding delayed cleanup work and exposed more drums.*
  - *Contract lab delays disrupted scheduled response activities.*

Threats to Public Health or Welfare or the Environment, and Statutory and Regulatory Authorities
(Section III)

- A new/revised/updated section is required if the 12-month exemption is needed to respond to threats that are different from those addressed in previous Action Memos. Section III of the model Action Memo describes the information that should be included.

Exemption From Statutory Limits
(New Section V: follows "Endangerment Determination")

- Demonstrate that the site meets either the emergency or consistency exemption according to the instructions in the discussion of the combined removal and exemption request Action Memo. *Remember that a higher threshold is used to evaluate the threats in an emergency request* than in an original Action Memo within statutory limits; therefore, substantiate the request accordingly [8, 9]. If a subsequent time extension or change in scope of work is needed, the new Action Memo must state that the removal continues to meet the original exemption criteria or demonstrate that new exemption criteria are met.

Proposed Actions and Estimated Costs
(Section V)

- Describe what actions are required to complete the removal action, addressing the same issues raised in the "Proposed Actions" section of the model Action Memo.

- Describe any ARARs that will be complied with as a result of the exemption request and address the same issues outlined in the "Proposed Actions" section of the model Action Memo (see p. 3-325).

Recommendation
(Section IX)

- Provide an approval statement that briefly presents the rationale and time schedule for the removal.
  Example: - *Conditions at the site meet criteria for the CERCLA section 104(c) consistency exemption, and I recommend that you approve an exemption from the 12-month limit to allow a continued removal response. The total project ceiling is $730,000, of which an estimated $650,000 comes from the Regional removal allowance.*

- Include any special conditions or provisions that pertain to this exemption.

Ceiling Increase

A ceiling increase Action Memo is used for approval of all ceiling increase requests. The RA can approve ceiling increases, addressed from the OSC, that do not result in total project costs over $2 million. If the ceiling increase will bring the total project ceiling above $2 million for the first time, the OSC should prepare a combined $2 million exemption and ceiling increase (see p. 336). Requests for ceiling increases for projects already totaling over $2 million require approval from Headquarters and must state that the removal still meets the same exemption criteria (i.e., emergency or consistency) specified in the original $2 million exemption request/ceiling increase Action Memo or demonstrate that the response meets other exemption criteria. Therefore, all ceiling increases for projects totaling over $2 million need to reiterate or demonstrate that exemption criteria are met.

Additions to Model Action Memo

Where appropriate, the original or most recent Action Memo should be referred to in order to avoid unnecessary duplication of information. The "Purpose," "Site Conditions and Background," "Threats," "Proposed Actions," and "Recommendation" sections should be modified as described below.

Purpose
(Section 1)

- Modify the "Purpose" statement described in the model Action Memo (p. 3-316) to specify that a ceiling increase is requested.

Site Conditions and Background
(Section II)

- State the date action was approved in the original Action Memo and the date response activities began on site.
  Example: - *The removal was initiated by EPA on December 2, 1988.*

- Discuss the present status of the removal action.
  Examples: - *Actions already taken are staging and overpacking of drums, and pumping down lagoons.*
  - *Drums currently awaiting disposal at a RCRA-approved disposal site.*

- Describe the site conditions and the reasons for a ceiling increase request.
  Examples - *Additional drums were discovered buried near the property lines.*
  - *Unexpected freezing temperatures required the use of specialized equipment.*

- Describe what the ceiling increase will be used for.
  Example: - *Disposal of additional drums that washed ashore after the removal action began.*

- Describe a worst-case scenario should the ceiling increase not be granted.

- Include any other information that may help substantiate the need for a ceiling in e and attach any new enforcement information, ATSDR health advice, or other useful documents.

Threats to Public Health or Welfare or the Environment, and Statutory and Regulatory Authorities
(Section III)

- A new/revised/updated section is required if the ceiling increase will be used to respond to threats that are different from those addressed in previous Action Memos. Section III of the model Action Memo (see p. 3-321) describes the type of information that should be included in order to substantiate the request for a funding increase.

Exemption From Statutory Limits[12]
(New Section V: follows "Endangerment Determination")

- State that site conditions continue to meet the exemption criteria (i.e., emergency or consistency exemption) specified in the original $2 million exemption/ceiling increase Action Memo. If site conditions have changed but continue to meet the same criteria specified in the original exemption request, demonstrate here that the new conditions meet the exemption criteria. If site conditions do not continue to meet the same exemption criteria, the Action Memo must demonstrate that criteria for the other exemption are met according to the instructions for the combined exemption and removal request Action Memo (see p. 3-335). *Remember that a higher threshold is used to evaluate the threats in an emergency exemption request* than in an original Action Memo within statutory limits; therefore substantiate the request accordingly [8, 9].

[12] This section is only required if a $2 million exemption has been previously approved. Renumber subsequent sections as appropriate.

Proposed Actions and Estimated Costs
(Section V)

- Describe what actions are required to complete the response, addressing the same issues raised in the "Proposed Actions" section of the model Action Memo (see p. 3-331).
  Example: - *Sampling for compatibility remains to be completed before final disposal may be undertaken.*

- Provide a detailed breakdown of costs for both the current and proposed ceiling (see Exhibit 8) [29].

Recommendation
(Section IX)

- Present the Region's recommendations rationale, and project costs in an approval statement. Summarize what the additional funds will be used for and state how much the approval would increase the total project ceiling. If the ceiling increase is for a removal with a total project ceiling of more than $2 million, specify the exemption criteria met, the source of funding, and when funding is planned.
  Examples: - *Site conditions continue to meet the NCP section 300.415(b)(2) criteria for a removal, and I recommend your approval of the proposed ceiling increase of $600,000. The total project ceiling, if approved, will be $1,774,00, of which an estimated $1,387,000 will be funded from the Regional removal allowance.*
  - *Site conditions continue to meet the NCP section 300.415(b)(2) criteria for a removal and the CERCLA section 104(c) consistency exemption, and I recommend your approval of the proposed project ceiling increase of $400,000. The total project ceiling, if approved, will be $3.5 million, of which an estimated $2.9 million will be funded from FY 89 and FY 90 Regional removal allowances.*

$2 Million Exemption and Ceiling Increase

The $2 million exemption request and ceiling increase Action Memo is used when a ceiling increase will bring the total project ceiling above $2 million for the first time or when addressing new threats in subsequent ceiling increases [8]. This dual request Action Memo requires approval from Headquarters, and must be addressed to the AA, OSWER from the RA, through the Director, OERR to the attention of the Director, ERD. In situations where an exemption is sought for a proposed or final NPL site based upon the consistency exemption, the appropriate official from the Regional remedial program must also concur [9].

Additions to Model Action Memo

Where appropriate, the original or most recent Action Memo should be referred to in order to avoid unnecessary duplication of material. Additionally, the combined exemption and ceiling increase Action Memo should contain the information discussed below.

EXHIBIT 8. SAMPLE PROJECT CEILING INCREASE ESTIMATE [27]

Extramural Costs	Current Ceiling	Costs to Date	Proposed Ceiling
Regional Allowance Costs:			
(This cost category includes OSC estimates for: ERCS, Regional ERCS, subcontractors, Letter Contracts, order for services, Notices to Proceed, Alternative Technology Contracts, and IAGs with other Federal agencies. Also includes a 10-20% contingency)	$837,000	$825,000	$1,387,000
Other Extramural Costs Not Funded From the Regional Allowance:			
Total TAT, including multiplier costs	$10,000	$5,000	$10,000
Total NCLP	$20,000	$15,000	$20,000
Total ERT/REAC	$20,000	$15,000	$20,000
Subtotal, Extramural Costs	$887,000	$860,000	$1,437,000
Extramural Costs Contingency (20% of Subtotal, Extramural Costs; round to nearest thousand)	$177,000	$172,000	$287,000
TOTAL, EXTRAMURAL COSTS AND CONTINGENCY	$1,064,000	$1,032,000	$1,724,000
Intramural Costs:			
Intramural Direct Costs (HQ and Region)	$17,000	$16,000	$19,000
Intramural Indirect Costs	$33,000	$30,000	$34,200
TOTAL PROJECT CEILING	$1,114,000	$1,078,000	$1,777,200

Threats to Public Health or Welfare or the Environment, and Statutory and Regulatory Authorities
(Section III)

- A new/revised/updated section is required if the $2 million exemption and ceiling increase will be used to respond to threats that are different from those addressed in previous Action Memos. Section III of the model Action Memo (see p. 3-321) describes the information that should be included.

Exemption from Statutory Limits
(New Section V: follows "Endangerment Determination")

- Place this section immediately following the "Threats" section and use the threat information to justify the need for a $2 million exemption. Ensure that the severity of the threats is sufficiently documented to warrant the exemption request *(remember that a higher threshold is used to evaluate the threats in an emergency exemption request than in an original Action Memo).* Demonstrate that the removal meets either the emergency or consistency exemption under CERCLA section 104(c). See the exemption section of the combined removal and exemption request (p. 3-335) for $2 million exemption documentation requirements [8, 9].

Proposed Actions and Estimated Costs
(Section V)

- Refer to the "Proposed Actions" section of the ceiling increase Action Memo discussed previously (see p. 3-325) and Exhibit 8 for documentation requirements.

Recommendation
(Section IX)

- Present the Region's recommendations, rationale, and project costs in an approval statement. Identify the source of funding and when funding is planned.
  Example: - *Conditions at the site meet criteria for a CERCLA section 104(c) emergency exemption, and I recommend your approval of an exemption from the $2 million limitation and a ceiling increase of $50.000. The total project ceiling, if approved, will be $4.2 million, of which an estimated $3.7 million will be funded from the FY 89 and FY 90 Regional removal allowances.*

Change In The Scope Of Response

The request for a change in the scope of response is used when the proposed actions and/or removal response goals have changed from those outlined in the "Proposed Action" section of the current Action Memo. The format provided below is used when there is a change in the scope of work and redirection of funds at a site, but no change in total project ceiling. This Action Memo should be sent for approval to the RA from the OSC through the Regional Division Director (as appropriate), unless the removal was initially or subsequently (in the case of a $2 million exemption request) approved by Headquarters. In these two instances, Headquarters' approval is required, and the Action Memo should be routed in the same way as a $2 million exemption request. When a change in the scope of response is required for an

approved removal action totaling more than $2 million, the Action Memo requesting the change must state that the statutory exemption criteria are still met.

Additions to Model Action Memo

Where appropriate, refer to the original or most recent Action Memo. Additional modifications to the "Purpose," "Site Conditions and Background," "Threats," "Proposed Actions," and "Recommendation " sections as discussed below.

Purpose
(Section I)

Modify the "Purpose" statement provided in the model Action Memo (p. 3-316) to specify that a change in the scope of response is requested.

Site Conditions and Background
(Section II)

- Detail key site characteristics such as location, current conditions, and NPL status. Attach the original Action Memo and refer to it as appropriate in order to avoid repeating site description information used to describe the same threats in the original Action Memo.

- Discuss who initiated the action, the date the action was approved in the original Action Memo, and the date response activities began on site.

- Describe the conditions or situations that have led to the proposed change in the scope of the response.
  Example: - *Initially, incineration was identified as the sole method of treatment and disposal, but tests have shown that incineration is not feasible for all the waste, so some of the waste will be solidified on-site.*

- Include a chronological description of steps taken to address the conditions or situations leading to this request.

- Identify any key problems or complications that have developed or are anticipated.

Threats to Public Health or Welfare or the Environment, and Statutory and Regulatory Authorities
(Section III)

- A new/revised/updated section is required if the change in the scope of response is needed to respond to threats that are different from those addressed in previous Action Memos. Section III of the model Action Memo (see p. 3-321) describes the type of information that should be included.

Proposed Actions and Estimated Costs
(Section V)

- List and describe all the approved project tasks remaining to be accomplished for completion of the removal action.

- Describe any ARARs that will be complied with as a result of the proposed change in work, addressing the same issues outlined in the "Proposed Actions" section of the model Action Memo (see p. 3-325).

- State that the costs will remain within the current approved total project ceiling (no separate cost summary is required).

Recommendation
(Section IX)

- State that the response continues to meet NCP removal criteria and present the OSC's recommendations for a redirection of approved funds in an approval statement.
  Example: - *Conditions at the site continue to meet the NCP section 300.415(b)(2) criteria for a removal, and I recommend your approval for redirection of funds as indicated. Specifically, I recommend that the TAT and CLP portions of the total project ceiling be reestablished at $25,000 and $20,000, respectively, with no increase in the total project ceiling.*

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ACTION MEMORANDA SUPPLEMENTS

Action Memoranda Attachments

The proper use of attachments can save time in preparing Action Memos as well as increase the effectiveness of the Action Memo as the primary decision document for removal activities. While certain attachments are required for approval of the Action Memo, the OSC may utilize other existing material or easily created attachments to enhance the overall clarity and usefulness of this document. The relevance of and information contained in all scientific documents must be explained and summarized within the body of every Action Memo.

Required Attachments

The following documents must be attached to the Action Memo and referred to as indicated:

- EE/CA Approval Memo and the EE/CA: To avoid repetition of information and for organizational purposes, OSCs must attach and refer to the EE/CA and its approval memo. EE/CAs are required for all non-time-critical removals [I].

- Written response to significant comments: This document must be attached to the Action Memo and referred to in the "Proposed Actions" section (see p. 3-325). If a public comment period was held pursuant to section 300.820(b) of the NCP (required for all non-time-critical removals), the Action Memo must document that significant comments were considered. A written response to all significant comments must be included in the administrative record and may be appended to the Action Memo after the comment period closes [21].

- Final ATSDR Health Advisories and Health Consultation Memos or other health advice: If the OSC has received such information, it must be attached and referred to in the "Threats" section of the Action Memo (see p. 3-321).

- Enforcement information: This addendum includes information described on p. 3-333. The addendum must be attached and referred to, and may be prepared by enforcement personnel [28].

- Concurrence Memo for Nationally Significant or Precedent-Setting Actions: If necessary, this approval memo must be attached and referred to in the "Outstanding Policy Issues" section (see p. 3-332) [14].

Recommended Attachments

In addition to the required attachments, OSCs are encouraged to use other documentation to substantiate their findings presented in the Action Memo. Suggested attachments include:

- Administrative Record Index: The Index may be attached and referred to in the "Site Conditions and Background" section (see p. 3-316) [21].

- Previously approved Action Memos: If other Action Memos have been approved for the site, they should be attached and referred to where appropriate to avoid unnecessary duplication of information (see the discussions on Action Memos for special circumstances, pp. 3-341–3-351).

- Alternative Technology Approval Memorandum: As with the EE/CA, OSCs may attach the approval memorandum for the use of alternative technologies to assist the reviewer. Approval is required for innovative or emerging technologies, or when the development status of a technology is uncertain [18].

- Documentation of site characteristics: These may be hand-drawn or professionally produced pictures, photographs, diagrams, maps, or other illustrations of the area around the site, the site itself, and prominent site features related to the incident or its response. These documents may be referred to where appropriate in the "Site Conditions and Background" section of the Action Memo (see p. 3-316).

- Sampling results: "This includes charts, graphs, or other forms of documentation indicating the extent of contamination based upon sampling results, such as PA, SSI, or LSI reports. All data presented either in the Action Memo or in an attachment must be discussed and their relevance to the removal fully explained. If a chart is used, identify in column format the substance, quantity, location, and existing standards. The attachment should be referred to in the "Site Conditions and Background" section of the Action Memo (see p. 3-316).

- Project schedule: Charts can be used to illustrate various tasks and their anticipated duration (to avoid potential problems, the OSC might measure the time in terms of number of days instead of specific dates). The schedule should be referred to in the "Proposed Actions" section of the Action Memo (see p. 3-325).

- Soil and debris treatability variances: Generally, a request for a treatability variance for contaminated soil and debris is a memorandum attached to the Action Memo. When insufficient information exists about the need for a variance at the time the Action Memo is signed, the Action Memo should be amended to include the request for the variance when information becomes available. For non-time-critical actions, the information to justify a variance should be included in a memorandum attached to the EE/CA. In all cases, public comment on treatability variances should be solicited whenever possible, in accordance with NCP requirements.

- Delisting evaluation: If delisting of hazardous wastes is viable at a site, the technical basis for the delisting should be included in an addendum to the Action Memo. The evaluation should consider all identified RCRA wastes and discuss the reasons why the wastes should be disposed of as solid wastes (pursuant to RCRA Subtitle D requirements).

If other information is readily available and, based on professional judgment, the OSC believes the attachments will strengthen or clarify the material presented in the Action Memo, the use of additional attachments is encouraged.

Role of Headquarters Addenda

Occasionally it is necessary to make minor modifications to Action Memos submitted to Headquarters that do not require the development of an entirely new original Action Memo, exemption request, ceiling increase, or a request for a change in the scope of work. Addenda are succinct documents issued from Headquarters that clarify and supersede certain parts of the Action Memo by:

- Providing supplemental information to clarify or elaborate upon the need for a removal action
- Revising wording to avoid misinterpretation
- Incorporating new information to reflect a change in the situation since the submission of the Action Memo to Headquarters.
- Providing partial approval of a proposed removal action (i.e., approval for less than the requested amount).

Addenda are addressed from the Director, ERD, to the AA, OSWER, through the Director, OERR, and conclude with an approval statement similar to that of the Action Memo. The AA, OSWER, signs the addendum, not the original Action Memo, to signify approval of the request. These addenda are not intended to serve a quality assurance/control function. Regional staff should ensure that Action Memos are accurate and complete before forwarding them to Headquarters.

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REVIEW AND APPROVAL PROCEDURES

Need for Review

Because judicial review is limited to the contents of the administrative record, and the Action Memo is the primary decision document used to initiate removals, the importance of a thorough review process cannot be overstated. Thorough review procedures are needed to ensure that the Action Memo sufficiently and accurately justifies the decision to undertake a removal. Careful reviews can also avert unnecessary delays due to typographical errors, organizational problems, and other minor errors.

Each Region should allot time for adequate review of the Action Memo (based on the exigencies of the situation) and adhere to a consistent review process. In addition to a thorough proofreading for typographical errors and other minor problems, OSCs should refer to the checklist provided in Exhibit 9 to ensure that the Action Memo is sufficient for administrative record purposes.

State-lead actions

OSCs also need to plan for the additional time required for intergovernmental review (IGR) of Action Memos for State-lead removals.[13] Funds will not be obligated until State representatives have had an opportunity to comment on the proposed removal in accordance with their review process. IGR should be initiated at least one quarter prior to the obligation of funds for a removal and should take place concurrently with cooperative agreement application development and review. OSCs should plan accordingly for the additional review time required for State-lead actions [17].

Resources for Review

When possible, the OSC should have an outside reviewer examine the document from a fresh perspective. This will help the OSC evaluate the Action Memo as a sufficient decision document. Two valuable resources an OSC has for review are Regional Counsels and the ERD Regional Coordinators.

OSCs should have Regional Counsel or reinforcement staff review the "Enforcement" section of all Action Memos as time permits. In particular, Regional enforcement personnel should review Action Memos requiring Headquarters' concurrence and approval as well as 12-month exemption requests. With the increasing emphasis on removal enforcement, OSCs must ensure that each Action Memo contains sufficient detail on enforcement activities to justify funding a removal [28].

OSCs can also contact their Regional Coordinators in ERD for advice and assistance throughout the removal process. OSCs are strongly encouraged to submit $2 million exemption requests for Regional Coordinator review. In addition, the OSC should notify the Coordinator of forthcoming exemption requests as soon as possible following the determination that an exemption will be needed.

[13] Under 40 CFR Part 29, States with established review processes are required to issue formal notice to their designated State contacts, directly affected governmental entities, and Regional/areawide planning agencies that they are seeking Federal assistance.

EXHIBIT 9. REVIEW CHECKLIST

The following checklist has been developed to help ensure that all types of Action Memos are complete. A comprehensive list of topics for inclusion in original Action Memo is provided, with additional information requirements for Action Memos for special circumstances listed as well. OSCs should review all Action Memos against the checklist and add their own procedures if they desire.

Removal Request:

The Action Memo has:

____ Provided a statement of purpose (section I).*

____ Indicated if the response was initiated under the OSC's $50,000 authority (section I).

____ Described the site thoroughly and accurately and includes:

- Location
- NPL status
- Past and present uses (section II).*

____ Identified the proper CERCLA response authority (section II).*

____ Indicated if a Federal facility is involved (section II).

____ Indicated if a State or local government body is an owner or operator (section II).

____ Identified the materials on site (section II).*

____ Stated whether the materials are hazardous substances, pollutants or contaminants (section II).*

____ Described the migration patterns of the substances, pollutants or contaminants (section II).*

____ Indicated the State and local authorities' past, current, and likely future involvement, and funding capabilities (section II).

____ Described any previous or current actions by the Federal Government or private parties (section II).

_____

* Denotes information required for all Action Memos. Other items should be discussed as appropriate, given site circumstances.

EXHIBIT 9(2). REVIEW CHECKLIST

Removal Request (continued)

____ Identified and discussed threats to public health or welfare or the environment in relation to NCP criteria (section III).

____ Incorporated an appropriate endangerment determination based upon the substances involved (section IV).*

____ Described tasks involved in the proposed response(section V).*

____ Substantiated the need for a removal by addressing the threats found at the site (section V).*

____ Identified the need to defer decisions pending further information (section V).

____ Referred to the sampling QA/QC plan for further information concerning site sampling plans (section V).*

____ Discussed the need for institutional controls (section V).

____ Indicated compliance with the off-site disposal policy (section V).*

____ Discussed commitments to provide post-removal site control (section V).

____ Stated the contribution to efficient performance of remedial actions (section V).*

____ Indicated consideration of alternative actions and technologies (section V).

____ Attached and referred to the EE/CA for an analysis of alternative actions (section V).

____ Discussed the effort to identify ARARs and listed those deemed practicable (section V).*

____ Summarized the estimated total project ceiling with a breakdown of the costs involved (section V).*

____ Described the expected change in the situation should action be delayed or not taken (section VI).*

____ Identified important policy issues (section VII).

_____

* Denotes information required for all Action Memos. Other items should be discussed as appropriate, given site circumstances.

EXHIBIT 9(3). REVIEW CHECKLIST

Removal Request (continued)

____ Provided a summary statement indicating the extent of PRP involvement in the proposed response action (section VIII).*

____ Provided a recommendation statement and spaces for signatures and date (section IX).*

____ Identified the strategy for and results of the PRP search and notification process (Enforcement Addendum).*

____ Discussed consideration of the factors affecting the decision to issue an order (Enforcement Addendum).

____ Described the negotiation and order issuance strategy and schedule (Enforcement Addendum).

____ Appended all attachments.

Removal and Exemption Request:

____ Provided a specific statement of purpose (section I).*

____ Substantiated the need for 12-month and/or $2 million exemption based upon the emergency or consistency exemptions (new section V).*

____ Provided a specific recommendation statement and documented the approval of appropriate program managers (section X).*

12-Month Exemption Request:

____ Provided a specific statement of purpose (section I).*

____ Described previous actions and current problems (section II).*

____ Discussed any new threats to public health, welfare, or the environment as they relate to NCP criteria (section III).

____ Demonstrated that the site meets the emergency or consistency exemption requirements (section V).*

____ Described remaining actions (section VI).*

_____

* Denotes information required for all Action Memos. Other items should be discussed as appropriate, given site circumstances.

EXHIBIT 9(4). REVIEW CHECKLIST

12-Month Exemption Request (continued)

____ Described any ARARs that will be complied with as a result of the exemption request (section VI).

____ Provided a specific recommendation statement and documented approval of appropriate program managers (section X).*

Ceiling Increase Request:

____ Provided a specific statement of purpose (section I).*

____ Described previous actions and current problems (section II).*

____ Describe what the ceiling increase will be used for (section 1I).*

____ Discussed any new threats to public health, welfare, or the environment as they relate to NCP criteria (section III).

____ Demonstrated that the site meets emergency or consistency exemption requirements if a $2 million exemption has been granted previously (section V, if applicable).

____ Described remaining actions (section V).*

____ Summarized costs of the current and proposed ceilings (section V).*

____ Provided a specific recommendation statement and documented approval of appropriate program managers (section IX).*

$2 Million Exemption and Ceiling Increase Request:

____ Provided a specific statement of purpose (section I).*

____ Described previous actions and current problems (section II).*

____ Described what the ceiling increase will be used for (section II).*

____ Discussed new threats to public health, welfare, or the environment as they relate to NCP criteria (section III).

_____

* Denotes information required for all Action Memos. Other items should be discussed as appropriate, given site circumstances.

EXHIBIT 9(5). REVIEW CHECKLIST

$2 Million Exemption and Ceiling Increase Required (continued)

____ Demonstrated that the site meets the emergency or consistency exemption requirements (section V).*

____ Described remaining actions (section VI).*

____ Summarized costs of the current and proposed ceilings (section VI).*

____ Provided a specific recommendation statement and documented approval of appropriate program managers (section X).*

Change in the Scope of Response Request:

____ Provided a specific statement of purpose (section I).*

____ Described previous actions and current problems (section II).*

____ Discussed any new threats to public health, welfare, or the environment as they relate to NCP criteria (section III).

____ Described remaining actions (section V).*

____ Described any ARARs that will be complied with as a result of the proposed change in work (section V).

____ Stated that costs will remain within the current project ceiling (section V).*

____ Provided a specific recommendation statement and documented approval of appropriate program managers (section IX).*

_____

* Denotes information required for all Action Memos. Other items should be discussed as appropriate, given site circumstances.

Approval and Concurrence Procedures

The required approval and concurrence procedures for Action Memos are determined by two factors:

- The type of action being requested (e.g., an initial removal action, 12-month exemption, $2 million exemption, or change in the scope of response)

- The unique circumstances for each removal (e.g., use of alternative technology, involvement of nationally significant or precedent-setting issues, use of the consistency exemption, invoicing of the OSC's $50,000 authority).

Exhibit 3 details approval and concurrence responsibilities at both the Regional and Headquarters levels.

Regions

The RA or the Division Director, in Regions where authority has been delegated according to Delegation 14-1-A, must approve the following removal actions by signing all final Action Memos: initial removals costing up to $2 million, 12-month exemption requests, ceiling increases up to $2 million, and changes in the scope of response for removals costing up to $2 million. In addition to RA approval, when the consistency exemption is used and the site in question is proposed for or listed on the NPL, the appropriate official in the Region's remedial program must concur in writing (9).

Procedures for obtaining the necessary approvals and concurrences from Regional personnel vary among Regions. OSCs should check with program managers to determine existing procedures for obtaining RA concurrence and coordinating with the remedial program (if necessary).

Headquarters

The AA, OSWER must approve all $2 million exemption requests and subsequent ceiling increases [8]. The AA, OSWER also determines whether or not the use of the consistency exemption to exceed the $2 million limit at non-NPL sites is appropriate on a case-by-case basis [9]. In addition to the AA, OSWER, OWPE and the Office of General Counsel (OGC) concur on $2 million exemption requests.[14] Exemption requests will not be approved if there has not been adequate enforcement effort to obtain responses from PRPs.

In addition to exemption requests, two other actions require Headquarters approval or concurrence. The Director, OERR must concur on nationally significant or precedent-setting removal actions at non-NPL sites. Exhibit 10 provides a sample of the concurrence memo that must accompany all Action Memos involving nationally significant or precedent-setting issues [14]. The Director, ERD must approve the use of innovative or emerging alternative technologies, or cases where the development status of a proposed technology is uncertain. Approval of alternative technologies may be required prior to preparing the Action Memo because treatability studies may be necessary in advance of implementing the response [18].

[14] OGC concurrence is not required for ceiling increase requests that do not involve a change in the scope of response.

Action Memos requiring Headquarters' approval should be sent to the appropriate Regional Coordinator in ERD at least three weeks before the requested action is (and after appropriate Regional signatures have been obtained). OSCs can contact their Regional Coordinator at 8-382-2188 during regular working hours for assistance with Action Memos.

The Regional Coordinator will obtain the necessary program concurrences and submit the Action Memo to the AA, OSWER for final approval. If additional Headquarters' assistance is needed, OSCs are encouraged to send final Action Memos to Regional Coordinators more than three weeks in advance in order to avoid lengthening Headquarters' processing time.

EXHIBIT 10. CONCURRENCE FOR NATIONALLY SIGNIFICANT OR PRECEDENT-SETTING REMOVALS

Subject: Request for Concurrence on Proposed Nationally Significant or Precedent-Setting Removal

From: Regional Administrator

To: Director
Office of Emergency and Remedial Response

The purpose of this memorandum is to request your concurrence on the proposed removal action at the _____ non-NPL site in [location]. Redelegation of Authority R-14-1-A gives you the authority to concur on nationally significant or precedent-setting removals at non-NPL sites.

The OSC has discussed this proposed removal with staff of the HQ Emergency Response Division. ERD has advised the OSC that this removal is considered nationally significant or precedent-setting because _____
_____
_____

The action memorandum is attached for your review. My approval awaits your concurrence.

Concur:

_____
Director, Office of Emergency and Remedial Response Date

According to the redelegation, authority to non-concur remains with the Assistant Administrator,
OSWER. If you choose not to concur on this action, please forward this memo to the Assistant
Administrator.

Non-Concur:

_____
Assistant Administrator for Solid Waste and Emergency Response Date

Concur:

_____
Assistant Administrator for Solid Waste and Emergency Response Date

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APPENDIX A. REFERENCES[15]

Guidance

[1] "Engineering Evaluation/Cost Analysis Guidance Outline," Memorandum from T.Fields to Superfund Branch Chiefs (March 30, 1988)

[2] "Guidance on Use and Enforcement of CERCLA Information Requests and Administrative Subpoenas" (August 25, 1988)

[3] "Interim Guidance on Notice Letters, Negotiations, and Information Exchange," Memorandum from J. Winston Porter to Regional Administrators (October 19, 1987)

[4] "New Method for Determination of Indirect Costs in Superfund Removal Project Ceilings," Comptroller Policy Announcement No. 87-15 (July 15, 1987)

[5] OSWER Dir. 9280.0-02B, "Policy on Floodplains and Wetlands Assessments for CERCLA Actions" (August 6, 1988)

[61 OSWER Dir. 9330.2-07, "Notification of Out-of-State Shipment of Superfund Site Wastes" (September 14, 1989)

[7] OSWER Dir. 9360.0-8, "Removal Actions at Methane Release Sites (Release of 'Naturally Occurring' Substances)" (January 23, 1986)

[8] OSWER Dir. 9360.0-12, Guidance on Implementation of the Revised Statutory Limits on Removal Actions" (April 6, 1987)

[9] OSWER Dir. 9360.0-12A, "Guidance on Implementation of the ‘Consistency’ Exemption for Removals" (June 12, 1989)[16]

[10] OSWER Dir. 9360.0-13, "Guidance on Implementation of the 'Contribute to Remedial Performance’ Provision" (April 6,1987)

[11] OSWER Dir. 9360.0-15, "The Role of Expedited Response Actions Under SARA" (April 21, 1987)

[12] OSWER Dir. 9360.0-16, "Interim Guidance for Conducting Federal-Lead Underground Storage Tank Corrective Actions" (June 4, 1987)

[13] OSWER Dir. 9360.0-18, "Removal Program Priorities" (March 31, 1988)

[14] OSWER Dir. 9360.0-19 (supplement), "Guidance on Non-NPL Removal Actions Involving Nationally Significant or Precedent-Setting Issues" (March 3, 1989)

[15] OSWER Dir.9360.1-0l, "Interim Final Guidance on Removal Action Level at Contaminated Drinking Water Sites" (October 6, 1987)

[15] Bracketed numbers appear throughout the text and correspond to the references listed in this appendix. These references may be consulted for additional information on specific topics affecting the preparation and content of Action Memos.

[16] Draft document.

[16] OSWER Dir. 9360.2-02, "Policy on Management of Post-Removal Site Control"[17]

[17] OSWER Dir. 9375.14-W, "Guidance for State-Lead Removal Actions" (July 10, 1987)

[18] OSWER Dir. 9380.2-1, "Administrative Guidance for Removal Program Use of Alternatives to Land Disposal" (August 1988)

[191 OSWER Dir. 9832.1, "Cost Recovery Actions Under CERCLA" (August 1983)

[20] OSWER Dir. 9832.13, "The Superfund Cost Recovery Strategy" (July 29, 1988)

[21] OSWER Dir. 9833.3A, "Interim Guidance on Administrative Records for Selection of CERCLA Response Actions" (March 1, 1989)

[22) OSWER Dir. 9834.11, "Revised Procedures for Implementing Off-Site Response Actions" (November 13, 1987)

[23] "Policy on Use of Institutional Controls at Hazardous Waste Sites," Memorandum from E. LaPointe to H. Longest et. al. (October 28, 1988)

[24) "Use of Removal Authority to Completely Clean Up NPL Sites," Memorandum from T. Fields to Regional Branch Chiefs (January 29, 1988)

Manuals

[25] CERCLIS Applications for the Removal Program Emergency Response Division, Office of Emergency and Remedial Response (October 1988)

[26] OSWER Dir. 9234.1-01 and -02, CERCLA Compliance With Other Laws Manual, Parts I and II, Publications 540/G-89/006 and 540/G-89/009 (August 1988 and 1989)[2]

[27] OSWER Dir. 9360.0-02B, Removal Cost Management Manual (April 1988)

[28] OSWER Dir. 9837.2, Enforcement Project Management Handbook (July 1989)

[29] Removal Cost Management System User's Guide, Version 3.2 (June 1989)

[30] Superfund Indirect Cost Manual for Cost Recovery Purposes, Office of the Comptroller, Office of Administration and Resources Management (March 1986; updated 1/5/87 and 12/17/87)

Statutes and Regulations

The Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 USC Sections 9601-9675

The National Oil and Hazardous Substances Pollution Contingency Plan, 55 FR 8666-8865 (March 8, 1990)

[17] Draft document.

NATIONAL STRIKE FORCE (NSF) GUIDANCE ON CERCLA RESPONSES WHEN SUPPORTING EPA OSCS

The NSF, when called upon as a special force to assist an EPA OSC on a CERCLA case, operates using reimbursable funding authorized by the EPA's OSC and their respective Region, provided to the Coast Guard in an Inter-Agency Agreement (IAG) negotiated between the EPA Region and the NPFC. These IAGs may be either incident specific or "blanket" for a set period of time, usually one year.

Funding procedures

Strike Teams or PIAT, upon receipt of an EPA OSC request and after determining that the strike team will respond, are authorized to issue a locally generated CERCLA Project Number (CPN) and associated ceiling. The Strike Team will promptly advise NPFC via the Strike Team Launch Message that the CPN has been issued and the amount of ceiling the EPA FOSC has authorized. If the Strike Team must obligate funds in advance of the launch message being sent, the Strike Team will notify the NPFC by message and request activation of the CPN in the Coast Guard accounting system.

NPFC(cf), upon receipt of a strike team request, will promptly verify the availability of funds. If funds are not available, the NPFC will immediately initiate negotiations with the respective EPA Region to ensure funds are made available. However, the Strike Team is authorized to continue the response while those negotiations proceed, unless the NPFC specifically directs the Strike Team that funds are not available and the CG actions in support of the EPA FOSC must be paid for in some other way.

Financial procedures

Strike teams shall not request CPNs and ceilings from the NFPC when they are supporting a CG OSC on a CERCLA response. They shall seek funding from the respective CG OSC, and use the CERCLA accounting string assigned to the CG OSC by the NPFC.

Response documentation and financial close-out

Strike Teams/PIAT shall use LUFS to record appropriate obligations and expenditures when using CERCLA reimbursable funds on a response.
Strike Teams/ PIAT shall follow the NPFC Resource Documentation TOPs in documenting the daily cost of CG personnel, equipment, and other CG provided services (e.g.: MSL) used during a response. If the EPA OSC is using EPA's RCMS system and recording these costs in RCMS, then RCMS printouts, signed by the EPA OSC, are acceptable alternative documentation. Strike Teams shall retain supporting documentation for a period of 10 years from the conclusion of the response.

Strike Teams/PIAT shall document obligations and resulting expenditures using LUFS. NFPC(cf) will provide Unbilled Expenditure Reports to allow the strike team to compare local records against official DAFIS records. Once the Strike Team has corrected all discrepancies, including submitting PES error reports when necessary, the Strike Team may endorse Unbilled Expenditure Reports and return it to NFPC(cf). This will serve as adequate documentation of all spending under the respective CPN. Strike Teams shall retain supporting documentation (purchase orders, travel claims, etc.) for a period of 10 years from the conclusion of the response.

When the response has concluded, or when extended operations last more than 6 months, the Coast Guard will bill EPA under the IAG for the costs incurred to date. The NPFC is responsible for compiling the bill and directing FINCEN to bill EPA. The Strike Team is responsible for providing NPFC the cost information supporting the bill.

For an interim bill, the NPFC will coordinate with the respective strike team a timetable for the strike team to submit cost documentation to the NFPC.

Within 90 days of the conclusion of any Strike Team support to an EPA OSC under CERCLA, the strike team shall provide a cost summary report to the NPFC for the response. The cost summary report shall have the format as specified in the NPFC Resource Documentation TOPs.

Long Term Removals

Long term removals have administrative characteristics that require special treatment. If an IAG is involved, it should be unique to that case so that the case will not prevent the orderly closeout of an annual blanket IAG in a reasonable period of time. Lost or forgotten removals, especially when facilities are installed for removal, can generate unacceptable amounts of work when they are brought to the attention of the NPFC again, even if they do not involve very high levels of funding. If high levels of funding are involved, the financial surprise could be a serious problem.

Defined by Time & Money Thresholds, and Installed Facilities

These rules apply to any case that qualifies under one of the following criteria:

1) The OSC estimates that $100,000 or more will be spent after the first anniversary of the opening of the removal (issuance of the FPN);

2) The OSC estimates that the removal will continue past the second anniversary of the FPN, i.e., into the third year of removal;

3) Any case that involves an improvement to real property.

Initial Requirements

FINANCIAL PLAN

The OSC will submit a life cycle removal plan to NPFC containing all resource considerations relating to the removal project from its inception to completion, including disposal of all real and personal property procured for the removal. If improvements to real property are involved, the plan shall contain, at a minimum, a description of the removal system including components and system operation, initial setup costs, annual recurring costs, annual non-recurring costs, termination costs and other costs. The removal plan will list these cost categories by federal fiscal year.

SEPARATE IAG

If the removal funds are provided by the NPFC under an IAG, a long term removal can not be charged to a blanket IAG. The OSC must immediately notify NPFC so that the removal can be funded under a separate IAG. The initial amount provided in an IAG will normally be the amount needed for the first 12 months.

REAL PROPERTY -- ADVANCE PLANNING FOR DISPOSAL

If improvements, long term facilities, are constructed on real property, the OSC must document the improvements to support cost recovery and potential litigation and to facilitate disposal upon closure. The OSC must be prepared to defend the selection of removal technology chosen. This is not financial information per se, and need only be documented to the extent needed to assure that the current OSC or successors can successfully defend the government's interests in the event of litigation. When the time for disposal arrives, records should be available to

show purchase costs, accurate descriptions of structures and installed equipment, understandings or arrangements made in advance with any other parties, title holder to the property involved at the time the improvements were installed, and any other information needed to dispose of the type of improvement involved.

Subsequent Requirements

ANNUAL ADMINISTRATIVE CYCLE

At every twelve month anniversary of the removal project, the removal plan shall be reviewed and updated to show all actual costs to date and current best estimates of future costs, as well as changes in the nature of the spill or the technology being employed. This will include a separate summary of cost data since the last report. Based on this information, the OSC should request additional ceiling in the amount needed for the next 12 months and initiate an amendment to the IAG. The OSC should also prepare an interim financial summary and submit a billing package at this time.

REAL PROPERTY

When improvements to real property are involved, there are two choices regarding disposal and closure. One option is demolition with disposal of the refuse via a DRMO. The other option is to list the improvements (empty structure) and the land, if included, on an SF-120 with a cover letter to the NPFC Case Officer for disposal through GSA. The cover letter can recommend transfer of the building to a state or local government. Generally no one in the federal government will be interested in such sites and the building can be transferred in about 30 days. The only possible glitch may be the ownership of the land. These situations will be evaluated on a case by case basis. The removable property (machinery and equipment), can be treated in accordance with the NPFC personal property policy. Another option is to include that property along with the building on the SF-120. Note, however, that this would slow the disposal process as GSA would have to start by making the personal property available to the rest of the federal government.

NPFC Personal Property Policy

RECOMMENDED OPTION: use the NPFC personal property policy for disposal through a DRMO, and list the improvements, and real estate if any, on an SF-120 for disposal through GSA.

The NPFC's policy for acquisition and disposal of personal property is in Chapter 7 of the NPFC Technical Operating Procedures for RESOURCE DOCUMENTATION (included in Chapter 3 of this manual).

U.S. Department
of Transportation

United States
Coast Guard

Director
United States Coast Guard
National Pollution Funds Center

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7 MAR 2001

From: Chief Financial Officer, National Pollution Funds Center
Chief, Office of Response, Marine Safety and Environmental Protection Directorate
To: Distribution

Subj: CERCLA MANAGEMENT AND SUPPORT FUNDING GUIDE

1. PURPOSE: This Guide contains Coast Guard standard operating procedures for use of and transactions involving CERCLA Management & Support funds.

2. AUTHORITY: The National Pollution Funds Center is responsible for the overall management of the CERCLA Management & Support account, and the Office of Response is the Program Manager for the Coast Guard's Marine Environmental Response Program. This program is the core user of the funds.

3. ACTION: All Coast Guard users of CERCLA funds should follow the rules and procedures in this Guide. Please distribute this Guide to your commands and units that receive CERCLA funding. Corrections and suggestions for improvements are welcome. Please forward them to your Cost Center Manager or the CERCLA Account Manager at NPFC.

D. W. Neily
By direction

D. G. WESTERHOLM
By direction

Encl: (1) CERCLA Management & Support Funding Guide

Distribution: (1) Director, National Pollution Funds Center
(2) Chief, Office of Response, Marine Safety and Environmental Protection Directorate
(3) Chief, Headquarters Command Center, Operations Policy Directorate
(4) Chief, Human Factors Division, Health and Safety Directorate
(5) Chief, Training Division, Marine Safety Schools, TC Yorktown

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Comprehensive Environmental Response, Compensation and Liability Act

(CERCLA)

Management & Support Funding Guide

National Pollution Funds Center
United States Coast Guard

March 2001

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SECTION 1. BACKGROUND and PURPOSE

Section 104 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA, 42 USC 9604) became law on December 11, 1980 and authorizes the President to act "Whenever (A) any hazardous substance is released or there is a substantial threat of such a release into the environment, or (B) there is a release or substantial threat of release into the environment of any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare... ." To comply with the first Executive Order (E.O. 12316 dated August 14, 1981), the Coast Guard and the USEPA signed a Memorandum of Understanding (MOU) on January 4, 1982. Following the Superfund Amendments and Reauthorization Act of October 17, 1986, a new Executive Order (12580 dated January 23, 1987) continued delegation of authority and responsibility for response to hazardous substance incidents to the Administrator of the USEPA and the Secretary of the Department of Transportation. Effective May 27, 1988, the two agencies executed the Instrument of Redelegation that assigns all responsibility for remediation of waste sites to the EPA. The 1982 MOU was superseded by a new MOU, dated September 8, 1994, that describes the current funding coordination mechanism that provides the Coast Guard with access to funding from the Hazardous Substance Superfund, the trust fund established under CERCLA.

This Guide addresses CERCLA funds provided for support of the Coast Guard's hazardous substance removal capability. The funds are limited in application, and some procedures for use are different from standard Coast Guard Operational Expense funds. The Guide defines the correct applications and the required procedures. It is published by the CERCLA Account Manager (National Pollution Funds Center) and the Marine Environmental Program Manager (G-MOR).

SECTION 2. INCIDENT-SPECIFIC and MANAGEMENT & SUPPORT CERCLA FUNDS

The Coast Guard uses two kinds of CERCLA (also called Superfund) funds: Management and Support (M&S) funds, also called non-incident funds, and incident specific funds. Incident specific funds are used to respond to hazardous substance incidents in the Coastal Zone, including costs for contractors, and Strike Team operations. Guidance for use of incident specific CERCLA funds is in the National Pollution Funds Center Reference Guide and the National Contingency Plan.

The Coast Guard's CERCLA M&S funds are used for the functions, activities and equipment/property purchases needed to build or maintain the Coast Guard's capability to respond to hazardous substance incidents in the Coastal Zone. This includes training, response equipment and its maintenance, hazardous substance spill drills and exercises, NRT/RRT meetings and support costs, medical support, and National Response Center communications capability. In addition, the National Contingency Plan (40 CFR 300) categorizes the Coast Guard National Strike Force (NSF) as a Special Force, a national asset, available to assist any OSC in either the coastal or Inland Zone. CERCLA M&S funds are used to build NSF capability to respond to releases of hazardous substances.

There are five cost centers responsible for these funds: Commandant (G-MOR), Commandant (G-WKS), TRACEN Yorktown, the National Response Center (G-OPF), and the National Pollution Funds Center (NPFC). G-MOR coordinates the use of CERCLA funds by the National Strike Force (the NSF consists of the Atlantic, Pacific and Gulf Strike Teams and the National Strike Force Coordination Center), Coast Guard districts and field units. In addition to the discretionary use of these funds, a number of Coast Guard billets/positions are designated as reimbursable and are paid from Superfund.

All funding from the Superfund for all Federal Agencies passes through EPA. The Coast Guard submits budget requests to EPA two years in advance for inclusion in EPA's submission to OMB and then the Congress. The amount appropriated by Congress is included in EPA's budget and they convey it to the coast Guard in an IAG. This budget process is the only way the Coast Guard receives CERCLA M&S funding.

Each fiscal year, an Interagency Agreement (IAG) transfers the funds from the EPA to the Coast Guard. Based on the amount of funding transferred in the IAG, the Coast Guard establishes the AFC-88 reimbursable accounts and bills EPA for reimbursement of expenditures against the accounts.

SECTION 3. CERCLA FUND USE

CERCLA M&S funds may be used only for support of the Coast Guard's hazardous substance response capability. It is important to note that the DOT Inspector General conducts audits of the use of CERCLA funds. Training is a common use, but a training course that addresses oil spills in its title demands justification and is probably not appropriate for these funds. DOT auditors have challenged the use of CERCLA funds to purchase an item for general use at a unit. The most easily justified procurement is for an item or service that is used exclusively for hazardous substance response capability. More difficult, but still possible, is a procurement that is essential for the hazardous substance response mission, with occasional additional use for other purposes. An item intended to support multiple purposes or programs should be purchased with funds from sources appropriate to each of the purposes or programs. For general use items, this would mean Coast Guard AFC-30 funds in addition to the CERCLA funds. Exclusive use of CERCLA funds may be considered only if the other uses are incidental and incur no additional CERCLA costs, and CERCLA activities always have priority. Prudent judgment is required in this case.

APPENDIX F contains the list of approved training and examples of activities, materials, and equipment that have been deemed acceptable uses of CERCLA funds at the field level. This is not an exhaustive list.

SECTION 4. INVENTORY & REPLACEMENT

The majority of CERCLA property and equipment is held in the National Strike Force haz-chem response inventory, which is used for both training and incident response. When equipment from the inventory is consumed or ruined during a CERCLA response, the full cost of replacing the equipment is charged to the CERCLA incident account rather than the M&S account.

The M&S budget shall only fund the following equipment purchases:

- Equipment consumed during training;
- New items added to the inventory, and;
- Other property needed to support haz-chem response capability but not bought for a specific response.

SECTION 5. ANNUAL BUDGETS

There are annual formulation and execution cycles for the CERCLA budget which are part of the annual federal budget process, but they do not follow the Coast Guard budget process. All CERCLA funds used by Federal agencies are obtained through the Environmental Protection Agency's budget, and all Coast Guard CERCLA budget activity is conducted through EPA.

NPFC and the primary cost center managers use a Budget Model (think of it as a standardized budget plan) to manage the budgeting of these funds. First, it is used to estimate the funding we will need in two years (FY+2); this is input for the budget request that we present to EPA two years in advance of the budget year (formulation). Second, it is used to distribute the available funds in the beginning of each fiscal year following EPA's confirmation of the exact amount we get from the Superfund budget that they get from the Congress (execution).

It is important for Coast Guard CERCLA fund managers at all levels to understand the Budget Model and use it carefully. NPFC needs a solid basis for estimating and justifying the FY+2 budget request. Cost Center managers need to plan for the things that the Model will fund and the things not included in the Model, both in FY+2 and in the beginning of each new FY. We must work with the Budget Model twice a year.

A. Budget Formulation

In the spring, the input estimates for the FY+2 budget request must be constructed. To some extent, this is really a validation that the Budget Model accurately describes the way we expect to conduct business in two years. NPFC and the primary cost center managers build the FY+2 budget request on this input. NPFC partners with G-MOR to prepare the final document for presentation to EPA management. The date for submission to EPA can be as early as mid-May or as late as the second week in July. If the FY+2 formulation is accurate and EPA is successful in obtaining funds, the total funding will be sufficient for the total need.

B. Budget Execution

Prior to October 1, the beginning of the FY, NPFC works with the primary cost center managers to develop a spend plan that is fair to all users and maximizes the benefit of the CERCLA funds to the Coast Guard. This requires the users to review the Budget Model again and provide specific data for the coming year. This is not a repetition of the FY+2 formulation process, because execution both allows and requires the application of better knowledge of the specific conditions in each unit for the approaching fiscal year. For instance, specific personnel

onboard and expected rotations should be known, and this allows exact training needs to be identified. Near the beginning of the fiscal year, EPA notifies the Coast Guard of the amount of funding in the budget from Congress. If total funding is less than the need, the Model provides a rational way to optimize the benefit of the available funds with minimum damage to individual units and the Program.

C. Spend Down Rates

CERCLA funds must be managed with the same discipline that applies to OE funds (AFC-30, etc) and excessive spending at the end of the fiscal year indicates a lack of discipline. The annual funding letter specifies the Spend Down Rates for the year, and the procedures are similar to the OE procedures. Funds must be obligated in DAFIS by the specified dates, or the CERCLA Account Manager in NPFC will rescind unobligated differences. For planning purposes, assume that 45% of your budget must be obligated by the end of the second quarter (31 March) and 70% by the end of the third quarter (30 June). Final rates will be in the budget letter at the beginning of each fiscal year. To assure that the Account Manager does not rescind any funds, check your PES reports periodically to verify that transactions in LUFS have communicated correctly with DAFIS. If DAFIS does not reflect all of the valid transactions in your LUFS system or if there are other reasons to delay obligation of funds, send correspondence (e-mail is acceptable) to the Account Manager in NPFC requesting an extension. Field units should send a copy to the appropriate Cost Center Manager (G-MOR or G-WKS).

D. End of Year Spending Deadline

On the 1st of September, the Account Manager rescinds all unobligated balances in DAFIS. Verify that all of your obligations in LUFS are recorded in DAFIS. If DAFIS does not contain all of your transactions, send correspondence to the Account Manager. Field units should send a copy to the appropriate Cost Center Manager (G-MOR or G-WKS). It is very important to verify that all LUFS transactions are recorded in DAFIS. Obligations that hit DAFIS late will cause a deficiency in the CERCLA account, and those responsible will have to provide an alternative source to fund the deficiency. If you are certain that you have obligated funds and that the obligation will be executed but the obligation is not recorded in DAFIS, send correspondence to the CERCLA Account Manager in NPFC prior to 1 September. Field units should send a copy to the appropriate Cost Center Manager (G-MOR or G-WKS).

If you have plans to obligate CERCLA funds in September and have the funds in your budget, send a September spending plan that details and justifies the use of CERCLA funds in September to the CERCLA Account Manager in NPFC no later than 15 August. Field units, send correspondence to your Cost Center Manager. September spending must be guaranteed to go to completion. You may not retain funds for contingencies. If you have serious contingencies to consider, include them in your September spending plan or a fallout request (see below).

E. Fall-Out Funding

In August, Cost Center Managers should consolidate their lists of unfunded or unexpected needs and forward them to the Account Manager for possible fall out funding. If the Account Manager can identify unobligated funds after the 1st of September, requests for the use of those funds will be prioritized and funds will be distributed. Do not request fall out funds if you are not certain the funds can be obligated before the end of the fiscal year.

SECTION 6. ACCOUNTING PROCEDURES

A. Appropriation Limitation Code (LIM) Conflicts

DAFIS has limitations that can affect the way some Cost Center managers have to manage account lines. When two different units (or users) have CERCLA account lines with the same LIM code (Appropriation Limitation Code), there can be conflicts in document numbering, even if they use different Cost Center Codes (usually the unit's OPFAC number). If two transactions, one from each unit, have the same Document Control Number (DCN), the second transaction entered into DAFIS (not LUFS – DAFIS is where the transaction information goes after transmission by LUFS) will fail.

To prevent this, account line managers (district CERCLA managers and others who have a CERCLA budget and a unique CERCLA account line) should assure that their units or spenders use unique Document Control Numbers. This is not a problem across district lines, because each district has its own LIM code which makes the account lines different, and the Procurement Site Codes in the DCNs are different for each district. One possibility for districts is a process whereby each MSO or spender is assigned a unique sequence of document numbers (logbook numbers): i.e., the district office gets 1-99, MSO A gets 100-199, MSO B gets 200-299, etc.

B. Object Class

Use only the Object Class codes listed in Appendix "C" of this Guide. There are other valid Object Class codes in the accounting system, but they may not be appropriate uses of CERCLA M&S funds. Even this list of selected codes must be used with care. Availability of a code in Appendix C does not imply approval of such items in your budget if they would not otherwise be appropriate uses of CERCLA funds. If it is necessary to use a code that is not in Appendix "C," contact the CERCLA M&S Account Manager in NPFC.

Object Class codes are important because the Coast Guard's financial reports to EPA are sorted on Object Class. In addition, an Object Class code could indicate an inappropriate use of CERCLA funds and even a violation of law. For example, codes 2642 and 3110 (supplies and non-capitalized equipment) are for the Environmental Compliance and Restoration Program that addresses pollution caused by the Coast Guard or on Coast Guard-owned sites. CERCLA M&S funds may not be used for such internal agency cleanups.

C. Large Unit Financial System (LUFS)

All CERCLA transactions should be conducted through LUFS. All of the management and reconciliation tools in LUFS should be used as needed to assure the correct entry of all transactions, deobligation of unused balances, and identification and correction of erroneous transactions charged to your CERCLA account.

Sometimes LUFS support is not available in the office that manages CERCLA funds and it must be obtained from a different part of the unit. Proper management of CERCLA funds is not optional, even if it is difficult to obtain effective LUFS support. Contact the staff running LUFS and work out a support arrangement. If that does not work, use your chain of command and demand support. If that cannot be done, contact your cost center manager or the CERCLA manager in NPFC, because failure to properly manage these funds will result in a reduction or loss of funding.

D. Program Element Status (PES) Reports

Proper management of an account using LUFS NT requires reconciliation of the Program Element Status (PES) reports, which are downloaded weekly, against the transactions in your CERCLA account. The LUFS staff can assist you, but you must determine the status and validity of all transactions against your account. Only you know which transactions are valid. The best status report on reconciliation is the 5-line report. Absent a 5-line report, you cannot accurately describe the status of your CERCLA account. If PES reports are not available, contact Customer Service at FINCEN (757-523-6940). If the problem cannot be resolved that way, contact NPFC for assistance.

E. `Change in Financial Plan (CIFP)

Transactions that require a Change in Financial Plan are allowed only when they adhere strictly to the funds flow pattern below. When CERCLA funds are transferred by an incorrect CIFP out of AFC-88 into a different AFC, the accounting records show a reduction in the CERCLA funding available rather than an expenditure. This conceals the audit trail for those funds and prevents the reimbursement process from working. Absent reimbursement , Coast Guard OE funds must be charged and from a financial perspective the transaction ceases to be a CERCLA transaction.

Funds flow pattern for CERCLA CIFPs:

2/H/101/8nn/88/0/8n	(--)	this is your account line
2/H/101/899/80/0/SK	(+)	
2/H/101/399/75/0/SK	(--)	
2/H/101/1nn/30/0/prog. el.	(+)	this is the targeted account line

The CIFP must be routed for approval through the CERCLA account manager in NPFC and Ms. Loretta McRae in G-CBU.

CIFPs may be required when a CERCLA spender wants to procure equipment or services from a large contract that is funded from a single AFC-30 account or other non-CERCLA account. To use such contracts, it is necessary either to add money to the AFC-30 account that was originally obligated to establish the contract or to amend the contract to recognize an additional source of funds (contracting officers are usually unwilling to amend such contracts). Transferring funding from another AFC-30 account does not require a CIFP, which is the reason such contracts are not usually a problem. Plan ahead, and do not plan to use contracts that can only be funded from specific AFC-30 accounts.

SECTION 7. RECORD KEEPING AND AUDITS

There is a requirement in CERCLA for the Inspector General of each Department using CERCLA funds to conduct an annual audit of all transactions to assure proper administration and use. All users of CERCLA funds should act with full accountability just as for any of their official actions, but this audit requirement brings the accountability into better focus. The transactions must follow the established accounting protocols and the purpose of each transaction must be appropriate for CERCLA funds.

All users of these funds are required to keep records of each transaction and must be able to account for all transactions recorded against the accounting strings entrusted to their use. This responsibility begins with the five cost center managers (G-MOR, G-OPF, G-WKS, TRACEN Yorktown, and NPFC). In the case of G-MOR, there are NSF and district managers responsible for accounting strings assigned to the G-MOR cost center. Each district CERCLA funds manager (and each unit CERCLA funds manager if so directed by the district) is required to validate all transactions charged against the manager's CERCLA account line and make corrections if needed.

This audit accountability extends to the property and equipment purchased with CERCLA funds. The inventory of CERCLA equipment must be complete and correspond to the procurement records.

SECTION 8. CERCLA PROPERTY MANAGEMENT

The Coast Guard Property Management Manual, COMDTINST M4500.5, states in Chapter 1 that custodians have the responsibility to maintain "current custodial records" for property which they have signed for. This responsibility must be taken seriously. Property purchased with CERCLA funds is subject to the Coast Guard accountability requirements, but there are some unique features.

The Memorandum of Understanding (MOU) between the Coast Guard and EPA (titled "Procedures for United States Coast Guard Access to SUPERFUND, to Support Coast Guard Implementation of CERCLA") places two specific requirements on the Coast Guard's use of CERCLA funds to procure property:

- USCG must maintain an up-to-date inventory of CERCLA property, and
- USCG must consult with EPA prior to disposition of CERCLA property with an aggregate fair market value of $1000 or more to assure the disposition method properly reflects the interests of Superfund.

A. Property Records

The purchaser must enter all non-consumable property purchased with CERCLA funds and with a cost of $500 or more into the Coast Guard's Oracle Fixed Assets Management (FAM)-system.

The entry of CERCLA property into FAM requires two additional notations to flag the item as belonging to the CERCLA inventory. In the field titled "Item Name Code", the purchaser of the item must enter "**CERCL**." The notation is a truncation of CERCLA, because there are only 5 spaces in the field. In the field titled "Local Use", the purchaser must enter "**CERCL**." This is also a 5-character field.

Use the automated features in FAM and LUFS to access data for entry into FAM. The entry of the "CERCL" notation into the "INC" and "Local Use" fields is entirely manual as is the entry of the serial number of the item, which is ordinarily not available until delivery.

B. Disposal

Disposal of CERCLA property does not follow standard Coast Guard rules. Prior to disposal, the Coast Guard must notify EPA to assure they agree that the method of disposal reflects the interests of Superfund. In addition, CERCLA property with residual value cannot be given away or transferred to non-CERCLA use; it must be sold and the proceeds returned to Superfund.

Executive Order 12999 authorizes transfer of excess computers and related equipment to schools and non-profit organizations, but it does not apply to CERCLA funded property.

1. Transfer. When CERCLA property with useful life remaining is no longer needed where it is located, try to find an alternative CERCLA-related use within the Coast Guard. A transfer to another CERCLA user within the Coast Guard is not disposal. Use SF-1149 and assure that FAM is updated to show the correct location for the item.

A transfer of CERCLA property to a CERCLA user in another federal agency requires EPA approval first. The Coast Guard does not have the authority to transfer the property directly to a state or local entity for CERCLA use. This would be a grant and the funding agreement with EPA does not include authority for the Coast Guard to issue CERCLA grants.

A transfer to a non-CERCLA Coast Guard user is not allowed without payment to Superfund. Removal of the property from CERCLA use is disposal (from the CERCLA perspective), and the new Coast Guard user must pay the fair market value for the property. Prior to completion of such a transaction, NPFC has to notify EPA. Please contact the CERCLA account Manager in NPFC for further guidance in transferring the funds.

A transfer of CERCLA property to any other non-CERCLA-related party (federal, state, local or non-profit) is disposal and requires sale.

2. Notification. For property with an aggregate fair market value of $1000 or more, send correspondence to the CERCLA manager in NPFC(cf-2) describing the property and the proposed method of disposal. Include item description, model number, condition, and any other information needed to understand the item (such as age) so that EPA can consider alternative uses and disposal methods. Include proposals, if any, to transfer the property to another federal CERCLA user. The CERCLA manager will notify EPA. Form CG-5269 (Report of Survey) contains all key information and may be used in lieu of letter correspondence.

3. Disposal through DRMO or GSA. When no alternative CERCLA uses within the Coast Guard have been found and EPA has been notified and has concurred, transfer property with remaining value to the General Services Administration (GSA) or the Defense Reutilization and Marketing Office (DRMO) for sale. On the transfer form SF 120 or DD 1348-1, indicate that this is CERCLA property and the proceeds from the sale are to be deposited into US Treasury Account 20X8145.3 (Superfund receipts).

C. Standard Rates

When non-expendable equipment (able to be used more than once) is used for an incident response, a standard rate must be included in the documentation of costs for the incident. When an item in the inventory is replaced, review the standard rate to assure that it applies to the new equipment. Cost of the item or number of expected uses may have changed. When a new type of response equipment is added to the inventory, a standard rate must be created. Contact the Business Analysis Division (G-CFS-2) in the Directorate of Finance and Procurement in Headquarters. G-CFS-2 will need the following information to construct the rate:

- Full cost of the item (including any modifications)
- Residual value – estimated salvage (or trade-in) value when this item will be replaced
- Annual warehouse cost – based on annual rent plus O&M cost for the facility where the item is stored
- estimated equipment life in days of use
- Projected days of use per year
- Preventive maintenance cost per year (does not include repair or refurbishment due to use)

If these variables do not appear to apply to the item for which a rate is needed, consult with G-CFS-2 to determine the best way to proceed. Documentation of response cost involving the use of an item with a standard rate includes the standard rate times the number of standard rate units used, plus the following:

- Personnel costs for operating the equipment, if not recorded elsewhere
- Refurbishment and repair related to use
- Mobilization and demobilization costs
- Shipping cost
- Disposal costs, if any
- Consumables needed for the equipment, if any

D. Capitalized Property

The minimum threshold for capitalized property is $25,000. It is essential to select the correct Object Class for the accounting data when making a capital purchase. Note that the same item will have a different object class when cost exceeds $25,000. The additional management and record keeping requirements for capitalized property are automated, but the correct Object Class must be used for the automation to work.

SECTION 9. QUARTERLY REPORTS

The five cost center managers (G-MOR, G-OPF, G-WKS, TRACEN Yorktown, and NPFC) are required to report quarterly on progress in achieving the fiscal year's plan for these funds. Within the G-MOR cost center, the each District will submit a consolidated report that includes all district units, and the National Strike Force Coordination Center will submit a consolidated report that includes the three Strike Teams. All subordinate units with CERCLA M&S funds are required to submit quarterly reports to the command providing their CERCLA funds. Districts and the National Strike Force submit their reports to Commandant (G-MOR). G-MOR, G-OPF, G-WKS, and TRACEN Yorktown submit reports to NPFC.

A. Reporting Dates

Reports are due at the NPFC by the 21st of the month following the end of the quarter. The report consists of the following:

B. Report Form

An Excel form is used to record the routine statistical measures of activity and accomplishment (see Appendix G). The form captures the following data:

1. TIME MEASUREMENT. The measurement of time for training (for both instructor(s) and students) and other CERCLA activities serves three purposes:

a) The MOU and the annual IAG require "Documentation" for the Coast Guard's CERCLA reimbursed billets and positions. Such documentation does not naturally exist in the Coast Guard, an organization that does not use time cards. The time data in the Quarterly Reports is converted to a count of Full Time Equivalents (FTEs) (both billets and positions). The FTE number is used as surrogate documentation (justification) to satisfy the requirements of the MOU and the IAG. So, please provide comprehensive estimates of time spent on all CERCLA related business – use the space marked "Other CERCLA Activity" whenever necessary.

b) The Coast Guard Program Manager uses the data to understand training needs and workload.

c) The data provides a substantive set of measures to report to EPA, which helps the Coast Guard to compete for available funds in the Superfund budget and helps EPA justify funding that may be threatened in the administration or by congressional political processes.

2. TRAINING. Appendix F of this Guide shows the training considered most important by program managers. If you feel you must use the "Unlisted Course" line too much for unlisted courses that you consider valuable or necessary, please send correspondence to G-MOR, copy to NPFC, and provide identification of the course(s) plus justification for their importance. G-OPF, G-WKS and TRACEN Yorktown contact NPFC directly. This part of the report is intended to be useful for management in the Coast Guard and not just a recitation of numbers in a report. Please be proactive in keeping the list of courses relevant.

3. Individual units and districts do NOT report training figures for members attending PODC and MSPOC. TRACEN Yorktown reports these figures.

4. In addition to the actual training hours, TRACEN Yorktown (and any other unit offering training) should include staff-hours for class/exercise setup, maintenance of publications and equipment, training of staff, and administration.

5. The National Response Center (G-OPF) should include the number of CERCLA and non-CERCLA discharge reports processed, and the number of CERCLA-related FOIA inquiries.

C. Submit Corrections

In the 2nd, 3rd and 4th quarters please include a separate form with adjustments for the prior quarter(s), if you discover that adjustments are needed. Care should be taken to assure that all reports are as accurate as possible.

D. Narrative Section of Report

Attach additional page(s) to the form containing a narrative description of the following (for an example, see Appendix G):

1. A summary of any significant CERCLA events including but not limited to chemical responses, chemical training, chemical exercises and meetings.

2. Suggestions for improving business practices. If problems are identified, recommend solution(s).

This is a very important part of the report. The narrative record is the only consistent record available to the managers in HQ and NPFC describing events and activities. Such descriptions carry weight in management choices within the Coast Guard and in the management dialogue with EPA.

SECTION 10. OTHER END OF QUARTER & END OF YEAR REQUIREMENTS

The MOU requires the Quarterly Reports to include an inventory of CERCLA property acquired year to date and an accounting of obligations sorted by EPA specified budget categories. NPFC will provide these parts of the quarterly reports, but the users must assure that the records in the property and accounting systems are completely accurate.

A. Validation of FAM Entries

It is the responsibility of the users to assure that all non-consumable CERCLA property is recorded in **FAM** with "CERCL" in the Item Name Code and Local Use fields no later than the end of the quarter. Relocations and deletions of property must also be entered. Cost center managers and sub-managers are encouraged to require their units to provide reports designed to assure compliance with these requirements.

B. Reconciliation of Accounts

Similarly, all users must review, validate and correct ALL transactions charged to their respective accounts no later than the end of the quarter. Use of the reconciliation tools in LUFS can simplify this process. Cost center managers and sub-managers are encouraged to require their units to provide reports designed to assure compliance with this requirement. If necessary, the NPFC can be contacted to obtain a summary of DAFIS activity under a particular account.

C. Deobligations & Prior Year Transactions

The last step in any transaction is to reconcile the data in the accounting system (LUFS). Specifically, as soon as a transaction is complete and the final expenditure is available in LUFS, the CERCLA manager responsible for the account and the transaction must verify that no obligated balance (also called a UDO or UnDelivered Order) remains in the accounting system. Quarterly and annually, the manager should review all of the open obligations in the account.

Any obligation that is not needed for further (possible) expenditures must be reduced to zero. This is called a deobligation. A balance remaining in a contract obligation or purchase order (document type 24 and 23) is normally eliminated by amending the contract or purchase order down to the exact value of the total paid on the invoice(s). Failure to do this prevents your unit or any other unit from spending those balances.

Each manager is responsible for managing all transactions against his/her CERCLA account line, <u>including prior fiscal years</u>. Particular attention should be devoted to prior year UDOs in the account. It may not be possible to close a prior year account if a UDO must remain open for that year. It is entirely valid to keep an obligation open for years, but the manager must be able to identify and defend any prior fiscal year obligations remaining open in his/her account.

SECTION 11. DAFIS ACCOUNTING DATA FOR CERCLA TRANSACTIONS

A. Construction of DAFIS Account Lines

FORMAT: X - X - XXX - XXX - XX - X - XXXXXX - XXXXX - XXXX
(1) (2) (3) (4) (5) (6) (7) (8) (9)

(1)	Agency	1-digit	2 = Coast Guard
(2)	District/Region	1-digit	Always = H for CERCLA Mgt. & Support
(3)	Appropriation	3-digit	Position #1 = Last digit of current FY Position #2 & 3 = 01 (indicates operating expense, i.e. OE Appropriation)
(4)	Appropriation Limitation Code (LIM Code)	3-digit	Position #1 = 8 (reimbursable account) Position #2 & #3 = ATU for authorized spending Unit **(See Appendix "A")**
(5)	Allotment Fund Code (AFC)	2-digits	Always = 88
(6)	Allotment Level Indicator	1-digit	Always = 0 (This field is not used by CG .)
(7)	Program Element	2-digits	88, except as below: Medical = 87 NRC = 89 AST = 81 PST = 82 GST = 83 **(NOTE –** These distinctions are necessary for the Program Element Status (PES) Reports to be generated correctly.)
(8)	Cost Center	5-digits	The OPFAC# of the authorized spending unit **(See Appendix "B")**
(9)	Object Class	4-digits	(**See Appendix "C")**
SYSDATA Field:		5-digits	Hxxxx Reimbursable Agreement Number Position #1 = H Position #2-#5 = four-digit number assigned by NPFC and FINCEN for each account line (district or cost center) each year. (Enter this data in the System Data field in LUFS or write it in a text block on paper commitment and obligation documents.)

B. Construction of DAFIS Document Control Numbers

FORMAT: XX - XX - XX - X - X - XX – XXX - XXX
(1) (2) (3) (4) (5) (6) (7) (8)

(1)	Document Type	2-digits	DAFIS document type **(See Appendix "D")**
(2)	Fiscal Year	2-digits	xx = Last two digits of current Fiscal Year (i.e., the funding year).
(3)	Procurement Site Code	2 -digits	23 = CGHQ **(For others see Appendix "E")**
(4)	Fiscal Year	1-digit	x = last digit of the FY (usually the current fiscal year, but could be a prior year; for contracts, use FY of initial contract award.)
(5)	Region/District	1-digit	H (CERCLA Mgt. & Support always uses H)
(6)	Program Element	2-digits	88 (CERCLA Mgt. & Support always uses 88 in the Program Element component of the Document Control Number.)
(7)	Document Sequence unit Number	3-digits	xxx = Unique sequential number assigned by preparing the document
(8)	Suffix	3-digits	Usually 000 (001 could be the 1st amendment to a contract or travel order)

APPENDIX "A"
ADMINISTRATIVE TARGET UNITS (ATUs)

CCGD1	Boston, MA	01
CCGD5	Portsmouth, VA	05
CCGD7	Miami, FL	07
CCGD8	New Orleans, LA	08
CCGD9	Cleveland, OH	09
CCGD11	Alameda, CA	11
CCGD13	Seattle, WA	13
CCGD14	Honolulu, HI	14
CCGD17	Juneau, AK	17

MLC - Atlantic, Portsmouth, VA	32
MLC - Pacific, Alameda, CA	33
CG Finance Center, Chesapeake, VA	36
National Strike Force	58
NPFC, Arlington, VA	72
TRACEN Yorktown	75
CG Headquarters	99
Marine Safety Center	39

APPENDIX "B"
COST CENTER CODES (OPFAC Numbers)

DISTRICT OFFICES:		OTHER	
Boston (1)	**71101**	**G-MOR**	**70586**
Portsmouth (5)	**71105**	**G-WKS**	**70456**
Miami (7)	**71107**	**MLC - LANT**	**75130**
New Orleans (8)	71108	MLC - PAC	75160
Cleveland (9)	71109	NPFC	74100
Alameda (11)	71111	NRC	70529
Seattle (13)	71113	TRACEN Yorktown	63100
Honolulu (14)	71114	Marine Safety Center	70411
Juneau (17)	71117		

MSOs and Activities (Alphabetically):			
Anchorage	**33280**	**Morgan City**	**33293**
Baltimore	73133	New Orleans	33292
Boston	33200	New York	73136
Buffalo	33254	Paducah	33205
Charleston	33233	Philadelphia	33211
Chicago	33247	Pittsburgh	33206
Cleveland	33253	Port Arthur	33241
Corpus Christi	33240	Portland, ME	33285
Detroit	33250	Portland, OR	33270
Duluth	33287	Providence	33286
Galveston	33265	Puget Sound	33271
Grand Haven	36257	San Diego	33255
Guam	33296	San Francisco Bay	33260
Hampton Roads	33220	San Juan	33239
Honolulu	33275	Sault Ste Marie	36259
Houston	33244	Savannah	33232
Huntington, WV	33207	St. Louis	33201
Jacksonville	33231	Tampa	33230
Juneau	33281	Toledo	33252
Los Angeles/Long Beach	33261	Valdez	33283
Long Island Sound	36229	Wilmington	33225
Louisville	33209		
Memphis	33204	NSFCC	34359
Miami	**33215**	**Atlantic Strike Team**	**34361**
Milwaukee	33248G	Gulf Strike Team	34340
Mobile	**33214**	**Pacific Strike Team**	**34360**

APPENDIX "C"
LIST OF SELECTED OBJECT CLASS CODES
(See FINCEN SOP Appendix F for complete descriptions)

Object Class	Description
1133	Intermittent Appointments
1151	Overtime
1152	Holiday Pay
1153	Sunday Pay
1154	Night Pay
117J	TAD/TEMAC/SADT Pay, Commissioned & Warrant Officers
117K	TAD/TEMAC/SADT Pay, Enlisted
2100	US Travel – Site Visit – Operational Travel
2101	US Travel – Information Meeting
2103	US Travel – Conference Attendance including speech, presentation, or participation
2109	US Travel – Other/Program support
2110	Overseas Travel – Site Visit – Operational Travel
2113	Overseas Travel – Conference Attendance (inc. AK, HI, Caribbean & Pac. Islands)
2119	Overseas Travel – Other/Program Support
2133	Civilian Training Travel – Gov't & non-Gov't., short term & long term
2150	Officer Training Travel
2151	Enlisted Training Travel
2171	Lease of Motor Vehicles, Government (paid to other Gov't Agencies)
2172	Lease of Motor Vehicles, Commercial
2199	Late Payment Interest Penalty—Travel
2201	Mail & Messenger Services
2204	Rental – Trucks & Other Equipment
2210	Transportation of ADP equipment and software
2211	Transportation of Gov't Property
2223	Transportation of Things – Other
2299	Late Payment Interest—Transportation
2323	Office Space – Regions, Field Offices – Other Than GSA (rental of office space)
2326	Rental of building or space – not GSA
233A	Other Communication Services (not classified elsewhere)
233B	Rental – ADP Equipment
233C	Rental – ADP Terminals & Other Peripherals
233E	Rental – Duplicating Equipment (includes copy and service charges)

Object Class	Description
233F	Rental – Telephone Equipment & Systems
233H	Rental – Other Equipment (not classified elsewhere)
233X	Telecommunications Services – Commercial
2334	Leased Radio Equipment
2335	Local telephone service & installation (not through DOT Working Capital Fund)
2338	Mail & Messenger Services – Postage (for costs not provided through the OST Working Capital Fund. Includes payments to the Postal Service & express mail service for letters. Excludes Parcel Post & express mail service for freight.)
2399	Late Payment Interest Penalty – Rent, Communications & Utilities
2402	Visuals & Graphics Services (includes design & layout of pubs, exhibits, illustrations, charts, awards, etc., not provided through OST Working Capital Fund)
2404	Hot Copy Services – in-house photocopying services not provided through the OST Working Capital Fund
2409	Printing & Reproduction
2411	Printing & Reproduction – Training (manuals, aids, curriculum materials, etc.)
2499	Late Payment Interest Penalty – Printing & Reproduction
2508	Audiovisual Services
251E	Consulting Service – Mgmt & Professional Support Services
251F	Consulting Service – studies, analyses & evaluations – policy, etc.
251G	Consulting Service – Engineering & Technical Service
252B	ADP Contract Support Services
252D	ADP Systems Analysis & Programming
2521	Contractual Services – DOD Agencies (includes DCAA charges)
2522	Contractual Services – Other Gov't Agencies (includes reimbursable agreements)
2523	Contractual Services – Other
2534	Maintenance & Repair – ADP Equipment
2537	Maintenance & Repair – Electronic Equipment
2538	Maintenance & Repair – Office Furniture & Equipment
2539	Maintenance & Repair – Operating Equipment—Technical
2540	Maintenance & Repair of structures, vehicles & equipment at shore units
2544	Maintenance & Repair—MER Pollution Equipment
255F	Technical Services—Other
2559	Training – Facilities (rental of conference rooms & related services)
256D	Training – Non-Gov't – All

Object Class	Description
256G	Training – Government – costs rel. to on-duty training provided by a Fed. agency
2561	Training – Officers
2562	Training – Enlisted
2563	Training – Other
2596	Other Services – Not Otherwise Classified
2599	Late Payment Interest Penalty – Other Services
2608	Automatic Data Processing (ADP) Supplies
2609	Automotive Lubricants, Maintenance & Supplies (general & special purpose vehicles including heavy equipment
2617	Supplies to repair & maintain electronic equipment
2643	Equipment Maintenance Materials, including tools & replacement items
2655	Laboratory, Scientific & Testing Supplies
2656	Marine Environmental Response (MER) Equipment – Supplies & Materials (spare parts, maintenance, etc,)
2660	Medical Supplies – Nonfederal, Noncontract Sources
2662	Office Supplies
2664	Periodicals, Newspapers, Pamphlets & documents
2668	Photographic Supplies
2669	Safety Supplies (safety devices & personnel protective equipment)
2674	Shore Units – Housekeeping
2675	Shore Units – Maintenance Supplies
2676	Shore Units – Supplies & Materials
2684	Telecommunications & Telephone Supplies
2687	Training – Training Materials
2696	Other Supplies, not otherwise classified
2697	Lost Discounts – Supplies
2699	Late Payment Interest Penalty – Supplies
3104	Audio Visual & Photographic Equipment – Noncapitalized
3105	Automatic Data Processing (ADP) Equipment – Noncapitalized
3111	Furniture & Office Equipment – Noncapitalized (includes filing & storage, copiers, calculators, etc)
3115	Machinery – Noncapitalized
3116	Marine Environmental Response (MER) Equipment—Noncapitalized (Purchase of containment, recovery, sensing, control, data reduction, and communication equipment primarily designed for the MER Program.)
3120	Operating & Technical Equipment – Noncapitalized (includes tools, portable & benchtop machinery, instruments, work stands, etc.)

Object Class	Description
3123	Safety Equipment – Noncapitalized
3125	Sensitive, Special Purpose Equipment – Noncapitalized. (Items considered sensitive including cameras, televisions, appliances, gauges, etc.)
3127	Telephone Equipment – Noncapitalized (includes modifications to existing systems and installation)
3128	Test Equipment – Noncapitalized (for measuring & calibrating other equipment)
3129	Training Equipment – Noncapitalized (training aids)
3130	Automatic Data Processing (ADP) Software -- Noncapitalized
3140	Other Equipment – Noncapitalized, not otherwise classified
3146	Automatic Data Processing (ADP) Equipment – Capitalized (over $25,000)
3147	Automatic Data Processing (ADP) Software—Capitalized (over $25,000)
3148	Books for Permanent Collections (administrative, technical, legal, medical)
3154	Furniture & Office Equipment – Capitalized (over $25,000)
3159	Marine Environmental Response Equipment (MER) Equipment – Capitalized (over $25,000)
3169	Telephone Equipment – Capitalized (equipment, installation, expansion & modification—over $25,000)
3178	Other Equipment – Capitalized, not otherwise classified (over $25,000)
3197	Lost Discounts – Equipment
3199	Late Payment Interest Penalty – Equipment
3202	Buildings – Additions, Improvements that significantly extend useful life or increase capacity for service (excludes repairs, modifications, relocations, replacements)
3299	Late Payment Interest Penalty – Land & Structures

APPENDIX "D"
DAFIS DOCUMENT TYPES

01 - Appropriation	42 - Janitorial contracts
02 - Apportionment	43 - Other fixed contracts
03 - Non expenditure transaction	44 - Utility / electric
04 - Allotment (Funds)	45 - Utility / telephone
05 - Allotment (Contract Liquidation Authority)	46 - Utility / water
06 - HQ program plan	47 - Gasoline & Oil
07 - Regional plans	48 - SIBAC - Recurring
08 - Project Authorization	49 - Utility/Natural Gas
09 - Activity plan	51 - Reimbursement Agreement - Direct Charge (MIPRs)
11 - TAD/TDY travel orders	52 - Reimbursement Agreement - Overhead, Operations
12 - PCS travel orders	53 - Reimbursement Agreement - Overhead, GF
13 - Reserve travel orders	55 - Accounts receivable
14 - GTR (PCS & TAD)	56 - Other accounts receivable
15 - GBL (PCS & TAD)	61 - Imprest Funds / SF 1129
16 - Blanket GTRs	62 - Canceled checks / SF 1098
19 - Miscellaneous	63 - Disbursement-non-federal Obligations
20 - Cash	64 - Collections - confirmation
21 - Procurement requests (Brown Sheets)	65 - Disbursements - confirmation
22 - Purchase order-Invoice-Voucher (SF-44)	66 - Collections
23 - Purchase order	68 - Collections - debit voucher
24 - Contracts	69 - Disbursement/Collections Adj.
26 - PO Dining facility	70 - Payroll collection
27 - Auxiliary orders	71 - Payroll gross costs
28 - Interagency agreements	72 - Payroll - schedule of disbursement (Reserve Pay)
30 - Training	73 - Supplementary payments & adjustments
31 - Work order-utilities-GSA	74 - IOTV - costs
32 – IMPAC / credit card	75 - IOTV - obligations & costs
33 - Purchases/miscellaneous	77 - IOTV - other assets
34 - GSA Job Order	78 - Adjustment entries
35 - Fedstrip	79 - Closing entries
36 - GSA stores	81 - Labor distribution reports
37 - Printing & medical payments	82 - Depreciation & interest - AMA
38 - Blanket purchase order	83 - Cost estimates
39 - SIBAC/DAFIS control group	87 - Discounts lost
40 - Fixed leases	88 - Discounts lost - cost effective
41 - Rental contracts	89 - Interest/penalty paid

APPENDIX "E"

PROCUREMENT SITE CODES

23	CG HQ
24	CCGD1
27	CCGD5
28	CCGD7
29	CCGD8
30	CCGD9
31	CCGD11
33	CCGD13
34	CCGD14
35	CCGD17
90	FINCEN
84	MLCLANT
89	MLCPAC
46	Marine Safety Center (through NMC/NPFC)
46	NPFC (also 23 when large purchases are done in CGHQ)
41	TRACEN Yorktown
26	NSFCC
26	Atlantic Strike Team
26	Gulf Strike Team
26	Pacific Strike Team

APPENDIX "F"

APPROVED TRAINING LIST & OTHER USES OF CERCLA FUNDS

Training for District and MSO Personnel

- Advanced Air Sampling – EPA
- Air surveillance – EPA
- Basic Chemistry

Chemical Information Systems

- Chemical Tanker Safety
- Chlorine Response
- CSTI Modules A&B (equivalent)
- HAZCAT Training – UCDAVIS
- Hazardous Chemical Identification
- Hazardous Material Incident Response Course (HMIR) - EPA
- HAZMAT Transportation
- HAZWOPER
- Incident Command System (ICS-100, 200, 300 & 400)
- Introduction to Groundwater Investigation
- Marine HAZMAT
- PODC/MSPOC (partial funding by CERCLA)
- Princeton Groundwater
- Removal Cost Management System – EPA
- Respiratory Protection – NIOSH

Risk Assessment

- Sampling for HAZMAT – EPA
- Spill Planning, Exercise and Response System (SPEARS) HAZMAT
- Tank Car Safety

Training for National Strike Force Personnel

- Asbestos Training
- All Manufacturer Courses on HAZMAT Response Equipment (MSA, Bauer, etc.)

Basic Air Monitoring *

- Chemical Tanker Safety
- Chemistry for the Non-Chemist
- Chemistry of Hazardous Materials
- Compressor training
- Confined Space Entry
- Designs for Air Impact Assessment *
- Emergency Medical Technician
- Emergency Medical Technician (re-qual)
- Fire Chemistry 1 & 2 --NFA
- Handling Radioactive Accidents by Emergency Personnel—REAC/TS
- HAZCAT training (UCDAVIS or equivalent)
- HAZMAT Incident Commander—TTC

- HMIR *
- Incident Command System (ICS-200, 300, 400 and Planning Section Workshop)
- Inland Response *

Instructor Training

- Marine Firefighting

OSC2 Training

OSC Crisis Management

Radiation Safety *

- Removal Cost Mgmt System *
- Respiratory Protection
- Risk Assessment *
- Risk Communications Course
- Safety and Occupational Health Coordinator
- SCBA Regulator Repair (high and low pressure systems)
- Shipyard Competent Person
- Tank Car Safety

Tank Car Specialist

- Tankerman/PIC Training (Dangerous Liquids)
  - Transportation of Hazardous Materials
  - Weapons of Mass Destruction **

** = EPA provided course*
***= WMD related or "to be developed" courses (may be funded from other sources)*

<u>Activities</u>

- RRT Meetings
- HAZMAT Exercises
- HAZMAT Conferences or Symposiums

<u>Equipment & Materials</u>

- EPA Standard Operating Safety Guides
- Eye Wash Solution
- HAZMAT detection instruments
- HAZMAT personnel protection equipment for responders
- HAZMAT or Chemical Safety Publications
- NIOSH Pocket Guides
- Threshold Limitation Values (TLV) Guides/Index

APPENDIX "G"
Quarterly Report

A. Description of Quarterly Report

The Quarterly Report consists of an Excel form to capture standard data and a free-form narrative section in a separate Microsoft Word document Examples of both follow this description.. P***lease submit both portions of the report via e-mail.***

Section 1, Training.

The following applies to Lines (1-a) and (1-b):

Given This applies primarily to TRACEN Yorktown and training by the NSF. It is prepared and presented by unit personnel. If your unit **hires** an instructor and you fill a room, including personnel from other units or organizations, you are still receiving training.

Received This applies to most training, with the exception of PODC and MSPOC. Personnel attending the resident pipeline training at TraCen Yorktown are reported by TraCen Yorktown.

No. of Persons Enter the total number of persons giving or receiving training. A member who attends (or teaches) two training courses is still only one member. If possible, do not report the same member again in a subsequent quarter of the same fiscal year. A member who both gives and receives training is counted once in each category. This is aimed at identifying the number of people in the Coast Guard's CERCLA training universe.

Total Days Enter the total number of days of training. If three members attend an 8 hour course, this counts as 3 days. Include partial days of training as needed. A half day or 4 hour course is counted as 0.5 day per person attending. Time spent drafting orders and travelling certainly counts, but is tallied on Line (2-j).

The following applies to Line (1-c).

Set Up & Admin applies primarily to TRACEN Yorktown and National Strike Force training, but unit training by a contract or OGA instructor can also require set-up and administrative time. The blanks under No. of Persons are marked "NA" because these are not people trained. Use Line (2-j) to capture the time for writing orders, travel, and other normal workload associated with training.

Section 2, Other Time Estimates.

Include CERCLA National Contingency Plan related activities by all Coast Guard personnel, not just those in reimbursed billets and positions. There are only Total Days blanks in Section 2 and the distinction between Given and Received does not apply. The 10 categories of CERCLA activities are intended to capture all CERCLA work done by the Coast Guard in building or maintaining the capability to respond to HAZSUB incidents. This measure is very important as it is used to calculate the total FTE employed by the Coast Guard for CERCLA work. The FTE data is used to justify the CERCLA reimbursed billets and positions in the Coast Guard. Be totally inclusive of all CERCLA NCP related activity except actual response. Note that it excludes everything related to HAZSUB releases by the Coast Guard (i.e., Environmental Compliance and Restoration).

Section 3, National Response Center.

This Section is for the specialized activities of the NRC. All other units should ignore this Section.

Section 4, Narrative Description of CERCLA Accomplishments.

Follow the directions on the form. The Narrative can help CGHQ and NPFC stay in touch with CERCLA activity in the front line offices, as well as problems or opportunities you are aware of. It provides “ammunition” that NPFC and G-MOR need to defend Coast Guard requests for funding. There is no prescribed length for the Narrative. A couple of paragraphs to a couple of pages is probably reasonable. If there is nothing noteworthy to report for a quarter, please report that; you are not obligated to report trivia.

SURROGATE FOR QUATERLY REPORTS

(For detailed instructions, refer to the CERCLA Management & Support Funding Guide)

Unit / Activity _____

1. Number of Response Personnel _____

(Total personnel required to be trained)

2. Training

	Given		Received	
	No. of Persons	***Total Days***	***No. of Persons***	***Total Days***
a.) Listed Courses	_____	_____	_____	_____
(See Appendix F of CERCLA Guide for list of courses)				
b.) Unlisted courses		_____	_____	_____
(Please identify unlisted courses in Part 5, Narrative Description of Accomplishments)				
c.) Set Up & Admin		_____	NA	NA

3. Other Time Estimates

a.) Response	_____	_____	f.) Equipment Maint.	_____	_____
b.) Planning	_____	_____	g.) Property Mgmt.	_____	_____
c.) Conferences	_____	_____	h.) LEPC Support	_____	_____
d.) Meetings	_____	_____	I.) SERC Support	_____	_____
e.) Exercises	_____	_____	j.) Other CERCLA Activity	_____	_____

4. National Response Center *(To be completed by NRC only)*

	Reports Received	**Notifications**	**FOIA Responses**
CERCLA	_____	_____	_____
Other	_____	_____	_____

5. Narrative Description of CERCLA Accomplishments *(Attach on separate page or pages)*

Attach a narrative description of accomplishments, i.e. events or training that characterize the results obtained from the use of CERCLA non-incident funds. Noteworthy training or meetings are worth mentioning, particularly if they may be models for other units to follow. The degree of response preparedness at units is of special interest, as these funds are ultimately intended for capability building. Recommendations relating to CERCLA Management & Support may be included.

Signature _____ Date _____

B. Example Narrative Section of the Quarterly Report

Narrative Description of CERCLA Accomplishments
From: District 4 FY - xxxx Qtr - 2
Events:

On 17 February MSO Crested Butte responded to the Gehenna landfill where 17 drums of methyl-ethyl-chickenwire were discovered. Nine of the drums were leaking and the Gehenna elementary school had to be evacuated for a week while the drums were overpacked and removed. The four senior responders in the Port Ops division had recently completed HMIR training and the XO commented that the timing was fortunate. The drums posed a real danger to both the responders and the community nearby.

March 2-4, MSO Peapod Harbor collaborated with the training team from the Washington County Fire Department Hazmat Unit to conduct Hazwoper training for members of the Port Ops division and members of the Group Peapod Harbor boat crews. Several members of the city police department and the county Sheriff's department also attended. Participants and observers agreed that the quality of the training was excellent, and the cost was limited to consumables used in training. In addition to being cost effective, the interaction with other area responders is beneficial.

On March 17, the Region XX RRT met in Metropolis. In addition to ongoing business, a discussion of (*the hot issue*) took place and Captain Gotfour, the RRT XX co-chair, suggested a new approach to this problem. (*Describe the new approach.*) The plan was well received, but it will require several member agencies to consult with their legal staffs to assure the legality of their participation. More to follow on this subject.

Recommendation for improved business practice:

Portable computers procured with CERCLA funds in all District 4 units have required replacement of the hard drive. In addition to the cost, this disabled the Cameo capability at those units while the computers were being repaired. The district reprogrammed $nnnn from this year's CERCLA funds to purchase service contracts for all of these computers, and we expect to save money. The contract can also provide loaner computers under some conditions. We recommend that G-MOR investigate the possibility of a national contract, which should cost less per machine than contracting for each district.

APPENDIX "H"
Telephone Numbers of CERCLA Managers

G-OPF (National Response Center)	(202) 267-2184 (SK1)
Marine Safety Center	(202) 366-6482 (CDR)
G-WKS (Medical Support)	(202) 267-2969 (Civilian)
MLCLANT (IH)	(757) 628-4423 (Civilian)
MLCPAC (IH)	((510) 437-3591 (CDR)
TRACEN Yorktown	(757) 898-2335 (LT)
G-MOR (Program Manager, Response)	(202) 267-0439 (LT) (202) 267-0421 (CDR)
D-1	(617) 223-8587 (LCDR)
D-5	(757) 398-6620 (LT) (757) 398-6364 (Civilian)
D-7	(305) 536-6503 (Civilian) (305) 536-5539 (CPO)
D-8	(504) 589-3642 (LT) (504) 589-4339 (CPO)
D-9	(216) 902-6053 (Civilian) (216) 902-6054 (Civilian)
D-11	(510) 437-2958 (LT)
D-13	(206) 220-7222 (Civilian) (206) 220-7221 (CDR)
D-14	(808) 541-2118 (CDR) (808) 541-2118 (SK1)
D-17	(907) 463-2210 (CDR) (907) 463-2816 (Civilian)
NSFCC	(252) 331-6000 X3003 (CWO)
AST	(609) 724-0008 (CWO)
GST	(334) 441-5914 (CWO)
PST	(415) 883-3311 X212 (CWO)
NPFC	(703) 493-6811 (Civilian)